



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

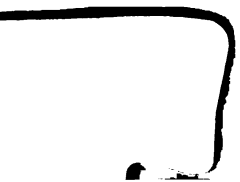
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

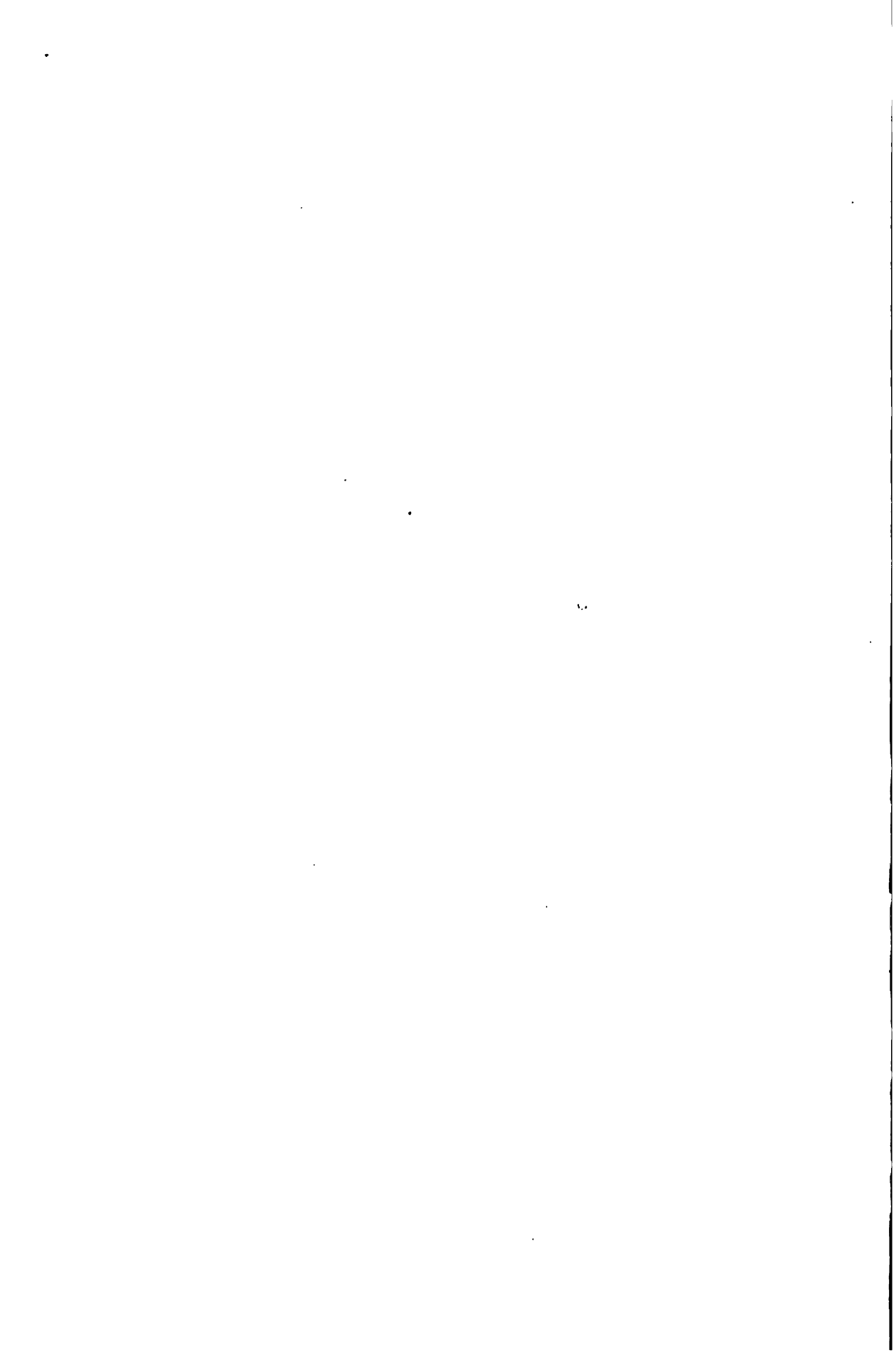
NYPL RESEARCH LIBRARIES



3 3433 07138488 1



CP
Scotland.
Aristocracy



THE REGISTER
OF THE
PRIVY COUNCIL OF SCOTLAND.

VOL. II. N.S.

To be purchased, either directly or through any bookseller, from
JOHN MENZIES & CO., 12 HANOVER STREET, EDINBURGH, and 90 WEST NILE
STREET, GLASGOW;
EYRE & SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, LONDON; or
HODGES, FIGGIS, & CO., LIMITED, 104 GRAFTON STREET, DUBLIN.

THE REGISTER
OF THE
PRIVY COUNCIL OF SCOTLAND

EDITED AND ABRIDGED BY
P. HUME BROWN, M.A, LL.D.,
HONORARY FELLOW OF THE ROYAL HISTORICAL SOCIETY.

SECOND SERIES,
VOL. II.

A.D. 1627-1628.

NEW YORK
PUBLIC
LIBRARY

PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF
HER MAJESTY'S TREASURY, UNDER THE DIRECTION OF
THE DEPUTY CLERK REGISTER OF SCOTLAND.

H. M. GENERAL REGISTER HOUSE,
EDINBURGH.

1909
C.R.

THE NEW YORK
PUBLIC LIBRARY
221636
ASTOR LENOX AND
TILDEN FOUNDATIONS.
R. T. L.

NOY WEN
JAN
1880

PRINTED FOR HER MAJESTY'S STATIONERY OFFICE
BY JAMES HEDDERWICK AND SONS
AT THE "CITIZEN" PRESS, ST. VINCENT PLACE, GLASGOW.

INTRODUCTION.

As intimated by himself in his Introduction to the preceding volume of the Privy Council Register, Professor Masson has resigned the post of editor after having discharged its duties for nineteen years. To follow in the steps of Professor Masson is a hard task for those who come after him, but they at least have the advantage of his example and of entering into his labours.

At the date (July 3rd, 1627), when the present volume of the Register opens, the Council consisted of the following members and officials:—

John Spottiswoode, Archbishop of St. Andrews.
George Hay, Viscount of Duplin and Lord Kinfauns, *Lord High Chancellor.*
John, seventh Earl of Mar, *Lord High Treasurer.*
John Graham, fourth Earl of Montrose, *President of the Council.*
George Villiers, Duke of Buckingham.
James Law, Archbishop of Glasgow.
George Gordon, first Marquis of Huntly.
William Keith, fourth Earl Marischal.
William Douglas, seventh Earl of Morton.
James Cunningham, seventh Earl of Glencairn.
James Stewart, third Earl of Moray.
Robert Maxwell, first Earl of Nithsdale.
George Seton, third Earl of Winton.
Alexander Livingstone, second Earl of Linlithgow.
John Drummond, second Earl of Perth.
John Fleming, second Earl of Wigton.
William Murray, second Earl of Tullibardine.
Robert Ker, first Earl of Roxburgh.
Thomas Erskine, Earl of Kellie.

Nov. 5/60 11/2

Walter Scott, first Earl of Buccleuch.
 Thomas Hamilton, Earl of Melrose.
 John Murray, first Earl of Annandale.
 John Maitland, first Earl of Lauderdale.
 William Graham, seventh Earl of Menteith.
 Philip, fourth Earl of Pembroke.
 James Hay, first Earl of Carlisle.
 David Murray, Viscount Stormont.
 William Crichton, Viscount Ayr.
 Alexander Lindsay, Bishop of Dunkeld.
 Patrick Forbes, Bishop of Aberdeen.
 Adam Bollenden, Bishop of Dunblane.
 Lancelot Andrewes, Bishop of Winchester.
 George, Lord Gordon.
 John, Lord Erskine.
 James, Lord Colville of Culross.
 William, Lord Cranston.
 Robert, second Lord Melville.
 David, Lord Carnegie.
 Alexander, Master of Elphinstone, Lord Kildrummie.
 Sir Andrew Ker, Master of Jedburgh.
 Sir Richard Cockburn of Clerkington, *Keeper of the Privy Seal*.
 Sir William Alexander of Menstrie, *Secretary*.
 Sir John Hamilton of Magdalenes, *Lord Clerk of Register*.
 Sir Archibald Napier, *Treasurer Depute*.
 Sir George Elphinstone of Blythswood, *Lord Justice Clerk*.
 Sir William Oliphant, *Lord Advocate*.
 Sir John Scot of Scotstarvet, *Director of Chancery*.
 Sir John Stewart of Traquair.

Changes in
the Council.

In the fifteen months covered by the present volume a few changes have to be noted in the composition of the Council. On the 6th of November, 1627, Sir Archibald Acheson of Glencairny was admitted a member, and at the same time appointed conjunct Secretary of State with Sir William Alexander of Menstrie (p. 107). Acheson had already received marks of distinction from Charles, having been successively appointed a Lord of Session and a Commissioner of Surrenders. His house in the Canongate, with his crest representing a cock mounted on a trumpet, and his motto, *Vigilantibus*, was one of the notable mansions in old Edinburgh. He possessed no lands in Scotland, but in Ireland he had acquired considerable estates in Armagh and Cavan, where one of his descendants became landlord to Swift and the butt of his satire. On the day that Acheson was admitted another office in the Council changed hands: Thomas,

Earl of Melrose, now Earl of Haddington, who had been superseded as Secretary and President in the previous year, took the place of Sir Richard Cockburn of Clerkington as keeper of the Privy Seal—though, says Scot of Scotstarvet, “he liked better to be Secretary, being the more profitable place” The death of Sir William Oliphant of Newton occasioned another change in the Council—his office of Lord Advocate being conferred on Thomas Hope of Craighall. In May, 1626, Hope had been appointed conjunct Advocate with Oliphant, but it was not till January, 1628, that he took his place as a member of the Council (p. 180). Hope had already more than once made himself conspicuous in public affairs, but the most distinguished part of his career still lay before him, and notably in connection with the National Covenant in the General Assembly of 1638. In February, 1628, the Earl of Montrose was succeeded in the Presidency by William Graham, seventh Earl of Menteith, who had been admitted to the Council in January of the preceding year (p. 233). The admission of three more members completed the changes made in the *personnel* of the Council during the period under notice—Alexander, Earl of Galloway, on March 13th, 1628; Archibald, Lord of Lorne, afterwards the great Marquis of Argyle, on June 12th; and Colin, Earl of Seaforth, on July 8th.

When Charles reconstructed the Council in March, 1626, he had decreed that a quorum should consist of eight ordinary members in addition to the Chancellor or the President, and the other officials. It was soon discovered that this arrangement did not stand the test of practice, and in December there came a letter from the King enjoining a new regulation. According to this order any nine members, whether officials or not, together with the President or the Chancellor (ten persons in all), were to constitute a quorum. But even this reduced number was found to be unworkable. On October 10th, 1627, the Council represented to Charles that public business suffered seriously through the frequent failure of a quorum, and they suggested that five or six might be made the necessary number (p. 100).

Quorum of
the Council.

Charles met them half way, and ordained that the number should be reduced from ten to seven, though he grumbled that his Councillors' neglect of their duties should have made the change necessary. In the same letter in which the Council had desired the change in their quorum they made another request: it was that they might be allowed to meet in the burgh of Edinburgh instead of Holyrood. "This," they write, "would be a great ease and releefe to your Majesteis Counsell, who for the most pairt hes thair residence in the toun, and of whom some are aiged and infirme and can not travell in the winter without trouble and paine, which in the summer they may and will undergoe at Halyruidhous" (p. 101). Charles granted their request, telling them at the same time that Holyrood was a meeting-place more becoming their state and dignity.

The attend-
ance of the
Council.

Of the fifty-four persons who nominally composed the Council the names of about forty appear in the record of its meetings. Besides the English lords, the permanent absentees were the Earls of Glencairn, Wigton, Tullibardine, Kellie, and Annandale, Viscount Ayr, Lord Cranston, and Lord Kildrummie. Among the non-official members the most assiduous in attendance were the Earls of Nithsdale, Lauderdale, Lord Carnegie, and the Master of Jedburgh. The maximum of members present never exceeded twenty, and the average attendance was about twelve or thirteen. At least four times in the course of the present volume it is noted that the necessary quorum was not forthcoming.

Character of
the period.

During the fifteen months of our period there are no outstanding events of importance to be recorded; no Parliament met, and General Assemblies were still under a ban. The period is marked only by the steady continuation of the policy which had been initiated under the new reign—a policy which was already giving rise to some uneasiness among all classes of Charles's subjects, as affecting the interests of clergy and laity alike. As far as the Council was concerned, its activity was mainly directed to three objects—the working of

the machinery in connection with the great Edict of Revocation, the suppression of Roman Catholicism, the raising of soldiers and the military defence of the country, which was entailed by the various foreign wars in which Charles gradually became entangled. All these matters, as well as the miscellaneous subjects that came under the cognizance of the Council, may be conveniently treated under the three heads of Foreign Relations, Domestic Legislation, and Domestic Incidents.

FOREIGN RELATIONS.

To speak of Scotland's foreign relations in the conditions under which she now existed is in a certain sense misleading: in Charles's dealings with foreign states she was neither consulted nor had she any determining voice. Yet in the international policy he was led to adopt she was to know to her cost that she had a deep and permanent concern. To enable Charles to carry on his various military operations she had to strain all her resources to supply him with the quota of money and men which he exacted of her as her legitimate contribution to the maintenance of the common government of the two Kingdoms. From his father Charles had inherited his part in the Thirty Years' War, and this had involved the despatch of English auxiliaries to the assistance of Count Mansfeldt, Christian IV. of Denmark, and Gustavus Adolphus of Sweden—to all of which contingents Scotland had already contributed her proportion. On his own responsibility Charles had become involved in a war with Spain, and when the present volume of the Register opens he had begun hostilities with France for the relief of the Huguenots, besieged in La Rochelle. As his foreign policy, mainly inspired by the Duke of Buckingham, was viewed by his English Parliaments with stern disapproval, it was with the utmost difficulty that he could extort the means wherewith to face all his claims. England being thus recalcitrant, he turned with the greater eagerness to Scotland, where no Parliament barred the way, and where an obedient Privy Council could give direct effect to his commands. In the preceding volume has been recorded what

Charles's
foreign wars.

Scotland had already done towards the furtherance of his ends: we have now to see what further efforts she was required to put forth from July of 1627 till the close of 1628.

Foreign
levies.

The story of these efforts will be most easily followed under the two heads of enlistment and national defence, and in either case we shall follow chronologically the various entries in the Register. From an ordinance of the 10th of July, 1627, we have a notable proof of the zeal of the recruiting officers. So hardly had they been put to it to raise the necessary levies that certain of them, we are told, "hes of lait entered in dealing with some young boyes in the Colledge of Edinburgh, and by thair alluring speeches hes corrupted the boyes and induced thame without the knowledge and allowance of thair parents or of the principall and regents of the Colledge who hes the charge of the educatioun of thame, to inroll thamselves under thair charge and to ressave thair pay" (p. 7). The result of this impressment had been that alarmed parents had withdrawn their sons from the College of Edinburgh, and sent them to St. Andrews, Glasgow, and Aberdeen, where they could prosecute their studies in safety. The Council checked the evil by a summary order, which, apparently, it was not necessary to repeat: it declared that all recruiting officers found decoying such youths would be pursued "with all rigour and severitie" as "contemners and violaters of his Majesteis Counsell."

During part of July and throughout the whole of August the Council was assiduously occupied with the business of the levies. From the preceding volume of the Register we learn that over 14,000 men had been raised for service in the German wars, and a large number of these were now on the point of embarkation. Of what material this body consisted Professor Masson has told us in his Introduction: the nucleus comprised men of good family, both Highland and Lowland, but the rank and file was made up of "a riff-raff of incorrigible beggars and vagabonds picked up from the highways, criminals released from the gaols, bankrupts that had been skulking for years from their creditors." Congregated as the rabble hosts were in different places through-

out the Kingdom, they would be a menace to the public peace till they were fairly on the ocean. To provide against possible mischief, therefore, the Council passed a very necessary ordinance: on the 31st of July they decreed that should any disorder arise among the various bands, the Councillor who was in the neighbourhood should summon his nearest fellow-Councillors, or, failing them, two or three justices of the peace, and deal with each case as the accredited representative of the Council (p. 27). This was on July 31st, but we learn from an entry of October 10 that, despite the precautions of the Council, the levies were a pest wherever they happened to be quartered. There we read that by the presence of the troops in Burntisland "the peace of the said burgh is verrie farre disturbit, the inhabitants thair of oft tymes threatened and persewit of thair lyffes, and manie forder inconveniences ar lyke to fall out to the breake of his Majesties peace and hurt of his Majesties good subjects without remeed be provydit" (p. 79). The remedy provided, we may imagine, was not likely to be very effective: the magistrates were empowered by the Council to exact pledges from the officers that during their abode in the burgh both themselves and their men will conduct themselves as "peaceable and good subjects." Fortunately for the good people of Burntisland, the infliction was not of long duration, as by the end of October their unruly fellow-countrymen were shipped to their destination in Germany under the Earl of Nithsdale (p. 77).

The regiments hitherto raised had been solely for service in the Thirty Years' War, and in spite of all their efforts the Council had not succeeded in completing the complements demanded by Charles. To their consternation a fresh demand was now made upon them by his Majesty. The disastrous expedition for the relief of La Rochelle was now in hand, and Charles was at his wits' end for money and men. Again, therefore, he had recourse to Scotland: he desired 2000 men, he told the Council, for service in his just war against France—the Earl of Morton to be their commander. The Council was manifestly in straits, but they did not venture beyond a mild

protest. It was only after incredible exertions, they wrote, that they had raised the necessary troops for the German wars, and all they could promise was that they would do their best to meet the wishes of his Majesty (pp. 38-9). So far from abating his demands, Charles followed them up with a request which revealed the pass to which he had been driven. On the 29th of August there came a letter from him to the Council requiring the enlistment of 200 Highland bowmen, and suggesting that if there should be difficulty in procuring them the number might be eked out by "fugitives" "for criminal causes" (p. 56). This extraordinary notion had been put in the King's head by the chief of the M'Naughtans, one of the gentlemen of the Privy Chamber; and we learn from other sources the outcome and sequel of the scheme. One hundred Highland bowmen were actually got together, though not till the failure of the French expedition, and, accompanied by their bag-pipers and arrayed in their plaids, they found themselves in the English Channel. It was the middle of winter, the weather was tempestuous, and, chased by the enemy, they sought safety in Falmouth. In Falmouth they were threatened with starvation (a common experience with Charles's levies), and their commander wrote to the Earl of Morton that he would gladly come to him in the Isle of Wight. A difficulty was that his men were hardly presentable: "your lordship knows," he wrote, "although they be men of personages, they cannot muster before your lordship in their plaids and blue caps." What was the subsequent fate of this singular body does not appear to be recorded (*Proc. of Soc. of Antiq. of Scot.*, III. 251, *Black Book of Taymouth*, p. 437).

Under the date November 1st, 1627, we have an excellent illustration of the methods by which the desired levies were gathered in. "The same day," we read, "Robert Scot, bailie of Hawick, for obedience to the Act concerning him, produced before the Lords of Council Allane Deanes, miller, Allane Wilsoun, George Dicksoun, called the Wran, John Rewcastell, Walter Scot, maltman, John Tait, piper, Williame Beatisoun, Robert Lidderdaill, called the Corbie, Robert Langlands, James Wauch, officer, James Towdop, William Scot, called Young

Gillie, John Laing, piper, William M'Vite, Walter Fowler, and Andrew Deanes, all inhabitants of Hawick, whose names had been given up as idle and masterless men, fit to be employed in the wars" (p. 105). When this precious assortment was "narrowlie remarked," it was found that seven out of the sixteen were unfit to serve their country abroad; two others were dismissed for reasons not specified; and the remaining seven were lodged in the Tolbooth, where they were to await their transport.

Not the least difficulty of the authorities was to keep hold of their conscripts when they had got them. Before they were shipped abroad they were made secure in such places as the Tolbooth of Edinburgh, but when in active service on foreign soil they could not be so effectually looked after, and, as the Register testifies, they deserted in hundreds. If they had gone against their will, the conditions under which they fought were not such as to reconcile them to their fate. Unpaid, ill-fed, and ill-clothed, they had little heart to fight in a war in which they had nothing at stake. "No sooner," says Mr Gardiner of an English regiment which had landed near Bremen, "no sooner had they set foot on shore than they deserted in troops of a hundred or two at a time, to hire themselves out to other masters who knew the value of a soldier. The one service which was plainly intolerable to an Englishman was the service of the King of England" (*History of England*, Vol. VI. p. 186).

The sum of all these exertions to raise an unwilling soldiery may be briefly stated. The most important of all the contingents was that collected for the service of the King of Denmark, of which the commanders were the Earl of Nithsdale, Alexander Lindsay, Lord Spynie, and Sir James Sinclair of Murkle. The main body of this troop appears to have sailed in October, 1627, but it was subsequently reinforced by a regiment raised by Sir Donald Mackay (first Lord Reay), by a detachment raised in Ireland by Sir Alexander Hamilton, and by 500 men which were to be got together by Sir George Keith. The second contingent was that of the 2000 men already noted, which did service against France under the Earl of Morton. Finally in July, 1628,

a commission was given to Lieutenant-Colonel Cunningham to enlist a band of 300 men for the assistance of Gustavus Adolphus, then engaged in his second campaign in Prussia (p. 397).

**National
defences.**

Simultaneously with the raising of levies went on vigorous preparations for national defence. In this department of their labours the Council could reckon on the support of all responsible citizens, seeing there was a widespread alarm lest a French fleet might at any moment appear off their shores. In August, 1627, indeed, it was reported that the enemy's ships had already been seen. To meet the threatened danger the effort was made to organise the national defences both by sea and land. In the preceding volume it is recorded how Charles had ordered the fitting out of three ships for the defence of the Scottish coast. From first to last "his Majesty's three ships" were a source of trouble to the Council. To keep them adequately manned and equipped appears to have driven them to desperation. Receiving no pay, the crews became clamorous and were in a chronic state of mutiny, when a happy suggestion was made to Charles for the discharge of his debt. It was suggested to him that by the sale of the cargo of a shipwrecked vessel he might procure the funds necessary to pay his "indigent and clamorous" seamen (pp. 210, 277). As ill-luck would have it, however, this device proved impracticable, and the crews were left unsatisfied. Three ships, however, were hardly an adequate armament for offence and defence, and voluntary effort was invited by the issue of Letters of Marque. Under the date of August 17, 1627 (p. 42), we read that three captains and owners of ships had offered to unite their strength with the royal squadron, though with the stipulation that any damage they might incur should be made good to them. At a later date (March 18, 1628), we find that John Gordon of Lochinvar had received a commission to do what mischief he could to the enemy on the condition that the value of his prizes should be adjudged at home, and a fixed proportion set apart for his Majesty (p. 271). But the most notable voluntary offer came from James, Marquis of Hamilton. With a "worthy and noble intention" he undertook "to sett out some

shippes to sea in these troublesome tymes, both for the better defence of that his Majesteis ancient kingdome of Scotland, as lykewayes for the better effectuating of his generous designes upon his Majesteis enemeis and otherwayes for the honnour of that kingdome." The Marquis's offer was gladly accepted, and he received a commission to equip five ships—the commission to last for five years unless peace should be concluded before the expiry of that term (pp. 324–5).

In addition to the equipment of a fleet, the fortification of the ^{Coast}coasts received a large share of the Council's attention. In this ^{defences.}connection their main interest was centered in Dumbarton Castle, "the fetters of Scotland," as one of its custodians expressively styled it. On August 29, 1627, a commission was appointed to report on the condition of the castle, and, if we may judge from the amount of correspondence that followed, the report when it came must have filled the Council with a lively alarm. At the time when the inquiry opened it was supposed to be in the charge of Sir John Stewart of Methven, who held it in the name of the Duke of Lennox, its hereditary proprietor. Stewart had been appointed on the condition that its garrison should never be less than sixteen men, and that the place should be kept in a thorough state of defence. It now appeared that Stewart himself was in Ireland, that no garrison existed, and that the walls had become "verie ruinous and decayed." The Council took prompt measures to mend this state of matters. Stewart of Methven was removed from his office and was replaced by Sir John Stewart of Traquair—the inhabitants of Dumbarton being specially charged to assist the new commander in the execution of a trust which involved the safety of the Kingdom. (See index under *Dumbarton Castle*.)

Dumbarton Castle was the most important place of defence on the Scottish coast, but there were other points where an enemy might conveniently land and obtain a footing in the country. With great assiduity, therefore, the Council set itself to discover the most fitting places to be fortified, appointing special commissioners for this object. The places chosen were Aberdeen, Montrose, Burntisland, Inchgarvie, and Leith, at all of which it was directed

that forts with blockhouses for stores should be erected with all thoroughness and speed. An ingenious Scot, Alexander Nairn by name, made a further suggestion that at suitable spots flanked trenches and barricades should be constructed, and beacons set up on all commanding points (p. 225). To what extent all these directions were carried out we are not informed.

Musters and
wapin-
schawins.

While all these preparations were made for the defence of the coast, equal energy was shown in organising a national militia. The measures taken with this object have been noted in the preceding volume of the Register. The national wapinschawins, which had fallen into disuse, were vigorously revived, and every male from sixteen to sixty was commanded to take part in them. To make sure that there should be no defaulters, justices of the peace were to hold counsel with the clergy, and ascertain the names of the able-bodied men in each presbytery—a duty, however, in which the justices appear to have been somewhat remiss. It was on the East coast that the enemy was expected to make his appearance, and the inhabitants of the eastern counties would thus have to bear the first brunt of an invasion. On the 9th of October, 1629, therefore, an urgent order was issued to these counties that their fencible men should hold themselves ready to proceed with expedition to any threatened point on the coast (p. 91). Not since the Spanish Armada had the country passed through an experience with which it had once been so familiar during its chronic hostilities with England. By the close of 1627 the alarm seems in great measure to have subsided: in November Buckingham had withdrawn from La Rochelle with the miserable remnant of his army, and in the summer of the following year negotiations were already in progress for a peace with France and Spain. Levies for the German war still continued to be raised, but of musters and wapinschawins we hear no more.

DOMESTIC LEGISLATION.

The Edict of
Revocation.

The dread of foreign invasion and the bustle of military preparation produced by Charles's foreign policy were speedily

forgotten: it was otherwise with that great stroke of policy with which Charles had begun his reign in Scotland—his Edict for the revocation of the alienated property of the Pre-Reformation Church. In the present volume of the Register, as in the preceding one, the enforcement of the Edict, we perceive, is a subject which engrosses the minds of all ranks of Charles's subjects from Shetland to Wigtown, and, unlike the war panic, it was to become increasingly engrossing as time went by. In his last Introduction, Professor Masson has given a luminous and exhaustive account of the economic and political conditions which had led up to the Revocation Edict: here it will be sufficient to recall the position of the question at the date when the present volume opens. It had been decided, greatly to the King's satisfaction, that the proprietors of the alienated church property, under whatever conditions it was held, should surrender that property into the hands of the King, and to effect this process a commission, known as the Commission for Surrenders of Superiorities and Teinds, had been appointed to sit in Edinburgh from the 1st of March, 1627, till the 1st of August following. This grand Commission, however, was found to be inadequate, and local sub-commissions had been appointed to assist them in the work of expediting the surrenders. It is the history of the action of these various commissions that we have now to follow as it is recorded in the present volume.

It is not till October, 1627, two months after the rising of the central Commission, that we meet with any notice of the Revocation. On the 9th of that month an order was issued for the proclamation at every market-cross of a new decision of his Majesty (p. 86). In accordance with this Edict the teind-buyers and teind-sellers were to choose representatives to meet the King's Advocates by the 8th of November—the object of the conference being to settle the terms on which each submission should be made. The result in each case was to be signified to the Lord Chancellor, who was then to effect the necessary arrangement with individual teind-buyers and sellers. Should any persons abstain from surrender after the 1st of December their names were to be reported to the King's Advocates, who should

thereupon take legal steps to enforce the submission. Again, in this Edict, it is to be noted, Charles reiterates what was one of his main objects in the Revocation—the acquisition by each heritor of his own teinds as an indispensable condition of satisfactory relations between the lay proprietors and the Church.

On the 16th of November the great Commission resumed its sittings, and certain measures which were taken in the beginning of 1628 may be regarded as the result of its deliberations. By the 17th of January Charles had determined upon a form of submission which the Lords of Erections were summoned to subscribe in the Council's meeting-place in Holyrood on the 20th day of February. Of the terms of the submission we are not informed, but the parties are assured that it was such as would "stand with law and justice" (p. 195). What were the numbers of subscriptions on this occasion we are also left in ignorance. The form of submission being settled, however, the work of revocation proceeded apace. On February 28th two important steps were taken in the case of both buyers and sellers of teinds. On the ground that it would be inconvenient for all interested parties to come to the capital, it was decreed that duplicates of the submission-form should be distributed among the various sheriffdoms of the Kingdom (p. 245). To carry out the scheme the charge of each sheriffdom was assigned to specified lords, who were to report their progress to the Council on the 22nd of April. A similar commission was at the same time appointed to deal with the teind-buyers. In their case, however, a further arrangement was made to meet their convenience: they might choose two representatives for each sheriffdom, whom they might depute to sign the submission in their names. Reports from both commissions, thirty-five in number, were duly rendered to the Council on the appointed day (p. 309). The acceptance of the submission had been general, but not universal. What is notable is that it was the clergy who had shown the greatest reluctance to sign. The bishops in a body had refused to sign, and many of the ministers had eluded the difficulty on the plea that they must first consult with their ordinaries.

Things having been thus advanced another stage, the great Commission for the Surrenders and Teinds was summoned to meet on the 4th of June, Archbishop Spottiswoode being designated President. When the 4th of June came, "few or none" of the Commissioners put in an appearance, and the meeting had to be postponed till July 4th. The result of this conference appeared on the 14th of that month, when the Council decreed that all who had not yet subscribed should do so by the 10th of September. What was the effect of this decree we learn from the entries under the dates of October 30th and November 11th. In the one we read that the Lord Advocate has been empowered to pursue by course of law all such persons as still refuse to subscribe (p. 477). The other entry is still more significant, implying as it does that the recalcitrant persons were both numerous and confined to no particular parts of the Kingdom. It contains a charge to the Commissioners who had been appointed to deal with the teind-buyers to ascertain the names of all non-subscribers and report them by the 9th of January, 1629 (p. 478). The result of this action falls beyond the limit of the present volume.

Such in its main issues is the history of Charles's great Edict of Revocation between July 1627 and the close of 1628. One item of importance, however, may be mentioned before we pass from the subject. It is contained in a letter of the 2nd December, 1628, addressed to Charles by the Council. As at once defining a praiseworthy aspect of Charles's scheme, and marking a new departure in its execution, the significant part of the letter may here be quoted:—"Since your Majestie," it runs, "hes bene graciouslie pleased to signifie your royall intention and desire to have all the teinds of this your ancient Kingdome to be settled upoun the heretours of lands for avoiding of the wounted oppressiouns alledgit to flow from the rigour of some titulars and to give dew satisfioun to the said titulars for thair right according to the qualitie and nature thairof, and we having dewlie considerit that the production of all titulars rights is als necessarie for that purpose as the inspectioun of the titles of the lords of erectiouns, therefore we doe humblie

represent unto your Majestie the fitnessse of a generall production of all titles of teinds of other mens lands whairby all the proprietars may be the better secured in the same" (p. 513).

Revival of
the Joint
Commission
for the Middle
Shires.

Next to the Edict of Revocation the state of the Borders or Middle Shires, as they had been called since the Union, occupied the attention of the Council. At the death of James VI. those districts seemed at length to have been broken in to law and order, but now we learn that there were ominous symptoms of a recrudescence of all the old evils. Under the administration of James the good results had been mainly due to the common action of a joint-commission of English and Scots; but since the accession of Charles this joint-commission had not been renewed, and to this circumstance, as we shall see, was ascribed the outbreak of fresh disorders. At this moment the Scottish Commission consisted of the Earls of Buccleuch, Nithsdale, Annandale, and Angus, together with thirteen others as sub-commissioners. The first notice we have of the renewed disturbances is the appointment by Angus of fifteen persons for special service on the Borders (p. 98). Under date 29th November, 1627, we learn what was one of the causes of the trouble that had arisen: numbers of exiles, we are told, had returned to their old haunts, were being resettled by their friends, and were now threatening "the peace and quietnesse of these bounds" (p. 136). Angus and Nithsdale, therefore, with the Laird of Lag and the Master of Jedburgh, were commanded to meet with their fellow-commissioners and concert measures for the restoration of law and order. On the 4th of December came another order from the Council charging all the Commissioners then in Edinburgh to appear before them two days later for the consideration of this pressing evil (p. 141). Five Commissioners duly appeared and gave their opinion as to the causes of the increasing contempt for the constituted authorities. It was due, they said, to the discontinuance of Justice-Courts, to the abeyance of the Joint-Commission, and to the fact that the *lymmaris* easily eluded the law by taking refuge in England and Ireland. The remedies proposed were regular diets of the Justice-Courts, the renewal of

the Joint-Commission, and the meeting at an early date of the whole body of the Scottish Commissioners. An entry immediately follows (p. 148) which supplies a shining example of the doings that were exciting the uneasiness of the Council: the lieges are there charged to convocate in arms for the apprehension of Sir John Maxwell of Conheath, his two sons and a servant, all at the horn for their "cruell and unmercifull slaughter and murthour of the said umquhile Johnne Young," sheriff-clerk of Dumfries. Quickened by such outrages, the Council kept steadily to its purpose of effecting some speedy reform. The names and powers of the Commission were commanded to be made publicly known in all the chief burghs of the Borders, and the entire body of the Commissioners were summoned to meet with the Council on the 17th January, 1628 (pp. 171-3). Despite the urgency of the summons, few of the Commissioners appeared on the appointed day, and the conference was postponed till February 7th. Even after this second summons only seven of the Commissioners presented themselves. Their testimony, however, was clear and succinct. The cause of all the trouble was the abeyance of the Joint-Commission, whereby the malefactors on each side of the Borders eluded the law of the one country by fleeing to the other, and the only remedy was the revival of that Commission. As the result of these councils, a letter was despatched to his Majesty placing before him both the evil and the proposed remedy. Meanwhile, till his Majesty's answer should be forthcoming, the Scottish Commissioners were empowered to arrest all excommunicated persons, who, in large numbers, were defying alike the authority of Church and State (pp. 223-4). Charles's reply, however, was sufficiently prompt: it was dated the 3rd of March and brought his sanction for the revival of the defunct Joint-Commission (p. 254). The results of this step will doubtless appear in subsequent volumes of the Register.

Still another proof of Charles's desire for the good of his "ancient kingdom" was his revival of the disused Justice-Ayres. Revival of Justice-Ayres. When these courts originated in Scotland it is impossible to

determine, but they were probably in existence as early as the reign of David I. It was in the reign of James II., however, that their object and scope were first defined with precision. In the Parliament held by that King in March, 1458, it was enacted that a Court or Committee, consisting of nine persons representing the clergy, nobles, and burghs, should meet twice in the year for the administration of justice in Edinburgh, Perth, and Aberdeen. During the confusions of the reign of James III. they again fell into abeyance; but in the hands of James IV. they became an efficient instrument of order and justice. During the reigns of James V. and Mary public disorder once more interfered with their regularity and efficiency, and by the year 1587 they were virtually inoperative. In the preamble of an Act passed in July of that year it is stated that the "ancient and loveable" custom of holding Justice-Ayres twice in the year is neglected, and that "the ordiner judgement in criminall causes is only now at Edinburgh, quhair particular dyettis are sett for certane speciall and heichast crymes" (Acts of Parl. of Scot., III., 458). For the remedy of this evil, therefore, it was now enacted that the Justices-Ayres should be revived, that they should be held twice in the year over every shire of the Kingdom, and that eight deputies—two for each quarter of the country—should be appointed for this purpose by the Justice-General.

It was on this Act of his father that Charles based his own plan for the revival of the Ayres. Already in March, 1627, he had written to the Privy Council desiring its opinion on his project (Vol. XV. p. 538). Apparently the reply was favourable, for on the 30th of June, 1628, there came from him a commission appointing two Senators of the College of Justice to the office of Itinerary Justices. The letter of commission at once adduces the grounds for the creation of the office and prescribes the functions that are to pertain to it. His Majesty's good subjects, it is said, "living farre frome the courts of justice have been forced long to groane under the burdein of manie insolent injureis, crymes, oppressiouns and extortious, etc." Meanwhile, therefore, the two specified Senators are charged to visit the quarter of the Kingdom assigned to them during the coming

months of August, September, and October (p. 345). The following month (July 14) came another letter from Charles urging the Council to energetic measures for the furtherance of the revived Courts (p. 373). On August 1st four more justices were appointed, and by the 6th of the same month the tale was complete—eight in all, two for each quarter of the Kingdom. Finally, at the sederunt of August 8th, we have the specification of the entire body of the new judges, of the powers they are to hold, and the crimes they are to punish. The time of circuit for all of them was to be the month of October, and all his Majesty's "good subjects haveing just causes of complaint" were invited to have recourse to them. All the subordinate courts in the Kingdom were strictly charged to lend every assistance to the new functionaries, and the sheriffs to see that "sufficient and legall men were at hand to lend their counsel" (p. 434). The catalogue of crimes of which the new functionaries were to take cognizance fills a page and a half of the Register, and is a pregnant commentary on the text that "man has found out many inventions." A few out of the formidable list may be noted—"perturbers of the kirk in tyme of divine service; transporters of forbidden goods beyond sea; ockerers (usurers) and givers out of money for weekelie or yeerelie profite above ten of the hundreth in the yeare; fraudfull mixers of wyne; fleshours bringing flesh to the mercat without skinne or birne; makers of superfluous bankets and feasts; users of confectiouns or drogges inordinately; herriers of hawke nests and hunters in tyme of snow; the biggers of dowcats contrare to the law."

In the case of the Western Highlands and Islands a difficulty arose regarding the revived Justice-Ayres, the story of which will complete what has to be said in connection with Charles's efforts for the improved administration of justice in Scotland. On July 10, 1628, the Council received a letter from him expressing his desire that it should be left with the Islanders themselves to specify the places where they would prefer the Ayres to sit (p. 363). Under the same date we learn that a difficulty has already arisen. Sir Donald Gorme, representing the Islanders, approved of the places which had been designated by Charles, while the

Justice
Courts in the
Western
Highlands
and Islands.

Lord of Lorne, as hereditary Justiciar of the Isles, had designs of his own to which he was now seeking to give effect. On August 1st the question again came before the Council. Now we learn that Lorne has secured a double protection in his hereditary jurisdiction: the Justice Ayres are to infringe on none of his powers, and at the same time he is to be similarly guarded against the Commission of the new Justice-General, the Earl of Menteith (p. 421). Three days before the record of this volume closes the issues of the whole question are opened up in an ordinance of the Council in reply to a petition from the whole of the Western Islands. From this petition it appears that Lord Lorne had obtained from Charles the justiciary of the Isles of Moidart, of Morvern, and of the sheriffdoms of Argyle and Tarbert, with powers to hold Courts wherever he pleased. It was against this last concession that the petitioners had lodged their protest—resting their case on a double ground. His Majesty, they urged, had previously signified to the Council that the Courts were not to be “indefinitlie haldin in anie place at the humour of the Lord of Lorne.” That lord, however, by “some privy moyen” had succeeded in persuading his Majesty to revoke his original decision, and the rights of the Islesmen had again been overthrown. Further, they urged, the powers now granted to Lord Lorne were a breach of an Act of Parliament made by one of his Majesty’s predecessors. In 1504 James IV. had enacted that for the North Isles the seat of justice should be Dingwall or Inverness, and for the South Isles, Tarbert or Lochkinkerran. Their petition, therefore, was that the Council would fix a day for the hearing of the respective claims of the Islanders on the one hand and of the Lord of Lorne on the other. The Council’s reply was that the case should be heard at its first meeting in the following June, and that meanwhile Lorne was forbidden to hold Courts in the North Isles or take legal proceedings against their inhabitants (p. 632).

Legislation
against
Papists.

If we may judge from the amount of attention which the Council gave to the subject, the possibility of a Roman Catholic reaction must have been a serious cause of disquiet to the

country. Since the Reformation this had been a haunting dread in the public mind, and all through the reign of James I., and notably after the Union, enactments against Papists had been many and severe. Charles's marriage to a Catholic wife doubtless both encouraged those of her own religion and quickened the apprehension of Protestants of every shade of opinion in Scotland, but it was speedily seen that Charles was far to outdo his father in his zeal against the ancient religion. In the repressive measures now taken Charles's hand is hardly seen, but they undoubtedly had his approval and sanction, and for a time he was to identify himself in the most decided fashion with the ardent Protestantism of his Scottish Privy Council.

The two hotbeds of the dreaded pest were the counties of ^{Papists in} Dumfries and Aberdeen, and in the first part of the present ^{Dumfries.} volume it is with Dumfries that the Council is mainly concerned. On November 22, 1627, there came a "complaint" from the moderator and brethren of the Presbytery of Dumfries which appears to have quickened the Councillors to strenuous action. The complaint bore that a numerous body of persons of position and influence had set at defiance all the censures of the Church, and, in accordance with the laws against Papists, the complainers formally notified their names to the Council (p. 128). The response came in the following January, when the Sheriff of Dumfries was charged to convoke the lieges and forcibly seize and deliver to the Council such persons as had proved themselves intractable Papists (p. 202). Apparently the Sheriff had found his task beyond his power, as we next learn that many Papists in the sheriffdom still defied the summons that had been addressed to them. The cause of his failure, it appeared, was that the outlawed parties found shelter with friends who refused to deliver them up. As a means of checking such defiance of Church and State "his Majestie with the advice of the Lords of Secreit Counsell" announced what they probably deemed a drastic measure. The Sheriff, with the assistance of a number of lords and gentlemen, was to summon these resettlers at appointed times and places and report the result of their examinations to the

Council (pp. 262-5). This was in March, 1628; and in the following July this action was followed up by an ordinance against every Papist in the country. The new ordinance was due to the increased alarm of the authorities. His Majesty had been informed "that the resort and repaire of Jesuits and Seminarie preests to this Kingdome is now more common and frequent nor at anie tyme preceeding," and he had been led to consider the best means of checking this invasion. The remedy proposed was that twice in the year—on the last Council-day of June and the last Council-day of November—a representative from each Presbytery in the country should report the names of all persons suspected of Popery within their respective bounds (p. 358).

**The Papists
of Aberdeen.**

The Council had no sooner done with the Papists of Dumfries than their attention was directed to their brethren in Aberdeen. On the very day on which his Majesty's ordinance had been issued to the Presbyteries, an alarming supplication from the magistrates of Aberdeen occupied the attention of the Council. From this supplication it appeared that the Papists of the North were asserting themselves much more hardily than their fellow-religionists in the South. Not only were they openly professing their faith, but within the very burgh of Aberdeen they were holding their conventicles on Sundays in the time of divine service. Priests and Jesuits went freely about the town, and the censures of Church and State were equally set at naught. If this state of things were not righted, the supplicants urged, "the cure will shortly become desperate and remedlesse" (p. 360). As in the case of Dumfries the Council was not slow to act. On the spot they gave commission to the bishop, ministers, and magistrates of Aberdeen to ascertain who were the holders of the conventicles and in whose houses they were held, and to place the guilty parties in ward till they received further direction from the Council (pp. 360-1). In the same month of July still more energetic measures were taken. A special commission, composed of barons and gentlemen of Aberdeenshire, was entrusted with powers "to make opin doors and to use his Majesteis keyes" in the case of every offending Papist or resetter of such (p. 375).

It is a notable tribute to the zeal and devotion of these emissaries of Rome that all this repressive legislation failed of its purpose, and that only the growth of opinion proved to be the final solution of a difficulty which gave such serious disquiet to those responsible for the government of the country.

A few individual cases will illustrate how the Council dealt with prominent members of the Church of Rome. On the 20th of September a Jesuit named Alexander Robertson had been consigned to the Tolbooth of Edinburgh. In a series of petitions to the Council he represented that he was without means of maintaining himself in his prison, and that if he did not receive assistance the end must be his death from starvation. His importunacy at length prevailed, and the Council assigned him 13s. 4d. (Scots) per day—to be reckoned from the date of his committal (p. 136). Two days before this grant was made the Lordshad been considering his case and had come to the conclusion that it was “more expedient that he be sent out of the country nor unnecessarilie holdin within the same” (p. 132). With this object they ordered Robertson to be brought to trial and the alternative to be offered to him of remaining in ward or taking the first ship to the Low Countries. A more troublesome case was that of Dame Barbara Johnston, Lady Gribtoun. As one of the denounced Catholics of Dumfriesshire, she was ordered (April 20, 1628), to take up her abode in Edinburgh for the space of three months, or longer if the Council should so ordain. The object of this restriction on her movements, she was told, was for her own spiritual welfare as by her residence in Edinburgh she would have the benefit of ministers capable of resolving her religious doubts and scruples (p. 318). At the close of the three months she ventured to ask the Council that she might be allowed to depart. During the whole time of her probation she said she had “cairfullie and dilligentlie haunted the Kirk and heard the preaching and prayers with that modestie that become a Christiane, and seldome wes she absent when her health would permitt.” It appeared, however, that, in spite of her late advantages, “she was not resolved to embrace the religioun presently

Prominent
Roman
Catholics.
Alexander
Robertson,
Jesuit.

Lady
Gribtoun.

profest within this kingdome." This being the case, therefore, she offered to leave the country if she were allowed to go free. With this offer the Council closed, and the lady was released from surveillance on the condition that she should leave Scotland within a month, and the Isle of Britain within twenty days thereafter—she finding due caution for the fulfilment of her pledge (p. 433). The Council was at a later day to find that they had not yet done with Lady Gribtoun. Another case will show how boldly the religious recusants carried themselves in spite of all the efforts made to suppress them. Our knowledge of the facts is derived from a complaint laid before the Council by the archbishop, moderator, and presbytery of Glasgow. Claude Algeo, a servant of Claude Hamilton, brother of the Earl of Abercorn, had apostatised from the national religion, and in Paisley, where he resided with his master, had made himself "verie offensive and scandalous." As in duty bound, therefore, the Presbytery directed the kirk officer, George Ramsay by name, to cite the offending Algeo before their Court. With "reverent and modest behaviour" Ramsay discharged his duty, whereupon Algeo, "be the allowance and approbatioun of his said maister," subjected his summoner to such maltreatment that he was left for dead. A few hours later, battered as he was, the officer of the kirk proceeded to his assailant's master with the object of lodging his complaint. So far from rebuking his domestic, however, Hamilton set him on to a second assault, and cheerfully looked on during the process. The officer, apparently a person of some resolution, was not daunted by these discouraging receptions. He now addressed himself to the bailies of the town, and in their company presented himself once more before Hamilton's gate. The party was received with such a volley of threats and abuse that "the bailleis wer forced for feare of thair lyves to suffer the said Claud Algeo to escape." On the day the complaint was lodged before the Council, the Archbishop of Glasgow and the Moderator of Paisley Presbytery duly appeared, but of the defenders only Hamilton, his doughty servitor having preferred to remain at home. The case was a flagrant one and the evidence incontrovertible. Algeo, therefore, was put to the

Claude
Hamilton,
brother of
the Earl of
Abercorn.

horn as his Majesty's rebel, and his master was consigned to Edinburgh Castle, there to live at his own charges till their lordships were pleased to release him. Twelve days later Hamilton was released from his ward, with the sole condition that he should pay £40 damages to the unfortunate kirk officer (pp. 327, 334).

Of the National Church itself little is heard during the period under notice. Questions of doctrine and polity were alike allowed to sleep while the great business of the benefices occupied the minds of the clergy in all their ranks. As recorded in the preceding volume, Charles and the magistrates of Edinburgh had come to an understanding regarding James I.'s project for the division of the town into four parishes with two ministers for each. In the present volume the only point touched with regard to that arrangement is the question of stipend. According to the settlement that had been accepted, the stipends were to be paid by a tax on all residents in the town, and Charles expressed his desire that the taxation might be begun without delay—all persons only temporarily residing in the town being exempted (p. 1). Similar exemption was claimed by the members of the College of Justice on the ground that the tax proposed was an infringement of their privileges—a plea which the Council held over for decision (pp. 1, 3, 132).

Stipends for
Edinburgh
Ministers.

Since the accession of Charles a great economical question had been engaging the attention of the Council—Was it in the interest of the country that live stock and wool should be exported or not? How the Council had sought to reach a wise conclusion is recorded in the preceding volume of the Register. They had issued orders to all Justices of Peace to send in annual reports, due by the 20th of August, of the prices of cattle, sheep, and wool in their respective jurisdictions. From the data thus received the Councillors supposed that they would be led to a safe conclusion as to the expediency of exporting these commodities. One set of reports had been received in August, 1626, and on the strength of their testimony the exportation of live

Trade
regulations—
wool and live
stock.

stock and wool had been restricted till the 1st of May, 1627. When the present volume opens the second annual reports were in course of preparation. The Justices had been somewhat remiss with their first reports, but in 1627 they were so neglectful of their duties that the majority apparently sent in none. Only about a dozen will be found in this volume, and only in one of them (that from the sheriffdom of Kincardine) do the writers divagate into general considerations. Without specifying prices this report only makes the gloomy statement that the prices of cattle had been dearer during the current year than in any preceding one, and that in the opinion of people in the district labourers will be forced to give up tillage if matters do not soon improve (p. 554). So few, however, were the reports sent in that the Council issued an urgent order to the negligent Justices to discharge their duty by the 18th of September, while at the same time an edict continued the restriction on the export of the commodities in question till the 20th of the same month. As the reports came in the Lords were apparently confirmed in their policy of restriction, since the embargo was continued till the 12th of October, and subsequently till the 25th of December (pp. 73, 90). In the following year reports were again demanded (p. 363), but with what results is not recorded, though the Register extends till December.

The tanning
trade.

The old question of the tanning again recurs in the present volume. From a letter of Charles to the Council, dated October 18, 1627, we learn that he had received protests against "the new course of tanning" and the monopoly granted to Lord Erskine, by which he received a groat on every hide of tanned leather brought into the market (p. 101). After hearing the case argued by Erskine and the protesting tanners, the Council decided that the existing arrangement should hold for a year. Meanwhile, however, Erskine was to erect a tanning-house with all expedition, and produce specimens of his new process that the Council might judge of its profitableness for the country (p. 196). In connection with the same industry may be noted a curious case of socialistic legislation which arose out of a complaint from the

The shoe-
makers of
Cupar.

shoemakers of Cupar-Fife. The Magistrates of that town had taken it upon them to fix the prices of boots and shoes. Seven of the craft refused to obey this decree, and a fine of five pounds Scots was imposed upon each of them. They refused to pay the fine, and were promptly consigned to the Tolbooth of the burgh. Having lodged their complaint with the Council, they and the Magistrates both were summoned to state their respective cases. The plea of the complainers was that there was no precedent in the Kingdom for the proceeding of the Cupar Magistrates, that it was a "perverting of the law of nature," and that in the case of commodities like boots and shoes it was impossible to fix "a definitive price." The Magistrates responded that they had done their best to induce the shoemakers of the burgh to make some arrangement as to the price of their handiwork, but all their overtures had been rejected, and they had been compelled to take the matter into their own hands. The decision of the Council was that the defenders had acted "laughfullie, legallie, and formallie," and that they should convey the recalcitrant craftsmen back to the Tolbooth, where they were to lie till they gave caution for their future obedience (pp. 178-9).

The important industries of coal and salt come up for merely Coal and salt. casual mention. This was on the 18th of September, 1627, when the country was in its acutest apprehension of foreign invasion. With a view to coast defences we have seen that steps had been taken for the erection of block-houses at points where the enemy was most likely to effect a landing. But of all parts of the coast the shores of the Firth of Forth were the most inviting and most vulnerable. There, therefore, forts and block-houses were specially called for. As the expense of constructing such fortifications, however, would be very great, it seemed to the Council that the most lucrative industries of that part of the coast should bear their proportion of the burden. On salt and coal, accordingly, a tax of two shillings Scots was imposed for every ton of either commodity that was exported, and the owners of the pits and pans were charged with the levy of it (p. 72). These gentlemen, however, appear to have neglected

their trust, as on the 11th of December a number of the most important of them received a sharp summons to appear before the Council in the following January, when they should be prepared to explain their remissness (p. 146). But neither in January nor subsequently do we hear further of the question—possibly because the danger of invasion was no longer pressing.

Saltpetre.

What is described as a new industry in Scotland was “a trew way of making saltpeter powder and matche,” the secret of which had been acquired by the Earl of Linlithgow, High Admiral of Scotland. His Majesty was greatly pleased with a discovery which in the midst of his many wars might give him an advantage over his enemies, and he specially commended it as the work of a member of his nobility. To encourage the Earl in his experiment he granted him a patent of monopoly for twenty-one years, and called on the Council to pass it at once under the great seal (p. 333). A certain clause in the patent, however, excited the alarm of certain of the lieges, and not, as will appear, without some grounds. By this clause the patentee was to have power “to enter, breake, open, dig, searche, and worke for salt peter, als weill within the houses, lands, grounds, and possessiouns of his Majestie, his airs, or successors, that now be or heerafter sall be, as also in vaults, sellers, towres, castles, stables, dowhouses, grounds, or possessiouns of anie of his Majesteis subjects within the said Kingdome of Scotland.” It is true that these extensive operations were to be carried on “with as little prejudice to the owners as may be,” and that compensation was to be made “for falling of houses, wallis, warkes, or timber,” but the prospect of such a general excavation was disquieting, and first the Magistrates of Edinburgh, and next certain Commissioners of the burghs, protested against such a sweeping warrant. The Council was in straits and referred the difficulty to his Majesty. Meanwhile, they told him, they had sealed the patent, though on the condition that till his Majesty’s answer had been received, the Earl should not “dig or enter in ane house” within the burghs of the Kingdom without

its owner's consent. From a later entry we learn that the monopoly had been continued till January 8th, 1628 (pp. 333, 425, 439, 537). In this connection may be noted another patent of monopoly granted for munitions of war. Hitherto, we are told in the royal letter conferring the patent, Scotland had been indebted to foreign countries for its ammunition and ordnance. Ordnance and ammunition. Two patriotic Scots, however, Mr James Galloway, Master of Requests, and Mr Nathaniel Udward, resident in Leith, had come forward with an offer to produce these commodities in Scotland itself. As in the case of saltpetre, Charles gave every encouragement to the project; he granted a monopoly of twenty-one years, exacting a total payment to the Crown of only £200 sterling, of which sum, moreover, no part was to be advanced till Martinmas of 1633 (pp. 64, 338).

From an early period the importation of French wines had been one of the great interests of Scottish commerce. Charles's quarrel with Scotland's ancient ally, therefore, could not have been agreeable to the many persons in the country who were engaged in that trade, and they were not long in learning what the quarrel was to involve. According to Sir James Balfour (*Annales* II. 158), the French, on the first outbreak of hostilities, had shown that they had not forgotten the ancient alliance: when the British wine-fleet, sailing from Bordeaux, was seized, all the Scottish vessels had been allowed to go free with their cargoes untouched. But, no more than the English, were the Scots to escape the inconveniences of the war. By the advice of their own Privy Council, Charles forbade the importation of all French goods into Scotland whether in native or foreign bottoms (p. 567). The Council learned, however, that it had acted with somewhat undue haste. Before the embargo was laid on French goods Scottish merchants had laid out their native commodities (specified as wool, skins, hides, plaiding, kerseys, and salmon) in Flanders, and they had made no arrangement with their Flemish customers that French goods should not form part of the exchange. Should they be forced to refuse French goods in return, therefore, there would be an end of all trade not only

with France but with the Low Countries as well. This protest the Council communicated to Charles, with a warning that if the embargo were absolutely carried into effect the result must be the ruin of Scottish trade and the loss of the royal customs (p. 242). It was in February of 1628 that this correspondence took place, and the next month the wine merchants had to make another appeal to the Council. A number of Flemish ships had actually arrived with cargoes of French wines, which had been bought by the Scottish traders before his Majesty's proclamation forbidding the importation of these wines. Were they to be forbidden to sell what they had purchased before the law was made? This suit, also, the Council laid before Charles, informing him at the same time that his own interests would in no wise suffer by the sale of the wines in question (p. 265). From another letter to Charles we learn that he had not seen the matter in the same light as the Council: he had given orders to his Admiral, the Earl of Linlithgow, to confiscate all the French wines that had arrived in Scotland since the date of the prohibition. Against this high-handed proceeding the Council strongly protested, urging that it would mean not only the ruin of individual traders but serious detriment to the general commerce of the country (p. 284). Their representation had the desired effect: from the Court at Whitehall there came a gracious letter (March 26) with the intimation that all French goods brought to the country till the 1st of July should be at the free disposal of the various purchasers (pp. 305-307).

Circulation
of foreign
coins.

A difficulty with which Scottish legislators had to deal from very early times was the circulation of foreign coins at more than their intrinsic value in Scottish money. At this period several varieties of foreign dollars had been introduced into the country, and had become the source of much dishonest dealing. One coin especially, known as the dog-dollar, had attracted the attention of the Council, and was the object of their indignant denunciation. From an order issued on the 15th January, 1628, we learn precisely what was their objection to the coin in question: while its "trew worth and pryce" was only forty-six

shillings, it was "craftily putt outt among his Majesteis subjects" at the value of forty-eight shillings. Thenceforward, therefore, the importation of these coins was strictly forbidden alike to Scottish and foreign traders—those that were actually in the country being adjudged to pass at their true value of forty-six shillings (p. 192). Previous to this order, it should be said, the coal-owners on the coasts of the Firth of Forth, as the persons through whose hands the objectionable coin was most likely to pass, had been enjoined to refuse it in exchange for their commodities. The appearance of another "base-dollar" roused the Council to still greater indignation, and certainly with excellent reason. The real value of this dollar was only twenty-five shillings and tenpence, but by "some avariatious and godlesse persouns, preferring thair awin filthie commoditie and gayne to a good conscience and obedience of the law" it was being circulated at the rate of thirty-three shillings and fourpence. After a minute description of the objectionable stranger the Council called upon the magistrates of Edinburgh, Dundee, and Aberdeen, and the other burghs in the Kingdom to ascertain how, when, by whom, and in what numbers it had found its way into the country, and to give in their information within the space of three weeks that the requisite steps might be taken to prevent further mischief to the country. Still another intruder was the "Embden dollar," which had only recently made its appearance. It was found that while this coin was only worth twenty-six shillings, the traders who were introducing it were passing it at the rate of two marks and a half. In this case it would appear that it was the merchants of Dundee and Aberdeen who were the offending parties—the magistrates of these towns being specially called upon by the Council to inform themselves of the circumstances under which the new coin had made its appearance (pp. 162, 192, 540, 545).

From the foregoing account it has appeared that to the extent The state
of the
Exchequer. of its lights and its powers the Council had done its best to further the wellbeing of the country. Their efforts, however, had by no means been crowned with success. From the historians

of England we learn to what a pass the finances of that country had come through the policy of Charles and his minister, Buckingham. In his northern kingdom matters were at least equally unsatisfactory. From a letter which the Council addressed to Charles on February 12, 1628, we have the picture of a country virtually in a state of bankruptcy and with little prospect of a happier future. The plain confession is made that through lack of money the public business has come to a deadlock, and the letter proceeds to enumerate the causes which have produced the crisis. The casualties due to the crown had been either disposed by gift or exhausted by pensions, the royal patrimony had been used up in assignations, and the returns from taxation diverted to particular purposes. The Council had not even wherewithal to pay the wages of the captains and companies of his Majesty's three ships. In their straits they had been forced to quiet these mutinous persons with the promise of satisfying them with the promise of the first proceeds from the sale of the cargo of a foreign shipwrecked vessel. But even this reed had failed them. Much of the cargo had been spoiled, and to what was in a satisfactory condition other parties had put in a claim (p. 227).

The tax of
the twentieth
penny.

An Act passed by the Council on March 27th of the same year is a further revelation of the financial difficulties of the country. In the Parliament which met in October, 1625, an extraordinary grant had been made of the twentieth penny of all annual rents. It appears, however, that this contribution had not been so profitable as had been expected. Many persons living remote from the chief burghs had never heard of the tax, and their quota had not been forthcoming. Other subjects, also, "for lucre and gain to thame selffis or pleasure to thair freinds" had by various shifts eluded their obligations, to the serious diminution of the grant. To prevent such evasions in future, therefore, the Council took the most efficacious measures in their power. All persons suspected of seeking to elude the imposition were called upon to give their oath that they were dealing honestly by the government. As for those who pled ignorance of

the tax, they were to be reached by proclamation in every parish church on Sunday forenoons before or after divine service (p. 287). A grumbling letter from Charles, dated 22nd July, 1628, informs us that even then a great proportion of the extraordinary grant had not yet been made good (p. 395).

When the public purse was so low, it was all the more creditable to Charles that he should at this time have been willing to make an important concession to the Scottish burghs. A heavy burden on these burghs was the excessive fines imposed for the breach of certain penal statutes. It was to a petition for the respite of these fines that Charles graciously granted his consent. The Council, however, proved themselves harder masters than his Majesty, and in a letter to him they raised two grave difficulties against the concession. By the pardon of offenders against the statutes in question, they said, "the hoip of impunitie will in a short tyme shaik louse the whole frame of the Governement of this kingdome and the habituall custome of offending without punishment will breed obstinacie against all future reformatioun of suche disordours." The other objection was not so creditable to the good feeling of the Privy Councillors: it was that his Majesty would receive great prejudice in his rents and casualties, and that his dutiful subjects would suffer irreparable loss. Overborne by these representations, Charles revoked the concession, desiring the Council at the same time to be tender in their enforcement of the penalties, and urging them to make haste with the Justice-Ayres, which by the promptness and justice of their sentences might render offences less common (pp. 122-3, 137, 182).

Relief from
fines.

DOMESTIC INCIDENTS.

An announcement from Charles in July, 1628, threw the Privy Council into a lively state of flurry and excitement. At length he had determined to visit his ancient Kingdom to receive its crown and to preside in person over the assembled Estates. Throughout the months of July and August the great pre-occupa-

Intended
visit of
Charles to
Scotland.

tion of the Council was his Majesty's impending visit. Proclamation was at once made that all members of Parliament should appear in Edinburgh on the 15th of September—the day when it had been ordained to meet. Preparations for the royal reception were at once begun, though, as we shall see, in no very buoyant spirit. Strict orders were issued for the preservation of game that his Majesty and his attendants might not lack pastime during their sojourn in the country; the Justices of Peace were charged to see that the highways by which the royal train should pass were in a thorough state of repair—the King's own rents being set apart for this purpose; a hundred and fifty tuns of English beer were to be imported upon the 24th of August; the royal wardrobe was to be scrutinised and its defects supplied; marquises, earls, viscounts, and lords of Parliament were to get ready their robes—the colours and materials of which would be determined by the Lyon-King and his brother heralds; and the magistrates of Edinburgh were to be asked to advance certain sums of money “upon good and sufficient security for making of provisioun aganis his Majesteis heere comming”—a request which the magistrates declared they were totally unable to grant. Here, indeed, was the untoward fact that made the prospect of the royal visit a veritable bugbear alike to the Council and every responsible person in the country: there was no money in the public purse to meet the huge expense the visit must entail. In the full tide of their preparations the Council was constrained to let Charles know the real state of affairs with which they had to deal. In a letter of July 18th they frankly told him that his appearance at this time would be inopportune, and they supplied him with a list of reasons which were sufficiently formidable. His coffers were so empty and his exchequer so exhausted that it was only “in the meanest measure” that his bare necessities could be met, let alone the cost of his becoming reception. Moreover, the houses where he would make his abode were “ruinous and decayed,” the time of his coming would be in the middle of harvest, and there were “manie uther impediments” which they abstained from enumerating. While, therefore, nothing would bring greater joy to themselves and his Majesty's

subjects than his presence in their midst, they were fain to represent that he should reconsider his present determination. To the same effect and on the same date the Council wrote to certain of their number then at Court to support their representations to the best of their ability (pp. 385-387). Meanwhile, however, the preparations still went on apace. After careful consideration it was decided that the Kirk of St. Giles, with necessary alterations, would be the most suitable place for the coronation. The Lyon-King was ordered to supply information regarding the details of the ceremony, with the result that he produced what is perhaps the most interesting document in the present volume—a precise account of a Scottish coronation (p. 393). One letter of the Council is of special significance as showing to what extent the Scottish Parliament was a free representative body: it is a communication to the Sheriffs informing them that it was his Majesty's pleasure that the Commissioners of the shires who should be present at the opening of Parliament should continue to sit through the whole term of its assembly (p. 418). At length there came a missive from Charles, dated the 28th of August, which must have lifted a burden from the hearts of his distracted Councillors. The letter bore that in deference to the representations of the Council his Majesty had resolved to postpone his visit till the following spring, when the deferred coronation and meeting of Estates would be more opportune for himself and his loyal subjects in Scotland. On the 15th of September, the Council issued the welcome warrant for the postponement of the assembling of Parliament (pp. 367-448).

It throws a curious light on the various functions of the Council that in no matter was it more keenly interested during our period than in the bestowal of the cargo of a Lübeck ship, which had been captured by some Scottish merchantmen. The ship was called the *Sanct Marie*, its master was Henrich Schult, and it had been seized under the impression that it belonged to some enemy's country. The report of its cargo doubtless whetted the cupidity of the Council, now at its wits' end for money. It consisted of eight score pipes of wine, three score

puncheons of syrup and sugar, three score barrels and two hundred *frears* of raisins, and twenty bags of aniseed (p. 189). To have obtained the money's worth of such a store would have been no small mercy to his Majesty's straitened exchequer. As it turned out, however, the acquisition of the prize was beset with many difficulties. When her captors seized the *Sanct Marie* they had meant to bring her to Leith; but by stress of weather she was driven to the coast near Peterhead. Much of her cargo was spoiled, and to the remainder the people in the neighbourhood had vigorously helped themselves. There was still another adverse circumstance. The part of the coast where the *Sanct Marie* was wrecked fell within the jurisdiction of the Earl Marischal, for whose rights his Countess in his own absence stood manfully forward. But the Council was determined not to be balked of its prize. Officials were appointed to arrange matters with the Countess and to transport the cargo to Leith, there to be disposed of and the proceeds assigned to the different parties who should be judged its rightful owners. It is under the date of the 15th January, 1628, that we first hear of the unfortunate vessel, and it is not till the 20th of March that we learn what the Council had really in its mind throughout the whole transaction. Now we learn that with the King's consent the cargo, or part of it, has been sold to William Dick and William Gray for twenty-four thousand pounds—a sum which they had advanced for the payment of the mutinous mariners of his Majesty's three ships. Within the following week the Council made the unhappy discovery that it had been acting with undue precipitation: the *Sanct Marie* proved not to be an enemy's ship, but the authenticated property of one of his Majesty's allies. A final communication from Charles himself (June 14) closes the long story, scattered through nearly three hundred pages of the Register. The coveted cargo was to be assigned to its rightful owners, and William Dick and William Gray repaid out of his Majesty's exchequer (pp. 417-8).

Witchcraft.

Of witchcraft there is the usual crop of cases—the new reign apparently having brought no abatement of the hideous delusion.

A few cases there are which call for special mention. One of these, that of Katharine Christie, resident in Dysart, will illustrate how easily the terrible charge might be vamped up by an unscrupulous enemy. Against this woman one David Clark, a sailor in Dysart, had brought the dreaded accusation. Confident in her character as "an honest woman," she summoned her accuser before the Presbytery of Kirkcaldy, with the result that her innocence was declared and that Clark was compelled to acknowledge the falsity of his charge before the Kirk Session of Dysart. But the unfortunate woman's troubles were not yet over. The Kirkcaldy Presbytery had found her guiltless, and, further, we are told, all the witches lately burnt in Dysart had testified that she had had no part in their practices. Nevertheless, her persecutor, Clark, with the aid of certain associates, had obtained a commission from the Council empowering the bailies of Dysart to ward her in their Tolbooth, where she was to await her trial as an accused witch. Having appealed to the Council, she was brought face to face with her accusers—the decision being that she was to be tried before his Majesty's Justice and Deputes in Edinburgh, and that meanwhile she should find caution in £1000 that she would appear when legally summoned (p. 142). In this case, as doubtless in many others, we are forced to the conclusion that not simple superstition but fiendish malice was the motive of the accuser. More notable from the rank of certain parties connected with them are the cases of Margaret Unes, resident in Borthwick, and Janet Schitlington, resident in Newbattle. Both of these women were hardy practisers of all diabolic arts, and in the course of their examination had "confest the raising of the devill, the renuncing of their baptisme, and the useing of diverse devilish practises" (p. 410). Over both, also, there hung charges of terrible import. Of Meg Unes it was alleged that there were "cleere and pregnant presumptiouns that she has been accessorie to the death of the lait Lord Borthwick, and of the said supplicants (James Borthwick of Newbyres) wyffe and childrein" (p. 442). Together with Janet Schitlington, moreover, she was accused of having done to death no less a person than the Earl of

Katharine
Christie.

Margaret
Unes and
Janet Schit-
lington.

Lothian (see Scotstarvet's *Staggering State of Scottish Statesmen*, p. 91, Edit. Rogers), and we have a petition from the brothers and sisters of the deceased Earl praying the Council to order a thorough examination of the two practisers in order that, "this misterie being oppynit up, God may be glorified, justice administrat upon the offendouris, and the honnour and reputatioun of that nobleman vindicat and releived" (p. 624). Dalkeith and its neighbourhood, as is well known, was a veritable nest of warlocks and witches—a fact to which we have notable attestation in a supplication presented to the Council by the moderator and brethren of the Presbytery of that town. From this supplication we learn that the reverend brethren had been so long "troubled with the discoverie, apprehending, examinatioun, enterteaning, and executioun of numbers of wretched and miserable persouns guiltie of witchecraft" that they have been obliged to draw money "out of the taxe of the poore of thair presbyterie." Their prayer, therefore, was that the expense of seeing these persons out of the world should be met by the escheat of their own goods when they possessed any. The Council saw the reasonableness of this request and passed an Act conveying the necessary powers to the supplicants (p. 469).

Dalkeith a
nest of
witches.

Cases of
disorder.—
Barring of
the Kirk of
Monkland.

Among many cases of disorderly conduct a few may be noted as illustrations of the time. As a specimen of unseemly doings in connection with the Church, the barring of the Kirk of Monkland may be cited. A vacancy having occurred in the ministry of that kirk, a dispute fell out between two of the heritors, Lord Boyd and Sir James Clelland, as to who should fill it. By a warrant from his Majesty the Archbishop of Glasgow had presented the Rev. James Fullerton, who preached with much acceptance to the parishioners. Accordingly, the Archbishop had fixed a Sunday when the new minister should be formally presented to the congregation. As would appear, Fullerton had been appointed with the approval of Lord Boyd, but not to the content of Sir James Clelland, who now took effective measures to stay further proceedings. On the Saturday night before the appointed Sunday, Clelland, with a large following of his supporters, took possession of the kirk—the whole party "boddin in feare of

warre," and supplied with ale and tobacco. When the next morning the presentee, and the minister who was to admit him, appeared at the door of the kirk, the garrison forcibly stayed their entrance, and the intended ceremony was effectually prevented. Such was the story told to the Council by Fullerton and the Archbishop. Circumstantial though it seems, however, the Council found only one of the non-intrusionists guilty of a breach of law, and decided that Clelland had been quite within his right in "barring of the pursuer's admission in a civil manner" (p. 119). With this story of the Kirk of Monkland may be read that of the Rev. Robert Peebles, minister of Kirk-
Rev. Robert
Peebles. michael, whose experiences with a refractory parishioner were doubtless rare, yet not without a parallel in his profession (p. 110). Further examples of the disregard of sacred places will be found at pp. 360, 404, 431.

A case of defiance of authority which carries us back to
Viscount
Stormont
and the
Provostship
of Perth. feudal times is that of David Murray, Viscount Stormont, a member, it is to be noted, of the Privy Council. By an Act of Parliament of 1612 it had been decreed that none except citizens were eligible to civic office in burghs. In defiance of this law, however, the Viscount had made such interest in the burgh of Perth that he secured his repeated re-election as its provost. In 1628 he had again thrust himself into the office in spite of the vigorous protest of the Dean of Guild Court. Now, however, the Dean of that Court was commissioned to bring the affair before the Council, which promptly ordered Stormont to place himself in ward in the Castle of Edinburgh, there to await its further decision. A certificate from his minister vouching his inability to travel on account of ill-health secured for him a temporary respite (pp. 213, 233). A still more notorious and inveterate offender was George, Earl of Crawford.
George, Earl
of Crawford. (See Index to preceding volume of the Register.) At the instance of a creditor, Peter Reid, merchant tailor of London, to whom he was in debt for two sums of £200 and £47 5s. 3d. sterling, the Earl had been put to the horn. In vain, however, had Reid sought to put the law into execution. The Ross Herald had summoned the outlaw to deliver his place of Fin-

nevin, and to enter himself in ward in the Castle of Blackness. The Earl gave one of the keys of his house to the herald, but still kept possession and boldly showed himself at kirk and market "as if he lived not under the obedience of a soverane king." Now, after the futile efforts of seven years, Reid was "reduced to great necessitie and want, to the disgraice of his Majesteis government and to the course and order of justice of this Kingdome." On his new appeal the Council took measures for the effective enforcement of the law. The Sheriff of Forfar was charged to secure the apprehension of the outlawed Earl, to take forcible possession of his place of Finnevin, and to eject his wife and servants—the lieges at the same time being forbidden to hold any communication with him under pain of treason (p. 176). The date of this order is January 8, 1628; yet from an entry of the 11th of December of that year we are led to infer that the Earl was still defiant and at large (p. 524).

The Earl of
Cassillis.

Another offender was the Earl of Cassillis, who, within his bailiary jurisdiction, carried it with so high a hand that Charles himself had to call the attention of the Council to his unjust proceedings in the case of the Earl of Galloway and one Alexander Stewart in Crostrie (p. 81). In a previous volume has been recorded the fight which took place between James Ogilvy of Podula and Sir George Ogilvy of Banff with their respective followings, which had resulted in the death of Podula. At first the ordinary legal authorities had been entrusted with the affair, but on certain information supplied to him Charles had referred it to the Council. As we leave it in the present volume, both parties to the case are under summons to appear before the Council on the 15th January, 1629, with proofs and witnesses in support of their respective allegations (p. 484). A story of the Sir George Ogilvy in question which also meets us is another illustration of the liberties which the Scottish barons could still permit themselves. A servant of his father and grandfather, George Ogilvy by name, had acquired a sum of five or six hundred merks. For greater security he had disposed of the money to his masters in return for a portion of land. The present Sir George, however, coveted both the money and the

Sir George
Ogilvy of
Banff.

land, and had done his best to make himself master of both. Finding George Ogilvy refractory, he had consigned him to “the pitt and prisoun of his hous of Bamff,” laid him in the stocks, kept him from all his friends, and was apparently bent on extorting his consent by process of starvation. Such was the story told in the victim’s petition for the protection of the Council. *Fiat ut petitur* is inscribed on the back of the petition, through the inscription lacks the necessary signatures (p. 591). But the most notorious instance of the defiance of law and authority is to be found in the feud between the Grants of Ballindalloch and the Grants of Carroun. Here, indeed, we are reminded that the Grants of Ballindalloch. days in Scotland when the men in Caithness roasted their bishop in his own kitchen, and when the “Wolf of Badenoch” performed those exploits which gave him his cognomen, were not wholly of the past. In a pitched battle between the two lairds and their followings the laird of Carroun had been slain and several of their attendants on both sides. From the materials supplied by the present volume it is impossible to tell the whole story of the feud; but one incident may be noted as illustrating the spirit in which it was carried out. The Grants of Carroun, we are told, were ranging the country seeking to wreak what vengeance they could on the rival clan when they chanced to lay hands on the brother of the laird of Ballindalloch. Having bound his hands behind his back with their bowstrings, they thereupon proceeded to cut off his hands, ears, and nose, and bore them off “as a trophie of thair victorie” (p. 411). When we leave the revolting business in the present volume, the two parties are under summons to appear before the Council on the 27th of January, 1629 (p. 492). Of feuds which threatened trouble, but were stayed by the timely intervention of the Council, may be mentioned that between Lord Ogilvie and Lord Coupar, and that between James, Lord of Deskford, and Sir George Ogilvie of Banff (p. 145).

The most notable fact regarding the Highlands and Islands The Highlands and Islands. has already been specified—the establishment of Justice-Courts in the Hebrides. The few other items that call for notice may

be regarded as satisfactory proof that all these portions of the Kingdom were in a fair condition in the matter of peace and good order. On July 10, 1627, we find the Council threatening the Captain of Clanranald with the execution of the sentence of horning under which he lies if he do not appear by the last of the month (p. 8). On the very last day of his licence the Captain did appear, and on the 29th of November he received permission to return home on the condition that in all time coming he conducted himself as a law-abiding subject, and did his best to see God honoured, and to suppress all Jesuits and priests (p. 137).

Orkney and
Shetland.

Regarding the Orkney and Shetland Islands we have one letter from Charles. The Admiralty of those islands had lately been disjoined from the Admiralty of the Kingdom, and Charles wishes to know to whom the right now pertains. The Council itself was uninformed as to the point, and gave charge to the King's Advocates to investigate the matter and give in a report for Charles's satisfaction (p. 281).

The burghs—
Edinburgh
and Leith.

Regarding the history of the burghs of the Kingdom a few items may be noted. The building of forts and blockhouses at Leith again raised the old question of the superiority of Edinburgh over that burgh. In the opinion of the magistrates of Edinburgh the mere erection of forts would be but a feeble defence against an attacking enemy, and they urged upon the Council that there should be a general fortification of the whole town of Leith "as mutche importing the publict securitie of this realme." This fortification they were willing to undertake at their sole expense, though on certain conditions which would have ensured to them the long-coveted superiority (p. 125). For the consideration of this proposal the Council appointed a special commission, which produced a report answering *seriatim* the various conditions attached to it. The Council agreed with the magistrates of Edinburgh that a general fortification of Leith was highly desirable in the interests of the Kingdom, but as to the government of the town of Leith they could give no answer till his Majesty's Advocates had examined the documents on which the claims of Edinburgh were based (p. 159). In due course came

the reply from the Edinburgh magistrates, the purport of which was that unless the government of Leith were put in their hands they would have nothing to do with the fortifications (p. 184). The immediate danger of foreign invasion having passed away, and with it the urgent need for the fortification of Leith, the oft-raised dispute was once more allowed to drop.—The jealous care with which the Scottish burghs guarded their privileges is signally illustrated in the case of the town of Stornoway. The Earl of Seaforth had been exerting himself for the improvement of the Western Islands by setting up works for the manufacture of ordnance, and in furtherance of his projects he petitioned Charles to erect Stornoway into a royal burgh. In a letter to the Council Charles gave his consent to the petition, but desired that the magistrates of Edinburgh and the Commissioners of Burghs should be consulted before the grant should be made. The reply of the Commissioners was a protest against the grant on the ground that it infringed the privileges of other burghs, and, the Earl of Seaforth also having been heard, the Council decided that the question should be delayed “to a more convenient tyme” (pp. 336, 357, 379, 383, 396).—Another exertion of authority on the part of the Commissioners of Burghs is found in relation to Dumbarton. The “wattir warkis” of that town had for some time been in such a state of dilapidation that it was threatened with inundation by the river Leven. At a meeting of the Commissioners of the Burghs held at Perth permission was granted to Dumbarton to approach the Council with a petition regarding the condition of the town. The petition was that the magistrates might receive warrant to impose a duty on imported commodities to defray the expense of repairing their bulwarks. The Council proceeded with all due caution, appointing two commissioners to ascertain if the repairs were necessary. From the report it appeared that the repairs were very necessary indeed. Yet the Council still delayed to confer the desired warrant, and we finally have a letter to Primrose, the Clerk of Council, from the provost, bailies, and Council of Dumbarton, expressing their wonder that “the gift of that lytill impost” should be so long withheld (pp. 377, 380, 625–7).—A petition in another matter by the “provost, baillies,

councils, communities, and inhabitants of the burghs of the kingdom" received a more prompt response. It was a petition regarding a grievance which had often been before the Council—the exaction of excessive dues by certain persons in connection with "St. Serffes faire, Bartill faire, and Laurence faire." The Council had already adjudged the rates which were to be imposed on the different commodities that changed hands, but the parties in question had disregarded its injunctions, and the oppression was as grievous as ever. In this case, therefore, it had no difficulty in reaffirming its previous decision, and as far as its authority went the petitioners received their redress (p. 616). Still in connection with the history of the burghs, reference may be made to the curious dispute between Queensferry and Linlithgow—presenting as it does a specially interesting picture of old Scottish life and manners (pp. 422-3).

Linlithgow
and Queens
ferry.

Instances of
the humanity
of the time.

In spite of the repeated examples of brutal feeling alike in the public and private relations of life, proofs are not wanting to show that we may draw too sweeping conclusions regarding the inhumanity of the age. The national subscription for the assistance of the sufferers from the great fire at Dunfermline in 1624 is evidence that there existed a responsive sympathy with helpless distress. The Council having learned that John Murray, a Scottish seaman, is a prisoner of the Sallee pirates, and that his freedom has been offered on the payment of 2400 merks, appeals to the clergy of the country to "admonische and steir up thair fokes to schaw and extend thair cherritie and benevolence in this so christiane, godlie, and necessair ane earand" (p. 3). At a later date we hear that a general contribution has been raised for the ransom of captives in the same hands, and that, all the sum not having been expended, the remainder is devoted to the recovery of prisoners in Dunkirk (p. 251). A Dutch ship having been wrecked on Unst, in Shetland, its crew ill-used, and its cargo plundered by the Islanders, the Council orders a commission to inquire into the loss sustained, with powers to see that full restitution be made (p. 124). Similarly we find the Council denouncing as rebels certain inhabitants of Mull for having made

free with the stores of a Dumbarton ship which had been driven on their coasts (p. 340). Again, a Lübeck ship having been cast on the north-west islands, the Council appeals to all the lieges to contribute to the necessities of the crew that they may be enabled to find their way to their own country, and writes a special letter to Sir Donald Gorme commending him for his humanity as "a gentleman of honour and credite" towards the unfortunate strangers (pp. 135, 138). Other instances of good feeling shown by the Council will be found in the curious story of the new-born "lass bairne" found at the door of Jean Knowes, resident in Leith (p. 118), as also in its judgment on a case of brutal ill-usage on the part of a husband towards his wife (p. 256).

In a previous volume of the Register it is recorded how Sir Robert Gordon of Lochinvar had received a patent for the colonisation of "Charles Island, beyond the Equinoctial Line." Now we find Sir Robert on the point of setting forth on his enterprise. But before he starts he receives a commission from the Council defining the powers under which he may act. He was to do as much damage as he could by sea and land to the King of Spain and his allies; he was to have power of life and death over all who took service with him; and he was to have license to lay hold on all prizes that came in his way—the due proportion of such being always set apart for the Crown (p. 13).

Of the great colonial enterprise in Nova Scotia and Canada we hear little in the present volume; but there is one letter from the Council to Charles which is an ominous presage of the Darien disaster. A petition had been presented to the Council from Scottish investors in Canadian lands from which it appeared that an Englishman, named Captain Kick, had paid a visit to those parts, and that in consequence certain English merchants were making suit to his Majesty "for a new patent of the said lands of Canada." As the territory in question had already been assigned to Sir William Alexander, the Council earnestly deprecates the granting of the English suit, reminding

Charles at the same time that Sir William's son had lately gone to plant a colony in the lands in question, and that many other Scotsmen were ready to follow him up, with every prospect of advantage to themselves and to the Crown (p. 489).

MISCELLANEOUS.

A few miscellaneous items of interest may here be brought together. More than once in previous reigns it had been suggested that it would be in the interest of the country if its laws, customs, and statutes were systematically codified and put in print, and to the accomplishment of this great work Charles took at least the first step. The reasons assigned for the task were sufficiently cogent. Many Acts of Parliament still remained unprinted; of those that were printed many were obsolete and others were abrogated; while others still were so obscure or ambiguous that their interpretation was grave matter of difficulty. By a warrant from Charles, therefore, a numerous committee was formed, consisting of the leading officials in the country, who were charged "to reade, recognosce, and consider the saids whole lawes, statutes, and Acts of Parliament," and to report what portion of the whole body it might be desirable to print (p. 365). A dispute which arose between Sir George Elphinstone, Justice Clerk, and Sir Thomas Hope, Lord Advocate, demanded all the learning and ability which the Council could command.

The printing
of statutes.

The point in dispute was the question of the precedence of the two offices. From the nature of the question it could only be decided by reference to precedents, and both parties succeeded in producing an astounding array of evidence in support of their respective claims. As specimens of learned and skilful pleading, the statements of the Advocate and the Justice Clerk leave us with a high impression of the accomplishments and faculty of the leading lawyers of the day (p. 524). In view of the long and eventful history of Robert Bruce of Kinnaird, dating from his quarrel with King James over the Gowrie conspiracy, any reference to him must be of interest. From a letter of Charles in the present volume we learn that he cherished his father's

Dispute
between the
Justice Clerk
and the
Lord Advoca-
cate.

Robert Bruce
of Kinnaird.

antipathy to that redoubted minister. Bruce had been permitted to live at his place at Kinnaird on condition of his keeping strictly within its bounds. It appears, however, that he had transgressed his limits, and had even preached in certain churches in East and West Lothian. It is a tribute to the great influence which he was still supposed to possess in the country that Charles sent down a stern order that his liberty should be restricted to a radius of three miles from his home (p. 536).— Among the interesting documents in the present volume one has already been noted—the Lyon-King's description of a Scottish coronation. Others are a Latin letter from the King of Denmark to the Council regarding Alexander Chirnside, a Scottish captain in that king's service, together with the Council's reply in the same language—written, it may be noted, with an incorrectness which is not creditable to Scottish scholarship (pp. 321, 342). Finally, we have a dutiful letter from Robert Primrose to his father, the Clerk of the Council, dated Elbing, and giving some details of the action of Gustavus Adolphus, then engaged in his second Prussian campaign (p. 558).

Interesting documents.

From the foregoing summary of the present volume of the Register it will be seen that Charles had the best intention towards his Northern Kingdom, and that, with the advice of the Council, he had set himself to do what he could for its advancement and prosperity. His great Edict of Revocation was doubtless in his own interest, yet it might also prove to be in the interest of the country as a whole. The revival of the Joint-Commission for the Middle Shires, as also of the disused Justice-Ayres, could be attended only with good to all classes of his subjects. As far as the lights of the time went he used his authority to encourage industries at home and commerce abroad. In his relations to the Council he acted with consideration and at times even with deference: on more than one occasion we find him abandoning some proposal or project when it was shown to him that it would be objectionable or inexpedient. Nevertheless, during the period covered by this volume there was much to be desired for the general welfare of the country. Charles's

foreign wars had dislocated trade, cutting off, as they did, all communication with France, and seriously affecting the intercourse with Flanders. Provisions were unusually dear; the Exchequer was empty; and the war agitation, necessitating the foreign levies, coast defences, and mustering of the people, kept the country in a state of disquiet that did not conduce to the peaceful development of its resources. Moreover, there was a vague uneasiness in all classes of the nation as to the outcome of the economical re-adjustment which was to be effected by the transfer of the Church property to the Crown, and in this uneasiness lay all the possibilities of future discontent and even of revolution.

In the preparation of the present volume I have been fortunate in having the assistance of Mr Henry Paton, M.A., whose long co-operation with Professor Masson has made him specially familiar with the contents of the Register. I have also to express my great obligation to Professor Masson, who kindly read the proofs of the Introduction and gave me the benefit of his learning and experience.

P. HUME BROWN.

April, 1900.

REGISTER
OF THE
PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.



REGISTER

OF

THE PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.

Acta March
1625-January
1628.
Fol. 226, a.

Sederunt—Chancellor; Treasurer; Huntlie; Mairshall; Menteith; Holyrood House, 3rd July 1627.
Nithisdail; Murrey; Wyntoun; Linlithgow; Bishop of Rosse;
Bishop of Dumblane; Lord Gordoun; Lord Areskine;
Carnegie; Naper; Master of Jedburgh; Tracquair; Sir
Johne Scot.

The whilk day the missive letter underwrittin, signed be the Kings His Majesty desires the Council to give effect to his previous letters touching the provision of the ministry of Edinburgh and the order the parishioners are to observe. See ante, Vol. XV., by the Index. Majesty and direct unto the Lords of his Majesteis Privie Counsell, wes presentit unto the saids Lords and read in thair audience; of the whilk letter the tennour followes:—CHARLES R.—Right trustie and weilbelovit counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours we greete yow weill. Whairas by our uther letter sent unto yow we did signifie our pleasure tuiching the provisioun of the ministrie of Edinburgh and the ordour which we would have the people and parochiners observe resorting to thair parish churches according to the divisioun alreadie made, willing yow by act and authoritie of Counsell to warrant the proveist, bailleis and counsell of the toun in taxing thair inhabitants for the better interteanement of thair ministers excepting no persoun who had ordinarie residence within the toun and who with his familie wes served by the said ministers; so we ar now pleased that yow proceed according to the tennour of our first letters making [if so yow find it needfull] an exceptioun in your act of the noblemen, counsellours and uthers of our subjects, that have not residence ordinarlie in that our burgh, and that without further delay yow see this bussines effected in so farre as con-

venientlie and lawfullie can be done, giving to the toun an act for their better warrant as we desire it; and that your selves concurre effectuallie with thame to see that the said warrant be obeyed, whairin yow sall doe us acceptable pleasure, and so we bid yow fairweill. From our Court at Whitehall the 16 of May 1627. Whilk letter being read, heard and considerit be the saids Lords, thay ordained the Clerk of Counsell to acquaint some of the advocatts and writers thairwith, to the intent thay might have thair answeres thairto the nixt Counsell day.

Acta March
1625-January
1628.
Fol. 226, a.

John Gowdie
and his son,
James Gowdie,
to be tried for
the murder
of John
Halyday.

Commission under the signet to Douglas of Bonjedburgh, Riddell, apparent of that ilk, and William Ker, called of Ancrum, as justices, to try Johnne Gowdie in Broomehoussis of Rutherford, and James Gowdie, his son, who on the 15th "of May instant cruellie and unmercifullie slew umquhile Johnne Halyday in Smailholme," and were apprehended "with the bluidie hand" by Sir John Stewart of Tracquir, knight, and warded in the tolbooth of Jedburgh. Signed by the Chancellor, Hammiltoun, Huntlie, Mar, Menteith, Wintoun, and Melros.

Commissions,
1624-30.
Fol. 134, b.

Licence to John, Lord of Madertie, to go abroad for five years. Signed by Huntlie, Menteith, Wyntoun, Linlithgow, Melros, and Lauderdaill.

Fol. 138, b.

Report by
Sir Thomas
Hope as to the
widow of
Sir James
M'Donald.

The whilk day Mr Thomas Hoip, Advocat, reportit that he had considerit his Majesteis letter anent the relict of Sir James M'Coneill and declairit that quhair a persone is forfeyt, his relict can not clame a thrid in respect hir husband deit not last vest and seased; and as for hir conjunctfee landis, yf the same be laughfullie confermed be the superiour, the same will subsist in law. Quhairupoun ane letter wes ordanit to be writtin to his Majestie.

Sederunts,
1625-29.
Fol. 53, b.

Strathmartin
and the
taxation.

Ane letter frome his Majestie concerning Strictmartyne, and the taxatioun intromettit with be his depute. Ordanis the Thesaurar to informe him self how mutche of the taxatioun wherof Strictmartine had the collection restis unpaid.

College of
Justice.

A missive frome his Majestie anent the members of the Colledge of Justice for thair contributing to the payment of the ministeris stipendis.

Oatlands,
3rd July 1627.
In accordance
with the desire
of his father,
his Majesty
orders that
Elizabeth
Leslie and her
sons be re-
lieved from
horning on
account of their
religion, and
that their
escheats be
disponed to
them gratis.

CHARLES R.—Right trustie and weilbelovit counsellor, right trustie and weilbelovit cousins and counsellors and right trustie and weilbelovit counsellors, we greete yow weill. Two copies of letters under the hand of James Dowglas in favours of Elizabeth Leslie, Alexander and Robert Irwings, her sonnes, concerning thair religioun have bene showne unto us, the one being writtin by our late deere father to our Chancellor, Treasurer, President for the tyme, and to the Senatours of our Colledge of Justice, and the uther to the Bishop of Aberdeene, whom we have willed to deale for thair conversioun by all faire meanes, which persouns have bene humble suters unto us to caus dispense with thair hornings for maters of thair religioun and to have thair escheats disponed unto thame gratis,

Royal Letters
1625-32.
Fol. 111, a.

Royal Letters,
1623-32.
Fol. 111, a.

so as thay might have letters for thair relaxatioun from all hornings
whatsomever for maters of religioun. Though we ar exceedingle laith
to recommend anie persoun whatsoever after that maner, yitt the
intentiouns and desire of our said father have ever beene and ar so
powerfull with us as we can not but wish thame more favours then
uthers of thair religioun not having the lyke respect showne unto thame
by our said father, Thairfoir our pleasure is that you peruse both the
saisd copeis of our said fathers letters which we have sent you heerewith
and thairafter that yow grant unto thame all suche favour as wes thairby
intendit for thame. So we bid yow fairweill. From our Court at
Oatelands the 3 day of Julij 1627.

Acta March
1625-January
1628.
Fol. 226, b.

Sederunt.—Chancellor; Treasurer; Huntlie; Menteith; Murrey; Holyrood
House,
Linlithgow; Wyntoun; Perth; Roxburgh; Melros; Lauderdale; 5th July 1627.
daill; Bishop of Rosse; Lord Gordoun; Lord Areskine;
Melvill; Carnegie; Naper; Tracquir; Sir Johne Scot.

The whilk day in presence of the Lords of Secret Counsell compeerit
personallie Mr. Robert Learmonth, Mr. Andrew Aittoun, advocats,
David Andersoun, and Thomas M^cCawlay, writers, with some uthers
advocats and writers, and declairit that they and thair brethrein had
heard and considerit the tenour and substance of the letter abone-
writin anent the provisioun to be made for interteaneing of the Ministrie
of Edinburgh. And whairas the mater wes an overture whair of the
lyke wes never craved of nane of thair predecessours, members of the
Colledge of Justice, and tuiched thame verie neere in thair liberteis and
priviledges grantit to the said Colledge and ratified and allowed in
diverse Parliaments be his Majesteis predecessours of blessed and famous
memorie, thay thairfoir humblie desired that thay might have some
tyme and leasure grantit unto thame for giving of thair answeere to the
said letter. Quhilk desire being heard and considerit be the saisd Lords
and thay finding the same to be reasonable, thairfoir thay have con-
tinewit and be the tennour heerof continewis the answeere to the
advocats and writers to the said letter untill the doun sitting of the
nixt sessioun, of the whilk continuatioun the persouns present ar
wairnit apud acta.

Mr. Robert
Learmonth
and others,
writers and
advocates, re-
presenting the
College of
Justice, desire
delay for the
consideration
of his
Majesty's
letter regard-
ing the
provision for
the Edinburgh
ministers, on
the ground
that his
Majesty's
overture
affected the
privileges of
the said
College, and
that the like
had never been
craved before.
See ante, p. 2.

Commissions,
1624-30.
Fol. 138, a.

“To all and sindrie airchbisschopes, bisschopes, presbeteryes, and
Sessioun of Kirkes, proveist and baillies within brugh, and utheres his
Majesties guid subjectes within the sherifdomes of Banff, Elgen, Forres,
Nairne, Innernes, Cromertie, Caithnes and Sutherland, we the Lordis of
his Majesties Previe Counsall wischeth helth. Quhairas Johne Murray,
sone to Angus Murray, indueller in Fraserbrugh, being in serveice with
Cristiane Shwarten, citiner and skipper in Hamburrie, and in the moneth
of . . . passing throw the Straitis in his lafull tred and serveice, he
was takin and apprehendet be ane Turkish man of warre and caryet

John Murray,
a Scottish sea-
man, has been
seized by a
Turkish man-
of-war, and
carried to
Sallee in
Barbary; but
has been prom-
ised his
freedom on
payment of a
ransom of
2400 merks

Scots. The Council exhorts the lieges of the Northern counties to subscribe towards the payment of the ransom.

captive towards Sillie in Barbarie, quhair he hes bein detenit in misser-
 abill slaverie sensyne, working in a mylne, haveing onlie a small
 portioun of breid and watter gewin him daylie to leive upoun, and now
 in end he is ransoned to the sowme of two thousand iiij^c merkes Scottes
 money, quhilk gif it be not in schort tyme payed thair is no releiff to
 be expectet for the said Johne thaireftir, sua that his slavrie will be off
 continowance during terme of lyfytyme, and his misserie and truble
 wilbe redoubled. And seing the said Johne hes not of his awne quhair-
 with to pay his ransone, and of quhoise distres and calamitie ewerie
 guid Cristiane aucht to be sensible, we have thairfoir recommendet and
 be the tennour heirof recommendes the said Johne Murray to your
 favorabill consideratiounes; requeisting yow and ewerie on of yow to
 extend such portioun of your benevolence and cheretie for his relieff as
 you sall think expedient; and that yow the saides airchbisschopes and
 bisschopes gif directioun to the ministeres within your severall diocies
 that they admonische and steir up thair fokes to schaw and extend
 thair chirretie and benevolence in this so christiane, godlie and necessair
 ane earand and to delyver the same to the bearer heirof, Angus Murray,
 father to the said Johne Murray, quho is trustet with the collectioun off
 the same; in doing quhair of yow and ewerie on of yow will performe
 that dewtie which chirretie, pittie, and brotherlie compassioun in such a
 caise requyres; and we ordane thir presentes to stand in force until the
 first day off Appryll nixtocum. Gewin at Halyruidhous the fyfth day
 of Julij, the yeir of God j^uv^j^c tuentie sewin yeires. *Sic subscribitur.*
 Huntlie, Monteith, Wintoun, Linlithgow, Melros and Lauderdaill.”

Commissions,
1624-30.
Fol. 138 a.

Fol. 138, b.

Holyrood
House,

5th July 1627.

Commission to
Colin, Earl of
Seafield, and
others, to
convoke the
lieges to appre-
hend Allan
M^cLeod,
charged with
the murder of
Alexander
M^cJeane
V^cInnes
V^cAlester.

Commission under the Signet to Colene, Erl of Seafort, Sir Donald
 M^cDonald of Slait, knight, Johnne M^cCleud of Dunevegane, Johnne
 M^cDonald M^cAllane V^cEane of Illantyrum, Alexander M^cDonald of
 Skerines, Alexander M^cDonald of Illaray, Donald M^cAngus of Glen-
 garrie, Rorie M^cCleud, brother to the said Johnne M^cCleud, Ronald
 M^cAllane V^cEane of Castelvirie, and Ronald M^cAlester of Cammes, to
 convocate the lieges in arms and search for, apprehend and present
 before the Council in order that he may be delivered over to the Justice
 and his deutes for trial and punishment, Allane M^cCleud of Penny-
 quhome, who on 23rd October 1626 was denounced rebel at the
 instance of Marie M^cQueirie, the relict, Angus, Allester and Fingwall,
 the bairns, and the remanent kin and friends of the deceased Alexander
 M^cJeane V^cInnes V^cAlester, *alias* M^cDonald in Uluay, for not finding
 caution to underlie the law for murdering the said Alexander M^cJeane.
 —Signed by Huntlie, Menteith, Wintoun, Linlithqw, Melros and
 Lauderdaill.

Fol. 144, b.

Commission
granted to the
same persons
for the
apprehension
of Hector
M^cAllane to
stand his trial

Note of another Commission to the same persons and subscribed by
 the same Lords for the apprehension and production of Hector
 M^cAllane V^cEane Dwy V^cLayne in Kendlochallan, who on 24th October
 1626 was denounced rebel at the instance of Neill and Dougall
 M^cKilleisteris, sons to Ewin M^cEan V^cDougall, and John M^cEachin

Fol. 145, a.

Commissions,
1621-30.
Fol. 145, a.

V^cEan V^cDougall, alias M^cAllesteris, uncles and nearest kinsmen on the fathers side, and the remanent kin and friends of Johnne M^cDonald Chleive, *alias* M^cAllane in Hoaster in Wst, for his failing to find caution to stand his trial before the Justice and his deputes "for the cruell and unmercifull murthour and slaughter of the said umquhile Johnne M^cDonald Chleive, committit be the said Hectour M^cAllane." for the murder of John M^cDonald Chlieve.

Cautions,
1621-28.
Fol. 250, b.

Caution by John Johnstoun, indweller in Edinburgh, in 200 merks, that Andro Davidsoun, messenger, will appear before the Lords of Council on Tuesday next, 10th July, and answer to the informations given in to them against him by Mr. Walter Whitfurd, parson of Moffett; with clause of relief.—(Signed) Jo: Iohnestoun, A. Davidsoun. Edinburgh, 5th July 1627. Caution by John Johnstoun, Edinburgh, for Andrew Davidson, messenger.

Fol. 251, a.

Caution by Mr. William Oliphant of Kirkhill in 2000 merks that Andro Rowane of Barnhill will appear before the Lords of Council, or other of his Majesty's judges, and answer for the alleged murder of his wife.—(Signed) Mr. W. Oliphant. Edinburgh, 6th July 1627. Caution by William Oliphant of Kirkhill for Andrew Rowane of Barnhill.

Caution by Mr. David Stewart of Newtoun, and James Dunbar of Easter Alves, jointly and severally, in 200 merks, for each of the following persons: Lauchlan M^cIntoshe of Kellachie, William M^cIntosh of Tomattan, William M^cIntoshe of Holme, James M^cIntoshe of Kullodin, William M^cIntoshe Johnnsone, Donald M^cIntoshe in Beanchir, Johne M^cWilliam V^cPherquhair in Culclachie, Alexander M^cWilliam V^cConeill in Holme, and Johnne M^cIntoshe Johnnsone, that they will appear before the Lords of Council upon the first Council day of November next, and answer to the complaint against them by the provost, bailies, council and community of the burgh of Invernes, upon the commotion and trouble made by them in the said burgh on 14th September last, "being the Rude faire of the said burgh." The cautioners agree to relieve each other of the half of the risk of failure.—(Signed) David Stewart, James Dunbar. Edinburgh, 8th July 1627. Caution by David Stewart and James Dunbar for the appearance of Lauchlan M^cIntosh and others before the Council.

Royal Letters,
1623-32.
Fol. 109, b.

Most Sacred Sovereane, whairas your Majestie wes pleased upon the humble petition of the burgh of Invernesse to refer unto the Commissioners for the Greevances the tryall and redresse of the wrongis alledgit committit upon thame be the Erle of Murrey under colour of that commissioun granted be your Majestie unto him, and the mater being brought to a hearing, the Erle produced a letter under your Majesteis hand direct to the Lords of Sessioun dischairging thame to meddle with the commissioun foirsaid but if anie partie wer wronged thairby that thay sould have recourse to your Majesteis Privie Counsell or to anie having commissioun for that effect. Which letter being posteriour to that which your Majestie directit to the Commissioners for the Greevances, and we conceaving our awne doubtis as seeming to imply a rescinding of the former reference, and remembring that by the commissioun of the Greevanceis we ar dischargit to meddle with anie proper to that judica- Holyrood House, 8th July 1627. Petition of the Burgh of Invernesse to his Majesty regarding the wrongs done to the Burgh by the Earl of Murray.

torie, we have forborne to proceed in the bussinesse till we be cleered by your Majestie before whom the mater sall be tryed. Whairin attending your Majesteis resolutioun, we continew our earnest prayeris unto God for your Majesteis long and happie raigne. And we rest. From Halyrud-hous, the nynt day of Julij 1627. *Sic subscribitur.* Dupline, Marr, Nithisdaill, Melrose, Pa. B. of Rosse, Areskine, Carnegie, Naper.

Holyrood
House, 10th
July 1627.

Sederunt—Marr; Mairshall; Menteith; Wyntoun; Linlithgow; Melros; Lauderdaill; Bishop of Rosse; Melvill; Carnegie; Naper; Master of Jedburgh; Clerk of Register.

Acts March
1623-32
Fol. 110, a.
1625-January
; 1628.
Fol. 226, b.

Ordinance for the convention of the vassalls, fewars, and tacksmen of the teinds and pensioners of the lordships of Newbottle and Lindores, and the priory of Coldingham, for the payment of the taxes due by them to his Majesty.

Forsameekle as in the taxatioun grantit unto his Majestie be his Estaits in the moneth of October j^mvj^c twentie fyve yeeres his Majestie hes not nather can gett payment of that pairt of the taxatioun which is imposed and dew to be payit for the lordships of Newbottle, Lundores, and pryourie of Coldinghame, in regaird thair is not anie persons who can be formallie burthenned and chargit for the same. And, whairas it is no wayes reasonable that his Majestie sould be defraudit of his just taxatioun of the saids benefices, thairfoir and for the furtherance of his Majesteis payment thairof the Lords of Secreit Counsell ordanis letters to be direct at the instance of Sir James Bailzie of Lochend, knight, Collectour generall of the same taxatioun, charging the vassalls, fewars, tacksmen of teinds and pensioners of the saids benefices to conveene with the said Sir James or his lawfull procuratours in his name at the particular places designit in the Act of the same taxatioun; thay ar to say, the vassalls, fewars, tacksmen of teinds and pensioners of the lordship of Newbottle at the burgh of Edinburgh; the vassalls, fewars, tacksmen of teinds and pensioners of the lordship of Lundores at the burgh of Cowper in Fyffe, the vassalls, fewars, tacksmen of teinds and pensioners of the pryourie of Coldinghame at the toun of Haymouth, and that thay conveene to the effect abonewrittin at the particular dayes to be sett doun in the saids letters, and thair that thay all with ane consent or at the least so manie of thame as sall conveene with the said Collectour or his lawfull procuratour distribute the taxation imposit upoun everie one of the saids lordships to be payit be everie vassall, fewar, tacksmen of teinds and pensioner, according to the great or small quantitie of the free rent which everie ane of thame hath of thair lands, teinds and pensiouns, and to make, sett doun and subsryve ane taxt roll thairupoun, with certificatioun to anie of the saids persouns, vassalls, fewars, tacksmen of teinds or pensioners that compeeres not be thame-selves or thair lawfull procuratours at the dayes and places abone-specified to the effect foirsaid that suche as sall conveene with the said Collectour or his lawfull procuratours sall proceed in the equall distribution of the same taxatioun als weill amongst thame that ar absent as present; and sall make and subsryve ane authentick taxt roll thairupoun.

Fol. 227, a.

Acta March
1625-January
1628.
Fol. 227, a.

And incaise that nane of the saids vassalls, fewars, tacksmen of teinds and pensioners sall conveene at the dayes and places abonespecified to this effect by thameselves or thair lawfull procuratours, but sall wilfullie absent thameselves from the said meeting, it sall be lawfull for the said Collectour generall be himself or be his lawfull procuratours to make, sett down and subscriyve the same taxt roll; which taxt roll sall conteane the particular sowme that everie ane sall be found justlie to be addebted to pay, the pairteis name addebted to pay the same, and the caus whairfoir the same ought to be payit, and being so sett down, made and subscriyvit in maner abonewrittin and no utherwayes and delyverit to the clerk of the taxatioun, the Lords of Secreit Counsell ordanis him to give warrant for giving of letters of releefe thairupoun, charging the vassalls, fewars, tacksmen of teinds and pensioners of the saids benefices, ilk ane of thame respective for thair awne pairts, to mak payment to the said Collectour generall of the said taxatioun and to suche uthers as sall have warrant and power from him of that pairt and portioun of the said taxatioun which is imposed upoun thame conforme to the said stent roll within twentie dayes nixt after the charge under the paine of rebellioun, and putting of thame to the horne, and if thay failyie to denounce. Lykeas the saids Lords heereby declairs that the acquittances and discharges to be givin be the said Collectour or his deputts to the vassalls, fewars, tacksmen of teinds and uthers foirsaidis upoun payment of thair taxatioun sall be valide and sufficient to the pairteis ressavers and sall liberat thame thairof at the hands of all pairteis having entreis. For doing whairof the extract of these presents sall be unto the said clerk of the taxatioun and uthers whom it concerns a sufficient warrant.

Fol. 227, b.

Forsameekle as although be the law of nature and commoun custome of this kingdome parents hes in some kinde autoritie and jurisdiction over thair childrein during thair minoritie at the least in so farre as childrein hes not power be thameselves to enter in anie condition or bargain without the consent or allowance of thair parents, and it is a point verie farre against all good ordour, policie and governement that anie personis sall presume to corrupt youths or to interrupt the course of thair vertuous educatioun in learning and letters whairin thair parents hes great cair and bestowes great charges to traine thame up to the intent that if it sall please God to blesse thair labours thay may prove profitable instruments in the commoun weale. Notwithstanding whairof the Lords of Secreit Counsell ar informed that some of the captans who hes the charge of the leveis for the forraine warres now in hand be thameselves or be thair lieutenents, enseinzeis and officers under thame, hes of lait entered in dealing with some young boyes in the Colledge of Edinburgh and by thair alluring speeches hes corrupted the boyes and induced thame without the knowledge and allowance of thair parents or of the principall and regents of the Colledge who hes the charge

Ordnances
inhibiting
colonels, cap-
tains, and
other military
officers from
enlisting
students of the
universities for
foreign service
without the
knowledge of
their parents
or guardians.

of the educatioun of thame to inroll thameselves under thair charge and to ressave thair pay, and now thay make clame for thir youths as if thay wer thair lawfull souldiours, not spairing the bairns and oyes of counsellours and officiars of Estait and of uthers who hes publick charge and service in the estait, whilk hes bred suche a scandall upoun the said Colledge and suche ane generall feare throughout the kingdome that manie gentlemen of good qualitie hes tane thair bairns from the said Colledge and sent thame some to St. Andrewes, some to Glasgow, and some to Aberdeene, whair thay presume thair bairns will be trained up in suretie, and the presumptioun and insolence of these who would corrupt and induce thame to suche foolish courses will be withstood and resisted. For preventing of the whilk abuse so hurtfull and prejudiciall to the Commounweale and of so wicked and dangerous ane preparative, the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie colonells and captans, thair lieutenants, enseinzeis, serjants and officiars be opin proclamatioun at the mercat croce of Edinburgh and uthers places needfull that nane of thame presume nor take upoun hand at anie tyme heerafter to take on in roll, give pay or ressave in charge or service anie youths, schollers or students in anie of the colleges and schooles of this kingdome without the knowledge, consent and allowance of thair parents if thay anie have and failyeing thair of of thair tutours and curatours and of the principall regents or maisters of the colleges and schooles whair thay have thair exercise and studeis under the paine to be callit, persewit and puneist as contemners and violaters of the commandements of his Majesteis Counsell with all rigour and severitie.

Acta March
1625-January
1628.
Fol. 227, b.

Fol. 228, a.

Appearance of
Sir Donald
Gorme and
M^cLeod of
Harris before
the Council.
Sentence of
horning
against the
Captain of
Clanranald.

The quhilk day Sir Donald Gorme and M^cCleude of Hereis compeirit befor the Counsell, quho ar continewit till Tuysday that the rest of the Ilismen come in.

Sederunt,
1623-29.
Fol. 54, a.

The Lordis ordanis the letteris of horning whilk wer decernit aganis the Capitane of Clanranald in the July 1626 to be gevin oute and putt to executioun yf he rander not obedience betuix and the last of this instant.

Ordinance
regarding
John M^cKenzie,
Alexander
Baillie, and
James Cuthbert,
burgesses
of Inverness.

The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Mr. Johnne M^cKanyee, Alexander Baillie and James Cuthbert, burgessis of Invernes, for obedience of the Act quhairby thay wer oblist to that effect, and protestit that they had satisfeit the Act. The Lordis ordanis thame to find new cautiuon for thair compeirance upoun the first Counsell day of November.

Holyrood
House, 10th
July 1627.

Letter of the
Council to his
Majesty bearing
that the
relict of
Sir James

Most sacred Sovereigne, we received your Majesteis letter direct to us in favouris of the relict of umquhile Sir James M^cDonald, willing us to inquire and certifie your Majestie if by the custome of the cuntrey she hes right to a thrid of hir husbandis estate. For our better resolutioun quhairin haveing advisit with Mr. Thomas Hoip, your Majesteis Advocat, wee find that by the lawes and practise of this kingdome a

Royal Letters,
1623-32.
Fol. 102, b.

Fol. 103, a.

Royal Letters,
1623-32.
Fol. 103, a.

thrid is onlie due and can be craved onlie of these landis quhairin the husband dyed last vest and seased. In regaird quhair of and that the said Sir James, long before his decease, wes attainted of treasoun and his estate thairby come in your Majesteis handis, his relict is perpetuallie secludit and can haif no title nor ground in law quhairupoun to clayme a thrid. And tuitcheing hir conjunct fie landis quhair of sho alledgeis the evidentis ar lost, due infettment of that nature, if it had bene confirmed be the superiour, wald be valiable in law, and the recordis thair of fund extant in the Register, bot nothing wes produced for instructing of the same. This for ane accompt of our proceidingis; recommending the poor gentlewoman to your Majesteis princelie bountie and consideratioun, we continew our uncessant prayeris unto God for your Majesteis long and happie reigne. Halyrudhouse the tent of July 1627. *Sic subscribitur*, Mar, Menteith, Wyntoun, Linlithqw, Melros, Lauderdaill, Pa. B. of Ross, Carnegie, Naper, A. Carre, J. Hammiltoun.

M'Donald cannot in law claim a third of his estate by reason of his forfeiture, but recommending her to his Majesty's bounty.
See ante, p. 2.

Cautions,
1621-28.
Fol. 251, b.

Caution by James Cuthbert, burges of Inverness, and Alexander Baillie, also burges there, each for the other in £1000, that they will appear before the Lords of Council on the first Council day in November next, and answer to whatever the Earl of Murray may charge them with touching their reset of the Clan Chattan.—(Signed) James Cuthbert, burges of Inverness, Alexander Bailzie, burges of Inverness.

Edinburgh, 11th July 1627.
Caution by James Cuthbert and Alexander Baillie, burgeses of Inverness.
Caution for Mr. John M'Kenzie, archdeacon of Ross.

Caution by Kenneth M'Kenzie of Suddie in 3000 merks for Mr. M'Kenzie, archdean of Rose, his father, to the same effect.—(Signed) K. M'Kenzie.

Fol. 252, a.

Caution by Duncan Forbes, provost of Inverness, and James Cuthbert and Francis Bischope, burgeses there, in 500 merks each for Alexander Cuming, Francis Bischope, William Stevinsoun, William M'Connochie, William Cuthbert, James Cuming, Robert Neilsoun, William Tulloch, John Dow M'Allester, Robert Sinclair, William Robertsoun, James Robertsoun, William Patterson, elder, Donald Foulter, John Robertsoun, Lawrence, John Polsoun and John Marques, all burgeses of Inverness, to the same effect.—(Signed) D. Forbes, James Cuthbert, Frances Bischope.

Caution by Duncan Forbes, provost of Inverness, James Cuthbert, and Francis Bischope, burgeses there, for Alexander Cuming, and others, burgeses of Inverness.

Acta March
1625-January
1628.
Fol. 228, a.

Sederunt—Chancellor; Treasurer; Menteith; Nithsdail; Wyntoun; Linlithgow; Roxburgh; Melros; Lauderdaill; Bishop of Rosse; Melvill; Carnegie; Naper; Master of Jedburgh; Clerk of Register; Sir Johne Scot.

Holyrood House, 12th July 1627.

Forsameekle as the Kings Majestie remembring the manie injureis and indigniteis done to his Majestie his deere and onlie sister and her childrein, and his royall father of blessed memorie be the King of Spaine,¹ under collour of treateis and allyances, and the manie violences

Notification by his Majesty authorising his admirals, captains, and all his subjects who may choose to equip vessels

¹ The war of England with Spain, which had begun in the autumn of 1625, still continued.

for the purpose, to seize all foreign ships carrying munitions of war to the assistance of Spain.

offered be him and his subjects in hostile maner to his Majesteis subjects following thair course of merchandise at sea; and his Majestie being tyed by the bands of religioun, hounour, justice, and saulfetie to foirse all occasiouns whairby the unboundit course of the said King of Spaine his impietie and notour ambitioun aspyring to ane monarchie may be prevented and resisted and his resolutiouns to subvert and overthrow religioun, to dethrone his nighbour princes, and to reduce thair subjects to slaverie disappointit, his Majestie hes thairfoir beene drivin upoun ane unavoydable necessitie to take up armes against the said King for defence of himself, his dominiouns and subjects, and uthers princes and estaits, his confederats and allyaes. And his Majestie foreseing that whill the said King continueth in thir courses of hostilitie it agrees not with the rules of policie nor law of natiouns to permitt him or his subjects to be supplued and furneist with anie commoditeis whatsomever whairby they may be strenthenned and confortid in thair violent hostilitieis to the disturbance of the publick peace and tranquillitie of all his nighbours if in anie caise it may be prevented, and his Majestie understanding perfytelie that if he wer not furneist and supplued with victualls, munitioun and materialls for armes and shipping from forraine countreyes especiallie from the Hannes touns and merchants of the northerne countreyes who, preferring the desire of gaine to thair awne hazard and perrell and prejudice of thair nighbours, does hazard to supplee him, he would not be able to mainteane his unjust warres, and to prosecute the same with that continuance he intendeth, but would be disposed to live in peace, and his Majestie would the sooner forbear to continew his charges for mainteaning of his forces by sea and land for the just defence of himself and his dominiouns and of his confederats and allyaes, Thairfoir his Majestie, with advice of the Lords of his Privie Counsell, doeth by these presents notifie to all maner of persouns of all conditiouns that at anie tyme heerafter sall send or carie into Spayne, Portugall, Burgundie, or anie uther the said King of Spaine his countries or dominiouns anie ordinance, armes of whatsomever sort, powder, shott, matche, bruntstone, copper, yrne, cordag of anie kinde, hemp, saile, canves, and Danskeene poldaveis, cabills, ankers, masts, rifters, boat oares, halks, capraves, dail boord, clap boord, pype stalffis, vessells and vessell stuffe, pitche, tarr, roisett, ockam, corne, graine and victualls of all sorts, provisioun for shipping and anie munitioun of warre or provisioun for the same, that as it is lawfull for his Majestie, being ane monarch and prince soverane, and as uther kings in the lyke caices have always used to doe, he will not onlie authorize his awne admiralls and captans of his awne shippes of warre serving on the seas, but will allow and approve all uthers his Majesteis subjects to arme thair shippes and with thame to impesche and arreist all shippes that sall saile ather

Acta March
1625-January
1628.

Fol. 228, a.

Fol. 228, b.

out of the east parts, or out of the Low Countreis, or from any uther parts, with intention to pas to Spaine, Portugall, Burgundie, or anie uther the King of Spains countreis or dominions, or to anie of his shippes being on the seas having a boord anie of the commoditeis particularlie abonespecified or returning thence in the same voyage, having vented or disposed of the saids prohibite goods, and the same to bring in to the next good port thair to be ordoured as goods dewlie forfeyted to his Majesteis benefite whair his Majesteis awne shippes sall arreist the same, and to the benefite of suche uthers who not being under his Majesteis wages sall by thair travell and adventure stay and arreist suche shippes and prohibited goods whilks shippes and goods so to be taikin his Majestie will hold for lawfull pryssis and caus thame to be ordoured as dewlie forfeyted accordingle. Whairby his Majestie doeth putt in practise no innovatioun, seing the same course hes beene held and the same penalteis heeretofore inflicted by uthers states and princes upoun the lyke occasiouns and avowed and mainteaned by publict writtings; and his Majestie in a maner is inforced heerunto by proclamatiouns sett furth by the said King of Spaine and the Archidutches in which the same and greater severitie is profest against these that sall carie or have caried without limitatioun the lyke commoditeis in his Majesteis dominionis. And it is heereby provydit that all uthers besides the captans of his Majesteis awne shippes that sall be disposed to arme thair shippes for this purpos sall first notifie thair intent to the Lord High Admirall of this kingdom, making declaratioun of thair condition, of thair maner of shipping, of the furniture thair of, of the number of men requisite to serve thairin, with thair quantiteis of victuall and munitioun, and of all uther things requisite; quhilks being allowed be him, the awners and captans of the said shippes sall be bound in good sowmes of money to his Majesteis use for thameselves and as caus sall require to the said Lord Admirall with sufficient sureteis that thay sall doe thair best endeavoures without fraud for gaine or compositioun to arreist suche shippes having anie of the prohibite goods abonewritten in thame intendit to be caried to anie of the said King of Spaine his dominions, and to be lykewayes bound that with the said shippes no harme sall be wittinglie done to anie persons on the seas being in freindship with his Majestie and that sall not be privie to the careing of anie suche prohibite goods to anie of the King of Spaines dominions, or to anie of his shippes being on the seas. And in caice anie sall be found to committ anie suche offence whairby thair band sall be forfeytted the pairteis damnified sall be fullie recompenced for all thair losses and domages with the sowmes of money forefeytted and utherwayes as thair sall be caus, and the offenders also severelie punished according to thair offences by dew course of law; and that letters of publicatioun be direct heerupoun.

The whilk day in presence of the Lords of Secretit Counsell compeerit Declaration of

Sir Robert Gordon of Lochinvar, touching the prizes taken by him from the enemy [Spain] on this side of the equinoctial line.

personallie Sir Robert Gordoun of Lochinvar, knight,¹ and declairit that notwithstanding of the commissioun grantit and exped unto him this day for his furtherance and advancement in the Kings Majesteis service against the enemy he wes content of his awne consent that all the pryssis that sall be tane be him and be uthers having power and warrant from him on this syde of the Equinoctiall lyne sall be judged in no countrie but in this kingdome be the Admirall of this kingdome, and that he sall make payment to the Kings Majestie and the Admirall of the proportioun dew to thame out of the pryssis, and that this declaratioun and Act sall stand in force so long as his commissioun stands and ay and whill he give up the same to the saids Lords.

Acts March
1625-January
1628.
Fol. 229, a.

A meeting of Council appointed for the hearing of the report of the Justices of the Peace anent the prices of wool, oxen, cattle, and sheep, with a view to ascertain the causes of the dearth of these commodities.

Forsameekle as at ane meeting of the nobilitie, counsell and some commissioners for the barons and burrowes, in the moneth of Aprile 1626, it wes thought meete and expedient that the Justices of peace within the severall shirefdoms of the kingdome sould send in yeerlie to his Majesteis Counsell before the twentie day of August ane trew report in writt under thair hand what hes beene the ordinar pryce of wooll, oxin, cattell and sheepe of all sorts at the particular mercats within the bounds of thair office fra the beginning of May to the day of thair meeting at thair quarter sessioun upoun the first Tuisday of August yeerelie, to the intent that accordingleie ordour may be taine for publishing the rules of restraint or transport of these commoditeis. And whairas thair is ane extraordinary great dearth for the present of the said commoditeis throughout all the pairts of the kingdom, but specialle in the mercats of Edinburgh and uthers burrowes from whence the subjects ar commounlie furneist, whilks commoditeis ar rissin to a farre greater hight nor formerlie hes beene heard of in this kingdome, the Lords of Secreit Counsell for thair better informatioun anent the trew caussis of this exceeding great dearth hes appointit ane meeting of the Counsell to be heere at Halyrudhous upoun the xxix day of August nixt that thay may ressave the reports of the Justices of peace anent this mater and doe thairin accordingleie. And thairfoir ordanis letters to be direct to command and charge the conveeners and justices of peace within the shirefdomes of Edinburgh, Hadintoun, Bervick, Roxburgh, Selkirk, Peebles, Lanerk, Dumfreis, Linlithgow, Stirlin, Air, Renfrew, Fyffe, Perth, Forfar, Kincairdin and Abirdeene, who formerlie wer writtin to in this bussines

Fol. 229, b.

be opin proclamatioun, etc., to informe thameselves tymouslie and sufficientlie concerning the premissis and to send in thair reports in writt thairanent under thair hands to the saids Lords upoun the said xxix day of August nixt, as thay will testifie thair affectioun and good dispositioun to the Commounweale and benefite of the countrie, and will answer upoun the contrair at thair perrell.

¹ For the previous record of Sir Robert Gordon, see Index to Vol. XIV,

Commissions, 1624-30. Fol. 139, a.

“ Oure Sovereane Lord, with advyse and consent of his Majesteis Privie Counsaill of the kingdome of Scotland, ordanis a letter to be maid under the grite seale, makand mentioun that, quhairas at the humble sute of his Majesteis trustie and weilbeloved Sir Robert Gordoun of Lochinvar, knyght, his Majestie hes bene weil pleased formerlie to grant unto him a patent under the grite seale of Scotland for plantatioun of ane iseland now callit be the name of Charles Island beyound the Equinoctiall lyne, intendit and purposed for the propagatioun of the Christiane faith, for the service of his Majestie, for the enlargement of his Majesteis dominionis, and for his awne experyence and benefite, by his vertewous and honnorabill indeavouris, with certane prevelleges, prerogatives, and immunities, whilk out of his Majesteis bountie and frie graice he hath grantit and conferrit upoun him, for his encouragement, and for the cherisheing and fortherance of so goode a worke; And quhairas he is now in readynes to sett out for his foirsaid intendit voyage, and must of necessitie pas by the confynes and territoris of the enemyes of his Majesteis stait and dominionis, his Majestie thairfoir doeth by these presentis licence and gif full power and commissioun, approbatioun and allowance, to the said Sir Robert Gordoun, and to suche deputie and deputeis whiche he sall nominat and appoint, for whome he will ansuer, to tak in hand the said voyage, and utheris his undertakeris of the said Plantatioun, and adventuraris whosoevir, alsweill to offend and use oppin hostilitie aganis the King of Spayne, the Archidutches, thair subjectis and associattis, and the schippis going for thair releiff with ony of the commoditeis and goodis whilkis his Majestie hes prohibite and dischargit be ane speciall Act and Proclamatioun, bearing date at Newmercat the fourt day of Merche, 1626; or the subjectis of ony prince or potentat whosoevir that is or salbe at inmitie with his Majestie, dureing the necessitie of his voyagis and his going and comeing to and from his said Plantatioun, and to defend thameselffis by land and by sea for thair saulftie and passage, and to use and exerce all maner and kynd of hoistilitie aganis thame, alsweill by land as by sea, in thair harboryes, portis, townes, villagis, creikis, channellis, confynes and terrytoryes whersoever, as upoun quhatsoevir sea or seas, iselandis, or within harbouris upoun this syde or beyond the Equinoctiall lyne, whersoever the said Sir Robert Gordoun or his foirsaidis salhappin to arryve, or to be cast upoun by force of weather or for provisioun of his shippis, or ony other his necessarie affairis, and salhappin to encounter with the saidis enemyes, thair subjectis, associattis, and paitakeris; and in speciall with full power, charge, and command to searche, seik, invaid, and persew, and so mucche and so far aganis thame for his awne saulftie and for the offence of his Majesteis enemyes to do, performe, and accomlishe as he and his foirsaidis salbe able and of power to performe; wherunto his Majestie, with consent foirsaid, doeth fullie authorize, allow and approve the said Sir Robert

Holyrood House, 12th July 1627.

Commission, with Letters Patent, to Sir Robert Gordon of Lochinvar, granting him full powers of action against the King of Spain and his Majesty's other enemies and for whatever else may be necessary for the success of the said Sir Robert in his enterprise of planting a colony in Charles Island south of the Equinoctial line.

Gordoun, his deputie or deputeis, undertakeris and adventuraris with him, by this present power and commissioun to that effect speciallie and particularlie grantit and appoyntit be his Majestie. And, forasmuche as, for his better encouragement in his intentit Plantatioun, furtherance, assistance and saultie in his passage, and for avoiding the danger of his Majesteis enemyes, he sall have occasioun to use the help and assistance of diverse of his Majesteis subjectis who salbe willing thairunto, his Majestie doeth will and straitlie command all these whose company, assistance, or service the said Sir Robert or his foirsaidis sall thus have occasioun to use, to yeild all dewtie unto him, or thame authorized or to be authorized by or under him, or thame in his said interpryse or voyage, and to cary thameselfis alsua eache to utheris in all goode ordour and quyetnes for avoyding of ony occasioun that may breed quarrell, dissentioun, innmetie, or disordour amongis thame, to the hinderance of his Majesteis service aganis his Majesteis enemyes, and the goode succes that is to be hoiped for through Godis favour in this honnourabill interpryse; and heirof doeth straitlie charge all and every of his Majesteis subjectis to tak notice and the samyne to observe, upoun pane of suche punishement to be inflictit upoun thame and every of thame offending contrair the tennour heirof as the said Sir Robert sall sie cause, and according to the nature and qualitie of the offence; and, gif ony persone or personis being in the said Sir Robert his preper company sall offend in ony cryme capital or punisheabill by lyffe or member, with power to the said Sir Robert to caus execute justice upoun every suche persone or personis so offending, by death or utherwayes, as the nature and qualitie of the cryme sall deserve. And, inregaird the said Sir Robert, and suche of his Majesteis loveing subjectis as sall assist and be employed or be undertakeris or may beare adventure with the said Sir Robert, ar to have considerationis for thair service, and ar to be putt to a griter charge and expense to mak thameselfis more fortifeit and strong to avoyde the hinderanceis and impedymendis that suche enemyes may mak aganis thame, his Majestie is graciouslie pleased, and doeth heirby declair, that his Majestie doeth and will ratifie and allow, with advyse and consent foirsaid, to him and thame in suche maner and proportionis as he sall think fitt and aggrie unto, the distributioun, interest and disposeing oi all schairis and portionis of pryssis and goodis quahatsomevir quhilk salbe takin and intronettit with be him, his deputie or deputeis, officieris, ministeris and utheris that sall assist, undertak or serve under him in thair voyagis, ather from the King of Spayne, the Archidutches, or any utheris his Majesteis enemyes quahatsomevir, or releivaris of thame, and any of the prohibite goodis specifeit and contenit in the Act and Proclamatioun; and his Majestie doeth heirby licence and authorize him and thame to tak all suche pryzes, and the samyne goodes and pryzes to be holdin and injoyed be the said Sir Robert Gordoun, his undertakaris and adven-

Commissions,
1624-30.
Fol. 139, b.

Fol. 140, a.

Commissions,
1624-30.
Fol. 140, a.

turaris and suche as salbe authorized be him or thame; provyding alwayes, lykeas it is heirby specially provydit, that the said Sir Robert and his foirsaidis sall pay unto his Majestie and his successouris the dewtyes accustomed to be payed unto thame out of all suche schippis and goodis that the saidis Sir Robert and his foirsaidis salhappin to tak, and whiche salhappin to be adjudged lawfull pryse, and that according to the custome of suche of his Majesteis kingdomes and dominionis wher the same salbe so adjudged. And his Majestie doeth also further straitlie charge and command all and singular his officieris, ministeris, and subjectis whosoevir, to be aiding, assisting and furthering unto the said Sir Robert and his foirsaidis in this his Hienes service by vertew of this present commissioun, alsweill by sea as by land, in any thing that he or thay sall require at pryceis reasonable, and heirof nocht to fail, as thay and every one of thame will ansuer upoun the contrarie at thair uttermost perrell. And lykewyse his Majestie doeth heirby straitlie discharge and forbid all and singular our admirallis, vice-admirallis, deputteis, ministeris and officieris of our lawis, by sea or by land, to trouble, imped, hinder, molest, presse or arreist the said Sir Robert Gordoun, his schippis, servandis, undertakeris and adventuraris with him, as thay will ansuer [upoun] the contrarie at thair perrell. And these his Majesteis letteris patentis and commissioun, or the duplicat thair of, salbe alsweill to the said Sir Robert Gordoun and unto every of his Hienes subjectis ane sufficient warrand and discharge in this behalff. And, forder, it is his Majesteis gracious wiil and pleasour that this his power and commissioun salbe nowayes haldin to derogate, diminishe, or prejudge any other formar liberteis, immuniteis or prerogatives grantit be his Majestie of befoir to the said Sir Robert Gordoun, by his Majesteis letteris patentis under his grite seale of Scotland for him and his undertakeris in the said Plantatioun, bot to amplifie, enlarg, augment and corroberat the same, and to be interpret in the most favourable maner for the said Sir Robert his advantage, weill and utilitie. And, last, his Majestie doeth speciallie appoynt and ordane this his present commissioun to be exped and past under the grite seale of this his kingdome of Scotland, without passing any other seale or seales or register; for doing quhair of these presentis salbe a sufficient warrand bothe to the kepar of the said grite seale and wreitter thairto, and forder to be exped and signed without ony fyne or composition to be payed thairfoir; whairanent these presentis salbe a sufficient warrand.—Givin at Halyruidhouse the xij day of Julij, and of his Majesteis regnne the thrid yeir, 1627. *Sic subscribitur*, Geo. Cancell^r, Menteith, Wintoun, Linlithqw, Melros, Lauderdaill, Melvill, Carnegy, Pa. B. of Rose, Hamiltoun.”

Fol. 140, b.

Fol. 141, b.

“ Ane uther commissioun of the tennour and substance of tuo commissiounis immediatlie preceeding [*i.e.*, the Letters of Marque granted to John Daw and David Bald on the 19th of the same month], grantit to

Holyrood
House, 12th
July 1627.
Letters of
Marque

granted to David Robert-
son, captain of
"The Graice
of Dysert."

David Robertson, capitane of the schip callit *The Graice of Dysert*, bearing dait at Halyruidhous the tuelff day of July 1627, and subscriyvit be the Chancellor, the Erllis of Menteith, Wintoun, Linlithqw, Roxburcht, Melros, Lauderdaill, Pa. B. of Rose, Melvill, Carnegy."¹

Commissions.
1624-30.
Fol. 141, b.

Edinburgh,
12th July 1627.
Caution for
Patrick
Edmonstone.

Caution by David Balfour of Drumtennent in 500 merks that Patrick Edmestoun of Wolmet will not hereafter wear hagbuts or pistols; with clause of relief.—(Signed) Patrik Edmondstoun, Dawid Balfowre.

Cautions,
1621-23.
Fol. 252, a.

Edinburgh,
13th July 1627.
Caution by
David Lundie
of Newhall
for Thomas
Fortune.

Caution by David Lundie of Newhall in 200 merks that Thomas Fortoun, his servant, will appear before the Lords of Council, whenever charged, and answer to the complaint against him by Captain Shaw, and Harie Shaw, "his ensenzie," for hurting and wounding the latter.—(Signed) D. Lundin of Neuhall.

Fol. 252, b.

Edinburgh,
14th July 1627.
Caution by
Andrew Ker of
Collilaw for
Francis
Wilkieson,
burgess of
Lauder.

Caution by Andro Ker of Collilaw in 500 merks that George Walker, burgess of Lauder, will not molest Francis Wilkiesone, burgess of Lauder, Alexander and James Wilkiesone, his brothers, Alexander, John, Ephrame and James Wilkiesone, his sons, nor their families, tenants, etc.; with clause of relief.—(Signed) Geo. Walker; A. Ker.

Holyrood
House,
17th July 1627.

Scderunt—Chancellor; Treasurer; Mairshall; Menteith; Mortoun; Wyntoun; Linlithgow; Roxburgh; Melros; Lauderdaill; Carnegie; Naper; Sir Johne Scot.

Acta March
1625-January
1628.
Fol. 229, b.

Ordinance
commanding
Charles
Dickieson,
sinker of his
Majesty's
irons, to make
a seal, with
prescribed
devices, for
the office of
Admiralty.

The Lords of Secreit Counsell, according to ane warrant and directioun in writt signed be the Kings Majestie and this day presented unto thame, ordanis and commands Charles Dickieson, sinkar of his Majesteis yrnis, to make, graive and sinke ane seale for the office of admiraltie of this kindome to be the proper seale of the said office during the minoritie of James, Duke of Lennox, heretable proprietar of the said office allanerlie; the said seale having ane shippè with all her ornaments and appertinents and the mayne saile onelie displayed, and the whole armes of Alexander, Erle of Linlithgow, present Admirall of the said kindome, with ane Erles crowne thairupoun, and upoun the mayne top flag ane lyoun representing the armes of Scotland, and upoun the foir top flag Sanct Andrewes Croce, and upoun the streamers thrissells along, and upoun the head a sitting lyoun crowned careing St. Andrewes Croce, and upoun the sterne ane sitting unicorne careing lykewayes St. Andrewes Croce, and that the said seale have this circumscription—SIGILLUM ALEXANDRI COMITIS DE LINLITHGOW, DOMINI LIVINGSTOUN ET CALLENDAR, MAGNI ADMIRALLI REGNI SCOTLÆ. Anent the making, graving and sinking of the whilk seale the extract of this act sall be unto the said Charles ane warrand. Followes his Majesteis missive for warrand of the

¹ Charles was at this time carrying on a naval war both with Spain and France.

Acts March
1625-January
1628.
Fol. 229, b.

act abovewrittin:—CHARLES R.—Right trustie and weilbelovit counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, wee greete yow weill. Being humblie desired by our Admirall of that our kingdome for the tyme that ane seale might be made for the office of admiraltie, and we in our judgement thinking it fitt to be done and everie way proper for that office according to the custome of this our kingdome, our pleasure is (if yow have not ane special reasoun to the contrarie) that yow warrant our said Admirall to caus make suche a seale as sall be most fitt for that purpose to belong in all tyme comming to the said Admiraltie. So wee bid yow fairweill. From our Court at Oatlands the thrid day of Julie 1627.

Fol. 230, a.

The Lords of Secreit Counsell having heard the complaints persewit Charge to Francis Cockburn of Temple and to his brother, William Cockburn, to abstain from intruding themselves on the House of Temple, which is to remain in the possession of James Currie until it be decided by law to whom the said House appertains.
hinc inde betuixt Francis Cockburne of Tempill on the ane pairt and Mr William Cockburne, his brother, on the uther pairt, anent the violent surprysing and taking of the hous of Temple and anent some points of oppressioun alledgit committit be either of thame against uthers and at lenth specified and conteaned in thair mutuall complaints, and remembring how that upoun occasioun thairof and of the trouble that wes lyke thairupoun to follow to the breake of the peace, the said hous of Temple with the laich biggings thairof wes by warrant and directioun from the saids Lords taine from both the saids pairteis and putt in the possessioun and keeping of James Currie, pursevant, till it wer decydit be ordour of law to whom the same apperteaned. And whairas some paines and travells hes beene taine for sattling of the differenceis betuixt the saids pairteis whilks notwithstanding can not be satled, and seing the right of the said hous of Temple is yitt questionable betuixt the saids pairteis and not decydit, Thairfoir the saids Lords according to the directioun formerlie givin be thame in this mater ordanis the said hous and towre of Temple with the laich biggings thairof still to remaine in the possessioun of the said James Currie, commanding him to possesse himself thairwith and to keepe the same according to the directioun and warrant formerlie givin to him thairanent. And the saids Lords commands and charges the said Francis and Mr William Cockburnes that thay nor nane in thair names presooome nor take upoun hand to intrude thameselfes in the saids houssis till it be decydit be ordour of law to whom the same apperteanes, as thay will answeere upoun the contrarie at thair perrell; and ordaines the saids pairteis to find law souertie to uthers *hinc inde* actit in the Bookes of Secreit Counsell either of thame under the paine of ane thowsand merkes, and that letters be direct heerupoun if neid beis in forme as effeirs.

Forsameekle as the Lords of Secreit Counsell ar informed that thir Letters to be addressed to] the fishers and buyers of herring at Dunbar, inhibiting them from
diverse yeeres bygaine thair hes beene verie great disordour and confusioun amongs the fishars and cowppers of herring the tyme of the herring drave of Dumbar, and diverse insolenceis hes beene committit

buying and selling before they have given in the names of the skipper and of the owner of the boat and have made payment of his Majesty's assize.

be thame als weil amongs thameselfes as upoun his Majesteis subjects that comes to attend and await upoun the fishing not onlie be cutting, shaiking and stealing of thair nighbours netts, barupis and bowes under silence of night and stealing of the fishes being within the same and be the persute and invasioun ane of another to the great disturbance and trouble of the haille flott; bot with that ane number of thir fishers and cowppers especiallie these of the north coast doeth carie away the herring taine be thame to the north coast without payment of assyse or teind expresse aganis his Majesteis lawes and Acts of Parliament, be the whilkis it is ordainit that all the slayers of herring and whyte fish sould bring the same to the nixt adjacent burrowes to the effect his Majesteis lieges might be first served and the rest salted and barrellit be the free burgessis. Whairthrow not onlie is his Majestie defraudit of his assyse rent and custome and his Majesteis subjects frustrat of the benefite of the sea appointit be God for thair nourishment but the burgessis and free men of burrowes ar disappointit of thair trafficque and commoditie; and if this abuse and misordour be sufferit to be of continewance manie inconvenients will fall out to the hurt of the commoun weale. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct to command, charge and inhibite all and sindrie fishers and cowppers of herring attending the herring drave and fishing at Dumbar be opin proclamatioun at the mercat croce of Dumbar and at the peir and shoir thair of and be opin proclamatioun at the mercat croces of Mussilburgh, Carrail, Anstruther, Pittinweeme and uthers plaices needfull that nane of thame presoom nor take upoun hand to weitt thair netts or buy anie herring till first they come to the Admirall his deputs or clerk resident at Dumbar for the tyme and give up unto him the name of the skippar and awner of thair boat and that thay act thameselfes to keep good ordour the tyme of the fishing and that thay sall make payment of his Majesteis assyse, the teinds, and uther dewteis payable be thame under the paine of twentie pundis to be payit be the awner of the boate if he be present and if he be absent be the skippar by and attour the reparatioun of all wrongs to be done be thame to anie of his Majesteis subjects whatsomever; certifeing thame that failyeis and sall doe in the contrair heerof that thay sall be decernit to have incurrit and to incurre the said paine and executioun sall pas aganis thame both for payment of the said sowme and reparatioun of the pairteis harmed in forme as effeirs. For the whilk act sua to be made be thame in the Clerks bookes as said is thay sall onlie be haldin to pay the clerk aucht penneis money for his paines; and if the clerk sall exceed the said sowme and sall exact anie forder payment or fee for his act nor aucht penneis it is heereby declarit that he sall incurre the sowme of ten pundis for everie failyie to be committit be him in exacting of forder payment and fie for his act nor aucht penneis, and executioun sall pas against him for payment thair of in forme as effeirs.

Acta March
1625-January
1628.
Fol. 230, a.

Fol. 230, b.

Sederunts,
1625-29.
Fol. 54, b.

The whilk day compeirit personalie Sir Donald Gorme of Slaitt, Johnne M^cCleud of Hereis, Hector M^cClane, appeirand of Dowart, and Lauchlane M^cClayne, his brother, Johnne M^cCleud of Hereis; and the said Hector M^cClayne declairit that he wald ansuer for Lauchlane M^cClane, his uncle.

17th July 1627.
Appearance of
Sir Donald
Gorme of
Sleat and
others before
the Council.

The quhilk day M^cClayne undertooke to caus his uncle Allane M^cClayne, Neill M^cRorie, Capitane of Arrois, and Mr. Martine M^cIlwra, gif satisfioun to Robert Hamiltoun, Johnne Sheillis, and Walter Stirling, burgesses of Glasgu, for the goodis reft fra thame be the Clan Eane, quhairunto the personis foirsaidis wer accessorye; and failyeeing thairof that he sall exhibite the saidis three personis befor the Counsell upoun the first Counsell day of November.

See ante, p. 8.
Allan MacLean
and others to
give satisfac-
tion to Robert
Hamilton and
others.

Fol. 55, a.

The quhilk day Johnne Nicoll compeirit for the Laird of Coill quho declairit that Coill wald be heir upon Thurisday nixt.

The Laird of
Coill.

The Laird of Lochbuy absent and compeirit not. Decernis aganis his caution, and continewis the outgeving of the decreit till the last Counsell day of this moneth.

The Laird of
Lochbuy.

The quhilk day the Earle of Menteth undertooke that the Laird of Buquhannane, younger, M^cFarlane, eldair and younger, and Malcolmne of Gartavertane, his tua sones, sall compeir befor the Counsell upoun the 26 of this instant.

The Earl of
Menteith and
the Laird of
Buchanan.

Royal Letters,
1623-32.
Fol. 111, b.

CHARLES R.—Right trustie and weilbelovit counsellour, right trustie and weilbelovit cousins and counsellers, and right trustie and weilbelovit counsellers; we greete yow weill.—Whairas divers overtures have bene showin unto us in the name of Mr. Walter Whytefurde, person of Moffat, for settling of good orders in the Middle shires, and we being cairfull to have thame established, have thought it expedient to referre thame to your consideratioun, as purposes which (as we ar informed) may muche import the good of these pairts. Thairfoir our pleasure is that yow caus call before yow the said Mr. Walter, and after yow have seriouslie considerit the said overtures to be propouned by him unto yow and how farre thay or anie of thame may be expedient to be established in these pairts, that thairafter yow take suche a speedie course for putting thame in executioun as yow sall thinke most fitt and agreeable with the lawes of that kingdome and the custome observed in the lyke caces, which we recommend unto your care and bid yow fairweill. From our Court at Theobalds the seventeene day of July 1627.

Theobalds,
17th July 1627.
Letter from his
Majesty desir-
ing the Council
to call before
them Mr.
Walter White-
ford, parson of
Moffat, for the
consideration
of overtures
made by him
for the settling
of good order
in the Middle
Shires.

Chancellor; Treasurer; Mairshaell; Menteth; Mortoun; Wyntoun; Holyrood House, 19th July 1627.
Lynlythqu; Roxburgh; Melros; Lauderdaill; Melvill; Car-
negy; Naper; Master of Jedburgh; Sir Johnne Scott.

Ane missive frome his Majestie in favouris of Elizabeth Leslie and hir childrene, quhairof the Bishop of Abirdene is ordanit to be adverteist be a missive and his opinioun craved thairanent.

Letter from
his Majesty in
favour of
Elizabeth
Leslie and her
children.
See ante, p. 2.

Sederunts,
1625-29.
Fol. 55, a.

Day appointed for the inventorying of his Majesty's household-stuff. The Lordis appoint the 30 of August for sighting and inventaring of his Majesteis houshold stuff quhair of Johnne Auchmoutie hes the charge, and that the Lord Previe Seale and Clerk of Register be writtin too, to keepe that dyet.

Mr MacKinnon, minister, and the parson of Slaitt undertake to give in the names of all Papists in the Isles. The quhilk day Mr. MacKynnoun, minister, and persone of Slaitt, gaif thair grite and solemne oathe to his Majesteis Counsell that thay sall treulie, according to thair knoulege, gif up to the Clerk of Counsell the names of all the Papistis whome thay knowe within the Ilis.

Laird of Coll. The Laird of Coill his compeirance continewed till Twisday.

Letters of Marque to John Daw, captain of "The Consort of Crail." Signature for Letters of Marque to be granted under the great seal to Johnne Daw, captaine of the ship called *The Consort of Carraill*, in similar terms to that printed *ante*, vol. xv., p 283. Signed by the Chancellor, Mar, Menteith, Wintoun, Linlithqw, Melros, Lauderdaill, and Carnegie.

Letters of Marque to David Bauld. "Ane uther commissioun of the tennour, substance, dait, and under the subscriptionis abonewreittin grantit to David Bauld, capitane of the schip callit *The Hoipweill of Carraill*." Fol. 141, b.

Commission to the Provost and Bailies of Montrose to try Isabel Tod for the murder of her illegitimate child. Commission under the Signet to the provost and bailies of Montrois, as justices to try Isobell Tod, servitrix to July instant, "most cruellie and unnaturallie murdrest and slew hir awne barne procreat in fornicatioun, quhilk scho thairefter buried in the Linkis of Tyok." She has accordingly been apprehended and incarcerated in the tolbooth of Montrois.—Signed by the Chancellor, Menteith, Wintoun, Melros, Pa. B. of Rose, and Carnegie. Fol. 142, a.

Edinburgh, 19th July 1627. Caution by David Pitcairne, fiar of that Ilk, in 500 merks for Robert Leslie, that neither he, nor any having charge under him, will transport Edward Clerk, son of the Laird of Balbirnie, forth of this kingdom; and that if the said Edward come into the company of the said Captain before his departure from the country, that then he will exhibit him before the Lords of Council for trial "whose man he is," and also that the said Captain will appear before their Lordships on 24th July instapt to underlie their order anent this matter.—[Signed] D. Pitcairne, fiar of y^t Ilk. Cautions, 1621-28. Fol. 253, a.

Holyrood House, 19th July 1627. The Council prays the Lord Admiral of England to cause the restoration to Gilbert Weddell of his ship "The Mary," which had been taken by a ship off Dunkirk, but had been recovered by his Majesty's After our verie heartilie commendatiouns to your good lordship. Whairas a shippe of Leith callit *The Marie*, whair of Gilbert Weddell [wes maister?] being in the moneth of December 1625 yeeres fraughted to Calace laidnit with wheate, and having safelie arryved in the raid thair of, she wes unexpectedlie boordit and tane be a Dunkirker and the shippe and goods made lawfull pryze as by a certificat from the Magistrats of the burgh of Edinburgh may appeare. And now upoun informatioun made to the said Gilbert that his shippe wes thairafter sauld to a Frenche man in Deepe and hath beene since happielie recoverit by his Majesteis shippes and brought in to Plynmouth, he hes thairupoun tane purpose to repair to your lordships to make clame for his shippe and to crave delyverie of the same, and he hes petitioned us that we Royal Letters, 1623-32. Fol. 111, a.

Royal Letters,
1623-32.
Fol. 111, a.

would accompanie him with a letter to your lordships in his favour; ships and brought into Plymouth.
which in a mater of this kynd so muche importing the honest poore man whose cheefe estait consisted in the outred and returne which he made by his shippe, we could not weill refuse. And thairfore we will earnestlie intreate your good lordships that your lordships may be pleased out of the honourable regard to the merite of the caus to further the said petitioner toward the recoverie of his shippe, and accordinglie to give ordour and direction to these whom it concernis that delyverie may be made thair of to him with all convenient diligence. In doing whair of your lordships sall oblige us in occurrents of the lyke kynde to a thankefull and readie meeting. And sua, etc. Halyrudhous, 19 Julij, 1627. *Sic subscribitur*, Geo. Cancell, Marr, Mairshall, Menteith, Mortoun, Wintoun, Linlithgow, Roxburgh, Melrose, Lauderdaill, Carnegie, Naper, A. Carre.¹

Cautions,
1623-32.
Fol. 253, a.

Cautions by George Cunynghame, goldsmith, burgess of the Cannogait, Edinburgh, 20th July 1627.
that John Daw, captain of the ship called *The Consort of Carrail*, will Cautions by George Cunynghame for John Daw, captain of "The Consort of Crail."
make a lawful use of the letters of marque granted to him, dated 19th July instant, viz. for the pursuit of the common enemy, and not against his Majesty's friends and allies unless they be found carrying supplies to the enemy; that he will account in Exchequer for his prizes, and pay to his Majesty, and the Lord Admiral and his deputes, such proportions thereof as are legally due; and that if the Council discharge the Commission he will forthwith desist from prosecuting it; all under such penalties as the Council may impose. [Vol. xv., p. 295.] With clause of relief by Alexander Cunynghame of Barnis.—(Signed) George Cunynghame, A. Cuninghame.

Fol. 254, a.

Cautions by Andro Daw, bailie of Carrail, for David Bauld, captain of the ship called *The Hoipveill of Carrail*, whose commission is dated 19th July instant, to the same effect as above. With clause of relief. (Signed) Andrew Daw, David Bavld.

Cautions by Andrew Daw for David Bauld.

Fol. 254, b.

Mr. Thomas Akinheid, advocate, as procurator for the cautioner, registers a bond of caution by James Naismyth of Inver, that James Naismith in Tullicro, will not molest Alexander Menzeis in Bellythomas and William Menzeis, his eldest lawful son, nor their families, tenants, etc., under the penalty of 500 merks in either case. The bond is dated at Dunkeld, 14th May 1627, witnesses, Alexander Menzeis of Carse, and Thomas M^cNab and John Kill, messengers in Dunkeld.

Cautions by James Naismyth of Inver for James Naismyth.

Sederunts,
1625-29.
Fol. 55, b.

Chancellor; Menteith; Nithisdail; Wyntoun; Roxburgh; Melros; Lauderdaill; Bishop of Ros; Carnegie; Naper. Holyrood House, 24th July 1627.

The Lordis prorogatis Duncane Steuartis warrand till Thurisday come aught dayis.

Duncan Stewart. Edinburgh, 24th July 1627.
Cautions by Adam Bellenden and his son, George Bellenden.

Cautions,
1621-28.
Fol. 255, a.

Cautions by Adame Ballenden of Steanehouse and George Bellenden, his son, each for the other, in 500 merks, not to molest William Luitit in Begiswall, nor his household.

Caution for
Alaster
MacEane
Abrigh of
Glencoe.

Caution by Duncan Stewart of Appin in £1000 that he will not molest Alester M'Eane Abrigh of Glenco, nor his family, tenants etc.; and in the same amount that before the first Council day of November next he will produce to the Lords of Council a bond of caution to the above effect subscribed by Campbell of Lochinyell.

Cautions,
1621-28.
Fol. 255, a.

Caution for
Duncan
Stewart of
Appin.

Reciprocal caution by Alester M'Eane Abrigh of Glenco in £1000 for the indemnity of Duncan Stewart of Appin, and his family, etc.

Edinburgh,
25th July 1627.
Caution for
George
Thomson.

Caution by Mr. William Murray in Ardowny in 500 merks that George Thomesone, Writer to the Signet, will not molest James Mershell, messenger, nor his household; with clause of relief. (Signed) Mr. Wm. Murray, Geo. Thomesone.

Fol. 255, b.

Holyrood
House, 25th
July 1627.
Order to the
Provost and
Baillies of
Dumfries that
they commit to
ward in their
gaol Barnard
Pauline, who
has lately
become insane,
and is at
present in
the keeping of
Robert Cairns,
whose whole
onset of
houses he has
burned.

After our verrie hairtlic commendationis. Understanding that one Barnard Pauline, sometyme in Dundrennane, is of lait become frantique and in his mad humour hes brunt ane whole onsett of houses perteneing to Robert Cairnis of Tor, who apprehendit him after the deid doing and hes him in his keeping, and quhairas this gentlemanis house is no lawfull prisone for keeping of ony personis, we have thairfoir ordanit him to bring him to your jayle of Drumfreis, thair to be keipit till it sall pleis God to restoir him to his healthe, and that ordour be tane with him as apperteynis. And for this effect these ar to requeist and desyre you to ressave the said Barnard fra the said Robert Cairnis and committ him to ward in your jayle, using him quhen he is possest with his frensie as one of that humour aucht to be, to witt, that he be bundin and sua withhaldin frome doing of skaith. And gif he have not of his awne to interteny him ordour salbe tane for his intertenyment at the rait of fyve shillingis in the day, whilk salbe payed be his Majesteis Thesaurair. And so committing yow to the protection of God, we rest. Frome Halyrudhouse the xxv day of Julij, 1627. *Sic subscribitur*, Geo. Cancell., Mar, Monteith, Mortoun, Nithisdail, Wintoun, Roxburgh, Melros, Patrik, B. of Ros.

Royal Letters,
1623-32.
Fol. 103, a.

Holyrood
House, 26th
July 1627.

Sederunt—Chancellor; Treasurer; Menteith; Mortoun; Nithisdail; Wyntoun; Linlithgow; Wigtoun; Roxburgh; Melros; Lauderdaill; Melvill; Carnegie; Naper; Bishop of Rosse; Master of Jedburgh; Privy Seal.

Acta March
1625-January
1628.
Fol. 230, b.

Sir James
Baillie of
Lochend, in
accordance
with the desire
of the Council,
undertakes to
furnish his
Majesty's
three ships for
fifteen days, at
the expiry of
which period
the Council
expects his

The whilk day Sir James Bailzie of Lochend, knight, Collectour of the Taxatioun grantit to his Majestie in the moneth of October j^m vj^c xxv yeeres, compeerand personallie before the Lords of his Majesteis Privie Counsell and it being propouned and shawin unto him that the saids Lords had writtin unto the Kings Majestie anent the questioun and difference betuixt William, Erle Mairshall, and Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome, anent his Majesteis three shippes and who sould have the charge and commandement of thame and that they expectit his Majesteis answeere within fyftein dayes,

Fol. 231, a.

Acts March
1625-January
1628.
Fol. 230, b.

and that in the meane tyme thair wes a necessitie that the saids shippes sould be interteaned, the said Sir James for testifeing his humble dispositioun to his Majesteis service anent the desire of the saids Lords undertooke to furnishe the saids three shippes for fyftein dayes after the dait heerof.¹

Majesty's
decision
regarding
them.

Commissions.
1624-30.
Fol. 141, b.

Ane other commissioun of the tennour and substance of the thrie commissionis immediatlie preceeding [i.e. that to David Robertson, on 12th July, *ante* p 15, and those to John Daw and David Bald, on 19th July, *ante* p 20,] grantit to James Bynning, capitane of the schip of St. Monnans callit *The Gift of God*, bearing dait the xxvj of Julij 1627. *Sic subscribitur*, Chancellor, Menteith, Nithisdail, Wintoun, Roxburgh, Melrois, Lauderdaill, and Carnegie.

Letter of
Marque to
David Robert-
son.

Fines,
1614-31.
Fol. 120, a.

Complaint by Sir William Oliphant of Newtown, and Mr. Thomas Hoip of Craighall, his Majesty's advocates, and William Buchan, burgess of Arbroth, as follows:—On 5th July instant "Johne Hamiltoun, Chamberlane of Arbroth, come to the said Williame Buchane when as he wes going down the Hie Streit of Arbroth in a peaceable maner for doing of his laughfull effaires and thair chaised the said Williame with a chairgit pistollett in his hand throw James Guthreis barn and barn-yaird of purpose to have shott and slaine him with the said pistollett, wer not be the providence of God he wes withholdin and stayed be some of the neighbours of the toun. Thairafter the said compleaner haveing gone to the shoare for lossing of some geir, the said Johne upoun knowledge thairof followed him to the shore with the said pistolett, and thair of new presented the same unto him to have shott him thairwith, and so hardlie persewed him thairwith that he wes forced to flee aff the shoare to ane cockeboate and to goe to the sea till the said Johne went away; and the said Johne, maligning that he had mist the compleaner at that tyme, he cryed out and avowed with manie fearefull and execrable oaths that afoir he went hame to his awin hous he sould have the compleaneris lyffe altho all the Erles and Lords in Scotland would take his part. And siclyke upoun the day of July instant the said compleaner haveing come in to the dwelling hous of Johne Wallace in Arbroth whair the said Johne without his knowledge happened to be for the tyme and the said Johne, perceaveing him comming throw the rowme whair he wes, he or ever the compleaner wes awar of him or knew he wes thair, violentlie threw ane pynt stoup at him and almost feld him thairwith, thairafter pulled forth ane whingear and preassed to have stricken him thairwith wer not he wes withholdin and stayed. And not content heerewith he thairafter come to the compleaners buith and searched and sought him thair to have bereft him of his lyffe, swearing and avowing that he sould never cease, nor meate nor drinke

The Council
imposes a fine
of 40 merks on
John Hamilton,
Chamberlain
of Arbroth,
for assault on
William
Buchan,
burgess of
Arbroth.

Fol. 120, b.

¹ "His Maestie baes three shippes this zeire [1626], for securing the Scottes coastes, wiche stood him 5200 lb. starling, as his warrant directed, to the Earle of Nidisdail, Collector of

the Taxations, to pay the same to Sr James Balzie, Thesaurer of the Nauey, beares, 1 July 1626."—Sir James Balfour, *Annals of Scotland*, II. 139. Cf. Index to Vol. xv.

sould never doe him good, till he had the compleaners lyffe, and he sould take him out of his awin hous aganis all that would take his pairt. Sua that the said compleaner wes forced to come away quyetlie in the night for meaning of himselfe to his Majesteis Counsell, and darre not as yitt returne hame for feare of his lyffe, to the great neglect and hinder of his effaires." Both parties compearing and evidence having been led, the Lords found "that the said Johne Hammiltoun boore and woore pistolets and chaist and minassed the said Williame Buchane in maner and at the tyme lybellit," and ordain him to pay a fine of 40 merks to his Majesty's Treasurer and Receivers of Rents, to find caution in 500 merks for the indemnity of the pursuer, and not to wear firearms in future, and to pay the witnesses in the cause, every horseman £4, and every footman 40s.

Fines,
1614-31.
Fol. 120, b.

The Laird of
Coll.
Offer of the
Earl of
Linthgow,
Admiral,
touching his
Majesty's
three ships.

The quhilk day the Laird of Coill compeirit befor the Counsell.

Sederunts.
1625-29.
Fol. 55, b.

The whilk day the Earle of Lynlythqu, Admirall, maid offer of j^{cm} merkis for his Majesteis three shippis for tua yeiris, tha same being impignorat to him for repayment of the moneyis; nixt, to gif the worthe of the saidis shippis at the sight and valuatioun of ony foure skilfull men; and last to interteny the three shippis upoun his awne chargeis for the space of tua monethis, and to pay to his Majestie or to ony other to whome the shippis salbe disponit the thrid of all pryces that salbe tane.

Letter of
Council to the
Steward-
Deputes of
Kirkcudbright,
commanding
their instant
execution of
letters of
caption against
excommunicat
persons
within their
bounds, on
pain of exem-
plary order
being taken
with them.

After our verrie hairtlie commendationis. We wreitt unto yow tuyae befor anent the putting of letteris of captioun to executioun aganis some excommunicat personis within the boundis of your office, bot we can heir nothing of your diligence and obedyence, bot idill and impertinent excuissis not worthie to be hard of from personis intruisted with ony kynd of service under his Majestie, and we mervill not a litle how suche ane bair and naiked excuse in a matter so heighlie concerneing the estait sould be pretendit. And thairfor these ar of new to will yow, and in his Majesteis name to command yow, that yow fail not, all excuissis sett asyde, to oppin our formair letter and do thairin as yow ar commandit, assureing yow yf yow mak any new excuse or delay that we will call yow to your answeir and tak suche examplair ordour with yow as your unsufferable contempt in a matter of this kynd requyres. Bot lookeing that yow wilbe moir respective of your duetie and [than] that unnecessarlie you will draw suche ane inconvenient upoun yow, whilk yow will hardlie eshew, we committ yow to God. Frome Halyrudhouse, the tuinte sax day of Julij 1627. *Sic subscribitur*, Geo. Cancell^r, Menteith, Wintoun, Roxburgh, Melros.

Royal Letters,
1623-32.
Fol. 103, b.

Letter of
Council to the
Bishop of
Aberdeen
desiring him to
give his reasons
for his opposi-
tion to the

After our verrie hairtlie commendationis to your goode lordship. We have ressavd ane letter frome the Kingis Majestie with the copie of ane letter directit frome his darrest father of blissed memorie alsweill to his Counsaill and Sessioun bothe in favouris of Elisabeth Leslie and hir childrene, as by the copies of the letteris whilkis we have heirwith send

Royal Letters,
1623-32.
Fol. 103, b.

Fol. 104, a.

to your lordship will appeir. Wherin althocht we consave his Majesteis favour intended by his late Majesty towards Elizabeth Leslie and her children. See *ante*, p. 19.

directioun to be weil groundit upoun the course tane be his said darrest father in this same matter of befoir, yitt calling to our remembrance the oppositioun maid be your lordship aganis this favour whilk his lait Majestie intendit to thir people, we have forborne to meddle thairin till we be consultit and advysed with your lordship thairanent. And thairfoir these ar to requeist yowr goode lordship to considder of this matter and of his Majesteis recommendatioun conjoyned thairwith, and haveing advysed thairanent, that your Lordship will latt us know your oppinioun concerneing the same with all convenient diligence to the intent that accordinglie we may gif ane accompt to his Majestie of our proceedingis in this bussynes, and of the ressonis inforceing the denyall or grant thairof. And so, recommending your goode lordship to the protectioun of God, we rest. Frome Halyrudhouse, the xxvj day of Julij 1627. *Sic subscribitur*, Geo. Cancell^s, Monteith, Nithisdaill, Wintoun, Roxburgh, Lauderdaill, Carnegie.

After our verrie hairtlie commendationis. Upoun informatioun maid unto us of the cruell and deteastibill murthour of unquhile George Rutherfurd committit be Robert Rutherfurd, sone to unquhile George Rutherfurd of Edzestoun, we wer pleased to pas and exped ane commissioun unto yow for putting of the said Robert to the knowledge of ane assyse. Wherin hoiping that yow sould have proceedit with that cair and diligence whiche wes ansuerabill to the truist repoised in yow, yitt it hath bene complenit upoun unto us that yow have hitherto slaked and delayed the executioun of the said commissioun, quherof we cannot mervell enough, the cryme being so odious in it self as it deserves no favour, and your dewtie requyreing to sie the same punished according to the law. Whiche hes moved us to recommend to your care the speedie executioun of the said commissioun, willing and requyreing yow heirby to do thairin according to the warrand thairof and truste committed unto you wherthrow justice may have the due course and no furder caus of grevance be givin to the pairtyes. And so, being assured of your reddey obedyence to this our pleasure, we committ yow to God. Frome Halyrudhous the xxvj day of Julij 1627. *Sic subscribitur*, Geo. Cancell^s, Menteith, Nithisdaill, Wintoun, Roxburgh, Melros, Carnegie.¹

Fol. 110, b.

Most sacred Soverane, Upoun the receipt and reading of your Majesteis letters of the eight of this instant conteaning the signifiatioun of your royall will that your Majesteis three shippes lying heere sould be disponed to your Majesteis best profite and advantage, the Erle of Linlithgow, being present, declairit that he wes willing to enter in bargane for the same, whairunto the Erle of Marshall opposed himself contending that thair could be no treatie nor dealing in that mater till first he wer putt in possessioun of the shippes conforme to his gift and

¹ There is another copy of this letter engrossed at Fol. 110, a.

Majesty's
three ships.

your Majesteis pleasure signifeit thairanent by a letter of the same date. Royal Letter, 1623-32, Fol 110, b.
And the Erle of Linlithgow having this day with great instance renewed his former sute, we wer doubtfull how to proceed thairin in regaird of the Erle Marshall his absence, who as we ar informed hes upon that occasioun made his addresse towards your Majestie. And thairfoir we resolved as the best expedient to suffer the mater to rest and not to determine the difference till we sould first consult your Majestie, and understand your pleasure thairanent. In the mean tyme we have givin ordour to Sir James Bailzie to continew his charge in furnishing of the ships till we ressave your Majesteis royall directioun tuiching the same which we attend so soone as your Majesteis uther important affaires may convenientlie permitt. From Halyrudhous, 26 Julij, 1627. *Sic subscribitur*, Geo. Cancell, Mar, Menteith, Nithisdail, Wyntoun, Melrose, Roxburgh, Pa. B. of Rosse, Naper.

Edinburgh,
27th July 1627.

Cautions,
1621-28,
Fol. 265, b.

Cautions by
Andrew
Ainslie, mer-
chant burges-
s of Edinburgh,
for Captain
David
Robertson.

Cautions by Andro Ainslie, merchant burges of Edinburgh, that Captain David Robertsou will redeliver to Sir Harie Bruice, master of the Artillery, "two demy culverines" which by warrant of the Council he is to receive for the better prosecution of his commission against the common enemy; and that failing redelivery thereof he will pay to his Majesty the double of their value; with clause of relief.—(Signed.) A. Ainslie, David Robertstone.

Cautions by
John Cowan
and George
Arnott for
David
Robertson.

Cautions by John Cowane, burges of Striviling, and George Arnot, merchant, burges of Edinburgh, that David Robertsou, captain of the ship *The Grace of Dysert*, will make a lawful use of his commission, dated 12th July instant, against the common enemy, [in terms of former cautions. See *ante*, vol. xv., p 295]; with clause of relief.—(Signed) Jo. Cowane. George Arnott, David Robertstone.

Cautions by
Alexander
Pearson of
Balmadie for
John Hamil-
ton, Chamber-
lain of
Arbroath.

See *ante*, p. 23.

Cautions by Alexander Peirsoun of Balmadie in 500 merks that John Hammiltoun, chamberlain of Arbroith, will not molest William Buchane, burges of Arbroith, nor his family, tenants, etc.; also in the same sum that he will not hereafter wear hagbuts and pistols nor shoot therewith; with clause of relief.—(Signed) Alexr. Peirsoun, Cautioner, Jhone Hamiltoun.

Cautions by
Andrew Smith
for James
Marshall.

Cautions by Andro Smith, cutler, burges of Edinburgh, in 300 merks, that James Mershaell, messenger, will not molest George Thomesoun, Writer to the Signet, nor his family, tenants, etc.; with clause of relief.—(Signed) Andro Smyth, J. Marschell.

Cautions by
Henry Horner
of Calfaddock
for John
Padzean of
Newton.

Mr. Thomas Nicolsoun, advocate, as procurator for principal and cautioner, registers a bond of caution by Henrie Horner of Calfaddock in £1000 that John Padzeane of Newtown will not molest John Dalyell, lawful son of Sir Robert Dalyell of Elioche, knight, nor his family, tenants, etc.; and that he will pay £20 for his escheat to his Majesteis Treasurer, if the horning against him be found orderly; with clause of relief. The bond, written by Thomas Blaik, notary, is dated at Thorne-

Cautions,
1625-28.
Fol. 260, a.

hill 15th July 1627, witnesses, James Menzeis of Auchinsell, Cuthbert Walker in Carrounhill, William Slymman in Thornehill, Mathow Creichtoun, messenger, John Kellok, son to John Kellok in Thornehill, and John Menzeis in Enochtoun. The cautioner cannot write and signs by two notaries, Thomas Blaik and James Hardie.

Acta March
1625-January
1628.
Fol. 231, a.

Sederunt—Chancellor; Menteith; Nithisdail; Wyntoun; Linlithgow; Holyrood
Roxburgh; Bugcleuch; Melros; Bishop of Rosse; Melvill; ^{House, 31st} July 1627.
Master of Jedburgh; Sir Johne Scot.

The Lords of Secreit Counsell prorogats and continewiſ the warrant ^{Warrant to} grantit to Patrik, Bishop of Rosse, and Alexander, Lord of Spynie, for ^{the Bishop of} intercommouning with the Erle of Crawford whill the first day of ^{Ross and Lord} November nixt. ^{of Spynie.}

Forsameekle as the Lords of Secreit Counsell foirseing that in this tyme ^{Provision} of vacance manie disordours may fall out amongs the souldiours lifted ^{against dis-} for the Germane warres¹ and betuixt thame and uthers his Majesteis ^{orders that} subjects whairin thair will be ane necessitie of present redresse and ^{may arise} ordour to be taine; and whairas thair will be no meeting of his Majesteis ^{among the} Counsell before the xxix day of August nixt ensewing and the Lords ^{soldiers before} being laith that in this meane tyme suche disordours sall ly over ^{their embarka-} untaine ordour with and saddled, seing the terme allowed for the ^{tion for the} imbarcking and transport of the said souldiours shortlie approaches and ^{German wars,} sua may not admitt anie delay of tyme; Thairfoir the Lords of Secreit ^{and while the} Counsell gives power and commissioun be thir presents to anie coun- ^{Council is in} sellour who sall happin to be in anie part of the countrie whair anie ^{recess.} suche disordours sall happin to fall out during this vacant tyme to call unto him suche uthers of the Counsell as sall be neere by, and if that nane be ewest to call unto him some twa or three justices of peace most ewest, and if thair be nane of the Counsell present in these pairts, with power to any twa justices of peace who shall be ewest to take notice and tryell of suche disordours, to call the pairteis before thame, and to determine in the maters controvertit according to equitie and justice. Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin, and that letters of publicatioun be direct heerupoun; and to charge all his Majesteis subjects to reverence, acknowledge, and obey, concurre, fortife and assist the saids com-

Fol. 231, b.

¹ See Index to Vol. xv. regarding the levy of these soldiers, intended for the service of Christian IV. of Denmark in his campaign against Tilly and Wallenstein in 1627. Sir James Balfour (II. 154) has the following passage regarding the enlistment of these soldiers:—"The 8 of Februarij, this zeire [1627], his Maiestie directs a warrant to his priuey counsaill, that they cause the Earle of Nidisdaill pay to himselfe, the Lord Spynie and S^r

James St. Claire of Murkill, in Cathnes, the soume of 8000 pound starling, for lewyng of three regiments of foote, of 3000 men a peice, for his vnckell the King of Denmarke's service." These 9000 men could never have been levied. The whole fighting force which Charles was able to send to the assistance of the King of Denmark was under 5000.—Gardiner, *England under the Duke of Buckingham and Charles I.* II. 125.

- missioners in all and everie thing tending to the executioun of this commissioun, as thay will answeere upoun the contrair at thair perrell.
- Commission of Justiciary under the Signet for one year to William, Earl of Anguse, Lord Douglas, and his bailies, within the bounds of the lordship of Douglas, Crawfordmure and Wandell, pertaining to the said Earl, where there are many persons dwelling "who ar suspect and dilait of commoun thift, wilfull ressett of thift, and pykrie and slaughter of blakfishe in forbiddin tyme, and cannot be stayed thairfra in tyme coming without remeid be provydit." Signed by Geo. Cancell^r, Menteith, Wintoun, Linlithqw, Roxburgh, Buccleuch, and Melros.
- Commission under the signet, signed by the same Lords, to William Forbes of Tolquhone, Mr. William Forbes of Craigyvar, Johnne Forbes of Brux, Mr. Andro Skene of Halyairdis, Walter Forbes of Thanestoun, Alexander Forbes of Bothley, William Forbes of Pittelloquhy, Arthour Dalgarno of Fortrey, Johnne Forbes in Rara, Mr. Walter Forbes, son to Richart Forbes of Melrose, and the provosts and bailies of the burghs of Invernes and Forres, to search for and apprehend, and present before the Justice and his deputes Johnne Killo, messenger, in Yokkishill, and William Mitchell, his servitour, who on 19th July instant were put to the horn at the instance of Thomas Forbes in Ballask as father, Alexander, Mr. Abraham, Walter and Thomas Forbes, as brothers, Issobell Forbes as sister and Alexander Forbes in Innerquhomrie, her husband, for his interest, and the remanent kin and friends of the deceased Johnne Forbes, for their not finding caution acted in the Books of Adjournall to appear before the Justice and his deputes and underlie the law for the slaughter of the said John Forbes.
- The quhilck day the Capitane of Clanrannald compeirit befor the Counsell.
- The quhilck day Sir Donald M^cConneill of Slaitt become caution for the Capitane of Clanrannald for his compeirance befor the Counsell upoun the tent day of Julij nixt under the pane of ten thousand merkis.
- The Lordis recommendis to the Capitane the redres and satisfioun of the marcheantis of Glasgu for the goodes robbit and tane fra thame be him, his tennentis and followaris.
- The Laird of Lochbuye, oftymes callit, compeirit not, decernis him and his cautioner to haif incurrit the pane of his cautionarie, to witt j^m merkis.
- The Lordis ordanis the young Laird of Cadell, who wes personalie present, to produce Mr. William Campbell, his uncle, upoun the first Counsell day of November, and failyeeing thairof to putt and hald hin oute of Ila.
- A commissioun to the Capitane of Clanrannald for apprehending of preistis and Jesuitis haning his boundis, and for suppressing Poprie within the same.
- The whilk day Williame, Earle of Angus, acceptit upoun him the commissioun for the Middle shyris and gaif his oathe.
- The whilk day in presence of the Lordis of Secretit Counsell compeirit

Commission of
Justiciary to
William, Earl
of Angus.

Commission to
William Forbes
and others to
apprehend
John Kello
and William
Mitchell, his
servitor.

The Captain of
Clanrannald.

Sir Donald
MacConnell
and the
Captain of
Clanrannald.

The Captain of
Clanrannald
and the mer-
chants of
Glasgow.

The Laird of
Lochbuy.

The Laird of
Cadell and
Mr. William
Campbell.

The Captain of
Clanrannald
and the
Papista.

William, Earl
of Angus.

Acta March
1625-January
1628.

Fol. 231, b.

Commissions,
1624-30.
Fol. 142, b.

Fol. 143, a.

Sederunt,
1625-29.
Fol. 56, a.

Sederunts,
1625-29.
Fol. 56, a.

personalie Sir Michaell Prestoun, and actit and oblist him for the indempnitie of Mr. Johnne Hay of Kennet, and Mr. Alexander Hay, Clerk of the Sessioun, his sone, thair wyffis, bairnis, tennentis and servandis, under the pane of three thousand merkis; and for his forder securitie anent this oblisment, the said Sir Michaell declairit that he wes content to dispone to the said Mr. Alexander a right of his estate for making of the same lyable to the said pane and sowme of iij^m merkis, in caise of the said Sir Michaell his contraventioun of this present Act.

Sir Michael Preston undertakes obligation for the indemnity of Mr. John Hay of Kennet, and others.

Fol. 56, b.

The Lordis, with consent of Sir Michaell Prestoun, modifyis to his wyffe for intertenyng of hir and hir childreene sevin chalderis of victuall and ordanis the said Sir Michaell to mak unto hir ane sufficient securitye of the same furthe of his estate.

Sir Michael Preston to make provision for his wife and children.

The quhilk day Sir Michaell Prestoun, compeirand befor the Counsaill and being demandit yf he had maid ony dispositioun of his lyverent in favouris of ony persones he declairit that he had maid no dispositioun of his lyverent in favouris of ony personis, and that the Lord Prestoungrange having had a right thair of frome the deponner, that the said Lord of Prestoungrange delyverit bak agane the same right to the deponner, whilk wes cancellat.

Sir Michael Preston and Lord Prestoungrange.

The quhilk day in presence of the Lordis of Secretit Counsell compeirit personalie Elizabeth Vause, spous to Adam Urquhart, burges of Forres, and actit and oblist hir selff for the indempnitie of the said Adam Urquhart, hir husband, Alexander Hay, induellair in Leethe, Robert Pringle, writter, and Thomas Deanis, under the pane of tinsall and losse of hir lyverent of the moneyis destinat and allowit to hir for hir interteynment. And unto this present act the said Adam Urquhart, hir husband, being personalie present, consentit.

Obligation of Elizabeth Vaus for the indemnity of her spouse, Adam Urquhart, and others.

The quhilk day Adam Urquhart, spous to Elizabeth Vaus, compeirand personalie befor the Counsell, declairit that he wes content and consentit that the moneyis now appointit to be employed to the use of him, his wyffe and bairnis, be employed as followis, to witt, to himself in lyverent and to his bairnis in fie, allowing to his wyffe so mutche as salbe modifyed to hir be his Majesteis Counsell, and failyeeing of him be deceis, his part of the lyverent to accresce to his bairnis, the principall soumes alwayes being assigned to the bairnis.

Adam Urquhart and his spouse, Elizabeth Vaus.

Fol. 57, a.

The quhilk day Thomas Deanes grantit the haveing of ane thousand fourescoir xiiij merkis, and that by warrand frome Elizabeth Vaus, he delyverit to Robert Dicksoun three scoir nyne dollouris.

Thomas Deans and Elizabeth Vaus.

Robert Pringle grantit the haveing of xj^c and 2 merkis and that he delyverit of this soume to Elizabeth Vaus and hir husband iij^c merkis.

Robert Pringle and Elizabeth Vaus.

The Lordis ordanis Elizabeth Vaus to be put to libertie and fredome out of the Tolbuithe.

Elizabeth Vaus.

The Lordis ordanis the provisioun to be maid be Sir Michaell Prestoun to his wyffe to stand ay and quhill the Counsell upon consideratioun of the agreement betuix him and his wyffe, discharge the same.

Sir Michael Preston and his wife.

Sir Michael
Preston and
his wife.

The Lordis findis that in respect of the provisioun now appointit to be maid be Sir Michael Prestoun to his wyffe that sho sall renunce quhat sho hes oute of his estate by and attour hir conjunct fee, but prejudice of the modificatioun now maid to hir for intertenyng of hir and hir childrene; ay and quhill the Counsell, upoun consideratioun of thair aggreement discharge the same.

Commission to
William, Earl of
Angus, for the
Middle Shires.

The whilk day in presence of the Lords of Secreit Counsell compeerit personallie William, Erle of Angus, and acceptit upoun him the commissioun for the Middle shyres and gave his oath.

Edinburgh,
1st August
1627.

Caution by
George Scott,
merchant
burgess of
Edinburgh, for
William Scott,
merchant
burgess of
Aberdeen.

Caution by George Scott, merchant burgess of Edinburgh, that if it be found that William Scott, merchant burgess of Abirdeyne, has upon wrong information purchased the commission which has been granted to Alexander Innes of Coittis for the apprehension of David M^cHucheoun, sometime indweller in Aberdeen, and his spouse, and if the parties sustain any damage in the execution theirof, the said William Scott will underlie the censure of the Lords of Council therein; with clause of relief by Mr. Thomas Merser, servitor to Sir William Scott, knight.—(Signed) George Scott, Mr. Thomas Merser.

Holyrood
House, 2nd
August 1627.

Sederunt—Chancellor; Treasurer; Menteith; Mortoun; Nithisdail; Wyntoun; Linlithgow; Roxburgh; Melros; Bishop of Rosse; Naper; Master of Jedburgh; Sir Johne Scot.

Ordinance
from the
Council inhibiting
the Lords
Ogilvie and
Coupar from
taking the
musters of the
feuars and
parishioners of
the Lordship
of Coupar, and
commanding
them to permit
the said
feuars and
parishioners to
repair by
themselves to
the ordinary
place of muster
in the sheriff-
dom of Perth.

Forsameekle as it is understand to the Lords of Secreit Counsell that thair is great appearance of trouble and unquyetnesse lyke to fall out betuixt James, Lord of Cowpar, on the ane pairt, and James, Lord Ogilvie of Airlie,¹ bailzie of the lordship of Cowpar, on the uther pairt, anent the talking of the mustours and wapounshawing of the vassalls, fewars and parochiners of the lordship of Cowper appointit to be made upoun the thrid of this instant, the first pretending warrant to take the said mustours as lord of the said lordship of Cowpar, and the uther acclaiming that priviledge to be dew unto him be vertew of his office of baillerie, and either of thame intends by the concurrence of thair freinds and suche as will doe for thame to mainteane thair pretendit right of talking of the said mustours, whairupoun great inconveniences will not faile to fall out to the breake of his Majesteis peace without remeid be provydit; Thairfoir the Lords of Secreit Counsell ordanis letters to be direct to command, charge and inhibite the said Lord of Cowper, and Lord Ogilvie personallie or at thair dwelling plaice and be opin proclamatioun at the mercat croce of Perth and Cowper in Angus that nane of thame presooome nor take upoun hand to convocat and assemble the vassalls, fewars nor parochiners of the lordship of Cowper for assisting and accompaneing of thame to thair mustours nor to draw thame under

¹ James, 6th Lord of Airlie, it may be noted, was at this time a Justice of Peace for Forfarshire. See Vol. XIII., p. 347.

Acta March
1625-January
1628.

thair cullours nor yitt that they repaire to the saids mustours thameselffes nor suffer thair cullours to be caried thair, but that thay suffer and permitt the saids vassalls, fewars and parochiners of the lordship foirsaid to repaire be thameselffes to the ordinar plaice of the mustours of the shirefdome of Perth and thair give thair mustours in a comelie and peaceable maner to the shireff of Perth and his deputs; as the saids Lords of Cowper and Ogilvie will answeere to his Majestie and his Counsell upoun the contrair at thair highest charge and perrell and under the paine to be callit, persewit and punist as contemners of the directiouns of his Majesteis Counsell and as violaters and breakers of the peace of the countrie. And siclyke to command, charge and inhibite all and sindrie the vassalls, fewars and parochiners of the said lordship of Cowper be open proclamatioun as said is that nane of thame presooome nor take upoun hand to conveene and assemble with anie of the saids pairteis but that thay make thair addresse and repair be thameselffes to the saids mustours and weaponshawing and thair give thair mustours to the shireff of Perth and his deputs conforme to the lawes of this kingdome and under the paines conteanit thairin; and that in thair comming to the saids mustours and in thair attending thairin and departing thairfra that thay observe his Majesteis peace ilke ane with uthers and that thay no wayes presooome to invaid nor persew nor make provocatioun of offence one to another whairupoun trouble and disordour may arise or fall out under the paine to be callit, persewit and puneist in thair persouns and goods as contemners and violaters of the saids Lords thair directiouns and commandements.

Fol. 232, a.

The whilk day in presence of the Lords of Secret Counsell compeerit personallie Alexander, Lord of Spynie, and actit and obleist him upoun his honnour and credite that he sall carie Andro Davidsoun, messenger with him to the warres of Germanie; and that in the meane tyme whill the said Lord goe to Germanie and taik the said Andrew with him that the said Andrew sall not resort nor repaire to Annanderdail; and forder that the said Lord sall not give ane warrant nor power to the said Andro to returne backe againe to this kingdome till the warres whairin the said Lord of Spynie is employed be sattled and endit.

Obligation of Alexander, Lord of Spynie, to convey Andrew Davidsoun to the wars in Germany.

Sederunta,
1625-29.
Fol. 57, b.

The Lordis findis it meete that Sir Michaell Prestoun sall go towardis Germanie with the first occasioun of a ship going thair,¹ and seeing he cannot, as he alledgeis, find cautione for the indempnitie of Mr Johnne Hay, his fader in law, and Mr Alexander Hay, his brother in law, that he sall not returne within this kingdome without allowance of his Majesteis Counsell.

Sir Michael Preston to proceed to Germany with the first ship going there.

Acta March
1625-January
1628.
Fol. 232, a.

Sederunt—Chancellor; Treasurer; Menteith; Nithisdail; Roxburgh; Melros; Bishop of Rosse; Melvill; Naper; Master of Jedburgh; Sir Johne Scot.

Holyrood House, 3rd August 1627. Letter from his Majesty postponing the

¹ Sir Charles Morgan, who commanded the English force sent by Charles to the assistance of Christian IV., had sailed in April 1627.—Gardiner, II., 124.

departure of the Danish levies till the last day of August, and urging the Council to proceed vigorously with the further levying of idle persons.

The whilk day Robert Erle of Nithisdail produced and exhibite before the Lords of Privie Counsell the missive letter underwrittin of the whilk the tennour followes:—CHARLES R.—Right trustie and weilbelovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Being informed that the day appointed for the regiments being in readinesse which wer to be sent to our uncle the King of Denmark is alreadie expired, and that both yow and the commanders thair of have used your best endeavoures in that earand, and understanding that for this purpose it is fitt that ane longer tyme sould be granted, we thinke it fitt that it be prorogated till the last day of August enewing and in the meane tyme that yow cairfullie insist as yow have alreadie begunne to caus levie suche ydle persouns as ar designed in the proclamatioun made to this effect,¹ which kinde of persouns alreadie levied by this meanes or to be levied heerafter we require for diverse consideratiouns to be equallie distributed amongs the three colonells, leaving everie one of thame otherwayes by thair owne meanes to strenthen thair companeis; and to this effect that yow both signifie our pleasure heerin to thame and be cairfull to see the same putt in executioun. As lykewayes that yow certifie unto thame that if the said compleit number of men alreadie condescendit upoun to have beene levied be not in readines before the said day that then we will be forced for the better releefe of the debts latelie contracted for our use to caus putt thair bands in executioun. So recommending the premissis unto your earnest care as purposes speciallie importing the good of our service, we bid yow fairweill. From our Court at Theobalds the fyftein day of Julie, 1627.

Acta March
1625-January
1628.
Fol. 232, a.

Fol. 232, b.

Ordinance of Council designating persons to ascertain the names of all idle and masterless persons in the kingdom, with a view to their being levied for the service of the King of Denmark.

The Lords of Secret Counsell considering that the course formerlie taine for furtherance of the leveis appointit to be sent from this kingdome towards the supplee of the King of Denmarke in the warres whilks he now followes out hes not produced that good and tymous effect and successe which wes expectit, in so farre as they who wer commandit to take tryell of all ydle and maisterlesse men, wanting trades and competent meanes to live upoun within the severall parishes of this kingdome, hes not done thair diligence for the most part in talking of the said tryell and making of thair reports accordinglie, sua that this service whilk his Majestie sua earnestlie affects is verie farre hinderit and disappointit highlie to his Majesteis offence. For remeid whair of the saids Lords hes committit and be the tennour heerof committs the charge and trust of the talking of the said tryell throughout the severall shirefdoms of this kingdome and particular parishes within the same to the persouns afterspecified as thay may most commodiouslie be had, to witt, to twa justices of peace within

¹ The contingent actually sent by Charles to the assistance of Christian had fallen far short of the numbers he had promised. Hence his eagerness in pressing the levies in Scotland.

Acts March
1625-January
1628.
Fol. 232, b.

each parish, and whair thair is no justices of peace within the parish to twa justices of peace in the nixt adjacent parish, or to ane justice of peace with the minister of the parish, or to ane justice of peace with twa elders of the parish, or to a landlord with a justice of peace, or to a landlord with the minister of the parish, and failyeing of all to the shireff of the shyre and his deputts with the landlords of the parish, and to the proveists and bailleis within burgh; and thairfoir the saids Lords ordanis letters to be direct chairging the persouns particularlie abone-writtin, nominat and appointit to take the said tryell, who hes not alreadie taine thair tryell and givin in thair reports, that thay and everie one of thame within thair severall bounds and parishes take the said tryell and survey of all ydle and maisterlesse men within thair parishes and touns wanting trades, service, or competent meanes to live be, and that thay inroll thair names and delyver thair rolls, closed, sealed and testified upoun oath that thay ar trew rolls faithfullie givin up and that nane ar omittit furth thairof, to the persouns particularlie underwrittin, thair captans and officiers having thair warrant to ressave thame, that is to say, all within the shirefdoms of Dumfreis, Air, Fyffe, Forfar, Dumbartane, Haddingtoun, Wigtoun, Selkirk, and Clackmannan, and stewartreis of Kirkcudbright and Annanderdaill, and baillereis of Kyle, Carict, and Cuninghame, to delyver thair rolls to Robert, Erle of Nithisdail, and uthers having his warrant; and all within the shirefdoms of Aberdeene, Lanerk, Perth, Bervick, Kincairdin, Sterline, Linlithgow, Argyle, Tarbett, Renfrew, and Kinroscher, and stewartreis of Stratherne and Menteith, to delyver thair rolls to Alexander, Lord of Spynie, and uthers having his warrant; and all within the shirefdoms of Innernesse, Elgine, Forres, Caithnes, Sutherland, Roxburgh, Peebles, Bamff, Nairne, Cromartie, Orkney and Yetland, to delyver thair rolls to Sir James Sinclair of Murkill, and uthers having his warrant, within ten dayes nixt after the charge under the paine of rebelloun and putting of thame to the horne, and if thay failyie, the said space being bypast, to denunce thame rebels and putt thame to the horne. And the saids rolls being made and delyverit as said is to command and charge all shireffs, stewarts, bailleis of regaliteis, noblemen, barons and gentlemen, justices of peace and proveists and bailleis within burgh under whom and within whois bounds the saids ydle and maisterlesse men dwellis and hes thair residence, that thay and everie ane of thame make diligent inquirie and searche for thame and apprehend all suche ydle and maisterlesse men as sall be givin up to thame in roll under the hands of the commissioners nominat to take the said tryell, and that thay delyver the persouns so apprehendit be thame to the saids Erle of Nithisdail, Lord of Spynie, and Sir James Sinclair of Murkill or to anie uthers having thair warrand to ressave thame according as the shirefdoms, stewartreis, and baillereis abonewrittin ar devydit, assignit and allowit unto thame within ten dayes nixt after the charge under

Fol. 233, a.

the paine of rebelloun, etc., and if thay failyie to denunce, etc., and that Acta March 1625-January 1628. Fol. 233. a. these within the shirefdome of Edinburgh, als weill to burgh as land, who are appoyntit to take the said tryell, that thay take the same tryell and survey of all ydle and maisterlesse men within thair bounds wanting trades service or competent meanes to live be and that thay report the saidis rolls to his Majesteis Counsell, closed and sealed and testified upoun oath that thay are trew rolls and that nane ar omittit furth thair of within sax dayes nixt after the charge under the paine of rebelloun and putting of thame to the horne, with certificatioun to thame and thay failyie letters sall be direct to putt thame *simpliciter* thairto.

Apportioning of shirefdoms and stewartries which are to supply the names of all idle and masterless men, with a view to their service with the King of Denmark.

The Lords of Secreit Counsell for the better furtherance of the leveis appointit to be sent frome this kingdome to the King of Denmarke, and for eshewing of contentioun and eyelists amongs the colonells, thair captans, officiars and uthers under thame anent the leveing of thair companeis, hes with thair awin consent assignit and allowit unto thame the shirefdoms underwritin, out of the whilks thay ar to crave ane accompt and delyverie of all ydle and maisterlesse men to be givin up in roll within the saids bounds conforme to the acts and letters to be direct to that effect, that is to say, to Robert, Erle of Nithisdail, the shirefdoms of Dumfreis, Air, Fyffe, Forfar, Dumbartane, Bute, Hadingtoun, Wigtoun, Selkirk and Clackmannane, the stewartreis of Kirkcudbright and Annanderdail, and baillereis of Kyle, Carict and Cuninghame; to Alexander, Lord of Spynie, the shirefdoms of Aberdeene, Lanerk, Perth, Bervick, Kincairdin, Stirlin, Linlithgow, Fol. 233. b. Argyle, Tarbett, Renfrew, Kinroscher and Stewartreis of Stratherne and Menteith; and to Colonell Sinclair the shirefdoms of Innernes, Elgine, Forres, Roxburgh, Peebles, Bamff, Nairne, Cromartie, Orkney and Zetland; and ordanis letters to be direct heerupoun, to make publicatioun heerof be open proclamatioun whairthrow nane pretend ignorance of the same.

Ordinance inhibiting the concealing and entertaining of soldiers who have deserted their colours.

Forsameekle as it is understand to the Lords of Secreit Counsell that thair is a great number of unworthie persouns who having inrolled thameselffe under the charge of Robert, Erle of Nithisdail, Alexander, Lord of Spynie, and Colonell Sinclair and thair captans, and ressavit thair pay, hes notwithstanding mischantlie and cowardlie abandoned thair cullours and runne away and ar ressett, buirdit and interteaned amongs thair freinds and acquaintance in the countrie to the great hinder and frustrating of his Majesteis service, Thairfoir the saids Lords ordanis letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at all places needfull that nane of thame presume nor take upoun hand to ressett, buird, conceale or interteanie anie of thir fugitive souldiours upoun whatsoever cullour or pretext under the paine to be puneist in thair

Acta March
1625-January
1628.
Fol. 233, b.

persouns and goods be wairding and paying of suche pecuniall sowmes as the saids Lords sall impose upoun thame.

Forsameekle as it is understand to the Lords of Secreit Counsell that great numbers of base and unworthie fellowes having inrolled thame-selffes under the charge of Robert, Erle of Nithisdaill, Alexander, Lord of Spynie, and Colonell Sinclair and thair captans and ressavit thair pay, hes notwithstanding shamefullie and mischantlie runne away fra thair saids captans to the great hinder of his Majesteis service, Thairfoir the saids Lords gives and grants full power and commissioun be thir presents to the saids Robert, Erle of Nithisdaill, Alexander, Lord of Spynie, and Colonell Sinclair, to searche, seeke, take and apprehend all suche fugitive souldiours as hes alreadie or sall heerafter runne away fra thair captans in suche tyme and plaice allanerlie whair thay can not have the concurrence of ane magistrat, provyding that after thay be taine thay be exhibite before a magistrat and that it be verified and provin in presence of the magistrat that thay have offendit in maner foirsaid.

Warrant for
apprehending
of fugitive
soldiers.

The whilk day the Lords of Secreit Counsell hes thought it meete and expedient, concludit and ordainit that all ydle and maisterlesse men who sall be givin up be vertew of the charges to be direct for that effect within the bounds of the shirefdome of Edinburgh principall to burgh and land sall be equallie distribute amongs the three colonells, to witt the Erle of Nithisdaill, the Lord of Spynie, and Colonell Sinclair.

The idle and
maisterless
men within the
sheriffdom of
Edinburgh.

The Lords of Secreit Counsell ordanis and commands the three colonells who hes the charge of the leveis for supplee of the King of Denmarke and thair captans and officiers that thay and everie ane of thame keepe the boundis now assignit and allowed unto thame anent the ydle and maisterlesse men to be givin up in roll within thair bounds and that nane of thame incroache upoun anothers bounds anent the ydill and maisterlesse men to be givin up as said is. And if thay or anie of thame sall take anie persouns of the qualitie foirsaid within ane uthers bounds that all suche as sall be taine within Lothiane after this night sall be delyverit to the right colonells betuixt and Saturday at night, and that these who sall be taine within the rest of the kingdome be delyverit upoun Moonday at night, but prejudice alwayes to the three colonells and thair captanes to use thair best endeavoures and meanes among thair freinds and acquaintance in anie part of the kingdome for strentkening of thair companeis with suche persouns as they can procure, not being of the persouns givin up in roll as said is.

The officers
engaged in
enrolling levies
are to keepe to
the bounds
respectively
assigned to
them.

Fol. 234, a.

Caution by David Robertsoun, captain and bailie of Dysert, that James Bynning, captain of the ship of St. Monnense called *The Gift of God*, will make a lawful use of the commission, dated 26th July last, granted to him against the common enemy [in terms of previous cautions—See *ante*, p. 21.]; with clause of relief.—(Signed) David Robertsone, James Binning.

Cautions,
1621-28,
Fol. 257, b.

Edinburgh,
3rd August
1627.

Caution by
David Robert-
son for James
Binning.

Caution by James Williamson for Robert Williamson and by James Wood for Peter Gibson. Caution by James Williamesoun in the toun of Crawford for Robert Williamesoun in the Shoircleuch, and by Johne Woode in Crawford for Peter Gibsoun there, in 300 merks each, that the said Robert and Peter will appear before the Lords of Council on 29th August instant for trial whether they be persons of the quality specified in the Act of Council anent masterless and idle men. Cautions, 1621-28, Fol. 258, b.

The Lord of Spynie and the raising of the levies for the King of Denmark. The quhilk day the Lord of Spynie, compeirand befor the Counsell, protestit that yf ony course be tane for divyding of the rollis of the idill men amangis the three colonellis employed for the service of the King of Denmark, whilk will dishable him to mak up his companyis that he sall not incur the forfeytour of his band.¹ Sederunts, 1625-29, Fol. 57, b.

The Earle of Nithsdale and the same levies. The quhilk day the Earle of Nithisdail protestit that he might be free of his band and not incur the foirfeytour thair of, yf thair be not a divisoun maid amangis the colonellis of the idill and maisterles men contentin in the rollis.

Edinburgh, 4th August 1627. Caution by John Cowan for Captain David Robertson. Caution by John Cowane, merchant burges of Striviling, that Captain David Robertsou will redeliver to Sir Hary Bruce, master of the artillery, "two demye culverinis" which by warrant of the Council he has received for the better prosecution of his commission against the common enemy; and that if he fail therein, he will pay the double of their value to his Majesty; with clause of relief.—(Signed) Jo. Cowane, David Robertson. Cautions, 1621-28, Fol. 258, b.

Caution by John Oliphant for Lawrence Oliphant, and by Lawrence Oliphant for Alexander Johnston and others. Caution by John Oliphant in Brochtoun in 500 merks for Lawrence Oliphant, portioner of Pitkeathlie, and by the said Lawrence Oliphant in 300 merks each for Alexander Johnstoun in Pitkeathlie, William Krie in Cultmalindeis, and John Moreis, son to William Moreis in Pitkeathlie, that they will appear before the Lords of Council on 29th August instant, produce with them John Adamesone, alleged soldier to Captain George Oliphant, and answer to the complaint against them by the said Captain for their violent pursuit of him and taking of the said John Adamesone from him; also that they will pay for their escheats, Lawrence Oliphant £20, and the others, each £10. Suspension has been granted to 6th September, and parties cited to 29th August.—(Signed) Jo: Oliphant, L. Oliphant w^t my hand. Fol. 259, a.

Holyrood House, 7th August 1627.

Sederunt—Chancellor; Treasurer; Mortoun; Wyntoun; Nithisdail; Linlithgow; Roxburgh; Melros; Bishop of Rosse; Melvill; Naper; Master of Jedburgh. Acta March 1625-January 1628, Fol. 234, a.

No soldiers who have been levied for the service of the King of

The Lords of Secret Counsell considering the great hurt and prejudice done to his Majesteis service in the leveis and supplee ordained to be made and sent from this kingdome to the King of Denmarke by arreisting

¹The contingent sent by Charles to the assistance of Christian had been thinned by disease and desertion during the months of

June and July. Hence Charles's eagerness to raise fresh levies in Scotland.

Acta March
1626-January
1628.
Fol. 234, a.

of persouns taine on and lifted for this service, of the whilks arreistments the most pairt ar simulatlie and fraudulentlie made by the meanes and procurement of the saids persouns thameselfes without anie just ground or warrant purposelie to frustrat thair transport when the tyme and occasioun is thairto offered highlie to his Majesteis offence and discredit of the countrie, for remeed whairof the saids Lords decernis and ordanis that no persoun nor persouns taine on and lifted for the service foirsaid and committit to waired in anie jayle of this kingdome sall be arreisted or deteaned in waired within the said jayle unlesse thay have beine taine be letters of captioun; dischairging all proveists and bailleis within burgh of admitting or allowing of anie suche arreistments or deteaning anie souldiours in waired be vertew thairof except suche souldiours allanerlie as hes beene or sall be taine be vertew of letters of captioun, and that suche of the said souldiours as hes beene arreisted not being apprehendit be letters of captioun as said is that the saids proveist and bailleis putt thame to libertie, to the intent thay may be imbarked for the service foirsaid, whairanent thir presents sall be thair warrant.

Denmark are to be arrested or detained except such as have been taken by virtue of letters of caption.

Fol. 234, b.

The whilk day the Lords of Secreit Counsell in respect of some brutes and rumours of forraine preparatiouns ordanis Sir James Bailzie, knight, to furnishe and victuall his Majesteis three shippes till the last of this instant and that he have his accompts in readinesse to be heard that day.

Direction to Sir James Bailzie, Baillie.

Royal Letters,
1623-32.
Fol. 110, b.

After our verie heartilie commendatiouns to your good lordship. Having latelie ressavit some directioun from the Kingis Majestie of verie great moment whilks requires the presence and hearing of the hail bodie of the Counsell, we have thairfoir writtin to so manie of thame as ar in the kingdome to keepe the nixt Counsell day whilk will be upon the xxix of this instant preciselie; and your lordship being one of this number we will requeist and desire your lordship lykewayes to keepe that dyet, and to concurre and joyne with the rest of the Counsell by your best advice and opinioun in the maters recommendit unto us. Whilks looking assuredlie your lordship will doe we committ yow to God. From Halyrudhous the sevint day of August 1627. *Sic subscribitur.* Geo. Cancell., Marr, Nithisdail, Linlithgow, Roxburgh, Melrose, Pa. B. of Rosse, Melvill.

Holyrood House, 7th August 1627.

Letter summoning the Council to meet on August 29th on business of great moment.

Fol. 111, b.

After our verie heartilie commendationis. Whairas the Kingis Majestie upon an unavoydable necessitie hes beene constrained to undertake a just warre against the Frenche king whairunto he hes beene drawin be the strongest bands of religioun, honnour and safetie,¹ and the successe of this warre imports his Majestie more neerlie then anie bussinesse whairin formerlie he hes beene ingadged, lykeas in the prosecutioun thairof he is to imploy the effectuall concurrence of his good and loving

Holyrood House, 7th August 1627.

Letter from the Council to the nobility, prelates, barons, &c., bearing that his Majesty desires their assistance in raising a force of 2000 men in Scotland for service against the King of France,

¹ Hostilities between England and France had begun in November 1626, and with an incident which must have engaged the feelings of the Scottish nation. In that month the French had seized the British wine fleet con-

sisting of 200 vessels, a number of which belonged to Scotland. According to Sir James Balfour, however, "the Scottes shipes, in respecte of the ancient leauge, wer dismissed," (II., 158.) Sir James is in error, it should be

to be
commanded by
the Earl of
Morton.

subjects of all his dominions, and being confident of the affectioun of his subjects of this his ancient kingdome, and reposing upon their valour and courage he expects a reall supplee of twa thowsand men to be sent from hence under the conduct of the Erle of Mortoun and hes recomendit unto us the using of our best endeavoures with all rankes of persouns to contribute thair best helpes towards the furtherance of this supplee; the happie issue and event whairof for his Majesteis contentment and credit of the countrie will depend upon the dewtifull concurrence of the honest hearted subjects of the same, of whom accompting yow to be one in speciall, we must thairfoir lay a pairt of this burthein upon yow, earnestlie requeisting yow to use your best endeavours for the furtherance thairof, and to lett us know by a report in writt under your hand upon the xxix of this instant what number of persons yow will be able to furnishe to this service, to be brought or sent to Edinburgh against the xv day of September nixt to be deliverit to the said Erle of Mortoun and his officiers who will be thair readie to ressave and transport thame and be whom thay will be als kyndelie and weill used and payed as anie of his Majesteis royall armeis hes beene used in tyme bygane; wishing yow in the meane tyme that choice be made of worthie persons and of good vigour and habilitie of bodie, not being of those who ar in the commoun rolls for the service of the King of Denmark; seing this service whairin thir leveis ar to be imployed imports his Majestie and the countrie so neerelie in honour and credit. And so resting assured that thair will be nothing wanting in yow that may conduce to the advancement of his Majestis service, and the rather seing by expresse command and directioun from the Kings Majestie we must immediatlie after the said xxix day give an accompt to his Majestie of everie mans cariage and with that send up to his Majestie a list and roll of the particular number of persons to be furnished be everie man to this service, we committ your lordship to God. From Halyrudhous the seveint of August 1627.

Royal Letters,
1623-32,
Fol. 111, b.

Fol. 112, a.

Letter of the Council to his Majesty showing their great difficulty in levying the 2000 men whom he had demanded from Scotland for service against the King of France.

Most sacred Soverane, Incontinent after we knew by the letters whairwith your Majestie honoured us and by Sir Robert Dalvellis relation, your royall pleasure anent the leaveing in this kingdome a regiment of two thowsand men under the Erle of Mortouns conduct for supplee of the Duke of Buckinghames armie in your Majesteis warres in France, we entered in most serious consideratioun of the purpose and found difficulteis very neere approcheing to impossibilitie in respect of the great numbers of men of late gone from this to the warres of Sweden and Denmark and daylie sought for compleiting the three last regiments, with so slow and hard progresse as could not have beene beleved if experience did not cleerelie testifie it. And since we know that your

said, both as to the date of the incident and as to the number of the whole fleet.—Gardiner, II., 102.

The immediate cause of the desired levy in Scotland was the disastrous expedition of the

Duke of Buckingham against the Island of Rhé, opposite the town of La Rochelle. Buckingham had landed on the island in July, and he was now eagerly pressing the king for reinforcements.

Royal Letters,
1623-32.
Fol. 112, a.

Majestie will not allow anie course to be taikin that may impede the accomplishing of the companeis for Denmarke, all that we can promise is to use all our credit and meanes to find so manie as can possiblie be had for your service in France, whairin nothing gives us so good hope of successe as our intention to manifest to all good subjects the earnestnesse of your Majesteis desire to have proove of Scottishmens fidelitie, forwardnesse and courage in this warre against France under the charge of a generall so favoured by your Majestie for his vertew, loyaltie and valour. The choice made of the Erle of Mortoun to command this regiment will in our opinioun be a great helpe to increase the number and sufficiencie of men, in respect of the multitude of his kinsmen, allyes and freinds, beside the universall love of all good men for his noble, courteous and equitable behaviour in all his bypast publict or privat actiouns. Thir respects may diminishe but will not fullie remove the difficulteis of the bussines. We will not by this paper trouble your Majestie with our first projects to advance it, and the supplees of moneyes, armeis and convoy with some uther necessars to be furnished be your Majestie, but have remittit thame to Sir Robert Dalvellis relation, whose care and instance in his charge hes beene verie great, whilk makes us humblie to intreate that he may be permittit to sollicite with lyke affectioun your Majestie to speedilie grant and furnishe all that sall be found requisite for convenient expeding this your royall interpryse which we sall faithfullie assist with all the endeavoures of our bodeis, myndes and credite and prayeris to God for his blessing to this and all your uther royall designes. We rest.

Acta March
1625-January
1628.
Fol. 234, b.

Sederunt—Chancellor; Treasurer; Mortoun; Nithisdail; Wyntoun; Holyrood House, 9th August 1627.
Linthgow; Roxburgh; Melros; Bishop of Rosse; Melvill.

The whilk day the Lords of Secret Counsall in regaird of the absence of James Lookup chosen to sail his Majesty's ship Captane Dowglas and difficultie of mariners to saile his Majesteis ship whair of he hes the charge and that Maister Dicksoun is necessarlie haldin heere for maiking of his accompts, Thairfoir the saids Lords hes made choice of James Lookup in Leith to supplee the said Maister Dicksouns place in the present service whairin the said shippe is to be employed but prejudice alwayes to the said Maister Dicksoun his place and pay.

The whilk day the Lords of Secret Counsell having heard some brutes and rumours that some enemeis shippes ar alongs the coast awaiting to be equipped for service against certain unfriendly vessels that are rumoured to be off the Scottish coast. the occasiouns to take thair advantage of his Majesteis subjects, Thairfoir the said Lords found it meete and expedient that his Majesteis three shippes sall be sett to sea for cleering of the coast and persute of the enemy; and thairfoir the saids Lords ordanis Sir James Bailzie, knight, collectour of the present taxatioun grantit to his Majestie in the moneth of October 1625, to furnishe the said three shippes with

victualls for the spaice of a moneth: Lyke as the said Sir James, being Acta March 1625-January 1628. personallie present, promiseist and undertooke to make the said furnishing. Fol. 234, b. And siclyke Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome, promiseist and undertooke to furnishe the said shippes with mariniers and to have thame in readinesse again Moonday nixt.

Letter of the Council decreeing punishment of death against soldiers who have deserted their regiments in the service of the King of Denmark and have returned to Scotland.

Forsameekle as it is understand to the Lords of Secreit Counsell that diverse persouns who wer transportit for the service of the King of Denmarke hes unworthilie disbandit and runne away and some of thame hes made thair retreat backe to this countrie, hoping that no challenge sall be made against thame nor no punishment inflicted according to the merite of thair fault, which being a mater of verie bad exemple and which deserves to be punished according to the rigour of law whairthrow uthers may be deterred frome suche cowardlie and unworthie courses in tyme comming, Thairfoir the saids Lords ordanis letters to be direct certifeing all and sindrie persouns who hes beene or sall be transportit for the service of the said King of Denmarke and sall unworthilie abandoun the same and runne away without a lawfull pas under the hands of thair captans and commanders under whome thay serve that the paine of death sall be inflicted upoun thame conforme to the ordour of militarie discipline and lawes established for that effect. For the Fol. 235, a. better executioun whair of to command and charge all and sindrie shireffs, stewarts, justices of peace, proveists, and bailleis within burgh and noblemen within thair awin bounds and jurisdiction to take and apprehend all and sindrie the saids fugitive souldiours who alreadie have come backe or sall heerafter retorne into this kingdome and to committ thame to waird and to keepe and deteane thaim thairin till ordour be givin for thair exemplarie punishment according to the lawes made in that behalffe.

Letters of the Council to be directed to all skippers, masters, and owners of vessels, forbidding them to bring home Scottish soldiers from over seas, except they produce a pass from the officers in whose regiments they served.

Forsameekle as the Lords of Secreit Counsell ar credible informed that sindrie persouns who wer conduced and transported for the service of the King of Denmarke hes most unworthilie abandouned thair cullours and fled away with a purpose to retorne backe so soone as thay can find the commoditie of a saulfe passage, for remedie whair of and for eshewing of the ignominie and shame that thairby will reflect upoun the credit and reputatioun of the subjects of this kingdome, the Lords of Secreit Counsell ordanis letters to be direct to command, charge and inhibite all and sindrie skippers, awners and maisters of shippes within this kingdome, that nane of thame presume nor take upoun hand to ressave, carie or transport in thair shippes anie persouns from the Low Countreis or any uther pairt beyond sea (gentlemen of qualitie and merchant traffiquers onlie excepted) without they be warranted by a lawful pas under the hands of the captans, commanders or leaders under whom thay servit, as the said skippers, awners and maisters of shippes will ansvere upoun the contrarie at thair perrell, and

under the paine to be callit, persewit and puneist thairfoir in thair persouns and goods with all rigour and extremitie.

Commissions,
1624-30.
Fol. 144, a.

Commission under the signet to William, Erle of Angus, as justice, Holyrood House, 9th August 1627. to try "Thomas Johnstoun, a commoun and notorious theefe and fugitive, Commission to William, Earl of Angus, to try Thomas Johnstoun, a common thief and fugitive. for thift," who has lately been apprehended by William Dowglas of Bunjedburgh and by him delivered to William Dowglas of Cavers, sheriff of Teviotdail, who has committed him to ward in the tolbooth of Jedburgh. Charge is given to the said sheriff, and to the provost and bailies of the burgh of Jedburgh, and any other custodiers of the said Thomas Johnstoun, to deliver him up to the said Earl of Angus.—Signed by the Chancellor, Mortoun, Nithisdail, Linlithgow, Roxburgh, Melrose, Pa. B. of Rosse, and Melvill.

Wyntoun omitted in the Sederunt given here.

Sederunts,
1625-29.
Fol. 59, a.

Caution by John Padzeane of Newtoun in 500 merks that Thomas Edinburgh, Padzean, his brother, will not molest John Dalzell, son to Sir Robert 10th August 1627. Dalzell of Eliok, knight, nor his family, tenants, etc.: and that he will pay £10 for his escheat, if found liable so to do. Suspension has been granted to 6th September and parties warned to 29th August.—(Signed) Caution by John Padzean for Thomas Padzean, his brother. John Padzne.

Cautions,
1621-28.
Fol. 259, b.

Caution by Alexander Keyth, apparent of Auchrynie, in 500 merks that James Shand in Logie will not molest William Hay in Cruvey, nor his family, tenants, etc., with clause of relief.—(Signed) Caution by Alexander Keyth for James Shand. Al. Keith, J. Schand.

Fol. 260, b.

Mr John Paip, younger, advocate, registers a bond of caution by Sir Edinburgh, John Carmichaell of Medowflatt, knight, in 300 merks each for George 14th August 1627. Scott, John Broun, and William Kirkup in Kirktoun, and John Aitkyne Bond of caution by John Carmichael of Meadowflat, for George Scott and others. and William Aitkyne in Greenehead, that they will appear before the Lords of Council on 29th August instant for trial whether they be persons of the quality specified in the Act of Council as idle and masterless persons, wanting trades and means of entertainment. The bond is dated at Edinburgh 13th August 1627, witnesses, William Murray of Dunerne, James Stratoun, Writer to the Signet, and John Aitkyne, who wrote the bond.

Acta March
1625-January
1628.
Fol. 235, a.

Sederunt—Mortoun; Nithisdail; Wyntoun; Linlithgow; Melros; Holyrood House, 17th August 1627. Bishop of Rosse; Naper; Master of Jedburgh; Clerk of Register.

The Lords of Secreit Counsell having heard some brutes and rumours that some forraine shippes of warre ar upoun the coast awaiting the occasioun to take thair advantage of his Majesteis subjects and of his freinds and confederats, and the saids Lords for withstanding of thair attempts having directit some shippes of warre to be sent to the sea The Council, having engaged William Dick to supply his Majesty's ships with powder, recommend

his Majesty's Admiral to have a care that the said powder be not unnecessarily spent.

and conceaving that thay ar not so substantiouslie provydit with poulder as the necessitie and importance of this service requires, thairfoir the saids Lords dealt and travellit with William Dick, merchant burgesse of Edinburgh¹, who wes personallie present, to provide and furnishe his Majesteis three shippes now appointit to be sett out for this service with twentie fyve barrells of poulder at eighteene shilling the pund weight, and the said sowme sall be thankfullie payed unto him at Martimesse nixt; whilk charge the said William Dicke undertooke and promiseist to performe; and the saids Lords recommends to his Majesteis Admirall, who wes personallie present, to have a care and to give directioun that the said poulder be not unnecessarlie spent but cairfullie kept, and that accompt be made thairof at the returne of the saids three shippes from the present service whairin thay ar now employed.

Acta. March
1625. January
1628.

Fol. 235, a.

Fol. 235, b.

The Council ordains James Murray, maister of his Majesty's Works, to supply the Lord High Admiral with bullets for the better furnishing of his Majesty's three ships against the enemy's vessels now off the Scottish coast.

Forsameekle as his Majesteis three shippes ar now with all convenient diligence to be reeked out and sett to sea for persute of the commounemie² awaiting occasiouns of advantage alongs the coast, als weill against his Majesteis subjects as against his freinds; and the Lords of Secreit Counsell being informed that thir three shippes ar not so weill provydit with bullet as the importance and necessitie of this service requires, Thairfoir the saids Lords ordanis James Murrey, maister of his Majesteis Workes, to delyver out of his Majesteis munitioun hous within the Castell of Edinburgh to Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome, for the better furnishing of the saids shippes, fourescore demiculvering bullets and fourescore seker bullets, the said Maister of Warke at the delyverie of the saids bulletts takeand the said Lord Admirall his band for redelyverie of the same bulletts, at the least so manie of thame as sall not be found profitablie spent in his Majesteis service after the accomplishing of the same and returne of the shippes.

Certain owners and captains of ships having undertaken to assist his Majesty's three ships in clearing the coast of the common enemy, the Council guarantees the said captains and owners against all losses.

Forsameekle as the Lords of Secreit Counsell hes commandit and ordeanned that his Majesteis three shippes sall with all possible diligence be reeked furth and sett to sea for clearing of the coast and persuite of the commounemie now attending occasiouns of advantage alongs the coast als weill against his Majesteis awin subjects as against his freinds and confederats, and conceaving that the commounemie both in number of shippes and equippage is stronger nor thir three shippes can stand out aganis, thairfoir the saids Lords hes dealt and travellit with the maisters and awners of the shippes underwrittin, thay ar to say, Andrew Watsoun, captan of the shippe callit *The Blessing of Bruntiland*, David Alexander, captan of the ship callit *The Alexander* sometyme callit *The Lamb*, and of a pynnace callit the _____, and David Robertsoun, captane of the shippe callit *The Grace of Dyserit*, to accompanie his Majesteis said shippes and to joyne with thame in all

¹ Regarding William Dick, see Indexes of previous volumes.

² The enemy's ships were those of France.

Acts March
1625-January
1628.
Fol. 235, b.

the occurrents that sall fall out induring this service. Quhilks charge the saids maisters and awners out of thair worthie respect to the honnour and credite of the countrie have willinglie undertaine; in acknowledgement whair of the saids Lords, being cairfull to foirse and provide that thay sall not be prejudgit by this thair willing embraceing of his Majesteis service, but that thay sall be secured aganis all domnage or skaith that thay or anie of thame according to thair severall interesse may susteane thairthrow, Thairfoir the saids Lords hes decernit, declairit and ordainit and be the tennour of this present act decernis, declairs and ordanis that the saids shippes with thair haill ordinance and furniture thair of sall be delyverit backe againe to the awners after the compleiting of this service in als good cause and estait as the samine presentlie ar in, and if the said shippes or anie of thame sall happin to be stopped or anie pairt of the furniture thair of spoyled that the samine sall be substantially beatted, helped and repaired; and if the saids shippes or anie of thame sall happin to be sunke or brunt that thankfull payment and delyverie sall be made to the trew awners of the availl and pryce of the shippes and furnitoure thair of so sunke or brunt according to the worth and value of the same; as also that payment and satisfioun sall be made to the awners, companie and equippage of the saids shippes of what sall be found dew unto thame for thair fraught, wages and victualls during thair employment in this service. And if it sall happin the saids shippes or anie of thame to be so spoyled and beattin that thay cannot be serviceable till thay be repaired, in that cause the saids Lords declairs that the companie and equippage of the shippe or shippes so beattin after thair returne frome this service sall have the payment of thair allowance and waiges continewit unto thame for suche tyme and spaiice as the shippe or shippes so hurt may be convenientlie repairit. And for thair forder securitie the saids Lords ordanis his Majesteis Thesaurar and Deputie Thesaurar to performe and fulfill to the awners and uthers foirsaid the conditiouns abone writtin and accordinglie to make thame tymous and thankfull payment of all suche sowmes of money as after just tryell sall be found dew unto thame for satisfioun of thair losses and payment of thair wages, and that out of the first and readiest of his Majesteis casualteis and rents; and ordanis thair payment to be preferred and answered before all uther payments and precepts whatsoever in respect of the importance and necessitie of this service so willinglie undertaine be thame for the honnour, credite and saulfetie of the kingdome.

Forsameekle as by ane formar act and proclamatioun all and sindrie fensible persons within the shirefdome of Edinburgh were commandit to ryse in armes and to make thair addresse to this burgh to attend the directionis of his Majesteis Counsell, and becaus thair is no present necessitie of thair employment in his Majesteis service, the reasoun whairupoun they wer conveyened being now cleered and taine away, the

The Council ordains all the fensible persons who had come to Edinburgh in obedience to a previous proclamation to retire from the

burgh till they are again summoned. Lords of Secreit Counsell hes thairfoir thought meete and expedient and thairwithall commands and ordanis that all persouns who upoun the occasioun afoirsaid hes repaired to this burgh dissolve thameselfes and retire home till thay be certified of new by proclamatioun, notwithstanding of the said former act whairanent and all paines conteanit thairintill the saids Lords dispenses be thir presents; and ordaines ane herauld, pursevant or macer of Counsell, to pas and make publicatioun heerof be open proclamatioun at the mercat croce of Edinburgh, whairthrow his Majesteis lieges may gett notice of the same.

Acta March
1625-January
1628.
Fol. 236, a.

Proposal of the Council to the magistrates of Edinburgh for the building of two forts at Leith. The whilk day the Lords of Secreit Counsell having propouned to the proveist and balleis of Edinburgh the necessitie of the bigging of twa forts at Leith, and if thay would undertake the building thairof, the furnishing of the same with munitioun and uthers necessars belonging thairto upoun their awin charges, and to big the saids forts in suche places in Leith as sall be designit and made choice of for that purpose, thay tooke the mater to be advisit with the counsell of thair toun, and promiseit to report thair answer to the saids Lords upoun Tuisday nixt.

Fol. 236, b.

"Halyrudhous" struck out as place of meeting and "Edinburgh" substituted.

Sederunts,
1625-29.
Fol. 59, b.

Further provision for dealing with the enemy's ships off the Scottish coast.

The quhilk day the Lordis of Secreit Counsell findis it meete and expedient that, in respect of the constant bruitis and rumouris of some foreyne enemeyis ships now upoun the sea, the waughteris presentlie in the Firth salbe desyrit to go to the sea for assisting of the otheris waughteris who are thoght to be persewit be the enemy, and thay salbe assuirit that thay salbe accompanied with suche shippis of this cuntrey as convenientlie may be had and salbe followit be otheris.

Ane missive to his Majestie concerning thir foreyne shippis.

Bagshot,
17th August
1627.

Letter from his Majesty expressing his desire that the Council will have a chief care to guard the kingdom against the enemy now said to be off its coasts.

CHARLES R.—Right trustie and weilbelovit cousin and counsell, right trustie and weilbelovit cousins and counsellers and right trustie and weilbelovit counsellers, we greeete yow heartilie weill. Having understood by informatiouns from that our kingdome that thair ar some warre shippes of enemeis discovered upon our coasts of Zetland and that yow wer to sett out our shippes with suche uthers as yow could procure to accompanie thame, though thair may be mistaikings in this report, yitt thair is least danger in suspecting the worst and we approve your cair and course that yow have taikin heerin. And our pleasure is that according to the particular occurrences and intelligences yow sall have yow take a course from tyme to tyme to obviat inconveniences. For whatsomever directiouns we give upoun the present occasiouns offered unto our consideratioun, yitt we can not foirseer everie contingencie that suche a tyme may produce; and thairfoir in that caice we

Royal Letters,
1625-32.
Fol. 117, a.

Fol. 117, b.

Royal Letters,
1623-32.
Fol. 117, b.

trust your judgement, not doubting but as you value the good of our service above all things so in that which doeth concerne the same yow will have ane cheefe care of that which may import the securitie of that our kingdome. And so we bid yow fairweill. From our Court at Bagshote the seventeene of August 1627.

Acta March
1625-January
1628.
Fol. 236, b.

Sederunt—Chancellor; St Andrewes; Mortoun; Nithisdail; Wyn-Holyrood
toun; Linlithgow; Roxburgh; Melros; Bishop of Rosse; August 1627
Melvill; Naper; Master of Jedburgh; Privy Seal; Clerk of
Register.

Instructionns for Alexander, Erle of Linlithgow, his Majesteis Admirall tuiching the prosequioun of his Majesteis service aganis the commoun enemie now upoun the coast.

First, The said Lord Admirall sall give directoun to the captans and commanders of the shippes that, be warrant from his Majesteis Counsell, ar to be sett furth for this service that thay attend and await upoun his Majesteis three shippes now to be sett to sea for that same service.

Secundlie. He sall give command to the captans of his Majesteis three shippes that thay with the uthers shippes foirsaidis direct thair course to the south, towards Flamburgh, whair thay sall be carefull to enforme thame selfes of the enemeis course and what way thay hold and if the waughters be attending or following thame. And if thay gett anie informatioun thair anent this point that thay make thair addresse with all diligence toward thame and concurre and joyne with thame in the persuite of the enemie; and if thay sall rancounter with the enemie without the waughters that thay forbear to make anie onsett or to enter in fight with thame but upoun a seene advantage. And if thay can get no advertisement of the enemie at Flamburgh head that thay follow on thair course southward to the Sheild on this side of Yermouth, and if thair thay gett advertisement that the enemie is gone, and that thay ar not able to overtake thame that thay returne toward Monrose whair thay sall attend three tydes upoun the directioun of his Majesteis Counsell tuiching thair dismissing or forder employment; and if within that spaice thay heare not from his Majesteis Counsell that then his Majesteis three shippes come backe to the Firth and to some convenient harbourie within the same, and the uther shippes sall follow out thair course as sall best please thame.

Fol. 237, a. Forsameekle as Archibald, Lord Naper of Merchinstoun, Depute Thesaurar of this kingdome, out of his dewtiffull respect to the furtherance and advancement of his Majesteis service now at this tyme when it is knowin that the commonn enemie is upoun the coast, hes willinglie undertaine the payment of the waiges, victuall, poulder and shott of the shippes appointit to attend his Majesteis three shippes now

Directions to
be given by the
Lord Admirall
to the captans
and com-
manders of the
ships which
are supporting
his Majesty's
three ships
against the
enemy now off
the coast.

The Council
directs the
receivers of his
Majesty's rents
to reimburse to
Lord Napier of
Merchiston all
moneys he has
expended in
furnishing the

ships that are now supporting his Majesty's three ships against the common enemy.

appointit to be sett to sea for cleiring of the coast and persute of the commounemie; and the Lords of Secreit Counsell being cairfull to foirse and provide that the said Lord Naper his willing undertaiking of this advancement and payment sall not prejudice him in anie sort, but that he sall be secured of tymous and thankfull releefe, thairfoir the saids Lords, for the said Lord Naper his forder warrant anent his releefe of the ingadgement abonewrittin, hes decernit and ordainit and be the tennour heerof decernis and ordanis that the said Lord Naper sall have his releefe out of the first and readiest of his Majesteis rents and casualiteis presentlie being or that sall be in the hands of the ressavars of his Majesteis rents ay and whill he be fullie and compleitlie satisfied and releved of all burdenis that he hes undertaine and is lyable to fulfill for the caus abonewrittin according to the accompts of his debursements to be seene and allowed be these who sall be nominat to that effect; commanding heereby the ressavars of his Majesteis rents to delyver to the said Lord Naper for his releefe the hail moneyes presentlie being in thair hands and which sall come in thair hands ay and whill the said Lord Naper be fullie releved of the charges and burdein now undertaine be him, anent the doing whairf of the extract of this Act sall be unto the saids ressavars ane warrant.

Acta March
1625-January
1628.
Fol. 237, a.

Ordinance anent three bands subscribed by Lord Napier of Merchiston for the furnishing of three ships serving against the common enemy.

Forsameekle as Archibald, Lord Naper of Merchinstoun, Deputie Thesaurar of this kingdome, hes givin and subscriyvit three several bands, the one to the captane, maister and awners of the shippe callit *The Blessing of Bruntilland* and whairf Andrew Watsoun is captane, the uther to the captane and awners of the shippe callit *The Alexander* sometyme callit *The Lamb*, and of a pynnace callit the some-tymes perteaning to James Cummyng of St Monnans, of which twa David Alexander is captane, and the thrid band to the captane and maisters of the shippe callit *The Grace of Dysert* whairf David Robert-soun is captane, for payment of the wages, victuall, poulder and shott of the saids shippes during thair employment in his Majesteis service, as the saids bands of the dait of thir presents at lenth beares; and whairas the said payment is ordainit to be reuled according to the payment of his Majesteis navie before the expeditioun of Cales, and the Lords of Secreit Counsell not being cleered nor fullie satisfied what wes the dew payment of his Majesteis navie at that tyme, thairfoir the said Lord Naper hes subscriyvit the saids bands blanke unfilled up with the said sowmes and hes remittit the same blanks to be filled be the saids Lords after tryell taine be thame how the pryces of his Majesteis navie reuled the tyme foirsaid, and in the meane tyme whill the difference be tryed and the blankes filled the saids Lords ordanis the saids bands to lye in the hands and keeping of the Clerk of his Majesteis Counsell.

Fol. 237, b.

Edinburgh,
18th August
1627.

Letter of
Council to the

After our verie heartilie commendatiouns. Having had sindrie advertisements of the arrivall of some forraine shippes of warre upon the coast we have thought meete in respect of your commoun interesse, to give yow notice thairf, and the particulars yow will more cleerlie

Royal Letters,
1623-32.
Fol. 112, a.

Royal Letters,
1623-32.
Fol. 112, b.

understand by these two copeis of letters sent to us, the one from the Archbishop of St. Andrewes, and the uther from the Lord Admirall of this kingdome. And thairfoir these ar to requeist and desire yow to resolve upon some present course both for securing of the coast, persute of the enemie, and for assisting of the waughters who ar now following and attending upon thame; and for this effect that yow will sett furth with diligence some shippes of warre to attend this service, and certifie the rest of the nighbouring touns to doe the lyke, and thair sall be nothing wanting in us which may further and advance the same for his Majesteis contentment and the honour and safetie of the kingdom. And recommending the premisses to your care and diligence as the most important service that hes occurred these manie yeeres bygane, we committ yow to God. From Edinburgh the xvij of August 1627. *Sic subscribitur*, Dupline, Mortoun, Wyntoun, Nithisdail, Linlithgow, Pa. B. of Ross, Lord Melvill, Naper, S. A. Carre, S. Jo. Hammiltoun.

Mayor and Aldermen of Newcastle requesting them to take steps for the defence of the kingdom against the enemy's ships now off the coast.

Fol. 114, a.

Most sacred Soverane, since the last advertisement sent to your Majestie of the arrivall of some forraine forces in Zetland, we have diligentlie awaited heere to give directiouns upon all interveening occasiouns and to sett to sea your Majesteis shippes, and so manie of our people as hes commissiouns against that enemie, and two or three waughters who ar in this firth. Our first advertisement sent from the Lord Chancellor from Sanct Johnstoun wes dispatched to Sir William Alexander, your Majesteis Secretarie, upoun the xv of this month at night, to be showne to your Majestie with all speid. From that tyme we heard nothing of the enemeis shippes in thir seas but verie uncertane reports till yesternight that we had a letter sent from the Archbishop of St. Andrewes and another sent in the night from Leith by the Erle of Linlithgow, of both which we have heerewith inclosed the copeis; to which we adde that our merchants affirme that frome Spaine they heare that moneyes being verie skairse in West Flanderis the best shippes that wer thair wer sent to Spaine to assist the safe convoy of that supplee and that foure thowsand men wer also to be sent from Spaine¹ to Flanders whairof thay probablie collect that the moneyis may be in these shippes. And how ever it be we beg pardoun to propone to your Majestie our humble opinioun that since the wind now is and probablie may continue contrair to thair course towards Dunkirk, speedie ordour may be given to so manie of your Majesteis royall shippes as may be readiliest sett furth to seeke to rancounter thame before they atteane thair intendit port. And so thay comming to assist the Hollanders who ar following of intentioun to assaile thame if they can find helpe and advantage, we would undoubtedlie expect that God adding his wounted blessings to your just and royall interprises may turne the actioun to your Majesteis honnour and contentment. We have sent to the Mayor of Newcastle advertisement of all we have heard with intreatie to communicat it to

Edinburgh, 18th August 1627.

Letter of Council to his Majesty suggesting that he should take order for the seizure of certain ships sailing from Spain with moneyes for West Flanders.

¹ In March 1627 France and Spain had entered into an engagement for common action against England.

your best affectit servants in that toun to the effect thay may readilie resolve what thay find most expedient to be first done for your service and wairne the nighbour coast touns to doe the lyke. So wishing, etc. From Edinburgh, xvij of August 1627. *Sic subscribitur*, Dupline, Mortoun, Nithisdail, Linlithgow, Wintoun, Roxburgh, Melros, B. Rosse, Melvill, Naper, A. Carre, J. Hammiltoun.

Edinburgh,
21st August
1627.

Caution by
William
Anderson for
John Barker.

Caution by William Anderson, schoolmaster in the Cannogait, in 500 merks, that John Barker in Over Crawmond will not molest Robert Mowbray at the Bridgend of Crawmond, nor his family, tenants, etc.; with clause of relief.—(Signed) W. Andersone w^t my hand, Johne Barker w^t my hand.

Royal Letters,
1623-32.
Fol. 114, a.

Cautions,
1621-23.
Fol. 261, a.

Edinburgh,
22nd August
1627.

Caution by Mr.
James Bruce
for Sir John
Wemyss of
that ilk.

Caution by Mr. James Bruce, indweller in Edinburgh, for Sir John Weymes of that ilk, knight, in 500 merks, that if Sir John has not done his duty and diligence in taking trial of the idle and masterless men in the parish of the Weymes, and in apprehending of them, conform to a charge at the instance of Captain Harie Schaw, he will underlie such further order therein as the Lords of Council will appoint. Suspension has been granted to 31st August and the said Captain warned to the 29th.—(Signed) Mr. James Bruce.

Fol. 261, b.

Caution by
George Foullis
for Thomas
Foullis of
Leadhall.

Caution by George Foullis, son to George Foullis, master of his Majesty's Cunziehous, in 200 merks for Thomas Fowlles of Leidholl, to the same effect as above in the parish of Crawford Lindesay. Charge was given to him at the instance of Alexander, Lord Spynie.—(Signed) George Foullis, younger.

Aberdeen,
22nd August
1627.

Letter of the
Bishop of
Aberdeen to
the Council
stating his
reasons for
opposing his
Majesty's
favours to
Elizabeth
Leslie and her
children, and
relating his
troubles with
the Papists of
Aberdeen.

Most honourable and my verie good Lords, I had from your lordships a letter in behalf of Elizabeth Leslie and her childrein, Mr. Alexander and Robert Irwings, togedder with a copie of his Majesteis letter to your honnours bearing his pleasure concerning thame which is grounded upon the notice his Majestie hes taikin of his father of blessed memorie his favour toward thame, whairto becaus I opposed then it hes pleased your good lordships to desire my opinioun thairanent that as yow might the better give an accompt to his Majestie of the reasouns ather of granting or rejecting the petitioun. Your honnours may remember that my oppositioun wes cheefelie to the forme quhairby against his Majesteis intentioun thay laboured to carie that favour, in that not content to have it of grace and meere indulgence thay would needs draw it by a legall processe to the prejudice of standing lawes and overthrow of all our proceedings according to law. I know his Majestie may remitt of grace and dispense with the executioun or punishment at his pleasure; and howsoever I ather then might or now justlie may lament and deplore with my self the miserable condition of our Church by suche indulgences, yitt I nather have

Royal Letters,
1623-32.
Fol. 116, b.

Royal Letters,
1623-32.
Fol. 116, b.

nor will oppose my self thairto otherwayes then becommeth a subject and Christ his minister by humble supplicatioun and free and faithfull counsell. And accordingle now I thinke if his Majestie wer right informed at what tyme, by whose sollicitioun and upoun what respects according to the exigence of effaires then and negotiatioun with neighbour princes (by whose ambassadors these first letters wer purchased and by importunitie extorted from that King of happie memorie as in uther instances of that kinde he not obscurelie signified to the Church heere, desiring us to have a little patience till he might bring about his designes) and with all if it be dewlie weyghed what bitter fruit hes arissin to this poore Church by that and the lyke indulgences, whairby our Papists ar growin not onlie in avowed numbers but thairwith to so intolerable insolencie and contempt of our lawes as I feare sall breid to his Majestie and your honnourable lordships no small bussines to compesce in end. If also his sacred Majestie will consider that the variatioun of tyme and of caissis in tyme import now nather anie necessitie nor expedience of fostering of suche people anie more in contempt of all ordour, I am perswadit (as his Majestie is religiouslie and righteouslie disposed) he would be laith so untymeouslie to encourage suche men to the greefe and discouragement of his most panit and most loyall subjects. His sacred Majestie hes writtin also to me to the same effect as to your lordships but with this conditioun that thay carie thame selves calmelie and modestlie and give no offence or scandall. Now, for them to dwell in the heart of his Majesteis royall burgh of Aberdein and in the daylie and publict view of the countrie not onlie to separat thameselfes from our communioun and all fellowship with us in anie pairt of Divine worship, but also to ressave and cuillie [favour] Roman preests to have and heare messes, and to baptize thair childrein by these preests in manifest contempt of our Church and his Majesteis lawes, if these be not offences and scandals I know not what can be compted scandalous and offensive; nather did I ever conveene thame before ather Privie Counsell or High Commissioun till thair insolence had come to this hight. They have all whair and to all men calumni-ouslie traduced me that nothing stirreth me against thame but a greedie desire to draw in from thame some little things which thay hold of this see. Ineid, thair insolence made me some tymes to threattin thame with that whairto the lawes of the countrie would leade me if possiblie by that terrour I might have drawin thame to conformitie. Yitt nevertheless now for the spaice of almost ten yeeres I have borne up from that which easilie in one yeere I might have atchieved. And not onlie have I ressavit thair dewteis, but also (to prove thame with courtesie) when I had ane pairt of thair lands in my reverence upoun no ground of anie ecclesiastical processe or anie sentence proceeding thairupoun but onlie upoun thair owne defect in not performing the conditiouns of thair infetment, yitt I depairtit from my persuit if so be by anie meanes I

Fol. 117, a.

might winne thame. I have oftin offered unto thame that if (as thay Royal Letters, 1623-32, Fol. 118, a. pretendit privatlie and publictie) thay would take thame out of the countrie and so make us free of thair trouble, I would in that caice depairt from all processe I might have against thame, and behold thame ather to bruike thameselfes or dispone to uthers the things thay hold of this see. Yea, and more, I have offered the same unto thame so being thay would taik thame to dwell anie where elles and not in Aberdein whair thay ar daylie pricks in our eyes and thornes in our sides and opin stumbling blockes to our people, of which offers and my too great lenitie towards thame I have just caus to repent me, seing I nather hithertills have found nor now find ought on thair pairt but ingratitude and ludificatioun, whairas long er now I might have brought thame to some point and with all have sufficientlie cleered my self of having no aime ather at thair land or geir, if in the top of my working with thame I wer not alwayes weakened from thence, whence under God, cheefelie I sould have beene strenthenned. In which hard caise I can but comfort my self in the testimonie of a good conscience and recommend Gods caus to his owne care who both may and will help it in his own good tyme and maner, to whois good grace I heartilie recommend your lordships remitting all to your wise consideratioun how to informe his Majestie of this bussines, as your honnours sall thinke expedient. And so remains alwayes, your honnours affectionat servant, Pa. Aberdeene. Aberdeene, 22 August 1627.

Edinburgh,
28th August
1627.

Caution by
John Lindsay
for Gavin
Lindsay and
others.

Caution by John Lindsay, apparent of Hairtsyde, in 1000 merks for Cautions, 1621-28, Fol. 262, a. Gawane Lindsay of Glaspen, and in 500 merks each for Lancelot Lindsay, his son, and George Cokburne and Gawne Moffett, his servitors, that they will not molest Sir John Carmichaell of Medowflatt nor his family, tenants, &c.; and that the said Gawane Lindsay will pay 20 merks, and the others 10 merks each for their escheat; with clause of relief.—(Signed) J. Lyndsay, Gawin Lyndesay.

Holyrood
House, 29th
August 1627.

Sederunt—Chancellor; Menteith; Nithisdail; Wyntoun; Lin- Acts March 1625-January 1628, Fol. 237, b.
lithgow; Perth; Roxburgh; Bugcleugh; Melros; Lauderdaill;
Colvill; Melvill; Carnegie; Naper; Master of Jedburgh;
Privy Seal; Clerk of Register; Advocate; Tracquair; Sir
John Scot.

Letter of his
Majesty
requiring the
Council to
grant a com-
mission to the
Earl of Morton
empowering
him to trans-
port a regiment
of 2000 men
for service

The whilk day the letter underwritin signed be the Kingis Majestie wes presented to the Lords of Privie Counsell of the whilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousin and counsellor, right trustie and weilbelovit cousins and counsellors and right trustie and weilbelovit counsellors, we greeete yow weil. Whairas we have required our right trustie and weilbelovit cousin and counsellor the Erle of Mortoun to levie in that our kingdome a regiment of twa

Acta March
1625-January
1628.
Fol. 237, b.

thowsand footemen, consisting of two and twentie companeis and everie companie consisting of ten officiers and fourescoir commoun souldiours to be transportit into France for our service thair; ^{against France, and appointing him sole colonel of the same.} ^{See ante, p. 37.} ¹ for doing whairof it is fitt that he be authorized be our commissioun under the great seale of that our kingdom appointing him to be colonell of the said regiment, and with power to him to elect, nominat and appoint suche commanders and officiers as ar usuall to be appointit by a colonell; these ar thairfoir to will and require yow upoun sight heerof to caus exped unto the said Erle of Mortoun a commissioun under our great seale afoirsaid in dew and competent forme giving and granting unto him full power and licence to levie and transport the said regiment of twa thowsand footemen and makeand and constitutand him to be sole colonell over the same, and with power to him to elect, nominat and appoint a lieutenant colonell, serjant major, corporall of the said feild, quarter maister, provest mairshall, chirurgian, having two men and one preacher for the said regiment who ar to have the severall interteanements mentiouned in a list heerewith sent unto yow under our royall signatour; With power alsua to him to elect, nominat and appoint the several captans over the said severall companeis, giving thame power and authoritie to elect and choose thair awin officers, who lykewayes ar all to have the severall interteanements mentiouned in the said list. And if the said Erle of Mortoun sall thinke it more fitting for our service and his ease that the said twa thowsand footemen be reduced into fewer companeis and under the command of fewer captans and officers, then our pleasure is that his desires heerin may be fulfilled and that our said commissioun may be exped unto him accordinglie, provyding alwayes that the interteanements of the saids commanders, officers and companeis doe not exceed the charges mentiouned in the said list. And for your so doing these our letters sall be unto yow and everie of yow frome tyme to tyme your sufficient warrant and discharge. Givin at our Court at Baghote in England the seventeene day of August 1627. Quhilk missive being read, heard and considerit be the Lords of Secreit Counsell, thay accordinglie past a commissioun of the tennour following:—OUR SOVERANE LORD ordanis ane commissioun to be made under the great seale in dew forme to his trust cousin and counseller, William, Erle of Mortoun, givand and grantand unto him full power, warrant and commissioun to levie and take up within this kingdome ane regiment of twa thowsand footemen and to conduct and transport thame to the kingdome of France for the furtherance and advancement of his Majesteis service thair, over the which regiment his Majestie hes made and constitute and be the tennour heerof makes and constituts the said Erle of Mortoun sole colonell,

Fol. 238, a.

Signature by
the Council for
a Commission
to the
Earl of Morton
in accordance
with the terms
of the above
letter of his
Majesty.

¹ According to Sir James Balfour, the Earl of Murton had, in June 1627, accompanied the Duke of Buckingham in his expedition to

La Rochelle, with a detachment of 3000 Scots. — *Annales*, II., 168.

with power to him to divyde and distribute the said regiment in competent numbers and companeis and to nominat and appoint captans and commanders over thame for whom he sall be answerable, and to caus towcke drwmmes, displey cullours, and to doe and performe all and everie uther thing which towards the uplifting of the said regiment sall be requisite and necessar. Firme and stable halding and for to hald all and whatsomever things sall be laughfullie done heerin; and that these presents be ane warrant to the great seale without anie forder precepts to be direct thairupoun. Givin at Halyrudhous the twentie nyne day of August and of his Majesteis raigne the thrid yeere, 1627.

Acta March
1625-January
1628.
Fol. 238, a.

Commission to
the Earl of
Menteith and
others to
examine Dum-
barton Castle,
and to report
its condition to
the Council.

The Lords of Secret Counsell being cairfull to understand the estait of the Castell of Dumbartane that accordinglie thay may give ordour for reparatioun of the defects within the same, thairfoir the saids Lords gives commissioun be thir presents to the Erle of Menteith, the Lords Kilmaeres, Naper and Blantyre, the Lairds of Luss, Buchannan, Minto and Foulwod or anie foure of thame to resort and repaire to the Castell of Dumbartane at suche tyme as the said Erle of Menteith sall appoint, and thair to visite and sight the said castell and to report the trew estait thairof to the saids Lords upoun the first Counsell day of October nixtocum, commanding heerby the keepers of the said castell to grant unto the foirsaid persons accesse within the same to the effect abone-writtin at suche tymes as thay sall require the said accesse, as thay will answere upoun the contrair at thair perrell.

Declaration
that whatever
persons will
serve Sempie
of Foulwood,
sheriff-princi-
pal of Dumbar-
ton, as deputies
or clerks, shall
not be
burdened with
any of the
taxations of
the said
sheriffdom.

Forsameekle as it hes pleased the Kings [Majestie] to make choice of Sempill of Foulwod to be shireff principall of the shirefdome of Dumbartane for this present yeere; and whairas in the yeeres preceeding his Majesteis service in the ordinar course hes beene verie farre disappointit and frustrat be reasoun that the shireffs who were chosen for the tyme could have no deputs nor clerks to serve thame for feare to be troubled for his Majesteis taxatiouns, and seing the said Laird of Foulwod as shireff principall of the said shirefdome hes undertaine to be answerable for his Majesteis taxatiouns ordinar and extraordinar during this yeere of his service, and can nather gett deput nor clerk to serve him unlesse thay be fred of the burdein and charge of the saids taxatiouns, Thairfoir and in respect of the said Laird of Foulwod his undertaiking to be answerable for the saids taxatiouns who is ane famous responsall and answerable gentleman worthie of trust and credit, the Lords of Secret Counsell declairs be thir presents that the persoun or persons whatsomever who will serve him as deputt or clerk in the said office sall na wayes be burdeinned, troublit, nor chairgit with the payment of anie of the taxatiouns of the said shirefdome, and that na executioun be hornig or captioun sall be used against thame for that caus, but that thay sall be fred, exonered and releevd thairof, and that his Majestie

Fol. 238, b.

Acta March
1625-January
1628.
Fol. 238, b.

and the collectours of the said taxatiouns shall only take thame to the shireff principall for payment of the same.

Forsameekle as the Lords of Secreit Counsell hes thought meete and expedient that now in thir dangerous tymes when the countrie is threatned with a commoun enimie that caire be taine for securing of the coast whair thair is probable appearance that the enimie may land; and considering that the ports and harboureis of Monrose and Bruntilland are opin harbours whairin the enimie may thrust himself without danger, and that if some fortificatioun wer made at Inchgarvie it would prove a great suretie for all the shippes and vessells going up the water, Thairfoir the saids Lords hes givin and grantit and be the tennour heerof gives and grants full power and commissioun be thir presents to the persouns particularlie underwritin to conveene and meete at the places following and to take ordour and give directioun anent the bigging of forts and fortificatiouns at the saids places in maner following, that is to say—to Johne, Erle of Kinghorne; James, Lord Ogilvie of Airlie; David, Lord Carnegie; and to the Lairds of Din, Innerquharatie, Lawrestoun, Aldbar, Morphie, Bonytoun, Ethie, Balmaine, Leyes, Guthrie, and Newgrange, or anie foure of thame, the Lords Ogilvie and Carnegie or either of thame being ane of the foure, to conveene and meete at the burgh of Monrose upoun the threttein day of September nixt; and to Johne, Erle of Rothesse; William, Erle of Mortoun; Robert, Lord Melville; Lord Ramsay of Dalhowsie; and to the Lairds of Weymes, Balmowto, Sir George Areskine of Innerteill, Mr. James Aittoun, Boswald of Pittedie, Sir George Hammiltoun, with the bailleis of Dysert, Kirkaldie and Kinghorne or anie foure of thame, to conveene and meete at the burgh of Bruntilland upoun the said threttein day of September nixt; and to Dundas of that Ilk; Colonell Harie Bruce, Mr. Alexander Hammiltoun, and Alexander Bruce, or anie three of thame to conveene and meete at Queensferrie the threttein day of the said moneth of September, and at thair said meetings within the pairts respective assignit unto thame as said is that thay within the severall bounds allowed unto thame try and informe thameselfes whair forts may be best and most commodiouslie built, viz. at the burrowes of Monrose and Bruntilland and how some fortificatioun may be made at Incheharvie; and to consider and accordinglie to take some course and ordour how, be whom and by what meanes the saids forts and fortificatioun may be biggit, and what supplee may be had from the countrie people for the furtherance and advancement thairof, what charges the bigging of the same will necessarilie require, and what pairts and portiouns of the countrie sall be allowed for contributing thairunto, and to report thair proceedings and the course and ordour to be taine be thame heerin to the saids Lords upoun the eighteene day of September.

Fol. 239, a.

Forsameekle as the Lords of Secreit Counsell hes thought it meete and expedient that now in thir dangerous and difficill tymes when the

Commission to
John, Earl of
Kinghorn, and
others, to
ascertain
where forts
may be most
commodiously
erected at
Montrose,
Burntisland,
and Inch-
garvie, and to
consider how
and by whom
the said forts
may be con-
structed.

Commission to
George,
Marquis of

Huntly, and
others, to
ascertain
where bailes
and beacons
should be set
up throughout
the Kingdom,
and how and
by whom the
said bailes and
beacons should
be maintained.

country is threatned with a forraine enemie that bailes and beakens be sett up in all convenient and eminent places whairby notice may be givin to the subjects of anie forraine or intestine invasioun that sall happin to fall out, to the intent that the subjects upoun the sight of the beakens may be the more readie and prepared to concurre in the defence of thameselfes and the countrie; and for the better executioun heerof the saids Lords hes givin and grantit, and be the tennour heerof gives and grants full power and commissioun be thir presents to the persouns particularlie underwrittin to conveene and meete at the pairts following, that is to say, to George, Marqueis of Huntlie; Francis, Erle of Erroll; Arthure, Lord Forbesse; Patrik, Bishop of Aberdeene; and the Lairds of Drwm, Muckalls, Clunie Gordoun, and Ludquhairne, with the proveist of Aberdeene, for the shirefdome of Aberdeene; to conveene and meete at the burgh of Aberdeene upoun the threttein day of September nixt; and to William, Erle Mairshall; and the Lairds of Arbuthnet, Glenbervie, Pittarrow, Balmaine, Lawrestoun, Halkertoun, Benholme, Morphie and Leyes, or anie fyve of thame for the shirefdome of Kincairdin, to conveene and meete at the Stainhyve upoun the said threttein day of September nixt; and to Johne, Erle of Kinghorne; the Lords Ogilvie, Gray, and Carnegie, the Maister of Carnegie, the Constable of Dundie, the Lairds of Edyell, Din, Bonytoun, Fintrie, Powrie Fotheringhame, Dunnechin, or anie fyve of thame for the shirefdom of Forfar, to conveene and meete at the burgh of Forfar upoun the said threttein day of September nixt; and to Johne, Erle of Rothesse, the Lords Colvill, and Burlie, Sir Alexander Gibsoun of Durie, the Lairds of Weymes, Balmowto, Saintmonnains, Reresse, Baccarasse, Balfour, Newtown, Balcolmie, Sir William Scot of Elie and Sir Johne Scot of Scottistarbett, or anie fyve of thame for the shirefdome of Fyffe, to conveene and meete at the burgh of Cowpar of Fyffe upoun the said threttein day of September nixt; and to George, Erle of Wyntoun; Thomas, Erle of Melros; Sir Patrik Hepburne of Wauchtoun, Sir William and Sir Johne Setouns of Barnes, or anie three of thame for the shirefdome of Edin-

Acta March
1625-January
1628.
Fol. 239, a.

Fol. 239, b.

burgh and constabularie of Hadintoun to conveene and meete at the burgh of Edinburgh upoun the said threttein day of September nixt, and at thair meetings that thay take notice and tryell to informe thameselfes, whair and in what plaices bailes and beakens sall be sett up within the severall bounds allotted and allowed unto thame, and how and by whom the saids bailes and beakens sall be interteaned; and to call and conveene before thame the persoun and persouns whatsomever unto whom the burdein and charge of the saids bailes and beakens sall be committit, and to injoyne unto thame the performance of that which sall be injoynded unto thame; and that the saids commissioners make report in writt under thair hands of thair proceedings in this mater to the Lords of his Majesteis Privie Counsell upoun the nynt day of October.

Acta March
1625-January
1628.
Fol. 239, b.

The whilk day the missive letter underwrittin signed be the Kings Majesty was presented to the Lords of Secreit Counsell, of the whilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousin and counsellor, right trustie and weilbelovit cousins and counsellors, and right trustie and weilbelovit counsellors, we greete yow weill. We have understood by your letter of your desire to be cleerlie certified of our resolutioun concerning our shippes in that our kingdome. As by our pleasure latelie signified unto yow we desired that thay sould be disposed of for our best advantage to the effect that both we might be disburdeinned of the great charge we ar at in keeping of thame and that the moneyes arising thairby might be employed for the good of our service, so our pleasure is still that yow proceed according to the said former warrant. And if the Erle Mairshall, or anie having power from him will bargaine for the said shippes or anie of thame we thinke it fitt (in regaird he had our first grant thairof) that he sould be preferrit to anie uther whosoever; or if he and the Erle of Linlithgow could condescend together for barganning for the same upoun suche termes as uthers would doe we could willinglie approve that course. Otherways if thay nor nane of thame, we ar willing that yow end with anie persoun whosoever for the same who will performe the best and most speedie conditionis for our present use to the effect that we may dispose of the moneyes arising thairby as we sall be pleased to give particular directioun. And withall our further pleasure is that yow agree ather with thame who sall have the saids shippes or with uthers having good shippes as yow sall thinke fitt for transporting the companeis now to be levied and sent to France, which speciallie recommending to your care we bid yow fairweele. From our Court at Bagshote, the seventein day of August 1627. Whilk letter being read, heard and considerit be the saids Lords and thay being thairwith weill advised the Lords of Secreit Counsell ordanis the Countesse of Mairshall in absence of her husband to be wairned to the morne to declare if she hes anie warrant from her husband to deale in this mater.

Letter of his Majesty desiring that his shipe may be disposed of to the best advantage, and that the preference should be given to the Earl Marischal and the Earl of Linlithgow if they should choose to bargain for them.

Fol. 240, a.

The Lords of Secreit Counsell according to ane warrant and directioun in writt signed be the Kings Majesty and this day presentit unto thame prorogats the tyme limited for transport of the leveis to be sent unto the King of Denmarke unto the first day of October nixtocum, of the whilk prorogatioun intimatioun wes made to the three colonells to the intent thay sould pretend na ignorance thairof. Followes his Majesteis missive for warrant of the Act abonewritten:—CHARLES R. Right trustie and weilbelovit cousin and counsellor, right trustie and weilbelovit cousins and counsellors, and right trustie and weilbelovit counsellors, we greete yow weill. Whairas upoun good considerations we wer formalie pleased that the tyme limited for leveing the forces to be sent unto our uncle the King of Denmark sould be prorogated till the last of this moneth, now in regaird that this interveening

Letter of his Majesty postponing the date originally fixed for completing the levies for the King of Denmark.

occasioun for leveing some forces for our service in France will be ane hinderance to the raising of these uther forces, our pleasure is that yow again prorogat the said former limited tyme till the first of October,¹ and signifie the same to the colonells of the said regiments; for doing whair of these presents sall be your warrant. Givin at our Court at Bagshote the seventeene day of August 1627.

Acta March
1625-January
1628.
Fol. 240, a.

Letter from his Majesty desiring the Council to grant a commission to Alexander MacNaughton to levy two hundred Highland bowmen.

The whilk day the missive letter underwrittin signed be the Kings Majestie was presented to the Lords of Secretit Counsell, of the whilk the tennour followes;—CHARLES R. Right trustie and weilbelovit cousin and counseller, right trustie and weilbelovit cousins and counsellors, and right trustie and weilbelovit counsellors, we greete yow weill. Being willing amongst uther forces intended to be sent by us for better secunding the warres whairin we ar justlie ingadgit with France to send thither two hundreth Highland bowmen, our pleasure is that yow grant unto Alexander M'Naughtan, our servant, ane commissioun with ane sufficient warrant to levie and transport the said twa hundreth bowmen, with als large priviledges as anie uther hes had heeretofore in the lyke kinde, he alwayes giving suche satisfaction to everie one of the said number as sall be agreed upoun betuixt him and thame, according to the custome in the lyke caises. For doing whair of these presents sall be unto yow a sufficient warrant. And for the better furthering to levie the said number of men in dew tyme we ar willing, upoun ane motioun made unto us for causing grant remissiouns to suche Highland persouns as ar fugitive from our lawes for criminall causes, to referre the same to your consideratioun being willing that thairin yow grant unto our said servant all the favour and furtherance that can lawfullie be granted. So we bid yow fairweill. From our Court at Windsore, the 12 of August 1627. Whilk letter being heard and considerit be the saids Lords thay ordaine a commissioun to be past and exped to the said Laird of M'Naughtan conforme to the tennour of the said missive.

Acceptance of Sheriffships.

The whilk day in presence of the Lords of Secretit Counsell compeerit personallie the persouns underwrittin and acceptit upoun thame the office of shirefship of the shirefdomes following and gave thair oathes, to witt, Sir Alexander Lawder of Hattoun acceptit the shirefship of Edinburgh, Robert Richartsoun of Pencaitland acceptit the shirefship of Hadintoun, Sir Alexander Nisbitt of West Nisbitt acceptit the shirefship of Bervick, Harie Wood of Bonytoun acceptit the shirefship of Forfar, Sir James Pringill of Gallascheills acceptit the shirefship of Selkirk, Robert Crichtoun of Ryhill acceptit the shirefship of Dumfreis, and Thomas Dalyell acceptit the shirefship of Linlithgow.

Fol. 240, b.

The magistrates of

Edinburgh and of Edinburgh the nixt Counsell day for reporting of thair answer

¹ By October these intended levies would have been of little service to the King of Denmark. During August his position had been

critical, and in September he had to seek refuge in his Islands before the combined action of Tilly and Wallenstein.

Acta March
1625-January
1628.
Fol. 240, b.

anent the forts to be biggit at Leith, and nominats the Lord Chancellor, Erles of Wyntoun and Melros, with so manie of the Counsell of Warre as sall happin to be in the toun, to meete with the proveist, bailleis and counsell of Edinburgh at Leith upoun Saturday nixt at eight of the clocke in the foirnoone and to conferre with thame anent the expedencie of the building of the saids forts and of the meanes how, whair, by whome and after what maner they sall be interteanied.

the building of
forts at Leith.

Fol. 246, b.

Forsameekle as the Lords of Secreit Counsell hes found it meete and expedient that in thir difficill and dangerous tymes when the countrie is threatned wth a forraine and powerfull enemye that some forts and fortificatiouns sall be made and built in suche pairts whair the approche and landing of the enemye may be presoomed to be most easie, and considering that the burgh of Aberdeene and the harbourie thair of lyes opin and that the enemye without probable danger may enter at the harbourie mouth, Thairfoir the saids Lords earnestlie recommends to the proveist and bailleis of Aberdeene, and with that gives power and commissioun unto thame to build and make forts and fortificatiouns within and about thair toun and at the harbourie mouth as thay sall thinke most fitting for defence of thair toun and harbourie and withstanding the landing of the enemye; and if it sall be found necessar be the magistrats of the said burgh that the saids forts and fortificatiouns sall be built upoun another mans ground, the saids Lords finds and declairs that according to the course of justice the saids proveist and bailleis sould satisfie the partie upoun whois ground the saids forts sall be bigged according to thair interesse; and if thay thameselfes can not agree with the awners and proprietars of the ground upoun this point the saids Lords hes remittit and remitts the cognoscing and determination upoun the difference to the Lairds of Drwm, Clunie Gordoun, Tolquhon, and Lyes or anie two of thame, unto whom the saids Lords gives power and commissioun by thir presents to try the ground whair upoun the said fort sall be bigged and the hurt and prejudice that the awners may cleerlie susteane thairby and accordinglie to modifie the satisfioun that sall be givin for the same. And the saids forts being bigged the saids Lords promises that thay will len and caus be delivered to the said burgh for the defence of thair forts, harbourie and burgh, foure demiculverings of his Majesteis yrne peeces lying at Leith upoun caution to be found be thame for redelyverie and restitutioun of the same upoun requisitioun.

Holyrood
House, 29th
August 1627.¹
Commission to
the Provost
and Bailies of
Aberdeen to
build forts and
fortifications
within and
about their
town and at
the harbour
mouth.

Fol. 247, a.

An commissioun to the provest and baillies of Abirdene to build some fortis and fortificationis at thair toun or harbory or neir thair- unto for defence of the same, with provisioun that yf thay build upoun another manis ground that thay sall satisfie the partye according to thair interesse, and yf thay can not agree, the difference to be deter-

The same
commission as
foregoing.

Sederunts,
1625-29.
Fol. 60, a.

¹ This Act omittit in the xxix day of August. (Signed) J. Prymrois.

mined be the Lairdis of Drum, Cluny, Tolquhone, and Leyis, or ony tua Sederunt, 1625-29. Fol. 60, a. of thame, to whome the Lordis gevis pouer to try the avail of the ground and to modifie the satisfacioun according to the domage and prejudice the awnair sall susteene. And the fortis being buildit, the Lordis decernis that foure demy culveringis salbe lent unto thame upoun cautioun for redelyverie of the same upoun requisitioun.

Culverins for
the fort at
Anstruther.

Ane warrant for delyverie to the toun of Anstruther when thay haif biggit thair forte, of tua demy culveringis upoun cautioun for redelyverie of the same. Fol. 60, b.

The Earl of
Suffolk and
Wedderburn.

Ane missive frome his Majestie anent the Earle of Suffolk and Wedderburne; and ane ansuer to be returnit, Wedderburne nominat Waugtoun and Toftis for him, Fol. 61, a.

Sir Mungo
Murray.

Ane missive to Sir Mungo Murray for the shirefship of Perth, to be acceptit be him the nixt Counsell day.

Sederunt ut die predicto.

Holyrood
House, 30th
August 1627.

Patent from
his Majesty
for the
advancement
of Thomas,
Earl of Melrose,
to the title and
dignity of Earl
of Haddington.

The whilk day George, Vicount of Duppline, Lord High Chancellor of this kingdome, produced and exhibite before the Lords of Privie Counsell ane patent grantit be his Majestie to Thomas, Erle of Melros, his Majesteis Secretarie, of the dait at Bagshote the seventeene day of August instant, proporting that whair as his Majesteis darrest father of eternall famous memorie wes pleased in regard of the long, trew and faithfull service done to his Majestie be the said Erle of Melros to preferre and advance him to the honnour, title and dignitie of ane Erle, and to be callit Erle of Melros, and that now the Kings Majestie in remembrance of the same services done to his darrest father be the said Erle and to encourage him to continew in the lyke dewtifull regard to his Majesteis service, hes bene graciouslie pleased to preferre and advance the said Erle to ane more honnourable title and dignitie, to witt to the honnour and dignitie of Erle of Hadintoun, and to suppress his former title of Erle of Melros, but prejudice of his ranke and precedence amongs the noblemen of the kingdome in all publict and privat meetings, whilk his Majestie ordanis to stand fra the dait of his first creatioun to be Erle of Melros, to the intent that uthers in imitatioun of his painefull and diligent endeavoures in his Majesteis service might constantlie expect from his Majestie the lyke pledge and token of his Majesteis benevolence and favour, as the said patent of the dait above writtin beares. Whilk being read and considerit be the saids Lords thay with most humble and dewtifull respect acknowledgit his Majesteis gracious favour showin to the said Thomas, Erle of Hadintoun, ordaining him and his heyres to be callit Erles of Hadingtoun in tyme comming, and to bruike thair ranke and place amongs the Acta March 1625-January 1628. Fol. 240, b. Fol. 241, a.

¹ An account of the official career of the Earl of Melrose will be found in the Introduction to Vol. VI. of the Register, p. vii.

nobilitie in all public meetings and assembleis fra the dait of the said Erle his first creatioun to be Erle of Melros.

The whilk day in presence of the Lords of Secreit Counsell com-
peirit personallie Robert Keith, wrytter, in name of Dame
Areskine, Countesse of Mairshall, and declairit that the said Coun-
tesse had no warrant nor directioun from her husband to deale
nor bargane for his Majesteis three shippes, and that she ex-
pectit his returne daylie, and that if the said Lords thought meete,
she would write to her husband to understand his resolutioun
thairanent.

The Countess
Marischal has
no warrant
from her
husband to
bargain for his
Majesty's
three ships.
See *ante*, p. 55.

The Lords of Secreit Counsell ordanis his Majesteis Admirall, who
wes personallie present, to dismisse the shippes having letters of marke
whilks wer sett out to attend his Majesteis three shippes if betuixt
and Saturday nixt he find not ane occasioun of thair forder
employment.

Directions to
the Admirall.

The Lords of Secreit Counsell recommends to the Counsell of Warre
to deale with the merchants to bring home twa thowsand muskettis and
three thowsand picks and corsletts, with matche and poulder at
reasounable pryces, and to assure thame that his Majesteis Counsell
sall have a caire that the said armour sall be taine aff thair hands
and that thay sall be thankfullie payed for the same.

Arms and
ammunition to
be brought
home by the
merchants.

The Lords of Secreit Counsell nominats and appoints George Vicount
of Duppline, Lord High Chancellor of this kingdome; Alexander,
Erle of Linlithgow, Lord Admirall; Thomas, Erle of Hadintoun, his
Majesteis Secretarie; Archibald, Lord Naper, Deputie Thesaurar; Sir
Johne Hamiltoun of Magdalenes, Clerk of Register; and Sir Johne
Scot of Scottistarbete, Directour of the Chancellarie, to conveene and
meete in the Counsell hous at Halyrudhous upoun Moonday nixt at
ten of the clocke in the forenoone and thair to ressave and heare
Sir James Bailzie his accompts of the present taxatioun and of his
ressett and debursements upoun the buying of his Majesteis three
shippes, furnishing of thame, and interteaneing the companie and
equippage of the same; as alsua to heare and ressave the compts
of the pursers of the same shippes, and to examine, allow or
controll thame as thay sall find the occasioun to require.

Appointment
of George,
Viscount of
Dupplin, and
others, to hear
the reports of
Sir James
Baillie anent
the taxation.

Forsameekle as James Stevinsoun in Pittinweeme, having pur-
chast ane commissioun for persute of the commoun enemie to his
Majestie and his estait, he hes provin most unworthie of anie
suche commissioun in so farre as he hes never preast to putt the
said commissioun in executioun and being upoun the sea when [ane] of
the cuntries shippes wes persewit be the enemie and he being of
sufficient power to have releevd her, he shamefullie and un-
worthillie abandonnit his cuntrye shippe, made her no releefe, and
left her to the mercilesse crueltie of the enemie. And forder, he
being desired be his Majesteis Admirall and his deputs laitie

Letters to be
directed to
James
Stevenson in
Pittenweem,
charging him
to appear
before the
Council, and to
account for his
failing to
execute the
commission he
had received
for the pursuit
of the ships of
the common
enemy.

when the forraine enemy wes upon the coast to have gone out and joynd with his Majesteis shippes in persute of the enemy and defence of the countrie he shamefullie and mischantlie refused to joyne in that service, testifeing thairby that he wes unworthie of anie publict service or employment in the estait. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging the said James to compeir personallie before the saids Lords upon the eightein day of September nixt, bringand and produceand with him his commissioun foirsaid to be seene and considerit, and to heare and see the same dischairgit as grantit to ane most unworthie of anie suche employment, or ellis to shaw some reasonable caus why the same sall not be done; and forder to answeere upon his shamefull and unworthie abandouning of his countrie people when he wes of sufficient power to have releevd thame; and for his contemptuous refusing to joyne with his Majesteis shippes for the defence of his native countrie, and to underly suche ordour as sall be taine with him thairanent under the paine of rebelloun and putting of him to the horne, with certificatioun to him and he failyie that not onlie sall his said commissioun be dischairgit and he declairit unworthie and not capable of anie suche publict charge but letters sall be direct to denunce him rebell and putt him to the horne.

Letters to be directed to the Provost and Bailies of Dunbar to deliver Law, prisoner in the tolbooth of Dunbar, to the Provost and Bailies of Haddington, who are to transport the same to the Provost and Bailies of Edinburgh.

Forsameekle as the Lords of Secreit Counsell hes thought meete and expedient that

Law, prisouner in the tolbuith of Dumbar, sall be brought and exhibite before the saids Lords to be tryed, taine ordour with, and puneist for suche things as thay have to lay to his charge, Thairfoir the saids Lords ordanis letters to be direct charging the proveist and bailleis of Dumbar to bring and transport the said

Law from thair said burgh to the burgh of Hadingtoun, and thair delyver him to the proveist and bailleis of Hadingtoun within the spaice of twentie foure houres nixt after the charge, under the paine of rebelloun, etc.; as also charging the proveist and bailleis of Hadingtoun to ressave the said

Law from the saids proveist and bailleis of Dumbar within the spaice of ane heure nixt after the charge under the paine of, etc.; and thairafter to bring and transport the said

Law to the burgh of Edinburgh and thair to delyver him to the proveist and bailleis of Edinburgh within the spaice of twentie foure houres nixt after the charge, under the paine, etc. And lykewayes to charge the said proveist and bailleis of Edinburgh to ressave the said

Law aff the hands of the saids proveist and bailleis of Hadingtoun, and to committ him to waird within thair tolbuith thair to remaine in firmance till forder ordour be taine for his tryell and punishment within ane heure nixt after the charge under the paine of rebelloun and putting of thame to the horne; and if the foirsaid persouns failyieis in anie point of the premissis the

Acta March
1625-January
1628.
Fol. 241, b.

Fol. 242, a.

particular houres and dyets foirsaidis being bypast, to denunce thame rebells and putt thame to the horne, and to escheate, etc.

Forsameekle as the Lords of Secret Counsell upoun verie considerable and good grounds importing the weale and benefite of the countrie made a restraint this last yeere bygaine of exportatioun of nolt, sheepe and wooll untill a certaine day bygaine to the intent that in the meane tyme the saids Lords might have bene informed frome the Justices of Peace how the pryces of the nolt, sheepe and wooll in the severall pairts of the kingdome ruled; and altho it wes looked that the Justices of Peace unto whome this mater wes recommendit sould have made thair reports anent the pryces of nolt, sheepe and wooll upoun the xxix of this instant, to the intent accordnglie the said restraint might have bene allowed or dischairgit; notwithstanding thair is no report at all returned frome manie of the saids Justices of Peace, whairupoun the saids Lords hes of new assigned unto thame the auchtein day of September nixtocum for making of thair said reports; and thay have thought meete that the restraint of exportatioun of the saids commoditeis sall stand in force and be continewed till the twentie day of the said moneth of September nixtocum, and thairfoir ordanis letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects and strangers be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places needfull that nane of thame presume nor taikie upoun hand to carie or transport anie nolt, sheepe or wooll furth of this kingdome at anie tyme afoir the said twentie day of September nixtocum under the paine of confiscatioun of the same nolt, sheepe and wooll to his Majesteis use, certifeing thame that sall failyie and doe in the contrair that the said paine of confiscatioun sall be inflictit upoun thame without favour.

Missives to the Justicies of Peace within Edinburgh, Hadingtoun, Peblis, Lanerk, Air, Renfrew, Perth, Forfar, Striviling and Abirdene anent the pryceis of nolt, sheepe and wooll and to reporte upoun the 20 of September.

That missives be direct to the convenaris of the Justiceis of Peace of East and West Lotheane, Fyffe, Forfar, and Lynlythqu, to convene thair brethrene and to divyde thame selffis according to the presbitryis quhair they duell, and be advise of the ministeris thairof to tak tryall of the nomber of fensible personis in eache parroche, alsuell to burgh as land, to the intent ordour may be tane for traneing thame up in militarie discipline; and that thay reporte to the Counsell upoun the 18 of September nixt.

Chancellor; Menteith; Nithisdail; Wyntoun; Lynlythqu; Roxburgh; Hadingtoun; Lauderdaill; Melvill; Carnegy; Naper; Master of Jedburgh; Privy Seal; Clerk of Register; Advocate; Traquair; Sir Johnne Scott.

Letters to be directed to his Majesty's lieges inhibiting them from transporting cattle, sheep, or wool before the 20th of September next.

The prices of cattle, sheep, and wool.

Justiceis of the Peace, with the help of the ministers, to ascertain the number of fensible men in each parish.

Holyrood House, 31st August 1627.

Acta March
1625-January
1628.
Fol. 242, a.

Sederunta,
1625-29.
Fol. 61, b.

Fol. 62, a.

The Earl of
Morton.

Missives to be direct to noblemen and baronis anent some men to be send to the Erle of Mortoun betuix and the 20 of September.¹

Holyrood
House, 31st
August 1627.

Commission to
the Provoest
and Bailies of
Perth to try
David Hood for
the murder of
John Harlaw.

Commission under the signet to the provost and bailies of Perth or any two of them, to try David Hoode in Coittis of Elcho, who "upoun Sondag last the xxvij of August instant," murdered Johnne Harlaw, "braibner" in Perth and "keastt him in a howe ditche," and being shortly afterwards apprehended "with the bluidie hand" is now a prisoner in the tolbooth of Perth. Signed by the Chancellor, Menteith, Nithisdail, Wintoun, Linlithqw, Roxburgh, Hadintoun, Lauderdaill, Melvill and Carnegy.

Commissions,
1624-30.
Fol. 145, b.

Recommendation to the Justices of the Peace of Edinburgh, &c., to convene their brethren according to the Presbyteries where they dwell, and with the advice of the ministers to ascertain the number and quality of the fencible men of each parish, with a view to their being drilled and trained.

After our verie heartilie commendatiouns.—Whairas it hes beene found meete and expedient be his Majesteis Counsell that in thir difficult and dangerous tymes when the countrie is threatned with a powerfull and dangerous enemie that the subjects of the same who thir manie yeeres bygane have enjoyed the happie fruicts of peace and ar thairby become ignorant of militarie exercise and discipline sall now be brought backe to the use and handling of thair armes under suche commanders and leaders as in everie schirefdom and circuit sall be nominat and appointit to have charge over thame; and this being a mater importing so neerelie the good of the kingdome and the preservatioun of religioun and of the estaits and fortouns, of all the subjects within the same, it is thairfoir expectit that everie one will contribute the best helpes whilk may conduce to the furtherance of this so necessar a service. And thairfoir these are to requiest and desire yow to conveene the rest of your brethren of that benche and at your meeting that yow divide your selves according to the presbytereis whair yow dwell, allowing to eache of yow your awne severall bounds, whair by the advice of the ministers of the parish yow may take tryell of the number and qualiteis of all the fencible persouns als weill to burgh as land within eache parish, to the intent that accordingle ordour may be tane for dreilling and training of thame in the use and handling of thair armes under suche commanders as sall be appointit over thame. And recommending this to your care and diligence as a peece of service most important for the safetie of the kingdome, and lookeing assuredlie for a certane report in writt upoun the xvij of September nixt of your proceedings we committ yow to God. From Halyrudhous the last day of August, 1627. *Sic subscribitur*, Geo. Cancell, Wintoun, Linlithgow, Hadintoun.

Royal Letters,
1623-32.
Fol. 112, b.

Fol. 113, a.

Letter respecting the injunction to the Justices of Peace to give in reports anent the prices of cattle, sheep, and wool.

See Index to
Vol. XV.

After our verie heartilie commendatiouns.—We wrote to yow of before for returning unto his Majesteis Counsell a report in writt of the nolt, sheep and wooll, to the intent that accordingle ordour might be tane for publishing the rules of restraint or transport of these commoditeis. And looking to have hard from yow concerning this bussines upoun the xxix of this instant yitt we have heard no report at all, we mervell that

¹ Morton, at the head of the Scottish contingent, was now with the Duke of Buckingham before La Rochelle.

Royal Letters,
1623-32.
Fol. 113, a.

in a mater of this kinde, importing so neerelie the good of the countrie, that yow have beene so slacke and negligent. And thairfoir these ar to requeist and desire yow that yow faile not, all excuse sett aside, to informe your self sufficientlie in this mater betuixt and the eighteen day of September nixt, and send in your report to his Majesteis Counsell thairanent upoun the said day, quhilk looking assuredlie yow will doe we committ yow to God. From Halyrudhous the last day of August 1627. *Sic subscribitur*, Geo. Cancell, Winton, Linlithgow, Hadinton.

After our verie heartilie commendatiouns.—Whairas we wrote unto yow latelie concerning the just warre quhilk his Majestie hes undertane against the French King and quhairin we craved to be resolved be yow quhat number of persouns yow would be able to furnishe for the furtherance and advancement of his Majesteis service whairin his Majesteis honnour and credite is so farre ingadged, but as yitt we have received no answer worthie to be returned unto his Majestie. And thairfoir these are of new to requeist and desire yow to send in to the burgh of Edinburgh betuixt and the twentie day of September nixt suche number of persons as yow may furnishe in this mater, and thair delyver thame to the Erle of Mortoun and his officians who will be thair readie to attend and ressave thame; and that thay be persouns of good vigour and abilitie of bodie and not of these who ar in the commoun rolls for the service of the King of Denmarke. And looking that yow will not be failing to his Majestie in this so important a caus seing at that tyme we must give a compt of everie mans cariage in this bussines we committ yow to God. From Halyrudhous the last day of August 1627. *Sic subscribitur*, Geo. Cancell, Winton, Linlithgow, Hadinton.

Holyrood House, 31st August 1627.
Renewed injunction to noblemen, barons, and gentlemen, to report the number of able-bodied men whom they can furnish for his Majesty's war with France.
See ante, p. 37.

Fol. 114, b.

Most sacred Soverane, Thair wes a petitioun this day presentit unto us be Captane Johne Setoun heavilie regraiting that he having made his addresse heere for ordouring of his effaires whilk by his long absence wer hitherto neglected to his great hurt, that at his comming he wes unexpectedlie arreisted be the Lord Chancellour, and he not being conscious of anie offence that might procure his restraint and being ignorant of the caus thairof his greefe wes so mucche the more that it bred a vehement suspicioun in the hearts of the multitude of his guiltines of some haynous trespasse, offering for his cleering thairof to submitt himself to the most exact tryall that is usuall in suche caces, which he most humblie and earnestlie craved, or otherwayes that he might be released. Whairin becaus the grounds and reasouns of your Majesteis directioun wer unknowne to us we have forborne to meddle thairwith till we heare from your Majesty thairanent, which your Majestie will be pleased to doe so soone as the conveniencie of your effaires will permitt. And so, etc. Halyrudhous, the last of August 1627. *Sic subscribitur*, Dupline, Nithisdail, Wyntoun, Linlithgow, Roxburgh, Hadintoun, Buccleuche, Lauderdail,

Letter of Council to his Majesty anent the arrest of Captain John Seton by the Lord Chancellor.

Letter of
Council to his
Majesty in
favour of a
petition of Mr.
James Gallo-
way and Mr.
Nathaniel
Udward for
releasing
them from
payment of
rent or duty
while they are
engaged in
casting
ordinance
for the service
of the country.

Most sacred Sovenane, Thair wes a petitioun preferred to us in name of Mr James Galloway and Mr Nathaniel Udward proporting that thay out of thair respect for the service of the countrie having undertane the casting of yron ordinance and shott upoun conditione made be your Majestie unto thame for advancement of twa thowsand pundis sterline towards the furtherance of the worke, and that the not payment thair of having hitherto dishabled thame to prosecute thair interprise thay ar now constrained for the better accomplishing thair of to enter in societie with the Erle of Seaforth, without whose helpe and concurrence thay could not undergoe so weightie a charge. In regaird whair of thay made earnest sute unto us that we would sollicite your Majestie to be gratuslie pleased for the good of the service and thair farther enabling to follow out the same to discharge unto thame the payment of anie rent or dewtie for the space of fyve yeeres to come, thay paying to your Majestie yeerelie thairafter the sowme of twa hundreth pundis sterline during the continuance of the worke in making of ordinance for the remainder of the yeeres conteanit in thair patent. Thair petitioun being heard, and we considering how muche it doeth import the honnour, strenth and safetie of this kingdome that in these dangerous tymes your Majesteis castells, forts and shipping of the countrie be sufficientlie providit with ordinance and shott, and how maynlie necessar it is that suche things sould be made at home whairby the countrie may be furnished upoun everie interveening occasioun of intestine trouble or foraine invasioun, we ar thairby inducit to conceave the better of the bussines, and to represent unto your Majestie the necessitie of the prosecuting the same, acknowledging the undertakers thair of to be worthie of all favour and encouragement. And so remitting the merits of thair petitioun to your Majesteis princelie and judicious consideratioun, we continue our earnest prayeris unto God for your Majesteis long and happie raigne. *Sic subscribitur*, Dupline, Menteith, Nithisdail, Wyntoun, Linlithgow, Roxburgh, Hadinton, Lauderdaill, Melvill, Carnegie, Naper, A. Carre, J. Hammiltoun.

Royal Letters,
1623-32.
Fol. 113, b.

Fol. 114, a.

The *Minute Book of Processes* gives the following Memoranda collectively for the months of June, July and August 1627.

Minute Book
1604-31.
Fol. 79, b.

- Act granting to the Viscount of Airdries 2/s of ilk horse and nolt for upholding the port of Portpatrick.
- Act to the Lord Admirall to pay to William Simsone, burges of Dysert, 500 merks for his good service in drowning ane Dunkirk ship upon his return out of the Low Countreyes.
- Act ordaining the Admirall to cause redelyver a ship belonging to Midlbrughe taken be Lochinvaris servandis as pryse.
- Act of premonitioun against M^cFarlane of Arocchane and Buchanan of that Ilk,

Minute Book,
1604-31.
Fol. 79, b.

Act prohibiting the importing to the King of Spaynes dominiones of aney militarie furnitour under the payne of forfaltour.

Act at the instance of Sir James Bailzie against the vassellis of Lindoris, etc., for payment of his Majesteis taxatioun.

Act be the Laird of Lochinvar consenting that all pryisses to be taken be him on this syd of the Equenoctiall be judged be Admirall of this kingdom.

Act ordeaneing prohibitoun of the Lords Couper and Ogilbie to compeir at the wapinschawing of the vassellis of the lordschip of Couper.

Ryott: Robert Monteith against Alexander Monteith.

Misive letters anent the invasione of the Spaynzards upoun Zetland.

Act ordeaneing Charles Dickson to mak a seall of Admiraltie to the Earle of Linlithgow during Lennox his minorittie.

Act ordeaneing the hous of Temple to be detenit be Currie, pursevant, whill it be desydit whither the samyne perteanes to Francis or William Cokburnes.

Act prohibiting the fishearis of Dumbar to trouble ane another or carie away thair herringis without payment of the excyse.

Commissioun to the Earll of Kinghorne to build forthes at Inchgarvie, Bruntyland, etc., for resistance of a forraneemie, and to erect baills and bykenis for that effect.

Fol. 80, a.

Commissioun to my Lord Monteith to visiet the Castell of Dumbar-toun.

Act discharging the impositioun of taxatioun upoun the Shireff deput or Clerk of Dumbartan.

Actis anent the levieing of forces for Denmark.

Caution,
1621-28.
Fol. 262, b.

Caution by Andro Davidsoun, portioner of Ryperlaw, in £100, that Walter Davidsoun in Belsheis will appear before the Lords of Council on 18th September instant for trial, at the instance of Thomas Turnbull of Minto, of his being an idle and masterless man, without means of entertainment, and so such a person as should be sent to the wars.

Edinburgh,
1st September
1627.

Caution by
Andrew David-
son for Walter
Davidsoun.

Caution by David Swyne, baxter, burgess of Edinburgh, in 500 merks, that John Stewart in Over Crawmond will not molest Robert Mowbray at the Brigend of Crawmond, nor his family, tenants, etc.; with clause of relief.—(Signed) David Suyne with my hand, Johne Stewart.

Caution by
David Swyne
for John
Stewart.
"This Act
deleit."

Caution by John Stewart in Over Crawmond in 500 merks each for John, Abrahame, and Alexander Stewart, his sons, to the same effect.—(Signed) Johne Stewart.

Caution by
John Stewart.

Caution by the said David Swyne that the said John Stewart, elder, and his said sons will each pay 10 merks to his Majesty's Treasurer for their escheat, if found liable therein.—(Signed) David Suyne vith my hand.

Caution by
David Swyne.

Caution by Sir James Ker of Crailling in 100 merks each for Rawfe Davidsoun in the Burne, and John Young in Kirkyettam, that they will

Caution by Sir
James Ker for
Ralph David-
son and John
Young.

appear before the Lords of Council on 18th September next, and answer upon a charge of being idle and masterless men.—(Signed) S. J. Creline. Cautions,
1621-28.
Fol. 263, a.

Cautions by George Aitken for George Swan, and others, bailies of Dunbar.

Cautions by George Aitkin of Hunderedge in 500 merks that George Swan, provost, Patrik Nisbitt, and George Adamsoun, bailies of Dumbar, will appear before the Lords of Council on 18th September instant, and answer for apprehending John Hog, James Williamsons, Thomas Smith, William McCrie, William Johnstoun, Robert Gullane, and Richard Lawsoun, all in Dunbar, as idle and masterless men. Suspension is granted to 24th September, and Sir Thomas Kellie and Robert, Earl of Nithisdail, are warned to appear on the 18th. — (Signed) George Aitkyne. Fol. 263, b.

Holyrood House, 5th September 1627.

Letters to be directed to David Dundas and others, charging them to appear before the Council on September 18th, and meanwhile to give cautions that they will observe his Majesty's peace.

Forsameekle as it is understand to the Lords of Privie Counsell that thair is some appearance of trouble and unquyetnes lyke to fall out betuixt David Dundas, sonne to Johne Dundas of Newlistoun, on the ane pairt, and Philip Quhythead of Parke, Mr Quhythead, his eldest sonne, and Shaw, his sonne in law, on the uther pairt, whilk will procure great trouble and draw on sindrie inconveniences to the breake of his Majesteis peace without remeid be provydit, Thairfoir the Lords of Secreit Counsell ordanis letters to be direct chairging both the saids pairteis to compeir personallie before the Lords of Secreit Counsell at Halyruidhous or whair it sall happin thame to be for the tyme upoun the xvij day of September instant, to underly suche ordour as sall be taine with thame for keeping of his Majesteis peace under the paine of rebelloun, etc. with certificatioun, etc., And siclyke to command both the saids pairteis in the meane tyme to find sufficient and responsall cautoun and souertie actit in the Bookes of Secreit Counsell that thay sall observe his Majesteis peace and keepe good rule and quyetnesse ilk ane with uthers, and that thay nor nane uthers in thair names of thair causing, sending, hounding out, command, ressett, assistance and ratihabitoun whom thay may stop or latt directlie nor indirectlie sall onnawayes invaid, molest, harme, trouble nor persew another for whatsomever deid, caus or occasioun, utherwayes nor be ordour of law and justice, ilk ane of thame under the paine of ane thowsand merkes. Acta March
1625-January
1628.
Fol. 242, a.
Fol. 242, .

Holyrood House, 6th September 1627.

Sentence of Council anent the dispute between the Earl of Linlithgow and the Earl of Abercorn regarding the leading of the teinds of the parish of Abercorn.

Sederunt—Chancellor; Nithisdail; Wyntoun; Hadingtoun; Lauderdale; Naper; Master of Elphinstoun; Privy Seal; Clerk of Register; Advocate; Sir John Scot.

Forsameekle as the Lords of Secreit Counsell being informed of some appearance of trouble lyke to have fallin furthe betuixt Erle of Abercorne, on the ane pairt, and Alexander, Erle of Linlithgow, on the uther pairt, upoun occasioun of the leading of the teinds of the parish of Abercorne, whairunto either of thame pretendeth right, the

Acta March
1625 January
1628.
Fol. 242, b.

said Lords for eshewing of the said trouble and for preserving of his Majesteis peace, convenit both the saids pairteis before thame and having heard the reasouns propound be thame *hinc inde* heeranent, and being weill advised thairwith, and understanding that the said Erle of Linlithgow and his predecessours hes beene this long tyme in peaceable possessioun of leading the saids teinds be vertew of rights standing in thair persouns not as yitt discussed nor legallie taine away, and finding that be course of justice thay cannot dispossesse him of his possessioun without some preceeding cognitioun and sentence before the judge ordinar, Thairfoir the saids Lords allows the said Erle of Linlithgow to continew his possessioun in leading of the said teind this yeere and that he caus leade and stacke the same in suche pairt and plaices whairunto the said Erle of Abercorne can pretend no right, and discharges the said Erle of Abercorne to meddle or intromett with the said teind or to make oppositioun to the said Erle of Linlithgow in the leading or collecting thair of, without prejudice of either of the saids pairteis thair right or possessioun of the saids teinds, which the saids Lords declairs sall be no wayes strenthenned nor impaired by this sentence. Lykeas the saids Lords having impaired this thair decret to the said Erle of Abercorne who wes personallie present, as said is, he promiseist to acquiesce and to conforme himself thairto with all dewtifull obedience.

Fol. 243, a.

Forsameekle as Maister Dicksoun upoun some necessar occasioun of his Majesteis affaires cannot attend his charge in his Majesteis shippe in the present service whairin his Majesteis three shippes ar employed to waught over his Majesteis forces to the Isle of Rae, Thairfoir the Lords of Secreit Counsell declairs that the said Maister Dicksoun his absence and not attending his charge in his said shippe sall not prejudice him in his plaice nor pay.

Declaration in
favour of Mr.
Dickson.

The Lords of Secreit Counsell advises his Majesteis Admirall to caus delyverie be made of the Frenche shippe callit *The Marran* lying at the toun of Air and of the commoditeis and goods being within her to the awners attending heere for that purpose.

Direction to
the Admirall.

Sederunts,
1625-29.
Fol. 62, b.

The quhilk day Sir James Baillie undertooke the victualling and furnishing of his Majesteis three shippis for ten weekis.

Sir James
Baillie.

Royal Letters,
1623-32.
Fol. 114, b.

After our verie heartilie commendatiouns. Whairas it is thought meete and expedient for the better withstanding of anie forraine invasioun that sall be attempted within the Firth that some forts sall be biggit in convenient pairts at or about the burgh of Bruntilland, and commissioun is given to yow and some uthers to try and informe yourselves whair, how, and be whom thir forts sall be biggit and interteaned, as be the commissioun quhilk will be shawin unto yow will appeare. And thairfoir these ar to requeist yow to conveene and meete with the uthers commissioners at the burgh of Bruntilland upoun the threttein day of September instant, and thair by your joynt advices that yow doe and performe that quhilk be the said commissioun is injoynd unto yow, and that yow

Holyrood
House, 6th
September
1627.

To the Com-
missioners
anent a fort at
Burntisland.

make a report of your proceedings unto his Majesteis Counsell upon the aughteene day of this instant. Quhilks looking assuredlie yow will doe as yow respect the suretie and defence of the kingdom now in thir difficill and dangerous tymes, we committ yow to God. From Halyrudhous the saxt day of September 1627. *Sic subscribitur*, Geo. Cancell, Wintoun, Linlithgow, Hadinton. Royal Letters
1623-32.
Fol. 114, b.

Holyrood
House, 7th
September
1627.

Letter of
Council to his
Majesty pray-
ing him to lay
no further
burdens on Sir
James Baillie,
and to give a
favourable ear
to his defence
of himself
against certain
unfriendly
rumours.

Most sacred Sovereane, This bearer, your Majesteis servant, being now to make his addresse unto your Majestie to give an accompt of his proceedings in the late service concredite unto him, we can not forbear now after hearing and consideratioun of his accompts to accompanie him with this our letter and thairwith to informe your Majestie that cairfullie and diligentlie he hes followed that service, omitting no point of dewtie that to ane honest servant apperteanned, and at everie occasioun when thair wes ane necessitie of advancement of moneyes, ather for the furnishing and outred of your Majesteis shippes or anie uther caus, we never found him deficient but willinglie undertooke and tymouslie performed all the burtheins fra tyme to tyme layed upoun him. Whairin we know he hes extendit and ingadgit his freindship to the uttermost. And thairfoir we will humblie presume to recommend him to your Majesteis favour that your Majestie would be gratiousslie pleased to forbear the laying of anie farther burtheins upoun him till he be releevd of his present ingadgements, whilk ar great and heavie, and that your Majestie will allow unto him for his releefe retentioun in his owne hand of the rests of this present taxatioun or suche uther course that he can foirsee for his releefe. Thair is one thing we can not passe by to acquaint your Majestie that his credit is greatlie weakened upoun occasioun of some brutes and rumours come to his eares to his exceeding great greefe that the sinceritie of his humble and dewtifull endeavoures in this your Majesteis service hes beene misconstrued and randered suspicious unto your Majestie, and thairfoir we will humbly beg that favour of your Majestie that your Majestie would be pleased to vouchsafe unto him ane favourable eare for cleering himself of all these imputatiouns if anie hes beene givin out against him. And so praying the Almighty God to blesse your Majestie with a long and happie raigne, we rest. From Halyrudhous the sevent of September 1627. *Sic subscribitur*, Dupline, Nithisdail, Wintoun, Linlithgow, Hadinton, Naper, J. Hamiltoun, Scottistarevett. Fol. 113, a.
Fol. 113, b.

Edinburgh,
8th September
1627.

Caution by
James Arnot
for the Provost
and Bailies of
St. Andrews.

Caution by James Arnot, burges of St. Androwes, in 500 merkes, for the provost and bailies of the said burgh, that if it be found by the Lords of Council that they have not done their diligence in inquiring about and trying the idle and masterless men in their town, they will underlie such further order as shall be laid upon them. They had been charged at the instance of Robert, Earl of Nithisdail, by Alexander Cautions,
1621-23.
Fol. 263, b.

Cautions,
1621-23.
Fol. 263, b.
Fol. 264, a.

Johnstoun, messenger. Suspension is granted to the 24th and parties cited to 18th September.—(Signed) J. Arnott.

Mr. Umfra Blansells, advocate, as procurator for the principal and cautioner, registers a bond of caution by Edward Johnstoun, flesher, burgess of Dumfries, in 400 merks, that Thomas Greir, also burgess there, will not molest Homer Maxwell of Speddoches, nor his family, tenants, etc., in terms of letters of lawburrows dated 3rd April last, and charge given thereupon by John Fleming, messenger. The bond is dated at Dumfries 6th September 1627; witnesses, John Johnstoun, lawful son of the deceased George Johnstoun, merchant burgess of Dumfries, and George Maxwell, George Johnstoun, and Mr. Cuthbert Cunyng-hame, burgess of Dumfries, who wrote the bond, all notaries.

Edinburgh,
11th Septem-
ber 1627.

Caution by
Edward John-
ston, burgess
of Dumfries,
for Thomas
Grier, also
burgess there.

Caution by James Walker, merchant burgess of Edinburgh, in £1000, that Robert M^cCulloch of Keerclauch, will not molest John Gordoun of Ardwell, John and James Gordoun, his sons, John Richartsoun, wobster, John Richartsoun, younger, called the Oy, Rodger Braidzet and Andro Dungalstoun, all in Ardwell; Alexander Mure, in Kirkland of Ardwell, John Bell in Woodend, Andro Carnoquhen, smith in Maynes of Cardynes, William Carnoquhen, his son, John Carnoquhen in ; James Gordoun, notar, Alexander Cursen, Andro Cursen, Harbert Denneistoun, Thomas M^cMerkie, and John M^cIlmorrell, all in Cardynes; Patrik Sprot in Killerne, John Livingstoun in Drummoir, Walter Black in Glencaprenoch, John M^cConchie in Drummiklich, John M^cTucheron and Stevin Clog, millers in Shyreburnemylne, Herbert M^cKeoun, walker there, James Black in Bardarroch, James M^cKeoun in Adland, Androw and Robert Gordoun in Bardarroch, Alexander Gordoun there, Gilbert Gourlie in Newtown, and John Beck in Balmaclail, nor their families, tenants, etc. Suspension is granted to 6th November and parties warned to the 1st.—(Signed) James Walker, cau^r with my hand.

Caution by
James Walker,
merchant
burgess of
Edinburgh, for
Robert
M^cCulloch of
Keerclaugh.

Royal Letters,
1623-32.
Fol. 115, b.

CHARLES R.—Right trustie and weilbelovit cousin and counseller, right trustie and weilbelovit cousins and counsellors, and right trustie and weilbelovit counsellors, we greete yow weill. Being humblie petitioned in name of one Dicksoun, shewing he was (in executing his charge for our service in the levie for Denmark) casuallie engadgit and made accessorie to the slaughter of one Johne Hardie, as may appeare by the circumstances alledgit and maner thair of which we remitt to the petition exhibited heerwith; and though we be no way willing to hinder the dew course of justice, yitt this accident (if it be trew that is reportit unto us) doeth urge a consideratioun more than ordinarie. Our pleasure is that you informe your self of the trew estait of that bussines and that yow certifie unto us whether the circumstances in the cariage therin be suche as may induce us to have compassioun of the petitioner, he giving satisfioun to the partie compleaner, that thairafter we may signifie our further pleasure heerin, and in the meane tyme that yow

Theobalds,
13th Septem-
ber 1627.

Letter of his
Majesty desir-
ing information
regarding the
circumstance of
the slaughter of
John Hardie
by one Dickson,
who has
petitioned his
Majesty.

caus delay the executioun of any sentence against him for that mater. Royal Letters 1623-52.
 For doing quhair of these presents sall be ane sufficient warrant unto Fol. 115, b.
 yow. So we bid yow fairweill. From our Court at Theobaldes the 13
 day of September, 1627.

Burntisland,
 13th September
 1627.

Report of the
 Commissioners
 appointed to
 superintend
 the erection of
 forts in Fife.

Right honourable and verie good lordis. We haiving mett at Bruntil-Fol. 118, a.
 land this threttein of September conforme to your lordships directioun,
 and haiving taine to our consideratioun the commissioun direct to us and
 everie article thair of, to the first we answere concerning the plaice
 whair the fort sall be situat: we haive inclynit to the opinioun of James
 Traill (whome my Lord Melvill wrote for as a man of skill to conveene
 with us) who thinkes thair must be twa bastiouns, ane on ilk side of the Fol. 118, b.
 entrie of the harbourie for defence of the entrie thair of, and ane fort
 upoun the hill abone the toun in ane convenient plaice, whilk we haive
 viewed and seene, to command harbourie, bastiouns and hail toun and
 uther pairts about it, togedder with some uther little defence within the
 harbourie for musketters. And forder he thinkes it expedient that the
 mouth of the harbourie sould be cloised with ane bomb or chayne. As
 to the uther points, how, be whom, and be what meanes the samine
 sould be biggit we could resolve nothing thairanent be reasoun men of
 judgement and understanding in militarie affaires must after good
 deliberatioun determine thairanent. As lykewayes answering to that
 point concerning the chairges whilk the samine necessarlie requires, the
 samine men of judgement in militarie effaires must sett it down. And
 as to that point anent the supplee may be had frome the countrie, we
 thinke that hardlie thay will agree to anie forder, nor to serve with
 men and horses, in consideratioun that diverse termes of thair taxatiouns
 lyes yitt upoun thair head unpayit. And as to the last point concerning
 the pairts of the countrie that sould contribute to this warke, we thinke
 that to the forts to be biggit in Fyffe, the hail shyre sould contribute,
 and after that the number of the forts and thair expenssis be knowne
 then the shyre may be divydit. Thus remitting us and our judgement
 to your lordships honourable wisdomes, we rest. Bruntilland the 13
 of September 1627. *Sic subscribitur*, Melvill, S. J. Wemes of that Ilk,
 Geo. Areskine, John Boisuille, S. G. Hammiltoun, M. Aittoun, J. Bosuall,
 Johne Williamsons, bailzie, Johne Kirkaldie, bailzie.

Montrose,
 13th September
 1627.

Report of the
 Commissioners
 appointed to
 superintend
 the erection of
 forts within
 the bounds
 adjacent to
 Montrose.

My most honourable lords, According to the directioun conteaned in
 your lordships letters delyverit to us yesternight we haive conveened
 at Montrois this day, and conforme to the warrant of your lordships
 commissioun we have visite the bounds nixt adjacent to the toun of
 Montrois whair forts may be most commodiouslie built. We haive conferrit
 upoun the meanes for building thair of and upoun the supplee that may
 be expectit from the countrie people. As for the plaices whair the forts
 ar to be built, we understand that before thay wer visite be Colonell

Royal Letters,
1623-32.
Fol. 118, b.

Bruice and James Traill; and thairfoir we thinke it verie necessar that your lordships sould direct thame to come over heere againe and designe the plaices and prescryve the forme of the forts. As for the meanes for building thairof, in our judgement the same must be furnished be the voluntar contributioun of the heretours and burgesses within the shyres of Forfar and Kincairdin. We ar so straited be the shortnesse of tyme that we ar not able to write so determinate ane answeere to youre lordships as we wish, and thairfoir we haive desired the Provest of Montrois to carie thir presents, and with all to informe your lordships at greater lenth of all things that occurred in our conference of this bussines. So ceassing to interrupt your lordships most weightie effaires, we take our leave and rest. Montrois the 13 of September 1627. *Sic subscribitur*, Carnegie, Lyone, Areskine, Bonytoun, D. Gardyne, Grahame of Morphie, J. Carnegie of Athie, D. Guthrie of that Ilk, Francis Ogilvie.

Fol. 119, a.

Cautions,
1621-28.
Fol. 264, b.

Mr John Paip, younger, advocate, as procurator for the principal and cautioners, registers a bond of caution by James Boyter, elder, of Edinburgh, 17th September 1627. Neitherliff, for Thomas Halyburtoun, provost of Dundie, James Peirsoun, James Wedderburne, Thomas Davidsoun and William Kinneris, bailies of the said burgh, that if it be found they ought to do so, they will deliver "all the ydle and maisterlesse men and these quho wants competent meanes to live be" within the burgh and parish of Dundee to Captain George Ogilvie, except such as they had delivered to Captain James Blair before the proclamation of the letters raised at the instance of Robert, Earl of Nithisdail, in favour of his officers. Charge had been given to them to the above effect by letters dated 3rd August last, and warrant had been granted by the said Earl to his Captains dated the last of August. Also that they will pay to the said Earl or Captain George Ogilvie as party charger all annual rents, expenses and charges, and to the Lords Collectors such sums as they may modify. With clause of releif. The bond is dated at Dundee 16th September 1627, witnesses, John Ramsay, merchant, Mr Alexander Wedderburne, common clerk of Dundie, and William Hill, servitor to Thomas Wichtane, notary at Dundie.

Caution by James Boyter, elder, of Netherliff, for Thomas Halyburton, Provost of Dundee, and others, anent the masterlesse men of that burgh.

Acta March
1625-January
1628.
Fol. 243, a.

Soderunt—Chancellor; Wyntoun; Nithisdail; Linlithgow; Roxburgh; Hadintoun; Melvill; Naper; Master of Jedburgh; Clerk of Register; Advocate; Sir Johne Scot.

Holyrood House, 18th September 1627.

Forsameekle as by directioun from the Lords of Privie Counsell thair is two shippes fraughtit for transport of some of the forces lifted for the advancement of his Majesteis service in France, and whairnent it is necessar that in this so important a bussines whairin his Majesteis honnour and credit is so farre ingadgit that all maryners and seafairing men whose service may conduce to the furtherance thairof sall undertake

Ordinance decreeing the arrest of all mariners who refuse to take service in his Majesty's ships engaged in transporting forces for the war in France

that charge and preferre the same to all uthers; neverthelesse the Lords of Secreit Counsell ar informed that sindrie of thir mariners refuissis to serve his Majestie in the saids shippes, and thairby does so farre as in thame lyes frustrat and disappoint the said service, highlie to his Majesteis offence and contempt without remeid be provydit. Thairfoir the saids Lords ordanis letters to be direct to command, charge and inhibite all and sindrie mariners and seafairing men who hes beene or sall be desired to serve in the shippes foirsaidis fraughtit for his Majesteis use that thay onnawayes presume nor taikie upoun hand to enter in anie uther service but that thay undertaikie his Majesteis service in the shippes foirsaidis, and if thay or anie of thame sall refuse, to arreist thair persouns and to inhibite the skippers and maisters of all shippes and vessells that nane of thame presume to ressave anie of the saids persouns in thair service till ordour be taine with thame for their disobedience, and if neid beis to arreist the shippes whairin thay sall be hyred to saile and to take thair sailes fra thair raes whairthrow they depairt not till ordour be taine heerin as said is.

Acta March
1625-January
1628.
Fol. 243, a.

Imposition of
duties on all
the coal and
salt exported
from the Water
of Forth to
meet the
expenses of
building forts
and block-
houses on the
said Water.

The Lords of Secreit Counsell considdering how that it imports verie muche the honnour, strenth and saulfetie of the kingdome that blocke-houssis and forts be bigged in suche convenient pairts on the water of Forth whair thair is anie appearance of danger be ane forraineemie; and whairas the bigging and interteaneing of thir forts will necessarilie require great charges and expenssis, thairfoir the saids Lords hes thought meete and expedient that ane pairt of the said charges sall be layed upoun the coale and salt to be transportit furth of this kingdome frome the Water of Forth, and for this effect thay have impoised and be the tennour heerof impoises the sowme of twa shillings Scottish money upoun everie twanne of coale and twa shillings money foirsaid upoun everie twanne of salt that sall be transportit at anie tyme heerafter during the spaice after following outhere be strangers or natives furth of this kingdome frome the Water of Forth on both the sides thairof betuixt the Bridge of Sterline and Bervick; and thay have appointit and ordainit this impost and dewtie to be upliftit be the maisters and awners of the coalehewes and salt pannes by whome the said coale and salt sall be sauld or transportit to be sauld, and that thay sall be answerable and comptable thairfoir quarterlie to his Majesteis Counsell by maiking and giving of ane cleere compt of everie shippe and vessell whairin anie coale or salt sall be transportit and of what port, birth and burdein the shippe is, what is her loading, and accordingle that thay sall make payment of the impost and dewtie foirsaid to his Majesteis Counsell or suche as thay sall appoint to ressave the same. Quhilk dewtie the saids Lords hes ordainit and ordanis to stand and continew and to be impaired as thay sall find the occasioun: And ordanis letters to be direct to make intimatioun and publicatioun heerof to the awners and maisters of the said coalhewes and salt pannes and to command and charge thame to have ane speciall

Fol. 243, b.

Acta March
1625-January
1628.
Fol. 243, b.

care of the uplifting of the said dewtie, and to make honest and cleere compt thair of in maner foirsaid, as thay will answeere upoun the contrarie, and to be comptable for the whole coale and salt that sall be transportit as said is.

Forsameekle as the Lords of Secreit Counsell upoun verie considerable and good grounds importing the weale and benefite of the kingdome made a restraint of exportation of nolt, sheepe and wooll untill the twentie day of September instant to the intent that in the meane tyme they might have beene informed from the justices of peace how the pryces of nolt, sheepe and wooll ruled in the severall pairts of the kingdome, that accordingle the said restraint might have beene allowed or dischairgit. And whairas the saids Lords ar not yitt fullie resolved and cleered anent the saids pryces, and finding the ground and caussis whairfoir the said restraint wes made yitt to stand, thairfoir thay have continewed and continewis the same restraint in full force and effect untill the twelffe day of October nixtocum, and ordanis letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects and strangers be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers plaices neidfull that nane of thame presume nor take upoun hand to carie or transport anie nolt, sheepe or wooll furth of this kingdome at anie tyme before the said twelffe day of October nixtocum under the paine of confiscatioun of the same nolt, sheepe and wooll to his Majesteis use, certefeing thame that sall failyie or doe in the contrair that the said paine of confiscatioun sall be inflicted upoun thame without favour.

Fol. 244, a.

Forsameekle as in the taxatioun grantit unto his Majestie be his Estaits in the moneth of October 1625 yeeres his Majestie hes not, nather can gett payment of that pairt of the taxatioun which is imposed and dew to be payed furth of the lordship of Newbottle, pryourie of Coldinghame, and lordship of Lundores in regaird thair is not ane persoun who can be formallie burdeinned and chargit for the same; and whairas it is nowayes reasounable that his Majestie sould be defraudit of his just taxatioun of the saids benefices speciallie seing thair is perfyte stent rolls made and sett doun of the same for releefe of the beneficed persouns thair of in the taxatioun grantit in the moneth of August 1621 yeeres; quhilk taxatioun and the foirsaid taxatioun grantit in the moneth of October 1625 yeeres are both alyke in quantitie; and thairfoir the taxt rolls sett doun for payment of the taxatioun grantit in August 1621 ar sufficient to serve for the taxatioun grantit in October 1625, thairfoir and for the furderance of his Majesteis payment of the said taxatioun the Lords of Secreit Counsell ordanis and commands Archibald Prymrois, Clerk of his Majesteis taxatioun, to give warrant for directing of letters upoun the saids three stent rollis made for releefe of the taxatioun grantit in August 1621, chairging the

Continuance of the restraint on the exportation of cattle, sheep, and wool till the 12th of October.

See ante, p. 61.

Ordinance charging the vassals, feuars, tacksmen of teinds, and pensioners of the lordship of Newbottle, priory of Coldingham, and lordship of Lindores, to pay their proportion of the taxation granted to his Majesty in October 1625.

vassells, fewars, tacksmen of teinds, and pensioners of the saids three benefices, ilk ane of thame respectife for thair awin pairts, to make payment to Sir James Bailzie of Lochend, knight, collectour of the taxatioun grantit in the moneth of October 1625, and to suche uther persouns as sall have warrant and power fra him, of that pairt and portioun of the said taxatioun whilk is imposed upoun thame conforme to the former stent rollis made for releefe of the taxatioun grantit in the moneth of August 1621, and that termelie in all the foure termes of the said taxatioun, within twentie dayes nixt after the chairge under the paine of horning, and if thay failyie, to denunce, etc. Lykeas the saids Lords heereby declairs that the acquittances and dischaarges to be givin be the said Collectour and his deputs to the vassalls, tacksmen and uthers foirsaidis upoun payment of thair taxatioun sall be valide and sufficient to the pairteis and ressavers, and sall liberat thame thairof at the hands of all pairteis haveand interesse; for doing whairof the extract of these presents sall be unto the said clerk of the said taxatioun and uthers whome it concerns ane sufficient warrant.

Acta March
1625-January
1628.
Fol. 244, a.

Anent a fort at
Inchgarvie.

The whilk day the Lords of Secreit Counsell found it expedient that ane fort sould be biggit at Inchegarvie and thay committit the charge of the worke to the Laird of Dundas according as he sould ressave moneys; whilk charge he, being personallie present, acceptit upoun him.

The transport-
ing of fugitive
soldiers.

The Lords of Secreit Counsell ordanis Mr Alexander Hammiltoun and Alexander Bruce, who wer personallie present, to intimat to all strangers resoirting unto thame for coale and salt that thay bring not backe in thair shippes anie fugitive souldiours beyond sea, under the paine to be arreisted and punished according to thair offence.

Fol. 244, b.

Sir Mungo
Murray.

The quhilk day Sir Mungo Murray acceptit upoun him the shirefship of Perth and gaif his oathe.

Sederunts,
1625-29.
Fol. 62, b.

Advice to his
Majesty's
Admiral.

The Lordis advyseis and allowis his Majesteis Admirall to proceed in course of justice aganis Angus Williameson and Grant for thair violence and opposing aganis his Majesteis auctoritie; and towcheing thair compliceis to inflict some exemplair punishment upoun thame according to the discipline and lawis of the sea, and thairafter to suffer thair capitanes transporte thame.

The Justices of
Peace of East
and West
Lothian.

The Lordis assignis to the Justiceis of Peace of East and West Lothiane the nixt Counsell day for reporting thair diligence anent the fensible personis within thair boundis.

Instructions
anent the
building of
forts at
Montrose.

See ante, p. 70.

The Lordis haveing hard the reporte of the Provost of Montros anent the fortis and blokhousis to be build at thair toun, thay find that thair wilbe a necessitie of tua fortis, and thay agree that thair salbe aught peece of ordinance lent unto thame quhen the fortis ar biggit upoun cautioun for redelyverie of the same upoun requisitioun; and ordanis Colonell Bruce and James Traill to be intreatit to mak thair addresse to Montros to visite and designe the place quhair the fortis salbe buildit and after quhat forme and maner the same salbe done;

Fol. 63, a.

and that a letter be writtin to the Lord Carnegye willing him to conveene suche gentlemen in the boundis nixt adjacent as salbe thoght expedient to conveene at Monrois upoun the 26 of September instant to consider and resolve upoun the meanes how the fortis salbe built and intertenyed, and to reporte upoun the nynt of October.

A reporte gevin in be the commissionaris for a forte at Bruntiland.

The fort at
Burntisland.

The Lordis in regard of Archibald Mertoun his unwillingnes to serve his Majestie with his ship ordanis his Majesteis Admirall to tak the ordinance furthe of the ship with all the poulder and bullett being within hir, and that for furnissing of otheris shippis who will serve his Majestie in the transporte of his Majesteis forceis to the Ile of Rae.

The ordnance
to be taken
from the ship
of Archibald
Mertoun for his
refusal to serve
his Majesty.

Chancellor; Nithisdail; Wyntoun; Lynlythqw; Roxburgh; Had-
ingtoun; Naper; Master of Jedburgh; Clerk of Register;
Advocate; Sir Johnne Scott.

Holyrood
House, 19th
September
1627.

Caution by John Sandylandis of Rushaw in 3000 merks that John, Lord Torphine will not molest James Polwart of Cauldlaw, nor his family, tenants, etc.—(Signed) J. Sandelandis.

Edinburgh,
19th Septem-
ber 1627.

Caution by
John Sandi-
lands for John,
Lord Torphi-
chen.

Caution by George Adinstone, baxter, burges of Edinburgh, in £100 each, for David Somerwell and Richard Somervell, his son, in Coldinghame, not to molest Mr Cristopher Knolles, minister at Coldinghame, nor his family, tenants, etc.; and that they will appear before the Lords of Council the next Council day and answer to a complaint by Patrik Home of Aytoun of pursuing him for his life and wounding him in sundry parts of his body.

Caution by
George Adin-
stone, burges
of Edinburgh,
for David
Somerville and
Richard
Somerville.

Most sacred Soverane, Your Majesteis letter of the 26 of Marche touching the differences betuixt the Erle of Suffolk and Sir David Hume of Wedderburne anent some fishing on the river of Twede controvertit betuixt thame wes delyverit unto us be one of the said Erle his servants upoun the 29 of August last. After reading whairof having conveenit before us the said Sir David and acquaintit him with your Majesteis royal will and directioun mentioned in the said letter and accordinglie having urgit him with ane present nominatioun of twa commissioners for his pairt to cognosce and decerne in the said differences, he to testifie his humble dispositioun to your Majesteis obedience and his willingnesse to have that mater sattled by ane equall and indifferent course of proceedour hes nominat Sir Patrik Hepburne of Wauchtoun and John Belcheis of Tofts, unto whom for his pairt he will submitt the finall satting of that bussines. Thair is one materiall point he stands at whilk we shew unto your Majestie in our former letter, to witt, the unequal termes of the commissioun, dipping onelie upon the said Erle his alledgit possessioun without mention of the said Sir David his right, or anie respect at all had thairto, whilk as he affirmes sould be preferred to ane baire and naiked possessioun not cled with ane right. And whairas the

Holyrood
House, 19th
September
1627.

Letter to his
Majesty stat-
ing that the
Council has
nominated two
Commissioners
to adjudicate
between the
Earl of Suffolk
and Sir David
Hume of
Wedderburn
touching
certain fishings
on the Tweed.

Sederunts,
1625-29.
Fol. 63, a.

Fol. 63, b.

Cautions,
1621-23.
Fol. 265, a.

Fol. 265, b.

Royal Letters,
1623-32.
Fol. 115, a.

Fol. 115, b.

commissioun must be renewed in the persouns of the commissioners now to be chosin in equall number for both parteis, seing the present commissioun can be no warrant to thame for thair proceedings, the said Sir David his humble petitioun is that the commissioners may be warranted by the new commissioun to try, cognosce and decerne als weill upoun the right as possessioun of pairteis and upoun the wrangis committit *hinc inde* conforme to the draught of ane commissioun heere-with sent to Sir William Alexander, your Majesteis Secretar, nowayes differing from the former commissioun except in that point anent the right and possessioun, by which indifferent and equall tryell all forder mater of contestatioun will be removed and the bussines itself will ressave a finall conclusioun; which remitting to your most royall and excellent judgment, we pray the Almighty to watche over your sacred persoun and to blesse your Majestie with ane long and ane happie raigne. From Halyrudhous the xix day of September. *Sic subscribitur*, Dupline, Nithisdail, Wyntoun, Linlithgow, Roxburgh, Hadintoun, Naper.

Royal Letters,
1623-32.
Fol. 115, b.

Holyrood
House, 19th
September
1627.

Letter to his
Majesty
explaining the
failure of Sir
James Baillie
to appear in
his presence.

Most Sacred Soverane, Whairas this bearer, your Majesteis servant, wes some ten or twelf dayes since prepared and in readines to have made his addresse unto your Majestie, he wes upoun ane verie urgent necessitie not onlie stayed be us, but burdened to make ane new outred and furnishing to your Majesteis three shippes appoynted to waught over the forceis lifted for your Majesteis service in France. And altho his former ingadgements ar knowne to be great and heavie, and quhairin he hes racked his credit and freindship to the uttermost, yitt out of his humble respect to your Majesteis service he hes lykewayes undertane this burthein, and now staves upoun the dispatche thair of, and thairfoir humblie beseeeking your Majestie to pardoun this his stay whilk proceeds upoun so necessarie an occasion, and recommending him as a cairfull and diligent servant to your royall and gracious acceptance, we pray God to blesse your Majestie with manie long and happie yeeres. From Halyrudhous the nynteene day of September, 1627. *Sic subscribitur*, Dupline, Nithisdail, Wintoun, Linlithgow, Roxburgh, Hadinton, Naper.

Fol. 116, a.

Holyrood
House, 20th
September
1627.

The Council,
with the advice
of Sir James
Baillie, ordains
the payment to
William Dick
of a hundred
thousand
pounds out of
his Majesty's
taxation, being
the sum
expended by
the said

Sederunt—Chancellor; Nithisdail; Wyntoun; Linlithgow; Had- ingtoun; Melvill; Naper; Master of Jedburgh; Clerk of Register; Advocate; Sir Johne Scot.

Acta March
1625-January
1628.
Fol. 244, b.

Forsameekle as the manie great and weightie effaires which have occurred in this estait thir twa yeeres bygaine hes moved the Kings Majestie and the Lords of his Privie Counsell to burdein Sir James Bailzie of Lochend, Collectour of the taxatioun grantit to his Majestie be his Estaits in the moneth of October 1625, with the advancement of diverse great sowmes of money for the outred and dispatche of sindrie of the saids effaires, lyke as the said Sir James to testifie his humble and

Acta March
1625-January
1625.
Fol. 244, b.

dewtiful respect to his Majesteis service not onelie undertooke the burdein of payment of the saids sowmes so farre as his awin meanes and strenth could afford, but when that failed, he imployed his freindship and credit beside, and extendit and racked the same to the uttermost; and the saids Lords be his Majesteis commandement, having taine ane view of the said Sir James his accompts, it appeares to thame that his undertaiking exceeds his receipt in the sowme of ane hundreth and three scoir auchtein thowsand pundis or thairby besides some new burdeins layed upoun him for outred of his Majesteis shippes. And whairas the said Sir James hes made use of his freindship with William Dick, merchant burges of Edinburgh, who being requesteid be the saids Lords to assist the said Sir James and to joyne with him, thairin, the said Williame wes thairupoun moved to consent thairto, and pairtlie be his credit and proper advancements hes (as the said Sir James affirmes) undertaine for him the burdein of ane hundreth thowsand pundis, having his speciall hopes of releefe upoun the remanent of the said taxatioun as yitt not upliftit and upoun the furdurance and assistance to be made to him be the saids Lords, at whois intreatie and request he undertooke this burdein. And the saids Lords being moved in honnour and justice to foirse and provyde for the said Williame his releefe, seing thay dealt with him so earnestlie to joyne in this mater with the said Sir James, Thairfoir the saids Lords with the speciall advice and consent of the said Sir James ordanis him to make, perfyte, subscriyve and delyver ane sufficient assignation and power in dew and competent forme to the said Williame for his releefe and payment of the said sowme of ane hundreth thowsand pundis out of the first best and readiest payment of the said taxatioun als weill of the termes bygaine as to come, and ordanis the said Sir James as Collectour of the said taxatioun to assist the said William by all laughfull meanes and wayes to procure payment of the sowme abonewrittin. Lyke as the saids Lords hes interpouned and interpons thair auctoritie and allowance to the said assignatioun and power now appointit to be made to the said Williame, and ordanis letters to be direct thairupoun in forme as effeirs.

Forsameekle as Robert, Erle of Nithisdail, hes appointit the tenth day of October nixtocum betuixt and which tyme he intends, God willing, to imbarke and transport the remanent of his regiments whilks ar not alreadie sent to Germanie, quhairfoir necessar it is that all captans, lieutenantts and uthers under his regiment prepar thame-selffes and make thair addresse to the burgh of Edinburgh whair the said Erle will attend thame and that in dew and lawfull tyme afoir the said tent day of October nixtocum to the intent thay may imbarke with him. Thairfoir ordanis letters to be direct charging officers of armes to pas and make publicatioun heerof be opin proclamatioun at all plaices needfull, whairthrow nane pretend ignorance thairof and to command and charge all and sindrie captans, lieutenantts, enseinzeis,

William Dick
in his Majesty's
service.

Fol. 245, a.

All officers and
soldiers who
have under-
taken to serve
in the regiment
of the Earl of
Nithsdale in
the German
war to attend
the said Earl
in Edinburgh
before the 10th
of October.
See ante, p. 34.

serjants, sojourns and all uthers who hes ressavit pay and undertaine to serve under the regiment of the said Erle of Nithisdail that thay and everie one of thame addresse thameselffes in dew and lawfull tyme to the burgh of Edinburgh afoir the said tent day of October nixt and thair attend upoun the said Erle and be readie to imbarke and goe aboard with him, as thay and everie one of thame will answeere upoun the contrarie at their highest perrell, and under the paine to be searched persewit and puneist as fugitive souldiours with all rigour and extremitie to the terrour of uthers to do the lyke heerafter.

Acta March
1625-January
1628.
Fol. 245, a.

Order for the payment to Sir James Baillie of what further sums are necessary for the furnishing of his Majesty's ships, in addition to the sum of 10,000 merks already allowed by the Exchequer.

Forsameekle as by ane act of the Exchequer thair is allowit to Sir James Baillie, collectour of the Taxatioun grantit to his Majestie in October 1625, the sowme of ten thowsand merkes for outred and furnishing of his Majesteis three shippes appointit to waught over his Majesteis forces to France; and the Lords of Secreit Counsell, considering that this allowance will not defray all the charges requisite in this service, seing it is now ordainit that the saids shippes sall be furnished till the tyme of thair lousing and for the spaice of three moneths thairafter. And thair being ane necessitie lykewayes that the saids shippes sall be providit with moneyes for defraying of suche chairges as usuallie falls out in suche voyages and for some supplee to be made to suche of the equippage of the shippes as ar most necessitous according to the directioun to be givin be his Majesteis Admirall, whairin he will be als spairing of his Majesteis moneyes as possiblie may be, Thairfoir the saids Lords declairs and ordains be these presents that what forder sowmes sall be advanced and furnished be the said Sir James for outred of the saids shippes, and providing the same with moneyes by and attoure the said sowme of ten thowsand merkes already allowed be the Exchequer, that the same sowmes, after hearing and dew consideratioun of his accompts, sall be allowit unto him and that he sall be payit of the same out of the first and readiest of the said taxatioun.

Fol. 245, b.

Warrant to be granted by the Lord High Admirall to his Majesty's three ships to convoy his Majesty's forces to the island of Rae [Rhé].

Forsameekle as it is thought meete and expedient be the Lords of his Majesteis Privie Counsell that his Majesteis three shippes of warre sall be prepared and in readinesse to waught over to the Ile of Rae¹ his Majesteis forces lifted for the forderance of his Majesteis service thair; and whairas it is necessar that thir three shippes sall be warrantit with commissioun from the Lord High Admirall of this kingdome and with suche instructiouns as he sall give unto thame tuiching thair behaviour and proceedings in this expeditioun and service, thairfoir the saids Lords ordanis Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome, who wes personallie present, to give commissioun and warrant under his seale of office to his Majesteis three shippes foirsaidis with suche instructiouns as he sall thinke meete concerning this service; whairanent the extract of this Act sall be unto the said Lord Admirall ane warrant.

¹ The Isle of Rhé, before La Rochelle.

Acta March
1625-January
1628.
Fol. 245, b.

Forsameekle as the Lords of Secreit Counsell are informed of manie great disordours committit within the burgh of Bruntilland be the souldiours who ar lying thair attending thair transport, by whome the peace of the said burgh is verie farre disturbit, the inhabitants thairof oft tymes threatned and persewit of thair lyffes, and manie forder inconveniences ar lyke to fall out to the breake of his Majesteis peace and hurt of his Majesteis good subjects without remeed be provydit, Thairfor the Lords of Secreit Counsell allowes and ordanis the magistrats of the burgh of Bruntilland to take the captans and lieutenents and uthers having command of the souldiours lying within the burgh of Bruntilland or which sall come thairto heerafter actit in thair toun bookes, that they and the hail companeis under thair charge sall behave thameselffes during thair abode within the said burgh as peaceable and good subjects, and that they sall observe his Majesteis peace, keepe good rule and quyettesse within the same, and that they sall committ no disordour nor insolencie thairin under the paine to be censured, persewit and puneist thairfor accordingle; commanding heereby the saids captans, lieutenents and uthers having charge of thair companeis to conforme thameselffes to this present Act and ordinance and obey the same, and to have ane speciall care that the said Act be kepted unviolat in anie point as they will answeare upoun thair obedience at thair highest perrell.

Warrant to the magistrates of Burntisland for the prevention of disorders arising from the soldiers now lying there.

Cautions,
1621-28.
Fol. 265, b.

Caution by Andro Davidsoun, portioner of Ryparlaw, in £100 for Walter Davidsoun in Belsheis, that if at any time George Davidsoun, his brother, comes into his house, or is in his power, that he will exhibit him before the Lords of Council.

Edinburgh,
20th Septem-
ber 1627.
Caution by
Andrew David-
son for Walter
Davidson.

Sederunts,
1625-29.
Fol. 63, b.

Ane proclamatioun intimating to all his Majesteis subjectis who sall furneis ony souldouris xlvij houris togidder without payment thay sall haif no recourse to the Counsell.

The payment
of soldiers.

Royal Letters,
1623-32.
Fol. 116, a.

Most Sacred Soverane, Whairas in former tymes it hes beene carefullie provydit by diverse Acts of Parliament, Conventioun and Secreit Counsell, that the airs of these quho sould happin to be slaine or hurt to the death in the Kings armie sould have thair waird, releeffe and marige disponit to thame be the King gratis, non obstant thair minorite and lesse age; and seing in this expeditioun to France thair is sindrie gentlemen of good qualitie, who for the furtherance of your Majesteis service hath willinglie ingadgit thameselves thairin and ar readie to adventure thair lyves and estaits in the prosecutioun thairof thay have made earnest sute unto us, in regaird thay hold thair lands waird of your Majestie, which by this thair employment in the warres may happilie fall to the ruin of thair hous if the samine be not assured to thair airis, that we would petitioun your Majestie for the lyke princelie indulgence to be grantit unto thame as your predecessors hes vouchsafed in former tymes to uthers.¹ Which thair desire, seeming to be most reasonable in itself

Holyrood
House, 20th
September
1627.

Letter from
the Council to
his Majesty
desiring that
the heirs of
such as should
fall in his
Majesty's wars
in Franco
should be
exempted from
ward, relief,
and marriage.

¹ The most memorable instance of this was IV. at Twiselhaugh before the battle of Flodden the Act passed by the Council held by James (September 9, 1513). The Act runs as follows:

and agreeable to former precedents in the lyke kinde and which in our opinioun can import little or no prejudice to your Majestie, we have thairfore thought meete for the good of your Majesteis service and thair farther encouragement to prosecute the same to represent unto your Majestie thair humble desires, no wayes doubting but your Majestie will extend suche proportioun of favour towardis thame as thair dewtiful respect in this exigent of tyme doeth deserve, and as can be warranted by anie preceeding example; whairin attending your Majesteis gracious pleasure and warrant to that effect, we rest, etc. From Halyrudhous the xx day of September. *Sic subscribitur*, Dupline, Nithisdail, Wyntoun, Linlithgow, Hadinton, Naper, A. Carre, S. W. Oliphant, J. Hammiltoun, Scottistarbett.

Royal Letters,
1623-32.
Fol. 116, a.

Edinburgh,
21st September
1627.

Caution by
Robert Baillie
for Sir John
Home.

Caution by Robert Baillie, merchant burges of Edinburgh, in 1000 merks, that Sir John Home of North Berwick will not molest Mr. Robert Broun in Greadane, nor his family, tenants, etc.—(Signed) Robert Beallie.

Cautions,
1621-28.
Fol. 266, a.

Caution by
John Stewart,
Lord of Kin-
clevin, for
Francis
Stewart, eldest
lawful son of
John Stewart
of Coldingham.

Mr. Alexander Mc Gill, advocate, as procurator for the principal and cautioners, registers a bond of caution by John Stewart, Lord of Kinclavin, in £1000, that Francis Stewart, eldest lawful son of John Stewart of Coldingham, will not molest Mr. Christopher Knolles, minister at Coldingham, nor his family, etc.; with clause of relief. The bond, written by John Johnstoun, writer in Edinburgh, is dated at Leith, 19th September 1627, witnesses, William Campbell, servitor to the said Lord Kinclavin, William Dalyell, and James Carmichaell, servitors to the said Francis Stewart, and Henry Whyte in Rentoun.

Caution by
John Stewart,
Lord of Kin-
clevin, for John
Muir and
others.

Mr. Alexander Cuming, advocate, as procurator for John Lord Kinclavin, registers another bond of caution by him in 1000 merks each, for John Muire in Woodlands, and Walter Muire, his oy, and in 500 merks, for Charles Dobie in Baltarsane, not to molest John Campbell in Baltersan, nor his family, tenants, etc., and will pay 20 merks as their escheat, if found lawfully denounced. The bond, written by James Wilsoun, Writer to the Signet, is dated at Leith, 22d September 1627, witnesses, James Kennedie and James Stewart, indwellers in Leith, and Mr. Alexander Johnstoun, servitor to Mr. Lues Stewart.

Fol. 266, b.

Edinburgh,
25th Septem-
ber 1627.
Caution by

Caution by William Troup, eldest lawful son to William Troup of Pendreich, and John Strauchane in Fettercairne, that David Ramsay, servitor to Sir Alexander Strauchane of Thornetoun, shall before "the

Fol. 267, a.

—"At Twiselhaugh, in Northumberland, the 24th day of August 1513, it is statute and ordained by the King's Highness, with the advice of all his lords being there for the time in his host, in this form as after follows, that is to say, if any man be slain or hurt to death in the King's army and host by Englishmen, or

dies in his army during the time of his host, his heirs shall have his ward, relief, and marriage of the King free, dispensing with his age whatever age that he be of; and ordains the King's letters to be directed hereupon to the effect aforesaid."—*Acts of Parliament of Scotland*, II., 278.

Cautions, 1621-28. Fol. 267, a. feast of Yoole nixt send bak frome Germanie to this kingdome Robert Hamtoun in Balhagartie whom the said David send away laitlie with some sojouris," under the pain of £200 to be paid to Hamptoun, father to the said Robert, on 1st February next.—(Signed) W. Trovp.

William Troup and John Strachan for David Ramsay.

Fol. 267, b. Caution by George Greiff, customar of Edinburgh, in 200 merks, for David Grahame of Fentrye, that John Duncane, his servant, being delivered by Captain Ogilvie to him, he will exhibit him before the Council on 9th October next for trial of his qualitie; with clause of relief, by James Grahame, son to the Laird of Claypottis.—(Signed) George Greave.

Caution by George Grieve for David Graham of Fintrie.

Sedarunta, 1625-29. Fol. 64, a. Chancellor; Lynlythqu; Hadingtoun; Melvill; Clerk of Register; Advocate; Sir Johnne Scott.

Holyrood House, 26th September 1627.

The Lordis, in respect thay ar not a number, will not medle in actionis of Counsell.

The quhilk day intimatioun was maid to the baillies of Perth, being personalie present, of his Majesteis letter commanding that no personis could be chosin to beare office within burgh bot marcheantis and trafficuaris; quhilk letter the baillies promiseist to imparte to the Counsell of the toun; and for thair better informatioun ordanis a copie of the Kingis letter to be delyverit unto thame.

Intimation to the baillies of Perth.

Caution by William Adame, marykene¹ maker, burges of Edinburgh, that Robert McCulloch of Kerycleuch will pay to the Treasurer, &c., £20 for his escheat, if it be found he ought to do so, after discussion of his suspension of the horning against him at the instance of John Gordoun and some of his tenants for not finding caution of lawburrows to them. Suspension is granted to 10th November, and parties warned to the 1st of that month.

Edinburgh, 26th September 1627.

Caution by William Adam for Robert McCulloch.

Royal Letters, 1623-32. Fol. 118, a. CHARLES R.—Right truistie and right weilbelovit cousin and counsellour, right truistie and weilbelovit cousins and counsellours, and right truistie and weilbelovit counsellours, we greet yow weill. Whairas we ar informed be the Erle of Galloway that he as suretie for James Kennedie of Blairquhan standing engaged for the payment of diverse sowmes of money was forced for his better releefe to raise letters of captioun against the said James, yitt (as we ar lykeweyes informed) by meanes of the Erle of Cassills, who is our baillie in these bounds, the said Erle of Galloway is frustrated of his releefe, a course so unjust, if it be true as is informed, that we have good reasoun to require the same to be repaired, Thairfoir our pleasure is that yow call before yow the said Erle of Cassills, and if yow find the maner of his proceedings to be suche as is affirmed, that with all convenient diligence yow caus present the said James Kennedie to justice for satisfioun of the said

Hampton Court, 26th September 1627.

Letter of his Majesty to the Council desiring them to inquire into alleged cases of injustice on the part of the Earl of Cassillis towards the Earl of Galloway and Alexander Stewart in Crossrie.

¹ Cf. French *marroquin*, "Spanish leather, made of goats' skins, or goats' leather not tanned but dressed with galls."—Cotgrave.

Erle of Galloway, or otherwayes that a course may be taikin that the debts for which he standeth so ingadged, togidder with the just charges disbursed by him in that earand, may be refundit unto him by the said Erle of Cassills. And in regaird, as we ar lykewayes informed, that one Alexander Stewart in Croshrie hath beene wronged in an insolent maner by the said Erle of Cassills, we lykewyse will yow to call thame before yow, and after yow haive heard thame, if yow find the said Alexander to have beene so wronged as is alledged, our further pleasure is that yow censure the said Erle for the same, or utherwayes sattle the differences betweene thame as yow sall find just caus. Both which particulars we seriouslie recommend unto yow and bid yow fairweill. From our Honnour at Hamptoun Court the 26 of September 1627.

Royal Letters,
1623-32.
Fol. 118, a.

Edinburgh,
27th Septem-
ber 1627.

Caution by
Robert Ruther-
ford of Edger-
ston for John
Murray and
others.

Caution by Robert Rutherford of Edgerstoun in £1000, that John Murrey, Walter Gray, Simeoun Robsoun, James Robsoun, John Ainslie, Thomas Commoun, Steven Wauch, Gilbert Rutherford, James Laidlie, John Johnstoun, James Hayneis, Hector Rutherford, James Stevinsoun, and Dandie Curra, will appear before the Lords of Council on 9th October next, for trial that they ar not idle and masterless men, and that they wer never given up in roll to be so.—(Signed) Robert Rutherford of Edgerstoune.

Caution,
1621-28.
Fol. 268, a.

Caution by
Robert Hamil-
ton for James
Mure.

Caution by Robert Hammiltoun of Milburne, in 500 merks, that James Mure, wobster in Milneburne, will appear before the Lords of Council on 9th October next for trial as above.—(Signed) R. Hamilton of Milborn.

Edinburgh,
28th Septem-
ber 1627.

Caution by
Alexander
Crichton for
William
Gordon.

Caution by
Michael
Anderson for
Matthew
Clerk.

Caution by Alexander Creichtoun, burges of Edinburgh, in 500 merks, that William Gordoun, burges of Banff, will not molest Mr. Alexander Douglas, doctor of medicine in Banff, nor his family, etc., and that he will pay 20 merks as his escheat if found liable therein; with clause of relief.—(Signed) Alex^r Crichtoune, W. Gordoun, v^t my hand.

Caution by Michael Anderson in the Potterraw in £100, that Mathew Clerk, burges of Dumfreis, will appear before the Lords of Council on 9th October next, for trial at the instance of the minister and elders of the kirk of Troqueir, of his being an idle and masterless man; with clause of relief.

Fol. 268, b.

Edinburgh,
29th Septem-
ber 1627.

Caution by
John Beaton
for John
Allardie.

Caution by John Betoun in Inchoure, in 500 merks, for John Allardie of that ilk, and in 300 merks, for Thomas Allardie in Glassindrwm, that the former will produce before the Lords when so required Andrew Gray and James Bruche, if it be found that they are his men for whom he should answer, and that on 9th October next he will exhibit John Robertsoun and John Patersoun, whom he acknowledges to be his men, to be disposed of as the Lords shall direct; and the latter to exhibit on that day James Bruche, his servant to the same effect. The charge against them

Fol. 269, a.

Cautions,
1621-28.
Fol. 269, a.

by Alexander, Lord Spynie, is suspended to the 15th and parties warned to 9th October.—(Signed) Jo. Bethune.

Minute Book,
1604-31.
Fol. 80, a.

The *Minute Book of Processes* gives the following Memoranda collectively for the month of September 1627.

- Protestatione: Robert Snodgrass against Captain Maxwell.
 Ryott: Sir Patrik Hoome against Francis Melvill, etc.
 Letters: Maxwell of Logan against Gordon of Butill for directing of cartalls, etc.
 Ryott: Jon Polwart against the Lord Torphichen, his baylie.
 Proces, Ryott: Hope and utheris against Hoome of Aytoun.
 Precognitioun against Dundas of Newlistoun and Whythead of Park.
 Petitione: Alexander Herbert for puting him to libertie.
 Letters: Meiklejohn, burges of Dumfermeling, against the Commissioners appoynted to receive the benevolence of the people for reparatioun of the said toun of the loss susteanit by fyre.
 Act ordaining 2/^s to be imposed upon everie tun of coal and salt exported from Forth for building of block houses upon the said river.
 Protectione for Hoome of Wedderborn.
 Ryott: Ker of Keverse against Turnbull, etc.
 Ryott: James Broun against James Jonstoun.
 Oppressione: Magistratts of Peibles against Cristean Burnett.
 Ryott: Corsar against Broune.
 Letters: Jon Storik, mariner, against his creditors, for putting him to liberty.
 Petitione: Sir Michael Prestoune for putting him to liberty.
 Ryott: Margaret Irwing against Hendrie Montgomrie.
 Decreit Arbitrall pronounced be the Lords in the contraversie betuixt Jon Fraser of Elrig and Patrik Strauchan.
 Petitione: Magistratts of Aberdeen against Thomson, skipper, for transporting some peices of ordinance from Leith to Aberdeen.
 Proces: Eupham Dauling, etc., against the baylies of Dysart for redeleverie of a poind, becaus they had suplyed ther mother in her necessitie quhill she wes prisoner for alledged witchcraft.
 Decreit Arbitrall: Ker of Ancrum against Mr. William Jameson sequestrating certane teinds to remain in the hands of Ridell of that Ilk till it be found who hes the best right therto.
 Depositiones of witnesses in Mr. David Roger his proces against Castlemilk and George Roy.
 Severall Acts anent the leveing of sojours for Denmark.

Fol. 80, b.

Caution by Gawane Stevinsone, baxter, burges of Edinburgh, in 500 Edinburgh, 1st October 1627.
 merks, that John Stewart in Over Crawmond will not molest Robert

Cautions
1621-28.
Fol. 269, a.

Caution by
Gavin Steven-
son for John
Stewart.

Caution by
Peter Bal-
manno of
Carloungie for
Sir William
Graham of
Claverhouse.

Mowbray at the Brigend of Crawmond, nor his family, tenants, etc.; with clause of relief.—(Signed) Gauin Stevinsone, Johne Stewart.

Cautions,
1621-23.
Fol. 269, a.
Fol. 269, b.

James King, advocate, as procurator for principal and cautioner, registers a bond of caution by Peter Balmanno of Carloungie for Sir William Grahame of Claverhouse, knight, that he will deliver up upon oath a trew roll of all the idle and masterless men in the bounds of Marytoun to Captain George Ogilvie of Muretoun, as having authority from Robert, Earl of Nithisdail, to whom the inrolled men in the shire of Angus pertained, in terms of horning to that effect of date 3rd August last, if it be found he ought to do so; and to pay all charges and expenses which the Lords Collectors may modify. With clause of relief by Walter Grahame, lawful son to the said Sir William. The bond is dated at Dundie 23rd September 1623, witnesses, Robert Rollok, elder of Muretoun, Thomas Wichtane, notary at Dundie, and William Hill, his servitor, who wrote the bond.

Fol. 270, a.

Holyrood
House, 2nd
October 1627.

Letters charg-
ing all mariners
under pay in
his Majesty's
ships to be
ready to set to
sea at the first
occasion as
they shall be
required.

Forsameekle as the terme and dyet appointit to the captans and maisters of his Majesteis three shippes to waught over the companeis lifted for the advancement of his Majesteis service in France is now at hand and the provisionis necessar for the outred of the saids shippes ar in readinesse onelie attending these who ar under his Majesteis pay to serve in the saids shippes, Thairfoir the Lords of Secreit Counsell ordanis letters to be direct chairging heraulds with the concurrence of a trumpet to pas to the mercat croces and uthers usual plaices whair proclamatiouns ar made at Leith, Bruntilland, Kinghorne, Kirkaldie, Dysert, and uthers touns and ports on the Water of Forth on both the sides thair of, and thair be opin proclamatioun to command and charge all and sindrie persouns who ar under pay in his Majesteis said shippes that they with all convenient diligence after publicatioun heerof at the saids mercat croces repaire to thair shippes and thair attend thair ordinar service and be readie to sett to sea at the first occasioun as they sall be required under the paine to be repute, holdin and esteemed as crossers and hinderers of his Majesteis service, and as fugitives thairfra to be censured and punished in thair persouns and goods with all rigour and extremitie to the terrour of uthers; and to command and charge all magistrats to burgh and land to take and apprehend all suche fugitives who ar under his Majesteis pay and sall linger and delay to make thair addresse to thair shippes and attend his Majesteis service thair and to committ thame to waird whill ordour be taine for sending of thame to thair shippes and for thair forder punishment as accords, as the saids magistrats will answeere upoun the dewtifull discharge of thair offices.

Acta March
1625-January
1628.
Fol. 246, a.

Holyrood
House, 8rd
October 1627.
Charge to the
ballies of

Forsameekle as the persouns underwrittin, thay ar to say, Allane Deanes, millar, Allane Wilsoun, George Dicksoun callit the Wran, Johne Rewcastell, Walter Scot, maltman, Johne Tait, pyper, Williame Beatisoun,

Acta March
1625-January
1628.
Fol. 246, a.

Robert Lidderdail callit the Corbie, and Robert Langlands, all inhabitants within the toun of Hawick, ar lawfullie and trewlie givin up by these whom it concernit to be persouns fitt to be employit in his Majesteis service in the warres; Lykeas alsua James Waugh, officiar, James Towdop, William Scot callit the Young Gillie, Johne Laing, pyper, William McVite, Walter Fouller, and Andrew Deanes, alsua inhabitants of the said toun of Hawick, ar persouns of the ranke and qualitie foirsaid and fitter to be employed in his Majesteis service nor to be suffered to ly loytering at home as hes beene found be the most pairt of these who hes enteresse in the inrolling of the saids persouns altho they cannot agree all in one voice thairupoun; neverthelesse the persouns foirsaid shunnes his Majesteis service and refusises to enter thairin and embrace the same and be thair example gives occasioun to uthers who ar givin up to his Majesteis service to frustrat and shift the same; Thairfoir the Lords of the Secreit Counsell ordanis letters to be direct charging the bailleis of Hawick to bring, present and exhibite the hail persouns abonewrittin before George, Vicount of Duppline, his Majesteis Chancellor, upoun Saturday nixt, the saxt day of October instant, to the effect he may give ordour for thair employment in his Majesteis service under the paine of rebellious and putting of the saids bailleis to the horne; or ellis that they compeere personallie before the Lords of his Majesteis Privie Counsell upoun the nynt day of October instant and show a reasonabill caus why they sould not exhibite the persouns abonewrittin, with certificatioun to thame and thay failyie, letters sall be direct *simpliciter* to denounce thame rebels, and putt thame to the horne, and to escheate, etc.

Fol. 246, b.

Commissions,
1624-30.
Fol. 146, a.

Commission under the signet to Robert Colvill of Cleishe, bailie of the lordship of Culros, as justice, to try Bessie Peatt, servitrix to in Kincairnie within the parochin of Culros, who on 15th September last "most cruellie and unnaturallie murdereist and slew her awin bairne procreat in adulterie with Thomas Sands in Kincairne, quhilk she thair-after buried in a midding," as her deposition bears. She is now in ward in the tolbooth of Culros.—Signed by the Chancellor, Mortoun, Linlithgow, and Hadintoun.

Holyrood
House, 4th
October 1627.
Commission to
Robert Col-
ville, bailie of
Culross, to try
Bessie Pratt,
for child-
murder.

Cautions,
1621-28.
Fol. 270, a.

Caution by George Greeve, customar of Edinburgh, in 1000 merks, that Mr James Grahame, brother to David Grahame of Fintry, on receiving delivery of his servant, Alexander Hendersone, from Captain Ogilvie, will produce him before the Lords of Council on 9th October instant, for trial as to his quality to be on the common rolls for the levies. With clause of relief.—(Signed) George Greive, Mr J. Grahā.

Edinburgh,
4th October
1627.
Caution by
George Grieve
for James
Graham.

Acta March
1625-January
1628.
Fol. 247, a.

Sederunt—Chancellor; Mortoun; Murrey; Nithisdail; Wyntoun; Linlithgow; Roxburgh; Hadintoun; Lauderdail; Bishop of Dunblaine; Melvill; Naper; Advocate; Tracquair; Sir Johne Scot.

Leith,
9th October
1627.
In accordance
with his

Majesty's instructions the Council charges all buyers and sellers of teinds to appoint advocates to attend upon his Majesty's Advocates, and to lay before them all that may concern the mutual securities of the said buyers and sellers.

Forsameekle as some points whilks wer debaited and not condescendit upoun before the Commissioners nominat be the Kings Majestie for the Surrenders being referred to be determined be his Majestie both by a reference agreed upoun be the saids Commissioners and lykeways more particularie thairafter exprest by severall submissiouns of diverse persouns interest thairin and sent to his Majestie by one of his Privie Counsell who was intruisted thairwith, his Majestie after dew consideration thairof hes resolved to accept upoun him the decisiou of the saids matters and will use the best meanes he can to informe himself both of the caise as it stands in generall and of everie mans in particular whair it doeth deserve to be taikin notice of apairt, to the intent that his Majestie may proceed so fairlie and equitablie in the saids matters debaited as no man sall have just caus to compleane. And for this effect his Majestie hes givin directioun to his Advocats that after hearing suche others advocats both of the teind buyers and teind sellers of the teinds of erectiouns as sall be made choise of for this purpose, that thay with all convenient diligence draw up ane legall submissioun, or anie suche uther formall securitie as may best stand with law of these things referrit unto his Majestie in maner specified in his Majesteis directioun sent unto thame, with speciall provisioun that the annuitie alreadie grantit unto his Majestie be secured; and after that the said submissioun or uther writt or securitie sall be formallie exped by his Majesteis saids advocats, his Majestie hes commandit thame to delyver the same to the Lord High Chancellour of this kingdome whome his Majestie hes lykeways ordainit to present or to caus present the said submissioun or uther securitie as is afoirsaid to all pairteis interest, to the intent thay may subscryve the same, and in caise anie of the saids pairteis so interest sall not signe the same before the first day of December nixtocum his Majestie hes commandit his said Lord High Chancellour to send thair names to his Majesteis advocats to the effect thay may proceed against thame in a legall maner for recoverie of that whilk is dew unto his Majestie According to the course of justice, and that notwithstanding of the prorogatioun of his Majesteis commissioun whairin his Majestie will not haive the commissioners to meddle with these things submittit unto his Majestie but in so farre as doeth concerne the tryell of rent whairby the teinds ar to be valued. In the whilks premissis as his Majesteis intentioun hes ever beene frome the beginning, so his Majestie declairs that the Kirk being competentlie provydit, and his Majesteis revenewes increased his Majesteis resolutioun is that everie heretour may haive his awin teinds upoun reasounable conditiouns, quhairunto his Majestie doubts not but that all his weill disposed subjects will be induced by reasoun or conveniencie in regaird of so publict ane good to condescend. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct, chairging officers of armes to pas to the mercat croces of the heid burrowes of this kingdome and uthers plaices needfull and thair be opin

Acta March
1625-January
1628.
Fol. 247, a.

Fol. 247, b.

Acta March
1625-January
1628.
Fol. 247, b.

proclamatioun to make publicatioun heerof to all his Majesteis lieges and subjects whairthrow nane pretend ignorance of the same, and to wairne all and sindrie persouns haiving or pretending to haive interesse in the premissis that thay haive thair advocats in readinesse in dew and lawfull tyme betuixt the dait heerof and the eight day of November nixtocum to attend upoun his Majesteis Advocats and to propone unto thame all things necessar in the premissis whilks may concerne the mutuall securiteis both of the buyers and sellers of teinds; certefeing suche persouns who sall neglect the present occasioun and favour offerit unto thame that the fault of anie inconvenient that sall fall unto thame sall be impute unto thameselfes; and siclyke to wairne all Lords of erectiouns and uthers having interesse in erectiouns after the drawing up of the said submissioun or uther securitie to be advised be his Majesteis Advocats and delyverie thairof to the said Lord High Chancellour to be readie as thay sall be required be the said Lord Chancellour to subscrivve the said submissioun or uther securitie foirsaid betuixt and the said first day of December, with certificatioun as said is. Followes his Majesteis missive direct to the Lord Chancellour for warrant of the Act abonewrittin. CHARLES R.—Right trustie and right weilbelovit cousin and counsellour, we greete yow weill. Seing that some points debaited and not condescendit upoun before our Commissioners for Surrenders wer referred to be determined by us first by ane letter agreed upoun with all thair consents and sent unto us by our trustie and weilbelovit Sir Archebald Achesoun, one of the senatours of our Colledge of Justice, and thairafter more particularlie expressed by the severall submissiouns of some persouns interessid and delyverit unto us by our trustie and weilbelovit counsellour, Sir Johne Stewart of Tracquair, knight, we ar resolved to accept upoun us the decisioun thairof, and will use the best meanes we can to informe our selves both of the caise as it stands in generall and of everie mans in particular whair it doeth deserve to be taikin notice of apairt, that we may proceede so fairlie and equitablie that no man shall have just caus to compleane; and for this effect we have appointed our Advocats, haiving heard suche uther advocats both of the tithe-buyers and tithe-sellers of the tithes of erectiouns as thay or anie of thame sall make choise of for that purpose that thay with all convenient diligence draw up ane legall submissioun or anie suche uther formall securitie as may best stand with law of these things referit unto us, togidder with ane legall decreit or declaratioun of our will conforme thairunto leaving ane blanke for suche things as ar intruisted to be filled up by us, remembering alwayes what is fitt to be done for securing the annuitie already grantit unto us. And after the said submissioun, decreit, or uther writ or securitie in plaice of thame or either of thame sall be formalie exped by our saids advocats and delyvered by thame unto yow as we have required thame to doe, our pleasure is that yow present or caus present the said submissioun or the

Fol. 248, a.

uther securitie as afoirsaid to all persouns interested to the effect that they subscribe the same. And if anie of the saids persouns so interested shall not signe the same before the first day of December nixtcome, we require yow to send thair names to our saids Advocats for proceeding against thame in ane legall maner after the dew course of justice, and that notwithstanding of the prorogatioun of our commissioun whome we will not have to meddle with these things submittit unto us but in so farre as doeth concerne the tryell of rent whairby the tithes ar to be valued. And that with all convenient diligence yow caus intimatioun and publicatioun be made heerof in forme as effeirs. And as we can not but thanke yow for the great paines already taikin by yow heerin, so we ar confident that yow will still use your best endeavoures for bringing this worke to perfectioun, as we haive from the beginning intended that the Church being competentlie provydit and our revenewes increased everie heretour may have his awin tithes upoun reasounable conditionis. For doing whairof, as we hope that all our weil disposed subjects will be induced by reasoun or convenience in regard of so great a publict good, so we will omitt no meanes that may contribute thairunto. So not doubting but that yow will use your best meanes as the occasioun shall frume tyme to tyme require for effectuating of these things according to the speciall truist which we repose in yow, and frume tyme to tyme to acquaint us with your proceedings thairin, we bid yow fairweill. From our honnour of Hamptoun Court the last day of September 1627.

Acta March
1626-January
1628.
Fol. 248, a.

Fol. 248, b.

Proclamation
of a weapon-
shawing.

Forsameekle as the Lords of Secreit Counsell hes found it verie necessar and expedient that in thir difficill and dangerous tymes when thair is suche great preparatiouns for warre in diverse parts of Europe that the subjects of this kingdome shall be lykewayes prepared and in readnesse in thair most fensible and warrelyke maner to defend thame-sellffes and thair native countrie and to withstand and resist all forraine invasioun that shall be attempted against the same; and for the better executioun heerof and to the intent it may be knowne how the subjects ar armed, and what certanelie may be expectit frume thame for defence of the countrie, the saids Lords hes appointit ane generall mustours and weapounshawing of all his Majesteis subjects als weil to burgh as land within the bounds of the shirefdome of Edinburgh principall and constabularie of Hadingtoun, Linlithgow, Fyffe, Kinroscher and Forfar, to be upoun the sevint day of November nixtcome and at the plaices following, Thairfoir the saids Lords ordanis letters to be direct to command and charge all and sindrie his Majesteis lieges and subjects betuixt saxtie and saxtein yeeres and uthers fensible persouns als weil dwelland to burgh as to land within regalitie as royaltie within the bounds of the shirefdome of Edinburgh principall and within the constabularie of Hadingtoun, Linlithgow, Fyffe, Kinroscher, Forfar, be opin proclamatioun at the mercat croces of the heid burrowes of the same

Acta March
1625-January
1628.
Fol. 248, b.

and uthers plaices needfull, that thay and everie ane of thame weill bodin in feare of warre in thair most substantious and warrelike maner, addresse thameselfes to the plaices respective following upoun the said sevint day of November nixtcome and thair make thair mustours and weapounshawings in presence of the shireffs of the shyre and thair deputs, the lords and bailleis of regaliteis or thair deputs and the proveists and bailleis within burgh, that is to say—All within the bounds of the shirefdome of Edinburgh to give thair mustours and weapounshawing upoun the Linkes of Leith, and that all within the bounds of the constabularie of Hadingtoun to witt, the west pairt thair of, conteaning the presbyterie of Hadingtoun, make thair weapounshawing upoun Glaidsmure, and that all within the east pairt of the said constabularie, to witt, the bounds conteaning the presbyterie of Dumbar, make thair weapounshawing upoun the Linkes of Dumbar; and all within the shirefdome of Linlithgow make thair weapounshawing at the burgh of Linlithgow; all within the shirefdome of Fyffe and Kinroscher make thair weapounshawings at the plaices following, to witt, all within the presbyterie of Cowper upoun Cowper Mure; all within the presbyterie of St. Andrewes upoun the Linkes of St. Andrewes; all within the presbyterie of Kirkaldie upoun the sands of Kirkaldie; and all within the presbyterie of Dumfermling at the burgh of Dumfermling; and that all within the shirefdome of Forfar give thair mustours at the plaices following, to witt, all within the presbyterie of Dundie at the burgh of Dundie; all within the presbyterie of Brechin at the citie of Brechin; all within the presbyterie of Aberbrothock at the burgh of Aberbrothock; and all within the presbyterie of Meigle at Meigle; and that all the inhabitants within burgh give thair mustours and weapounshawings the day foirsaid to thair awin ordinar magistrats conforme to the ordour. Certifeing all and sindrie persouns who sall absent thameselfes and sall not be present at the saids weapounshawings, and who sall not come provydit and armed in the best forme and maner thay can, that thay sall be noted, thair names inrolled be the ordinar magistrats having the charge of ressaving of the saids mustours, and thay sall be persewed and punist thairfoir conforme to his Majesteis lawes with all rigour and extremitie. Attour the saids Lords hes earnestlie recommendit to the persouns particularlie underwrittin that thay be present at the saids weapounshawings and trewlie informe thameselfes of the forme and maner thair of and number of persouns present thairat, that is to say:—Thomas, Erle of Hadintoun; Robert, Lord Melvill; George, Lord Ramsay; Archibald, Lord Naper; with the shireff or his deputs to attend and be present at the weapounshawings of the shirefdome of Edinburgh; James, Erle of Hoome; Robert, Erle of Roxburgh; Lord Fentoun; Sir Patrik Hepburne of Wauchtoun, knight, to be present at the mustours of the east pairt of East Lothiane, comprehending the presbyterie of Dumbar; George, Erle of Wyntoun; and Sir Williame Setoun, knight, to

In view of the great preparations for war in diverse parts of Europe the Council ordains the muster, on the 7th of November next, of all the fencible men within certain specified districts; and nominates persons to be present at the said muster, and to inform themselves of the form and manner thereof and of the number of persons present thereat.

Fol. 249, a.

be present at the mustours of the west pairt of East Lothiane, comprehending the presbyterie of Hadingtoun; and Johne, Lord Torphichin;

Acta March
1625-January
1628.
Fol. 249, a.

Dundas of that Ilk, to be present at the mustours of the shirefdome of Linlithgow; and that Johne, Erle of Rothesse; Leslie of Newtown, and Sir Johne Scot of Scottistarbett be present at the mustours of the presbyterie of Cowper; and that Sir Johne Weymes of that Ilk, and Maister of Ramsay, be present at the mustours of the presbyterie of Kirkaldie; and that Boiswall of Balmowto, with the baillie of the regality of Dumfermline, be present at the mustours of that presbyterie; and that Lindsay of Balcarrasse, and Sandilands of St. Monnans be present at the mustours of the presbyterie of St. Andrewes; and that Sir Johne Scrimgeour of Duddop, Constable of Dundie; David Grahame of Fintrie, and Fotheringhame of Powrie be present at the mustours of the presbyterie of Dundie; and that Johne, Erle of Kinghorne; and Halyburtoun of Pitcur be present at the mustours of the presbyterie of Meigle; and that James, Lord Ogilvie of Airlie, David Lindsay of Edyell, and Ogilvie of Inverquharatie be present at the mustours of the presbyterie of Brechin; and that Areskine of Dun and Sir Johne Carnegie be present at the mustours of the presbyterie of Arbroth.

Fol. 249, b.

Ordinance
forbidding his
Majesty's
lieges from
concealing or
entertaining
soldiers who
have deserted
the regiment
of William,
Earl of
Morton, and
commanding
all magistrates
either to
commit such
deserters to
ward, or to
hand them
over to their
respective
officers.

Forsameekle as it is understand to the Lords of Privie Counsell that a great number of base and unworthie persouns who having ressaved pay and inrolled thameselfes under diverse captans in the regiment of William, Erle of Mortoun, for the furtherance of his Majesteis service in France, hes mischantlie and unworthilie abandounit and left thair service in the verie meane tyme when thay sould have beene imbarcked, giving thairby evill exemple to uthers to doe the lyke if remeid be not provydit; Thairfoir the Lords of Secreit Counsell ordains letters to be direct, to command, charge and inhibite all and sindrie his Majesteis lieges and subjects at all places needfull be opin proclamatioun that nane of thame presoom nor take upoun hand to ressett, huird, conceale or interteanie anie of thir fugitive souldiours upoun whatsoever cullour or pretext, under the paine to be punist in thair persouns and goods at the arbitrement of his Majesteis Counsell. As alsua to command and charge all and sindrie magistrats to burgh and land to take and apprehend the saids fugitive souldiours according as thay sall be designed unto thame be anie of the captans, lieutennants or officers, serving in the said regiment and to committ thame to waird or utherwayes to delyver thame to thair captans and uthers be whome thay wer taine on, as the saids magistrats will answeere upoun the dewtifull discharge of thair office and upoun thair obedience in so important a caus concerning his Majesteis service.

Ordinance
continuing the
restraint on
the exporta-
tion of cattle,

Forsameekle as the Lords of Secreit Counsell, upoun verie good and considerable grounds importing the weale and benefite of this kingdome, hes thought meete and expedient that the restraint formerlie made of

Acta March
1625-January
1628.
Fol. 249, b.

exportatioun of nolt, sheepe and wooll sall yitt stand in force and be continewed untill the twentie fyve day of December nixtcome, Thairfoir the saids Lords ordanis letters to be direct chairging officers of armes to pas and make publicatioun heerof be opin proclamatioun at the mercat croce of Edinburgh and all uthers plaices needfull, and to command, charge and inhibite all and sindrie his Majesteis lieges and subjects and strangers, that nane of thame presooome nor take upoun hand to carie or transport anie nolt or sheepe furth of this kingdome at anie tyme before the said twentie fyve day of December nixtcome under the paine of confiscatioun of the same nolt, sheepe and wooll to his Majesteis use, certifeing thame that sall failyie or doe in the contrair that the said paine of confiscatioun sall be inflictit upoun thame without favour; as alsua to command and charge all and sindrie his Majesteis judges, officers and magistrats to burgh and land, to stay and arreist all suche nolt, sheepe and wooll as thay can challenge in the transporting, and that thay impede and stop the transporting of the same as thay will answeere upoun thair obedience.

Fol. 250, a

Forsameekle as it is understand to the Lords of Privie Counsell that diverse mariners and seafairing men who wer taine on for the service of his Majesteis shippes and in other shippes fraughted for the transport of his Majesteis forces and who ressavit pay to serve in the saids shippes doe now absent thameselffes and refuses to serve, doing thairby what in thame lyes to disappoint and hinder his Majesteis service, to the high contempt and misregaird of his Majesteis authoritie, Thairfoir the saids Lords ordanis letters to be direct chairging all and sindrie mariners and seafairing men who hes ressavit pay to serve in the saids shippes be opin proclamatioun at the mercat croce of Edinburgh, peir and shoir of Leith, and uthers places needfull, that thay and everie-ane of thame within three dayes after the said charge come and find sufficient and responsall caution and sovertie actit in the Bookes of Secreit Counsell that thay sall compeir personallie before the Lords of Privie Counsell upoun the first day of November nixtcome and answeere upoun thair contempt and refusall to serve in the saids shippes; certifeing thame that failyeis and sall not find the said caution that thay sall be taikin, apprehendit and punist at the arbitrement of his Majesteis Counsell.

Forsameekle as the Lords of Secreit Counsell hes found it verie necessar and expedient and agreeable to the rules of policie and stait and to good governement and ordour that in thir difficult and dangerous tymes when thair is suche frequent brutes and rumours of great preparatiouns for warre in diverse pairts of Europe and whairwith lykewayes this yland is threatned, that the subjects of this kingdome sall be provydit and in readinesse upoun everie occasioun als weill to defend thameselffes, thair wyffes, bairns and native countrie, as to withstand and resist the persuite and invasioun if anie sall be attempted be

sheep, and
wool, till the
24th of
December
next.
See ante, p. 73.

All mariners
who have
received pay
to serve in his
Majesty's
ships, and
have failed to
present them-
selves, to be
charged to
find caution
for their
appearance
before the
Council.

Charge to all
his Majesty's
lieges between
the ages of 60
and 16,
within certain
specified
districts, to
hold them-
selves in
readiness to
repair in war-
like array to
places on
the coast

where a
foreign
enemy may
appear.

anie forraineemie, and for this effect the saids Lords hes givin ordour and directioun that ane generall mustour and weapounshawing sall be made within some severall shirefdoms of this kingdome upoun the sevint day of November nixt to the intent it may be seene and knowne how and after what maner the subjects ar armed and what probable defence thay ar able to make incase of anie forraine invasioun; and whairas the bounds upoun the coasts sides of the Waters of Forth and Tay and uther pairts upoun the north coast ar most opposed and neerest to danger incase any suche mater sall occurre and fall out; Thairfoir the saids Lords ordanis letters to be direct chairging all and sindrie his Majesteis lieges and subjects betuixt saxtie and saxein yeeres and uthers fensible persouns als weill dwelland to burgh as to land within regalitie as royalitie within the bounds of the shirefdoms of Edinburgh principall and the constabularie of Hadingtoun, Bervick, Roxburgh, Selkirk, Peebles, Linlithgow, Fyffe, Kinroscher, Forfar, Kincairdin and Aberdeene, Bamff, Elgine, Forresse, Nairne, Innernesse and Cromartie be opin proclamatioun at the mercat croces of the heid burrowes of the same, that thay and everie ane of thame weill boddin in feare of warre in thair most substantious and warrelike maner prepar thameselfes and be in readinesse to resoirt and repair upoun hors and foote as most convenientlie thay may to suche pairts and plaices upoun the coast whair thair sall be discoverie of anie forraineemie, to witt—all within the shirefdome of Edinburgh principall and constabularie of Hadingtoun, Bervick, Roxburgh, Selkirk, Peebles and Linlithgow to resoirt and repaire to suche pairts on the south coast of the river of Forthe betuixt Leith and Bervick whair anie such discoverie of ane forraineemie sall be; and all within the shirefdome of Fyffe and Kinroscher to resoirt and repaire to suche pairts on the north side of the river of Forth whair anie suche discoverie of aneemie sall be; and all within the shirefdoms of Forfar and Kincairdin to resoirt and repaire to suche pairts on that coast whair anie discoverie sall be; and that all within the shirefdome of Aberdeene resoirt and repaire to the burgh of Aberdein or uther pairts upoun that coast whair thair sall be anie suche discoverie; and all within the shirefdoms of Bamff, Elgine, Forresse, Nairne, Innernesse and Cromartie, to resort and repaire to suche pairts and plaices upoun that coast whair anie suche discoverie sall happin to be, and that thair thay attend and await and concurre with his Majesteis ordinar judges, officers and commissioners, in the defence of thair native countrie and persute of the commounemie and that at suche tymes as thay sall be wairnit and advertieist be missive letters, proclamatiouns, burning of bailes and beakens or utherwayes upoun twentie foure houres wairning under the paine of tinsell of lyffe, lands and goods.

Acts March
1625-January
1628.
Fol. 250, b.

Charge to the
masters and
skippers of the

Forsameekle as diverse shippes are fraughtit for the transport of his Majesteis forces to the Ile of Rae in France, and whairas it is verie

Fol. 251, a.

Acta March
1625-January
1628.
Fol. 251, a.

necessar and expedient for the better saulfetie of his Majesteis said forces that thir shippes be weill provydit with powder, leid and bullet, Thairfoir the Lords of Secreit Counsell ordanis and commands the maisters and skippars of the saids shippes to provyde thameselffes sufficientlie with poulder, lead and bullet, and the saids Lords promises and assures thame that if anie pairt of the said poulder, lead and bullet sall be necessarilie spent in thair going or returning upoun the defence of the said shippes and opposing against the enemie that the same sall be refundit unto thame and thay sall be thankfullie refundit thairfoir.

ships engaged in transporting forces to the Island of Rhé to provide themselves sufficiently with powder, lead, and bullets.

Forsameekle as the Lords of Secreit Counsell hes found that thair is ane present necessitie of the advancement of foure thowsand merkes towards the outred of his Majesteis shippes, Thairfoir the saids Lords earnestlie intreated Williame Dick, merchant burgesse of Edinburgh, to furnishe and advance the said sowme and to delyver the same to Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome, to be distributit, be him amongs the companie and equippage of the said shippes according to his discretioun. Whilk advancement and furnishing the said Williame Dick, being personallie present undertooke; and the saids Lords ordanis that he sall be thankfullie refundit and payit of the said sowme out of the first and readiest of his Majesteis taxatioun or out of the readiest of his Majesteis pairt of the pryissis.

William Dick, merchant burgesse of Edinburgh, undertakes to advance 4000 merks for the equipment of his Majesty's ships.

Forsameekle as the Lords of Secreit Counsell, having upoun verie good grounds importing the honnour, strenth, and saulfetie of the kingdome recommendit to the justices of peace within the shirefdoms of Edinburgh, Linlithgow, Fyffe and Forfar, the talking of tryell and inquire with the advice of the minister of eache parish of the number and qualiteis of all the fensible persouns within the said parishes, to the intent ordour and directioun might be givin for dreilling and training of thame in militarie exerceissis, quhairthrow they might be the better prepairit in tyme of necessitie to stand to the defence of thair native countrie; and the saids Lords looking that in this so important and necessar a caus the saids justices of peace sould have kythed thair readinesse, nevertheless they have done no diligence at all as yitt in that mater, whairthrow his Majesteis service is verie farre frustrat and disappointit and the commandements of his Majesteis Counsell slighted and contemned, Thairfoir the saids Lords ordanis letters to be direct chairging the conveenners and justices of peace within the shirefdoms particularlie abonewrittin to divyde thameselffes according to the presbytereis whair thay dwell allowing to eache of thame thair awin several bounds whair by the advice of the ministers of the parish they may take the said tryell, and accordingle that thay and the saids ministers take the same tryell of the number and qualiteis of all the fensible persouns als weill to burgh as to land within eache parish, and

Renewed charge to the Justices of Peace in certain specified districts to divide themselves according to the Presbyteries where they dwell, and by the advice of the ministers of the parish to ascertain the number and qualities of all fencible men.

See ante, p. 62.

Fol. 251, b.

that thay may make a perfyte repourt of thair proceedings under thair hands and send in the same to the clerk of his Majesteis Counsell within ten dayes nixt after the charge under the paine of rebelloun and putting of thame to the horne; or ellis that thay compeir personallie before the Lords of Secreit Counsell upoun the aucht day of November nixtcome and shew a reasounable caus why the same sall not be done. With certificatioun to thame and thay failyie letters sall be direct to putt thame *simpliciter* thairto.

Acta March
1625-January
1628.
Fol. 251, b.

Threat of
horning
against certain
persons
within the
constabulary
of Haddington,
unless in ten
days from the
date of
receiving this
charge they
report the
number and
qualities of all
fencible
persons
within their
respective
bounds.

Forsameekle as the Lords of Secreit Counsell having upoun verie considerable and good grounds recommendit to the justices of peace within some particular shirefdoms of this kingdome the talking of tryell with the advyce of the ministers of eache parish of the number and qualiteis of all the fensible persouns as weil to burgh as to land within thair parish to the intent that accordinglie order might be taine for dreilling and training of thame in the use and handling of thair armes under suche captans as sould be appointit over thame, the justices of peace within the constabularie of Hadingtoun for testifeing of thair dewtifull obedience to the directiouns of his Majesteis Counsell in this point tooke ane verie good and solide course by appointing of some speciall persouns in eache parish for talking of the said tryell, of whome the good number hes givin thair obedience, and hes repourtit ane roll conteaning the number of the persouns within the severall parishes designed and allotted unto thame. But the persouns underwrittin being nominat and appointit to take the said tryell within the parishes following, thay ar to say, James, Erle of Hoome, or some in his name authorized with his power and commissioun, Sir Alexander Hammiltoun of Innerweik,

Dowglas of Kilspindie, and Mr.

Hepburne, persoun of Aldhamstockes, for the parishes of Cockeburnspeth, Dunglas, Aldhamstockes and Innerweeke; Sir Archibald Dowglas of Whittinghame, and Williame Sydserfe of Roplauch, with the proveist and bailleis of Dumbar, and James Hoppa, baillie to the Erle of Roxburgh, for the parishes of Dumbar and Spott; Sir Johne Hoome of North Bervick, the bailleis of North Bervick and Robert Hoome of the Heuche for the parish of North Bervick; Sir Robert Hepburne, knight, with the ministers of Garvell, Morhame and Barratt for the parishes thair of;

Sinclair of Hirdmistoun with the ministers of Pencaitland and Keith for the parishes thair of;

Cranstoun of Skaittibus with the ministers of Sowtray and Fawlay for the parishes thair of;

Johnstoun of Elphingstoun, with the minister of Ormestoun for the parish of Ormestoun; the persouns foirsaides hes done no diligence at all in the charge committit unto thame, but hes slighted and neglected the same to the great hinder and disappointing of his Majesteis service, Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging the persouns particularlie abonewrittin that thay and everie ane of thame within the bounds particularlie abonespecified, assigned and

Fol. 252, a.

Acta March
1625-January
1628.
Fol. 252, a.

allotted unto thame, try and informe thameselfes sufficientlie of the number and qualiteis of all the fensible persouns within the saids bounds, and send in ane perfyte report thair of in writt under thair hands to the Clerk of his Majesteis Counsell within ten dayes nixt after the charge under the paine of rebellioun and putting of thame to the horne, or ellis that thay compeir personallie before the Lords of Secreit Counsell upoun the eight day of November nixt come to show a resounable caus why the same sould not be done, with certificatioun to thame and thay failyie letters sall be direct to denunce thame rebels and putt thame to the horne.

Sederunts,
1625-29.
Fol. 64, a.
Fol. 64, b

The quhilk day the Laird of Dalyell was adjonit to the Commis-
sionaris of the Middleshyris, who being present, gaif his oathe.

The Laird of
Dalziel.

That chargeis be direct aganis these who hes not gevin in the rollis
of fensible personis in East Lotheane to reporte the same to the Clerk
of Counsell within ten dayis after the charge under the pane of horning,
and yf thay failyie to denunce, &c., and to compeir the nixt Counsell
day to ansueir upoun thair bigane disobedience.

Anent fensible
persons in
East Lothian.

The Lordis ordanis Sir Johnne Hoome of North Beruik, who wes
personalie present, to tak up a roll of the fensible personis within the
parroche of North Beruik and to reporte the same to the Clerk of
Counsell within ten dayis.

Sir John
Hoome.

Ane Act in favours of Capitane Douglas toucheing his releif of the
band gevin be him for bringing heir and delyverie of certane ordinance
from Irland.

Captain
Douglas.

Acta March
1625-January
1628.
Fol. 252, a.

Sederunt ut die predicto except Mortoun.

Holyrood
House, 10th
October 1627.

Forsameekle as it is understand to the Lords of Counsell that thair
wes diverse infeftments and signatours componed, the compositions payed,
and the infeftments and signatours past his Majesteis register and
writtin to the Privie Seale and readie to have beene exped when it
pleased God to call to his mercie Sir Richard Cockburne of Clerkingtoun,
knight, lait Lord-Keeper of the Privie Seale, by whose unlooked for
death the saids writts ar now stayed to the great hurt and prejudice of
his Majesteis subjects, Thairfoir the saids Lords ordanis and commands
Mr. Williame Hay who had the charge and keeping of the said seale
under the said Sir Richard to append the said privie seale to all
infestments, precepts and uthers writts whilk wer componed, past the
register and writtin to the privie seale before the decease of the said
umquhyle Sir Richard, quhairanent the extract of this act sall be unto
the said Mr. Williame ane warrant.

Warrant to
Mr. William
Hay to append
the privy
seal to certain
signatures and
infestments.

Forsameekle as Johne Young, powtrie man, laitle upoun this tent
day of October instant, most treasonable within his Majesteis palace of
Halryuidhous and at the Counsell hous doore whair the Lords of his

Warrant to his
Majesty's
Justice and
his deputes to
hold a Justice

Court for the trial of John Young, charged with wounding Mr. Walter Bannatyne at the Council-house door.

Majesteis Privie Counsell were sitting in judgement for the tyme, persewed Mr. Walter Bannatyne, baillie depute of the regality of Broughtoun, and gave him ane deidlie wound and straike behind his backe with ane whingear to the great hazard and perrell of his lyffe; which treasonable attempt being of a most wicked and pernicious example and deserving most exemplar and rigorous punishement, Thairfoir the saids Lords ordanis and commands his Majesteis Justice and his deputs to appoint a Justice Court to be haldin in the tolbuith of Edinburgh upoun the morne, the ellevint of this instant, and thair to caus the said Johne Young to be exhibite before thame, and ordanis his Majesteis Advocats to persew the said Johne for the said treasonable cryme; and if he be convict thairof be ane assise that his Majesteis said Justice and his depute caus doome be pronounced aganis him, ordaining him to be drawin upoun ane cairt backward fra the tolbuith to the plaice of his executioun at the mercat croce of Edinburgh and thair to be hangit to the deid and quartered and his head to be sett upoun the Neather Bow and his hand to be sett upoun the Water Yett; whair-
anent the extract of this act sall be thair warrand.

Acta March
1625-January
1628.
Fol. 252, b.

Holyrood House, 10th October 1627. Letters of dispensation to the Sheriffs of Forfar and Renfrew in favour of Patrick Maxwell.

Letters of Dispensation under the signet directed to the sheriffs of Forfar and Renfrew and their deputs, in favour of Patrik Maxwell, son and apparent heir of the late George Maxwell of Tealling, for serving him as heir to his said father in his lands and heretages, even though they be held by service of ward of relief, and he is not as yet of the age of twenty-one years.—Signed Geo. Cancell^r. Murray, Nithisdail, Wintoun, Roxburgh, Hadintoun, and Lauderdaill.

Commissions
1624-30.
Fol. 146, b.

Commission to Colin, Earl of Seafort, and others, for the apprehension of Duncan McSorle Beg, and Charles Oig, his brother, for the slaughter of John McEane Ousich in Fachen.

Commission under the signet signed by the same Lords, to Colene, Erll of Seafort; Symeoun, Lord Fraser of Lovat; Hew, Master of Lovat; Thomas Fraser of Strechin, Hew Fraser of Kilbokie, Hew Fraser of Bellidrum, Sir Johnne Grant of Frewchie, Johnne Grant of Glenmoristoun, Patrik Grant, his son, apparent thereof, Angus M^cRonnald of Glengarrie, and M^cRonnald, his eldest son, to convocate the lieges in arms, search for, apprehend, and present before the Council for delivery to the Justice and his deputs for trial, Duncane M^cSorle Beg in , and Charles Oig, his brother, who on 6th September last were denounced rebels at the instance of Rannold Nein Ewin Dwy, relict, Malcome M^cEwin, son, and the remanent kin and friends of Johnne Ewin M^cEane Oustich in Fachen, for not finding caution to underlie the law for "the cruell and unmercifull slaughter of the said umquhile Johnne M^cEwne M^cEane Ostich."

Fol. 147, a.

Commission to the same persons for the apprehension of Donald Dow McWilliam VcEane in Ardblair.

Note of another Commission to the same persons, of the same date and signed by the same Lords, for the apprehension and production of Donald Dow McWilliam VcEane in Ardblair, who on 6th September last was put to the horn at the instance of Alexander Urquhart in Ballacharrie as father, James and Henry Urquhart as

Commissions,
1624-30.
Fol. 147, b.

brothers, and the remanent kin and friends of the late Alexander Urquhart, servitor for the time to Lord Lovatt, for the slaughter of whom he had failed to find caution to stand his trial before the Justice.

Cautions,
1621-28.
Fol. 270, b.

Caution by Patrik Forbes, merchant burges of Edinburgh, in 500 Edinburgh, 10th October 1627.
merks, that Sir William Forbes of Monymusk, knight baronet, will apprehend John Crystie, wobster in Phynnauchtie, Andro Mitchell in Nether Bolchrosk, William Cobban in Petmune, and James Elsheoner in Inver, who have been given up as idle and masterless persons in the parish of Monymusk, and that he will deliver them to Captain Thomas Beatoun, and Captain James Blair, two of the captains in the regiment of the Lord of Spynie. He has been charged to do so on pain of rebellion, but suspension has been granted to do so on pain of rebellion, but suspension has been granted to 5th November next, and parties are warned to the 1st of that month.—(Signed) Patrik Forbes.

Fol. 271, a.

Mr. John Paip, younger, advocate, as procurator for the cautioner, registers a bond of caution by Sir Alexander Irving, apparent of Irvine, Drum, knight, that his father, Alexander Irving of Drum, will search for and apprehend William Layng in Newtoun of Rothvenis, James Thomesoun in Balnaskaid, and John Watt in Over Ruthvenis, who have been given up by the minister and elders of Logie, and deliver them to the foresaid Captains Beatoun and Blair of the Lord of Spynie's regiment, or to any others the Lords of Council may appoint, if it be found on the discussion of his suspension of the letters raised against him he ought to do so. The bond is dated at Drum, 3rd October, 1627, witnesses, Mr. William Davidson, advocate, and Alexander Irving, son to John Irwing of Kincousie.

Fines,
1614-31.
Fol. 116, a.

"Anent our soverane Lordis letters direct, makand mentioun, Holyrood House, 10th October, 1627.
forsameekle as the persouns underwritin, thay ar to say Allane Deanes, millar, Allane Wilsoun, George Dicksoun callit the Wran, Johne Rewcastell, Walter Scot, maltman, Johne Tait, pyper, Williame Beatisoun, Robert Lidderdaill callit the Corbie, and Robert Langlands, all inhabitants within the toun of Hawick, ar lawfullie and trewlie givin up be these whom it concerned, to be persouns to be employed in his Majesteis service in the warres, lykeas alsua James Wauch, officiar, James Towdop, William Scot callit the Young Gillie, Johne Laing, pyper, William M^cVite, Walter Fouller, and Androw Deanes, alsua inhabitants of the said toun of Hawick, ar persouns of the rank and qualitie foirsaid, and fitter to be employed in his Majesteis service nor to be suffered to ly loytering at hame, as hes beene found be the most pairt of these who hes interesse in the inrolling of suche persouns altho thay can not all agree in ane voice thairupoun; neverthelesse the persouns abonewritin shunnes his Majesteis said service, refuses to enter thairin and to embrace the same, and be thair exemple gives occasioun to uthers to doe

Fol. 116, b.

the lyke to the hinderance and disappointing of his Majesteis said service ^{Fines, 1614-31.} without remeid be provydit. And anent the charge givin to James ^{Fol. 116, b.} Glaidstains and Robert Scot, bailleis of Hawick, to have brought, presentit and exhibite the haill persouns particularlie abonewrittin before George, Vicount of Duppline, Lord High Chancellour, upoun the saxt day of October instant to the effect .he might have givin ordour for thair employment in his Majesteis service under the paine of rebelluon and putting of the saids bailleis to the horne, or ellis that thay compeered personallie before the Lords of Privie Counsell upoun a certaine day bygaine to have showne a reasounable cause why thay sould not have exhibite the persouns abonewrittin"; and both the said bailies now appearing "it wes answered be the said James Glaidstains, that he had not power, force nor freindship within the toun of Hawick to apprehend the persouns abonewrittin and to exhibite thame conforme to the said charge, and that he had not conferred with thame nor nane of thame since the tyme of the said charge. And the said Robert Scot being demandit what reason he could pretend for the not exhibituon of the said persouns, seing he had both power and freindship within the toun," and "if he had conferred and conversed with anie of thame" since the charge, he admitted having conferred and conversed with Allane Deanes, Allane Wilsoun, James Towdop, Johne Laing, piper, and Walter Fouller; but made no lawful excuse for not exhibiting them. The Lords accordingly found that the said Robert Scot had committed a very great contempt and disobedience and ordain him to pay a fine of 300 merks to his Majesty's use within eight days, and further to find caution in £1000, that he will enter those persons with whom he granted he had conversed, within the tolbooth of Edinburgh within twenty days.

Commission to
the said
Robert Scott.

Commission to the said Robert Scot, bailie of Hawick, to search for ^{Fol. 117, a.} and apprehend and bring to the tolbooth of Edinburgh all the persons above mentioned as given up for his Majesty's service in the wars, with charge to all judges and magistrates to assist him therein.

Holyrood
House, 10th
October 1627.
Approval of
certain persons
nominated by
the Earl of
Angus and
others for
special service
on the Border.

" Forsameekle as in the commissioun of Justiciarie grantit to the Erles ^{Borders, 1603-43.} of Angus, Nithisdaill, Bugeleuch and Annanderdaill and to the Lord ^{Fol. 91, a.} Yester over the lait Bordours of this kingdome, power is givin to everie one of thame to nominat and appoint some certane persouns whom they will employ in executioun of some speciall points of service concerning the said commissioun as the same beiris; according whairunto the said Erle of Angus hes nominat and givin up the persouns following whome he will employ in that service, to witt, Sir James Dowglas of Francis Dowglas, brether to the said Erle, Robert Dowglas, Patrik Dicksoun, Michael Mureheid, Hugh Dowglas, William Bailzie, Andrew Carr, Laurence Oliphant, his domestick servants, Johne Dowglas in Anderschaw, William Lindsey in Catchappell, Johne Dowglas in Lintely, David Weyr of Achtifardell, Alexander Bailzie of Bakbie, James Mackmorrin of Glaspin. Quhilks persouns being givin in roll and

Borders,
1603-43.
Fol. 91, a.

presentit this day before the Lords of Secreit Counsell and considerit be thame, the saids Lords allowes of the nominatioun maid be the said Erle of Angus of the persouns abonewrittin for the service foirsaid, and for thair proceedings thairin according to the commissioun foirsaid. And ordanis letters to be direct to make publicatioun heerof at the mercat croceis of Dumfreis, Selkirk, Peebles, Jedburgh, and uthers plaices neidfull, whairthrow nane pretend ignorance of the same."

Fol. 91, b.

"Forsameekle as the Kings Majestie understanding the good affectioun of his truistie and weilbelovit Sir Robert Dalzell of that Ilk¹ to doe his Majestie service and that he is a persoun fitt to be employed in his Majesteis service of the Middleshyres, thairfoir his Majestie with advice of the Lords of Secreit Counsell hes ressavit, admittit and adjoynned, and be the tennour heerof ressaves, admittes and adjoynes, the said Sir Robert to the Commissione of Justiciarie grantit be his Majestie over the Middleshyres to umquhyle William, Lord Cranstoun, Andro, Maister of Jedburgh, Sir William Setoun, knight, Sir Johne Murray of Philliphrauch, James Maxuell of Kirkonnell, Sir Johne Stewart of Tracquir, Sir Johne Charters of Amisfeild, Sir William Greir of Lag, and hes authorized, and be the tennour heerof authorizes, the said Sir Robert with the lyke libertie, freedome, privilege, autoritie and jurisdiction in all respects anent the executioun of the said commissioun as the uthers commissioners foirsaidis or anie of thame hes be vertew of the said commissioun and acts following thairupoun, or be vertew of the commissioun grantit to the Erles of Angus, Nithisdail, Bugleuch, Annanderdail, and to the Lord Yester within the said bounds, and conforme to the tennour of the same in all points. Lyke as the said Sir Robert being personallie present, acceptit this commissioun upoun him, and gaive his great and solemne oath to discharge the same dewtifullie according to his knowledge; and ordanis letters to be direct to make publicatioun heerof at the mercat croces of Dumfreis, Selkirk, Peebles, Jedburgh, and uthers plaices needfull, whairthrow nane pretend ignorance of the same."

The Laird of Dalzell adjoined to the Commission of the Middle Shires.

Sederunts,
1625-29.
Fol. 64, b.

"Ane act anent the restreante of nolt, sheepe, and woll.

Cattle.
Earl of Galloway.

Ane missive from his Majestie anent the Earle of Galloway."

Royal Letters,
1623-32.
Fol. 117, b.

"Most sacred Soverane, Whairas upoun a suddaine chaudmellie, which fell out betuixt one Johne Lawsoun and umquhile Johne Bankes in Huntlie coit who formerlie stood in good termes of freindship, the said umquhile Johne wes unhappilie killed, and the said Johne Lawsoun wes apprehendit and committit to waird within the Tolbuith of Edinburgh whair he hes remained these foure moneths bygaine; and the freinds of the criminall, having dealt with the partie for assythement and satisfacioun to be givin for that slauchter thay wer not onlie content to heare offers, but with that demandit ane thowsand pundis Scottish

Holyrood House, 10th October 1627. Letter to his Majesty in favour of John Lawson, who had slain John Banks, but had offered compensation to the extent of his ability.

¹ Sir Robert Dalzell had been appointed a Justice of the Peace for Lanark and Dumfries in 1623.—See *ante*, Vol. XIII., p. 343.

for discharge of all actioun competent to thame for that slauchter, the criminall offered fyve hundreth merkes in present payment, which wes the substance of his whole estait and to assigne and dispone unto thame what forder he had and to undergoe perpetuall banishment. Which offer altho most reasonable in the self wes refused by the pairtie who will heare of no lesse then a thowsand punds, which the criminall is not able to pay; whairof we have thought meete to certifie your Majestie, to the intent your Majestie after consideratioun of the circumstances of the bussines and dispositioun of the pairties, the one being willing to ressave assythement and the other being readie to give all that he hes and to undergoe perpetuall banishment, your Majestie may give suche directioun thairanent as in your princelie judgement yow sall thinke fitting. And so with our earnest prayers unto God for your Majesteis long and happie raigne, we rest. From Halyrudhous the tent day of October 1627. *Sic subscribitur*, Duppline, Murrey, Nithisdail, Wintoun, Linlithgow, Hadintoun, S. W. Oliphant, S. J^r. Tracquir.”

Royal Letters
1623-32.
Fol. 117, b.

Holyrood House, 10th October 1627. Letter to his Majesty entreating that the quorum of the Council may be restricted from ten to five or six, and that during the winter season the Council may be allowed to meet within the burgh of Edinburgh instead of at Holyrood House.

“Most sacred Soverane, The great and daylie inconveniences flowing from the quorum of Counsell, which by your Majesties last warrant consisteth of ten, forceth us in dewtie to represent unto your Majestie the prejudice arysing thairfra both to the publick good of the Estait and to privat pairteis in their particular interesse, who after a chargeable onwaiting ar oftintymes delayed and disappointit of the benefite of justice for want of a full number of Counsell and ar thairby provoked to attempt the reparatioun of thair wrongs to the endangering of the peace; besides that in these difficult tymes manie incidents may fall furth requiring present advice and resolutioun which upoun occasion afoirsaid must be ather dangerouslie foreslowed or unordourlie expd. For remeed whairof we will humblie intreate yowr Majestie to restrict the quorum to the number of fyve or sax persouns¹ whairby the effaires of estait may be seasounable managed according to the exigence of the tyme, and that the lieges may not haive just caus to compleane of delay or want of justice. We will lykewayes presooome humblie to petition your Majestie to be favourable pleased to allow the meetings of the Counsell to be at Edinburgh induiring the winter seasoun whair thay will be guairdit and attendit be the magistrats of the burgh and thair ordinances readilie obeyed and putt in executioun, which in your Majesteis palace of Halyrudhous cannot be so convenientlie done, the magistrats of Edinburgh not being tyed to serve outwith thair awin liberteis, and the Counsell not having anie uther assistance for

Fol. 118, a.

¹ By an Act of Convention of Estates, December 14th 1598, it was decreed that the Council should consist of thirty-one persons, of whom seven should be a quorum. (See *ante*, Vol. V., p. lxxxi.) In successive years, however, a “great and superfluous number of people of all estaites and conditiounis” had been admitted,

and had “bred great confusioun” in the conduct of business. To correct this abuse a Royal Letter, January 20th 1610, fixed the number of Councillors at thirty-five, of whom seven were to form a quorum. (Vol. VIII., p. 815. See also Vol. XV., footnotes, pp. 251, 297, 312, 499, 488.)

Royal Letters,
1623-32
Fol. 118, a.

executioun of commandements in your Majesteis service. This would be a great ease and releefe to your Majesteis Counsell, who for the most part hes thair residence in the toun, and of whom some ar aiged and infirme and can not travell in the winter without trouble and paine, which in the summer thay may and will undergoe at Halyruidhous.¹ In both which particulars, attending the significatioun of your Majesteis royall pleasure, we pray God to blesse your Majestie with a long and happie raigne, and we rest for ever. From Halyruidhous the tenth day of October 1627. *Sic subscribitur*, Duppline, Murrey, Wintoun, Linlithquo, Hadintoun, S. W. Oliphant, Tracquair."

Cautions,
1621-28.
Fol. 271, a.

Caution by Mathow Clerk in Grenehead, burges of Drumfreis, in 300 merks, that he will appear before Robert, Earl of Nithisdail, and answer according to law whenever charged; and in 200 merks, that as soon as the said Earl comes home to Drumfreis, he will find caution acted in the books of the Regality of Linclowden in 200 merks, for the indemnity of Mr. Halbert Glaidstaines, minister at Tracqueir, John Hammiltoun at the Bridgend of Drumfreis, John Brown there, and John Greirsonne in Dalskeith.

Edinburgh,
12th October
1627.

Caution by
Matthew
Clerk in Green-
head.

Fol. 271, b.

Caution by Mr. James Wilkie, burges of the Cannogait, in 200 merks for Francis Wilkiesone, late bailie of the burgh of Lawder, that if it be found by the Lords of Council that he should do anything further for the apprehension of John Cranstoun in Lawder, William Bannatyne there, John Robeson, *alias* Bastard there, Charles Pringill there, John Gotterstoun there, and George Cranstoun and John Lothiane, now in Newbigging, who have been given up as idle and masterless men, and delivering them to Alexander, Lord of Spynie, or to Sir Patrik Cockburne, who have raised letters against him therefor, he will do the same. Suspension is granted to the 6th and parties cited to 1st November next.—(Signed) Mr. J. Wilkie.

Edinburgh,
13th October
1627.

Caution by
Mr. James
Wilkie for
Francis
Wilkieson.

Royal Letters,
1623-32
Fol. 125, a.

"CHARLES R.—Right trustie and right weilbelovit cousine and counsel-our, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Being informed how for reforming of ane abuse in dressing of leather a selected number of the Privie Counsell of that our kingdome by ordour from the table (to whome it wes than remitted be the Estaits of Parliament) did settle a course how that bussines sould be caried, yitt upoun some complaints now exhibited unto us aganis the new course of tanning and against the impositioun of a groate upoun all hydes sold within that kingdome, we cannot but desire that these differences sould be tryed; and thairfor our

Whitehall,
18th October
1627.

Letter from
his Majesty
anent certain
complaints
against the
new course of
tanning, and
against the
imposition of
a groat upoun
all hides sold
within the
kingdom.

See Indexes of
Vols. XII-XV.

¹ The Council had more than once changed its place of meeting. In July 1619 it was found expedient that its meetings should be

held in the Laigh Council-House, and in March 1622 that it should assemble in Holyrood House (XII., 27, 684).

pleasure is that yow call both parteis interested in that earand before yow and haiving considered of the said established course, and haiving with all tryed the grounds of these complaints that thereafter yow take suche a speedie course therein as shalbe thought most fitt by yow for the publict good of that kingdome, the continuance or establishing whairof sall alwayes be one of our cheefe cares. And so we bid yow fairweill. From our Court at Whitehall the 18 day of October 1627.”

The *Minute Book of Processes* gives the following Memoranda collectively for the month of October 1627.

Royal Letters,
1623-32.
Fol. 125, a.
Fol. 125, b.

Minute Book
1604-31.
Fol. 80, b.

Proclamatione that all persones having right to teithes be in readines within a short space to give in what they have to say against the surrendrie of the saids teithes.

Act ordaining weaponshawings and all persones betuixt 60 and 16 to assist the inhabitants of the sea costes in resisting the invasione of any forrain enemy.

Signatour containing ane ratificatiōne be his Majestie of ane act of the Magistratts of Edinburgh ordaining non be infest as air to ther predicessours without they be first served generall air and retoured to the Chancery, craved to be ratified.

Ryott: Mr. Cristopher Knowes against William Purves, etc.

Protestatione: Edward Maxwell against Maxwell of Orchardtoun.

Ryott: Sir Patrik Hoome against William Purves, etc.

Ryott: Laurence Dishingtoun against Boswall of Balmouto, etc.

Rebellion: Thesaurer against severall persones for not making compt of ther deues and intromissions belonging to the Exchequhair.

Act discharging the exportatione of nolt and sheip furth of the countrey for a certane space.

Severall Actes anent the levieing of sojours for Denmark.

Holyrood
House, 1st
November
1627.

Sederunt—Chancellor; Nithisdail; Wyntoun; Hadintoun; Lau-
derdail; Melvill; Naper; Tracquair; Advocate; Sir Johne
Scot.

Acta March
1625-January
1628.
Fol. 252, b.

Letter of his Majesty allowing such as hitherto have failed to give in an inventory of their lent moneys, and to pay the taxation thereon, to have the opportunity of doing so before the 1st of January next.

“ Forsameekle as the Kings Majestie is crediblie informed that thair is a great number of his Majesteis subjects of this kingdome, who being ignorant of the strict words, tennour and conditioun of the Act of Estaits conveyned in October 1625 anent the giving up ane inventar of thair lent moneyes and paying of taxatioun for the same, thay haive forgottin or neglectit to give up thair saids inventars at the particular dyets conteaned in the said Act of Estaits, whairby they haive foirfeytted the annuelrent of thair saids moneyes; and the Kings Majestie out of his gracious dispositioun toward his subjects being loath to take hold of thair neglect in the mater foirsaid, and to exact that whilk by law is

Acta March
1625-January
1628.
Fol. 252, b.

Fol. 253, a.

dew unto his Majestie, seing his subjects ar now willing to give up thair inventars and to pay thair taxatiouns accordinglie, Thairfoir his Majestie with advice of the Lords of his Privie Counsell hes declairit and be the tennour of this present Act declairs that it sall be lawfull to the clerks of these jurisdictions whair inventareis of moneyis ar ordained to be givin up, to ressave the inventars for the first, secund and thrid termes bygain of all moneyes lent within the bounds whair of thay ar clerks, and that without anie fault to be impute unto thame or to the clerk of his Majesteis taxatiouns for ressaiving of the saids inventareis and taxatiouns; provyding that the same be givin up betuixt and the first day of Januar nixtcome and no utherwayes; and ordanis letters to be direct to make publicatioun heerof be opin proclamatioun at all plaices needfull whairthrow nane pretend ignorance of the same. Followes his Majesteis missive for warrant of the act abonewrittin:—CHARLES R.—Right trustie and weilbelovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whairas we ar credible informed that thair is a number of people in that our kingdome, who, being ignorant of the strict words and condition of the Act of our Estaits conveyned in October 1625 anent the giving up in inventarie of thair lent moneyes and paying of taxatioun for the same, have forgottin or neglectit to give up thair said inventars at the particular dayes conteaned in the said Act of Estaits, whairby they have forefeytted the annuelrent of thair saids moneyis, notwithstanding whair of in regard thay ar now willing to give up thair inventars and to pay their taxatiouns accordinglie, our pleasure is that by Act of our Counsell yow declare that it sall be lawfull to the clerks of these jurisdictionis whair inventareis of moneyes ar ordained to be givin up, to ressave the inventars of the first, secund and thrid termes bygain of all moneyes lent within the bounds whair of thay ar clerkes, and that without anie fault to be impute to thame or to the clerk of our taxatiouns for ressaiving the saids inventars and taxatiouns, provyding that the same be givin up betuixt and the first day of Januar nixtcome and no utherwayes. So we bid yow fairweill. From our Court at Whitehall the eightene day of October 1627.”

“The whilk day the letter underwrittin signed be the Kings Majestie wes presentit to the Lords of Secretit Counsell and read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weil belovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Humble sute hes bene made unto us in name of Johne Johnstoun and Robert Carr, merchants, that thay might haive power to attache and arreist for thair use all suche goods and debts as belong to anie Frenche man or uther persoun naturalized and residing in France, and which could be discovered or apprehended by thame in that our kingdome, extending to

Letter from his Majesty desiring the Council to grant powers to John Johnston and Robert Carr to arrest the debts and goods of Frenchmen within the kingdom to the amount of 1300 pounds sterling—that sum being unjustly

detailed from
them by the
subjects of the
King of France.

the sowme of threttein hundreth pundis sterline money and that in regard the lyke sowme is unjustlie deteaned frome thame by the subjects of the Frenche king, who taik advantage of this tyme, notwithstanding the saids merchants haive used all faire and lawfull meanes for recoverie thairof. In which caise we, being willing that our said subjects sould be warranted by anie lawfull and usuall power that is fitting to be grantit in the lyke caises for repairing thair losses, haive heereby thought good (after yow haive considerit thairof and finding thair demand fitt to be granted) that yow give unto thame power to arreist the goods or debts of anie Frenche man or uther persoun whatsoever naturalized and residing in France, or of anie of our subjects of that our kingdome who doe palliate French goods or debts and that till the saids persouns be satisfied of the said sowme of threttein hundreth pund money foirsaid, togidder with thair charges in prosecuting that bussinesse, or utherwayes that yow grant unto thame suche power for this effect as sall seeme most fitt unto yow or according as yow haive beene warrantit frome us concerning purposes of the lyke kinde. Which we recommend unto your care and bid yow fairweill. Frome our Court at Whitehall, the 18 of October, 1627. Whilk letter being read, heard, and considerit be the saids Lords, and thay finding his Majesteis royal commandement for arreisting of the goods and debts perteaning to Frenche men allanerlie to be just and lawfull, Thairfoir thay ordaine letters to be direct at the instance of the saids John Johnstoun and Robert Carr for arreisting of all Frenche mens goods and debts being within this kingdome."

Acta March
1625-January
1628.
Fol. 253, b.

Holyrood
House,
1st November
1627.
Suspension of
horning
against
John Dunbar
of Pankill.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 1, a.

Complaint by John Dunbar of Pankill as follows:—Robert Tulloch, son of the deceased Alexander Tulloch of Tannachies, had purchased letters against the pursuer from their Lordships on a charge of oppression and invading and pursuing him of his life; because of the pursuer's not appearing, he led evidence, upon which the pursuer was convicted and ordained to enter himself in ward within the Tolbooth of Edinburgh, and not obeying was denounced rebel. Now the pursuer was never lawfully charged to appear before their lordships, which he would have done, as he had many objections against the witnesses produced against him; but as he has found caution in 300 merks to compear, and also for the payment of £20 as his escheat, he craves that his horning be suspended. Pursuer compearing, but the defender being absent, the Lords suspend the horning until production of the letters.

Exemption to
William Forbes
from serving in
the expedition
against France.

The same day William Forbes, sadler, burgess of Perth, compeared in obedience to his act of caution (John M^cQuein, tailor, burgess of Perth, being cautioner for him in 200 merks) at the instance of Sir George Hay,

Fol. 1, b.

Decreta,
November
1627-January
1630.
Fol. 1, b.

knight, and John Rattray, who charged him with "talking of moneyes fra thame and undertalking to serve thame in the expeditioun toward France," but neither Hay nor Rattray, nor any in their name appearing, he and his cautioner protested that they had satisfied the act, which the Lords "admittit and allows the said William Forbes to depairt and pas hame and to attend his bussines and calling at his pleasure."

Fol. 2, a.

Complaint by Alexander Irwing of Drwm as follows:—Their lordships have charged him by general letters to apprehend William Layng in Newtown of Ruthven, James Thomsoun in Ballastradie and John Watt in Over Ruthven, who were given up by the minister and elders of the parish of Logie as idle and masterless men, and to deliver them to Captain Thomas Beatoun and Captain James Blair, both of Lord Spynie's regiment, under the pain of horning. He objects to this charge because the lands of Ruthvenis and Balastradie no longer belong to him, having been some three years since disponed to the complainer's son, Sir Alexander Irwing, and Dame Margaret Scrimgeour, his spouse, who have the power both of these lands and their inhabitants. These three men are therefore not such as he is obliged to answer for, and in this case, he, not being the ordinary judge and magistrate of the country, would bring himself under the charge and danger of usurping his Majesty's authority in apprehending the free lieges without power and commission to do so. Moreover, these three men, as soon as they knew their names had been given up, left the country, the said William Layng betaking himself to the Laird of Glenkindie, and is now his household man and servant, "and is become his cairter"; the other two cannot be found, although, at the direction of the complainer, his son, along with the minister of Logie, had searched all the parts of the parish where they were wont to haunt or dwell. The complainer has thus done all he can, and has further found caution that he will apprehend and deliver the men if it be found that he ought to do so. The complainer appearing by his procurator, Mr. David Prymrois, advocate, and the said Captains James Blair and Thomas Beatoun not compearing, the Lords suspend the execution of the horning until the letters be produced.

Complaint by Alexander Irvine of Drum that he cannot be justly charged with the apprehension of William Laing and others, as they no longer dwell on his lands.

Fol. 2, b.

The same day Robert Scot, bailie of Hawick, for obedience to the Act concerning him, produced before the Lords of Council, Allane Deanes miller, Allane Wilsoun, George Dicksoun called the Wran, John Rewcastell, Walter Scot, maltman, Johne Tait, piper, Williame Beatisoun, Robert Lidderdaill called the Corbie, Robert Langlands, James Wauch, officer, James Towdop, William Scot called Young Gillie, Johne Laing, piper, William McVite, Walter Fowler, and Andrew Deanes, all inhabitants of Hawick, whose names had been given up as idle and masterless men, fit to be employed in the wars. Having "narrowlie remarked" the said persons, the Lords find that George Dicksoun, Williame Beatisoun, Robert Lidderdaill, Robert Langlands, James Wauch, Walter Fowler,

Order anent certain masterless men produced before the Council by Robert Scott, bailie of Hawick. See ante, p. 97.

and Andrew Deanes are not fit for the wars and dismiss them. Allan Deans finding caution in 300 merks, and William Scot called Young Gillie in 200 merks, that they will appear before the Lords when charged so to do, are also dismissed. The others are ordered to be delivered to Robert, Earl of Nithisdail, to be sent by him with the rest of his company to the wars in Germany, but on the following condition, which the said Earl, being present, promised to observe, that, seeing these persons were men and servants to William Douglas of Drumlanrig, and it was reasonable and equitable that they should rather be delivered to his brother, Sir James Dowglas of Mowsill, than to any other commander, on their arrival in Germany or Denmark, he would deliver them over to the said Sir James, provided he satisfied the said Earl for his expenses upon the said persons while in his charge. Meanwhile they are to be lodged in the Tolbooth of Edinburgh until the Earl send for them, and he undertakes to satisfy Andrew Whyte for their entertainment.

Decreta,
November
1627-January
1630.
Fol. 2, b.

Fol. 3, a.

1st November
1627.
Charge to the
Archbishops of
St. Andrews
and Glasgow
and others to
attend the
Commission for
the surrenders
and teinds on
the 16th of
November.

"That missives be writtin to the Archiebishops of St. Androis and Glasgu, and to the Bishoppis of Dunkeld, Brechin, and Dunblane, Caithnes, the Earlis of Lynlythgu, Wigtoun, Roxburgh, Lordis Lowdoun, Burley, the Lairdis of Weymis Balcomye, Lie, Sir Johnne Hamiltoun of Lettrik, Johnne Leslie of Newtown, the provest of Edinburgh, Mr. Johnne Hay, the provest of Dundee, the provest or Commissar clerk of St. Androis, Gabriel Cunninghame, Johnne Cowane, to be heir the 16 of November to attend the Commissioun for the surrendaris and teyndis; the Lord Chancelour, the Earlis of Nithisdail, Wyntoun, Hadingtoun, and Lauderdaill, and Lord Naper, Tracquir, being personalie present, ar warnit *apud acta*."

Sederunts,
1621-23.
Fol. 66, a.

Edinburgh,
2nd November
1627.
Caution by
Andrew Udney
of Kirkhill for
John Turing
of Foverne
anent certain
masterless
men.

Caution by Andro Udney of Kirkhill in 500 merks for John Turing of Foverne, that he will apprehend and deliver to Captains James Blair and Thomas Beatoun, the following alleged idle and masterless men in the parish of Foverne, viz.:—Andro Walker, servant to William Cooke, James Irnesyde at the auld mill of Foverne, Normand Henrie in Petmillane, Michaell Johnstoun there, James Irwing in Newburgh, John Clerk there, Robert Lowrenstoun there, Gilbert Blak, son to Jerome Blak there, Alexander Catto, seyman there, James Foirsayth in Kinknokie, John Coupar, servitor to Thomas Craighead at the Hill of Fiddes, William Aitkyne, servitor to Johnne Michell at the Ailhous of Fiddes, and John Small at the Mill of Minnes. Suspension has been granted to the 30th and parties warned to 21st November.

Cautions,
1621-23.
Fol. 271, b.

Caution by
Mr. John
Short for
William Scott.

Caution by Mr. John Scheort, skinner, burgess of Edinburgh, in 200 merks, that William Scott, son to Robert Scott, late bailie of Hawik, will appear before the Lords of Council whenever cited, and answer to whatever shall be layed to his charge.

Fol. 272, a.

Caution by
George Deans

Caution by George Deanis, servitor to Mr. Robert Burnet, advocate,

Cautions, 1621-23, Fol. 272, a. in 300 merks, for Allane Deanis, indweller in , to the same for Allan Deans. effect.

Acta March 1625-January 1628, Fol. 253, b.

Sederunt.—Chancellor; Treasurer; Hadington, Lord Privy Seal; Holyrood House, 6th November 1627.
Nithisdail; Linlithgow; Lauderdaill; Melvill; Naper; Lord
Areskine; Advocate; Sir John Stewart of Tracquair; Sir
John Scot.

“The whilk day the Lords of Secret Counsell according to ane warrand and directioun in writt signed be the Kings Majestie and this day presentit unto thame ressaivit and admittit Sir Archibald Achesoun of Clancairnie, knight,¹ to be ane of the ordinar number of the Privie Counsell of this kingdome and to enjoy all honnours, digniteis, privileges, and immunitieis proper and dew to that plaice; lykeas the said Sir Archibald being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin unto him in preferring and advancing of him to this high plaice of honnour and dignitie, he with most submissive reverence upoun his knees, his hand lying upoun the halie evangell, made and gaive the solemne oath of allegeance and the oath of a privie counsellour. Followes his Majesteis missive for warrand of the Act abonewrittin:—
CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Understanding perfytelie the sufficiencie of our trustie and weilbelovit Sir Archibald Achesoun of Clancarnie, knight, one of the ordinar senatours of our Colledge of Justice in that our kingdome, and of his affectioun to our service, we ar pleased in regaird thair of and for his further encouragement and enabling for our said service to advance and promote him to be one of our Privie Counsell and of the Commissioners of our Exchequer in that our kingdome. It is thairfoir our will and pleasure and we doe heereby require yow that haiving administred unto him the oathes accustomed in the lyke caises yow admitt him to be one of our Privie Counsell, and a commissioner of our said Exchequer, ressaiving him in both plaices as one of your number whome it doeth concerne; for doing whair of these presents sall be unto yow both of our said Counsell and Exchequer ane sufficient warrand. So we bid you fairweill. Frome our Court at Whitehall the eighteene day of October, 1627.”

“The whilk day George, Vicount of Dupline, Lord High Chancellour of this kingdome, produced and exhibite befor the Lords of Privie Counsell twa patents under his Majesteis great seale, the one in favours of Sir Williame Alexander, knight,² maikand and constitutand him

In obedience to a warrant from his Majesty Sir Archibald Achesoun is promoted to be one of the Privy Council and of the Commissioners of Exchequer.
Patents from his Majesty appointing Sir William Alexander an Sir Archibald Achesoun

¹ Acheson was admitted as an Ordinary Lord Extraordinary Lord Nov. 4, 1628.—Haig, of Session February 14, 1626; and as an *Senators of the College of Justice*, p. 274.

² For an account of the career of Sir William Alexander of Menstrie, so well known in Scottish literature, see *ante*, Vol. X., p. 358, note

respectively
principal
Secretary and
Secretary of
Scotland.

principall Secretar of this kingdome, and the uther in favours of Sir Archibald Achesoun, maikand and constitutand him Secretar of the said kingdome. Quhilks patents being seene and considerit be the said Lords, thay with all dew reverence acknowledgit the choise made be his Majestie of the persouns foirsaidis to the saidis offices, and accordingle ordained the said Sir Archibald who wes personallie present to ressaive his plaice in Counsell as his Majesteis Secretare.”

Acta March
1625-January
1628.
Fol. 254, a.

Protest of the
Lord High
Treasurer and
the Treasurer
Depute that
the privileges
conferred on
the Secretaries
should not be
prejudicial to
those of the
Treasury,

“The whilk day Johne, Erle of Mar, Lord High Treasurer of this kingdome, and Archibald, Lord Naper of Merchinstoun, Treasurer Depute, compeerand personallie before the Lords of Privie Counsell protested that the claus and words mentionned in the patents grantit to Sir Williame Alexander and Sir Archibald Achesoun, knights, of the office of Secretare, giving thame power to draw, docquet and present signatours, sould not be prejudiciall to thame nor thair office of the Thesaurarie, nor to anie privileged or power whair of thay or thair predecessours hes beene in use and possessioun. Quhilk protestatioun the saids Lords admittit. Lykeas the said Sir Archibald Achesoun, being personallie present, declaired for himselfe that he never intendit to inroache upon the office of Thesaurarie nor to wrang the same be vertew or under cullour of the words foirsaid mentionned in his patent.”

Fol. 254, b.

Order to
Thomas, Earl
of Haddington,
late Secretary
of the king-
dom, and to
his depute,
James
Winram,
to deliver
the whole
warrants of
the Signet to
their
successors.

“The whilk day the Lords of Secreit Counsell hes found it meete and expedient and thairwithall ordains Thomas, Erle of Hadintoun, lait Secretar of this kingdome, and James Winrahame, his depute keeper of the Signet, to delyver to Sir Archibald Achesoun, knight, Secretare of this kingdome, in name and for the use of Sir Williame Alexander, knight, principall Secretar of the said kingdome, the whole warrands of the Signet being in thair hands. Lykeas the said Erle of Hadingtoun declairit upon his great and soleme oath that he had never kepted nor medled with anie of these warrands bot that he had committit the truist and caire of thame to the said James Winrahame, keeper of the Signet; who, being lykewayes personallie present, declaired upon his great and soleme oath that he had cairfullie kepted all the saids warrands and that he had not abstracted nor putt anie of thame away and that he sould make full delyverie of the same to the said Sir Archibald Achesoun without abstracting or deteaning anie of thame. Lykeas the said Sir Archibald Achesoun, being personallie present, gaive his great oath that the warrands foirsaidis being delyverit unto him, he sall make thame furthcommand to the said principall Secretare as accordis.”

Deliverance of
the five signets
to Sir
Archibald
Achesoun.

“The whilk day Thomas, Erle of Hadintoun, late Secretar of this kingdome, produced and exhibite before the Lords of Privie Counsell his Majesteis great signet and the signet appointit for closing of his Majesteis letters, both of gold, whair of he had the charge and keeping; as alsua the two signets of the Sessioun whair of James Winrahame had the keeping, and the signet of the Privie Counsell, formerlie callit the Court

Signet, whair of James Prymrois, Clerk of the Counsell, had the keeping, and upoun production of the saids signets asked instruments. Quhilks fyve signets the saids Lords immediatlie delyverit to Sir Archibald Achesoun, knight, his Majesteis Secretarie, to be kepted and dispoised upoun be him as he sall thinke expedient for the use of the said Sir Williame Alexander, principall Secretarie."

"The whilk day, George, Vicount of Duppline, Lord High Chancellour of this kingdome, produced and exhibite before the Lords of Privie Counsell ane patent grantit be his Majestie under his great seale to Thomas, Erle of Hadingtoun, maikand and constitutand him, Lord Keeper of the Privie Seale, and ordaining him to taik the plaice and precedence in all publict meetings of the nobilitie, Counsell, and Estaits immediatlie after the principall Thesaurar of the said kingdome. Quhilk patent being read and considerit be the saids Lords, thay allowed of the choice made be his Majestie of the said Erle of Hadingtoun to the said office, and accordinglie ordained him to taik his plaice and precedence in maner specified in the said patent. Lykeas the said Lord Chancellour delyvered the said patent to the said Erle of Hadingtoun, who with most submissive reverence acceptit the same."

Patent from his Majesty appointing Thomas, Earl of Haddington Lord Privy Seal.

"The whilk day in presence of the Lords of Privie Counsell compeered personallie Mr. Thomas Hoip of Craighall, his Majesteis Advocat, and produced and exhibite before the saids Lords his Majesteis Privie Seale, whair of by ane former warrand grantit be his Majestie he had the keeping till his Majestie could be pleased to appoint some persoun to be Lord Keeper of the Privie Seale. And whairas now it hes pleased his Majestie to make choice of Thomas, Erle of Hadintoun, to be keeper of the said seale, thairfoir the saids Lords, according to ane warrand and directioun in writt signed be the Kings Majestie and this day presentit unto thame, delyverit the said seale to Thomas, Erle of Hadintoun, who wes personallie present and ressaivit the same. And the saids Lords exoners the said Mr. Thomas Hoip and Mr. William Hay who formerlie kepted the said seale of all forder charge and burdein thair of and declairs thame free of the same for ever."

Mr. Thomas Hope, his Majesty's Advocate, and Mr. William Hay, deliver the Privy Seal to Thomas, Earl of Haddington.

"The Lords of Secreit Counsell recommends to his Majesteis Admirall, who wes personallie present, that he appoint twa sufficient skilled men to goe upoun Fryday nixt to Bruntilland and to visite the ship whair of Johne Angus is maister and whairin some of the Erle of Nithisdail his regiment ar to be transportit, and to try if the shippe be tight and meete to transport the said Erle his sojourns."

Direction to the Admirall.

"Forsameekle as Williame Dick, merchant burges of Edinburgh, at the earnest request and desire of the Lords of his Majesteis Privie Counsell undertooke to provyde and furnishe his Majesteis three shippes whilks wer send out to attend the forraine shippes whilks wer thought to be upoun the coast with twentie fyve barrells of powder at eighteene shilling the pund weight, whilk will extend in the hail to the sowme of twa

Order to his Majesty's Treasurer to pay to William Dick £2520, being the sum advanced by him for the supply of

powder to his Majesty's three ships.

thowsand five hundreth and twentie punds, whairof payment wes promiseist to be made to the said Williame at this approaching terme of Martinesse, as ane Act made to this effect bearing date the seveinteene day of August last beares. And whairas the said Williame to testifie his humble affectioun to the forderance of his Majesteis service tymouslie provydit and advanced the quantitie of powlder foirsaid, Thairfoir the saids Lords ordains and commands his Majesteis Thesaurar and Deputie Thesaurar, and the ressavars of his Majesteis rents, to make payment to the said Williame of the said sowme of twa thowsand five hundreth and twentie pund as for the price of the said powlder, whilk sall be thankfullie allowed to thame in thair accompts, the extract of this present Act with the said Williame his acquittance upoun the receipt of the said sowme being shawin upoun compt for thair warrant."

His Majesty's warrant for the delivery of the Privy Seal to Thomas, Earl of Haddington.

"His Majesteis missive letter for delyverie of the privie seale to the Erle of Hadingtoun, Lord Keeper thairof:—CHARLES R.—Right trustie and right weilbelovit cousin and counsellour, right trustie and right weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whairas we laitlie required that our privie seale sould be delyvered unto our trustie and weilbelovit Mr. Thomas Hoip, our Advocat, till we sould be pleased to appoint some persoun to that plaice of Privie Seale; and now knowing weale the sufficiencie of our right trustie and weilbelovit cousin and counsellour, the Erle of Hadingtoun, we have signed ane gift unto him for discharging that office according as the same doeth beare, Thairfoir our pleasure is that with all convenient diligence yow caus the said privie seale be delyvered to the said Erle, whome we will (according to our said gift) to enjoy the honnour, precedence, priviledge and dewteis mentionned thairin, and for your so doing these presents sall be your warrant. So we bid yow fairweill. From our Court at Whitehall, the eighteene day of October 1627.

Holyrood House, 6th November 1627.

[Sederunt as recorded above.]

Protection to Sir David Hume of Wedderburn to attend the meeting of Commissioners anent the surrenders and teinds in Edinburgh.

Upoun a supplication by Sir David Hume of Wedderburne stating that he cannot attend the approaching meeting of the Commissioners "anent the surrendars and teinds" and his Majesties Advocates, because of some hornings under which he lies, and craving that in accordance with his Majesty's letter thereanent they would grant him their warrant to come to Edinburgh and remain there for some time for treating about his teinds, the Lords grant him licence to do so until the last day of the then instant month of November; and discharge the Sheriff of Edinburgh and his deputes, the magistrates of Edinburgh, and all others from apprehending him.

Charge to John Dick,

Complaint by Sir William Oliphant of Newtown, knight, and Mr. Fol. 3, b.

Decreta, November 1627-January 1630. Fol. 3, a.

Acta March 1625-January 1628. Fol. 255, b.

Thomas Hoip of Craighall, his Majesty's Advocates, and Mr. Robert younger of Peebles, minister of Kirkmichaell, as follows:—John Dick, younger of Balmeill, having conceived a hatred against the said minister, because at the command of his presbytery, he had refused to marry the said John “with ane woman with whome thair wes manie pregnant presumptions and suspicions of his adulterie,” and having threatened to have his life and “putt ane paire of bullets throw him,” though the minister desired not to notice the threat, yet the Kirk-session, for their own interest in the matter, summoned him and ordained him to make public repentance therefor in the accustomed place in the kirk. This further incensed him against the minister, believing him to be the cause of his censure, and he “(as the said compleaner is crediblie informed) come to the plaice of repentance with a pistolet at his belt resolved to haive shott him with the said pistolet in the pulpit.” This information, however, the minister kept to himself, and meanwhile did what he could to smooth the way for the desired marriage and at last obtained the presbytery's consent, as he hoped thereby “to haive reclaimed him frome his folleis and scandalous forme of living to ane more respectfull and answerable cariage.” But John Dick only became “more violent and insolent aganis him.” There being an ordinance of kirk-session “that nane sould putt thair bestiall nor goods within the kirkyaird,” on 10th September last the minister found a naig there. Not knowing whose it was, he brought it forth and offered delivery to any one who would claim it. “Whilk naig being the said Johne Dicks how soone he understood that the said compleaner had putt him out of the kirkyaird, he come in a great rage and furie to his hous with a staik in his hand; and his father preassing to hold him, he violentlie threw him under his feete. And when he come to the said compleaners hous, his wyffe being bot some few dayes before delivered of her birth, the said Johne Dick, with manie threatning and minassing speeches avowed to haive his lyffe, protesting openlie that he wes sorie frome his heart that he had not killed him sevin yeeres agoe. And being with meikle adoe putt frome the said compleaners hous after he had strickin suche of his servants as he found about his doores and after that his naig wes sent hame unto him, he went to his awin hous, brought furth ane sword and ane hacquebutt, with the whilk he returned backe to the said compleaners hous, resolved to haive slaine him, presentit and fyred his hacquebutt thryse, bot be the providence of God she misgaive.” Finding he had brought himself in peril of the law, the said John then sent messengers to the minister, assuring him that if he complained against him he would take his life and then leave the country, so that the said minister can neither in peace and quietness abide at his own house, nor pursue his calling at the kirk. Pursuers all appearing but the defender not compearing, the Lords, having heard the pursuers and the depositions of certain witnesses, found the said John Dick guilty of invading the said minister,

Decreta,
November
1627-January
1630.
Fol. 3, b.

Balmeill, to
enter in ward
within the
Tolbooth of
Edinburgh
on six days'
warning for
violence
offered to Mr.
Robert
Peebles,
minister of
Kirkmichael.

Fol. 4, a.

Fol. 4, b.

“first with ane stak, and then with ane hacquebutt and ane sword,” as aforesaid, and ordain him to be charged on six days warning to enter in ward within the Tolbooth of Edinburgh on pain of horning.

Decreta,
November
1627-January
1630.
Fol. 4, b.
Commissions,
1624-30.
Fol. 147, b.

Holyrood
House, 6th
November
1627.
Commission to
Alexander,
Earl of
Linlithgow,
and others,
for the
apprehension
of Henry
Walker and
others for the
slaughter of
John Russell.

Commission under the signet to Alexander, Earl of Linlithgow, William Livinstoun of Kilsayth, Sir Johnne Blaccader of Tulliallane, Buquhannane, younger of that ilk, Alexander Livingstoun of Pantaskane, William Livinstoun of Westquarter, and William Livingstoun of Jeriswoode, to convocate the lieges in arms, and search for, apprehend and present before the Council for delivery to the Justice and his deutes for trial and punishment, Henry Walker in Elrig, James Walker in Pilmour, and James Fleyming in Loichcoittis, who on 19th and 20th October last were denounced rebels at the instance of Marioun Auld, the relict, Agnes, Margaret, Issobell and Elspett Russells as daughters, John Russell as father, and the mother, brothers and remanent kin and friends of the deceased John Russell in Westerglen, and also at the instance of Sir William Oliphant of Newtoun, and Sir Thomas Hoip of Craighall, his Majesty's Advocates, for their not finding caution to appear before the Justice and his deutes to answer “for the cruell and unmercifull slaughter and murthour of the said umquhile Johnne Russell.” Signed by Alex^r (*sic*) Cancell^r, Mar, Hadingtoun, Nithisdail, Lauderdaill, J. Erskene, Melvill, Naper, Arch. Acheson.

Holyrood
House, 8th
November
1627.

Chancellor; Treasurer; Lord Privy Seal; Monteth; Nithisdail; Lauderdaill; Lord Arskene; Lord Melvill; Lord Naper; Secretary; Advocate; Clerk of Register; Sir Johnne Scott.

Sederunts,
1625-29.
Fol. 66, b.

The Laird of
Bogie.

“Ane missive to the Laird of Bogie, younger, to be heir upoun Twisday nixt and to produce his patent anent Inglishe beir, and to underly suche orour as salbe tane for executioun thairof.

Holyrood
House, 8th
November
1627.

License to
George
Hume and
Alexander
Hume to
treat anent
their teinds.

[Sederunt as recorded above.]

On a supplication by George Home of Bassindein and Alexander Hume, his son, the Lords grant licence to them till first December next to come to Edinburgh and treat with the Commissioners and his Majesty's Advocates anent their teinds, discharging the sheriff of Edinburgh and his deutes, the magistrates of Edinburgh, and all other officers from apprehending them during that time on account of any hornings or captions under which they lie.

Decreta,
November
1627-January
1630.
Fol. 4, b.

Hume of
Hardysmill.
Edinburgh,
8th November
1627.

Caution by
Walter Scott
of Whitehaugh
for John

Similar protection and licence to William Hume of Hardismylne. Caution by Walter Scott of Quhithauch for John Geddes in Blaetwoode, burgess of Drumfreis, that if it be found that his complaint against the provost and bailies of Drumfreis for unjustly warding him and bringing him before the Council be not proved, but brought only to vex and trouble them, he will not only pay their charges in coming hither,

Fol. 5, a.
Cautions,
1621-28.
Fol. 272, a.

Cautions,
1621-28.
Fol. 272, a.

but also underlie such further punishment as the Lords of Council may inflict.—(Signed) Walter Scott w^t my hand. Geddes in
Blartwoode.

Acta March
1625-January
1628.
Fol. 256, a.

Sederunt—Chancellor; Treasurer; Hadingtoun, Lord Privy Seal; Holyrood House, 18th November 1627.
Menteith; Nithisdail; Lauderdail; Lord Areskine; Lord Melville; Lord Naper; Secretary; Advocate; Clerk of Register; Sir Johne Scot.

“The whilk day George, Vicount of Duppline, Lord High Chancellour of this kingdome, produced and exhibite befor the Lords of Privie Counsell the missive letter underwritin of the whilk the tennour followes :—
CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete you weill. Haiving understood frome yow what inconvenients doe ordinarlie arise and ar in possibilitie to fall out by reasoun that the full number of the quorum of our Counsell can not be present at all tymes, though upoun good consideratiouns we appointed that to be the quorum as it may easilie be in respect of the number that is upoun our Counsell if everie one of thame wer als desirous to attend our service in that charge as some of thame have beene earnest to have us admitt thame to that plaice; yitt, at your desire, to prevent the present inconvenients till we may take ordour* to haive the first course kept, we ar pleased and doe heereby warrand yow that the said quorum that wes formerlie of ten be now of seaven, and that thay haive power to determine of what formerlie thay might have done. And whairas we wer formerlie pleased to appoint the meetings of our Counsell to be kepted at our palace of Halyrudhous as best becomming the stait and dignitie thairof, seing yow desire during the winter seasoun that your meetings be at Edinburgh, wee remitt the doing thairof for that tyme to your owin discretiouns, ather in meeting at Halyruidhous or in our said burgh as yow sall thinke most expedient. So we bid you fairweill. From our Court at Whitehall, the first day of November 1627. Quhilk letter being read, heard and considerit be the saids Lords, thay ordaine the same to be insert and registrat in the Bookes of Privie Counsell and to haive the strenth, force and effect of ane Act of Counsell for the warrand of thair proceedings in the premissis in all tyme comming.”

“The whilk day George, Vicount of Duppline, produced and exhibite before the Lords of Privie Counsell the missive letter underwritin, of the whilk the tennour followes. CHARLES R.—Right trustie and right weilbelovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whairas we ar informed that diverse persouns who did formerlie undertake to serve as sojourns in the warres in Germanie have fled from thence and have returned into that our kingdome, who (as we

Letter from his Majesty requiring the Council to take special notice of the fugitive soldiers, who have fled from the wars in Germanie, and have returned to Scotland.
See ante, p. 40.

ar credible informed) the better to cover thair cowardice doe not onelie cast false aspersionis upoun the ordour and government of these having charge in these warres, but lykewayes doe discourage all uthers from undergoing to serve thair to the great hinderance of these leveis of men intendit to be send by us frome thence for the better aide of our uncle the King of Denmarke. The consideratioun whair of hes justlie moved us to require yow to take speciall notice of the saids fugitives, and whair yow sall find sufficient evidences for proving against thame of that whilk is before mentionned, or whair as thay have fled away without licences from thair commanders, we thinke it fitt that yow take suche a course for causing thame be punished as yow sall thinke most fitt, that all uther persouns of that unworthie dispositioun may be terrified frome doing the lyke heerafter, which we will take as a speciall service done unto us and to the estait of that our kingdome. And so we bid yow fairweill. Frome our Court at Whitehall the first day of November, 1627."

Acta March
1625-January
1628.
Fol. 256, b.

Threat of
horneing
against certain
specified
persons
within the
sheriffdom of
Edinburgh,
unless by a
certain day
they produce
a roll of all the
fencible
persons
within the
parishes
respectively
assigned to
them.
See ante, p. 93.

" Forsameekle as the Lords of Secreit Counsell haiving upoun verie considerable and good grounds recommendit to the Justices of Peace within some particular shirefdoms of this kingdome the talking of tryell with the advice of the ministers of eache parish of the number and qualiteis of all the fencible persouns within thair parishes to the intent that accordinglie ordour might be taine for dreilling and training of thame in the use and handling of thair armes under suche captains as sould be appointed over thame, the justices of peace within the shirefdome of Edinburgh for testifeing of thair dewtifull obedience to the directiouns of his Majesteis Counsell in this point tooke ane verie good and solide course by appointing of some speciall persouns of eache parish for talking of the said tryell, of whome the good number hes givin thair obedience and hes reported thair rollis conteaning the number of the persouns within the severall parishes assigned and allowed unto thame. But the persouns underwrittin nominat and appointit to take the said tryell within the parishes underwrittin, thay ar to say, Sir Williame Banna-

Fol. 257, a.

tyne of Brouchtoun and the ministers of Halyruidhous and the north kirk of Leith for the parish of Halyruidhous; the bailleis of Leith for the parish of Restalrig; Thomas Thomsoun of Duddingstoun for the parish of Duddingstoun; Mr. James Raith of Edmistoun and Williame Murrey in Natoun for the parish of Natoun; James Dowglas and Archibald Weddell, bailleis of Dalkeith, for the parish of Dalkeith; Sinclair of Rosling and Hugh Somervell, baillie of Melvill, for the parishes of Laiswade and Paintland; George, Lord Ramsay of Dalhowssie, for the parishes of Caringtoun and Cockpen; Sir James Richartsoun of Smetoun for the parish of Newbottle; Pringill of Torsonse for the parishes of Heriot and Stow; Sir Alexander Fairlie of Braid for the parishes of Pennycuik, Montlowthiane and St. Katharins; Adame Bothwell of Glencorce for the parish of Glencorce; Sir George Towres of Innerleith,

Acta March
1625-January
1628.
Fol. 257, a.

Sir Williame Nisbit of Deane, and Mr. Johne Cant of St^t Geillis Grange for the parish of St^t Cuthberts kirk; Sir Johne Dalmahoy of that ilk for the parish of Rathow; Sir James Fowllis of Colingtoun for the parish of Hales; Lord Torphichin, for the parish of Calder; Johne, Lord of Balmerinoch, for the parish of Kirknewtoun; Sir George Forrester of Corstorphine and Johne Cowper of Gogar for the parish of Corstorphine; Crichtoun of Lugtoun and James Winrahame of Libbertoun for the parish of Libbertoun; the saids persouns hes done no diligence at all in that charge committit unto thame, but hes slighted and neglected the same to the great hinder and disappointing of his Majesteis service. Thairfoir the saids Lords ordanis letters to be direct to command and charge the persouns particularlie abonewrittin that thay and everie ane of thame within the bounds particularlie abonespecified assigned and allotted unto thame to try and informe thameselfes sufficientlie with advice of the ministers of thair parishes of the number and qualiteis of all the fensible persouns within the saids parishes and that thay make ane perfyte repoint thairof in writt under thair hands, and that they compeere personallie and bring, present and exhibite the saids reports before the saids Lords at Halyruidhous or whair it sall happin thame to be for the tyme upoun the day of . . . to be seene and considerit be the saids Lords under the paine of rebelloun and putting of thame to the horne; with certificatioun to thame and thay faillye letters sall be direct to putt thame *simpliciter* thairto, and to escheat, etc."

Decreta,
November
1627-January
1630.
Fol. 5, b.

[Sederunt as recorded above, adding Linlithgow, and omitting
Menteith and Nithsdale.]

Holyrood
House,
13th November
1627.

Complaint by Sir William Oliphant of Newtoun, knight, and Mr Thomas Hoip of Craighall, his Majesty's Advocates, against Robert Carmichael and Alexander Blair, mariners, burgesses of Dundee, for violation of the acts prohibiting the export of "tallow and butter." In March last Carmichael had exported to Holland eight barrels of tallow, and Blair had exported four. Pursuers appearing and the defenders not, the Lords ordain letters to be issued for their denunciation and inbringing of their escheat, for their contempt.

Robert
Carmichael
and Alexander
Blair charged
with exporting
tallow.

Fol. 6, a.

On a supplication by Hammiltoun of Samwelstoun the Lords grant licence to him till 1st December next to come to Edinburgh and arrange with the Commissioners for the surrenders about his teinds, and discharge all magistrates and messengers from apprehending him on account of any hornings or captions under which he lies.

Protection to
Hamilton of
Samuelston to
come to
Edinburgh to
arrange about
his teinds.

Commissions,
1624-30.
Fol. 148, b.

Licence under the signet to Alexander, Master of Forbes, to go abroad for five years.—Signed by the Chancellor, Mar, Haddingtoun, Linlithqw, Lauderdaill, Erskene, Melvill and Naper.

Alexander,
Master of
Forbes.

Sederunts.

"The quhilk day James Weymis, appeirand of Bogie, compeirand

Holyrood House, 13th November 1627.
Order anent the contravention of the Acts of Council regarding the home-bringing of foreign beer and the sellers thereof.

personalie befor the Counsell, produceit the gift grantit to him of the half of the unlawis to be incurrit by the contravenaris of the Actis of Counsell maid aganis the homebringing of foreyne beir and aganis the sellaris of the same at heighar raitis nor is prescryved be the Actis of Counsell maid thairanent. Quhilk gift being seene and considerit be the Counsell thay ordane him to informe him self sufficientlie of the contravenaris of the saidis Actis, and accordinglie to gif informatioun of the same to his Majesteis Thesaurair and Deputie Thesaurair to the intent the contravenaris may be callit and convenit befor his Majesteis Counsell and puneist accordinglie. And yf Bogy sall fail and be wanting in giving the said informatioun, and yf otheris will informe and furneis probatioun, it is heirby declairit that the informair salbe acknoulegeit for his panes accordinglie.”

Sederunts,
1625-29.
Fol. 66, b.

Fol. 67, a.

The Justices of Peace of the sheriffdom of Edinburgh.

“The quhilk day Mr Johnne Oliphant, Clerk to the Justiceis of Peace within the shirefdome of Edinburgh, reportit the diligence of the saidis Justiceis of Peace anent the fensible personis within certane particular parrocheis of the said shirefdome.”

“The Lordis ordanis letteris to be direct aganis thame who hes done no diligence.”

The Laird of Bogy.

“A warrand ordanit to be past to the customaris to gif a note under thair handis to the Laird of Bogy of the names of suche personis as hes broght home foreyne beir, to the intent he may informe aganis thame, and that thay may be callit to thair ansuer for thair contraventioun.”

Edinburgh, 14th November 1627.

Caution by David Spalding for Mr. James Strachan.

Caution by David Spaldin, skipper, burgess of Dundie, that Mr James Strauchane, merchant, burgess of Edinburgh, will make all goods and money in his hands, pertaining to any Frenchman, forthcoming to John Johnstoun and Robert Ker, merchants, burgesses of Edinburgh, as accords of the law; with clause of relief.—(Signed) David Spalding, J. Strahan.

Cautions,
1621-28.
Fol. 272, b.

Whitehall, 14th November 1627.

Letter from his Majesty desiring the Council to grant to Mr. James Strachan the power to arrest all such goods and debts with the kingdom as belong to Frenchmen or persons naturalised or residing in France.
See ante, p. 108.

“CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousins and counsellors, and right trustie and weilbelovit counsellors, we greete yow weil. Humble sute hes beene made unto us in name of Mr James Strauchan, merchant at Edinburgh, that he might have power to attache and arreist for his use all suche goods and debts within that our kingdome as belong to anie Frenche man or other persoun naturalized and residing in France, extending to the sowme of fyve hundreth pundis sterline, as likewayes if he have anie suche debts or goods in his awin hands that he may reteane thame in his awne use, and that in regard the like sowme is unjustlie deteaned frome him by the subjects of the Frenshe king, who take advantage of this tyme notwithstanding the said Mr James hes used all faire and laughfull meanes for recoverie thereof. In which caice we being unwilling that our subjects sould be defraudit of quhat is justlie dew unto thame have heereby thought good, after yow have considered of the said Mr James Strauchane his losses and finding his demand fitt to be

Royal Letters,
1623-32.
Fol. 124, a.

Fol. 124, b.

Royal Letters,
1623-32.
Fol. 124, b.

granted, that yow give unto him power to attache and arreist for his use all suche goods and debts within that our kingdome as belong to anie Frencheman or other persoun naturalized and residing in France, extending to the said sowme of fyve hundreth pund, as lykewayes if he have anie suche debts and goods in his owne hand that he may reteane thame for his owne use till he be satisfied of the said sowme, and that yow grant him suche power for this effect as sall seeme most fitt unto yow. So we bid yow fairweill. Frome our Court at Whitehall the 14 of November 1627."

Acta March
1625-January
1628.
Fol. 257, b.

Sederunt.—Chancellor; Treasurer; Hadingtoun, Lord Privy Seal; Holyrood House, 15th November 1627.
Menteith; Linlithgow; Lauderdaill; Bishop of Dunkeld;
Lord Areskine; Lord Melvill; Lord Naper; Sir Archibald Achesoun, Secretary; Advocate; Clerk of Register; Sir Johne Scot.

"Anent the supplicatioun presentit to the Lords of Secret Counsell be Mr. Robert Learmont, Mr. Laurence Mackgill, Mr. Johne Oliphant, advocats, and Mr. Thomas Young, wrytter, present shireff deputs of the shirefdome of Edinburgh, makand mentioun that whair at the pleasure of God Alexander Lawder of Hattoun, lait shireff principall of the shirefdome of Edinburgh is depairtit this lyffe upoun the fourtein day of November instant be whome thay wer admittit and constitut deputs for the spaice of his shirefship, being ordinarlie the spaice of ane yeere; and seing he is preventit be death, and that thair is manie actionis intentit and dependand before the said supplicants his deputs, breives and edicts proclaimed to be served and sindrie to be proclaimed, whairin thay can not goodelie proceid nor minister justice, nather yitt hold nor continew courts without the saids Lords thair libertie, licence and dispensatioun, humble thairfoir desiring the saids Lords that thay may haive licence and libertie be thir presents to sett, affixe, affirme, hald, and continew courts conjunctlie and severallie within the said shirefdome for administratioun of justice to his Majesteis lieges, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords, and thay finding a great necessitie that the course of justice be not interrupted by the interveening death of the said Laird of Hattoun, lait shireff principall of the said shirefdome, Thairfoir the saids Lords ordanis and commands the said shireff deputs to continew in the administratioun, executioun and discharge of thair office ay and whill the Kings Majestie signifie his royall will and pleasure tuiching the choise and nominatioun of the principall shireff for this present yeere; anent the doing whairof this present act sall be unto the said shireff deputs ane warrant and commissioun."

Order to Mr. Robert Learmonth and others, sheriff-deputes within the sheriffdom of Edinburgh, to continue in the discharge of their office till the nomination of a successor to the late principal sheriff, Alexander Lauder of Hatton.

Decreta,
November
1627-January
1630.

[Sederunt as recorded above.]

Holyrood
House, 15th
November
1627.

Licence granted to the Captain of Clanranald to come to Edinburgh for ten days.
See *ante*, p. 28.

On a supplicatioun by John Mc'Donnald McAllane V^cEan of Decreta, Ilantirum, Captain of the Clanrannald, stating that for testifying his affection to his Majesty's service he had undertaken a charge in the expedition for the Ile of Rae, and has his company complete and ready for embarkation, but there are some things connected therewith in which he desires their Lordships' advice, and craving their warrant to come for ten or twelve days to Edinburgh without being troubled or arrested, the Lords grant licence to him to come and attend them for ten days, during which they discharge all officers of the law from apprehending him.

Decreta, November 1627-January 1630.
Fol. 6, a.

Charge to the Kirk Session and bailies of Leith to abstain from warding Jean Knowes, on account of an infant whom she professed to have found at her door—the Kirk Session to provide for the infant till they could fasten it on the said Jean Knowes.

Complaint by Jeane Knowes, spouse to Robert Dumbar, servitor to the Earl of Murray, as follows:—"Upoun the day of October last bypast thair wes exposed and layed down, in ane crosse or throwgang serving for ane entrie both to umquhyle Barnard Lindsey his dwelling hous in Leith and to the hous possess be the said compleaner and her said spous also perteaning to the airis of the said umquhyle Bernard, ane young infant or lasse bairne, being but ane few houres borne afoir, swaddled and bound up in the swedding cloathes, quhilk being found thair about elleivin of the clocke at night or thairby be the compleaners servants, thay out of pitie for preserving of the infant tooke the same up and brought her in to the said compleaners dwelling hous, whair out of a Christian dewtie she (in regaird it wes under night) caused minister Fol. 6, b. suche things as wes necessar for mainteaning of the infants lyffe untill the tyme that she might convenientlie declair to the Sessioun of the Kirk of Leith the maner of finding of the said infant that thay might taikie ordour for interteaning and bringing up of the said foundling as the custome is. And when as she accordinglie maide her addresse to the Sessioun, looking that thay sould not onelie haive acknowledgit her proceeding heerin to be both charitabill and dewtifull but also to haive than fred her of all forder burdein and trouble whairin she was ingadgit be meddling with the said infant, as said is, thay in the meane tyme refused to taikie the infant aff her hands and frustrat her with delayes the spaice of twentie dayes; whairupoun the compleaner then caused carie the bairne to the said Sessioun when as thay wer conveenned in the Kirk of Leith upoun the day of and told thame that the bairne wes thair at the doore with ane woman for giving of the same sucke, willing thame according to thair dewtie to haive ane cair and provide for interteaning of the same, and sua left both the bairne and the woman thair with thame. Whairat thay talking offence aganis the said compleaner, thay for that onelie caus have givin furth ane act of wairding with directioun to thair officiers, so soon as thay can apprehend the said compleaner to commit her to waird, her husband being for the present absent in the north in his Majesteis service, sua that she darre skarselie be seene within the toun of Leith for feare of imprisonment." Charge having been given to Mr John Cranstoun and Mr James

Fol. 6, b.

Fol. 7, a.

Decreta,
November
1627-January
1630.
Fol. 7, a.

Fairlie, ministers of Leith, Archibald Tod and Edward Edzer, bailies of Leith, Sir Jerome Lindsay, Lord Lyon, George Thomsoun, George Smailhame, James Home, James Liddell, and David Jamesoun, all elders of the Session of the Kirk of Leith, and the pursuer, and the ministers and some of the Session of Leith compearing, but not Archibald Tod and Edward Edgar, bailies of Leith, the Lords discharge the said bailies and kirk session from all further troubling or warding of the pursuer for the cause foresaid, "ay and whill thay cleerelie prove that she is accessorie to the doun-laying of the bairne or hes interesse in that mater. And whairas in this meanetye nather the father nor mother of the bairne is knowin, and thair is nane to taik cair of it, but it wer ane verie great inhumanitie and ane scandall to the religioun to suffer ane poore infant to perish miserablie for want of interteanement, thairfoir the saids Lords finds that thair is nane of the poore of the Kirk of Leith that stands in so great need of supplee and help as the poore infant foirsaid, and thairfoir ordanis the Sessioun of the Kirk of Leith to caus interteanie the said infant out of the readiest of the collectioun at thair kirk doores and uther moneyes appointit for interteaneing of the poore ay and whill by lawfull tryell and probatioun thay sall fasten the infant upoun the said persewar."

Fol. 7. b.

Complaint of Mr James Foullertoun, minister at Beath, and James, Archbishop of Glasgow, for his interest, as follows:—His Majesty had presented Mr James Fowllartoun to the sub-deanery of Glasgow, whereof the kirk of Monkland is one of the kirks, and had by his letter to the Archbishop commanded him to proceed with diligence to his admission, who accordingly appointed the said presentee to preach at the kirk of Monkland on _____ last, that the parishioners might hear him. The Archbishop had informed them by letter of the King's will that Mr James Foullertoun should be placed there, and they not only showed willingness to hear him, but received great contentment by his doctrine whereupon the Archbishop sent Mr Robert Scot, one of the ministers of Glasgow, with him to the said kirk on _____ last, being Sunday, in order to admit him in terms of his presentation. But Sir James Kneilland of Monkland, getting notice thereof, and resolving to oppose the same he convocated together James Mureheid, elder and younger of Lauchop, Robert Hammiltoun of Milneburne, James Hammiltoun of Turneley, James Muirheid, bailie of Hammiltoun, George Andersoun of Woodsyde, James Muirheid of Braidisholme, Alexander Kneilland, brother to the said Sir James, John Thomsoun in Airdreehill, James Pettigrew in Langlone, John Russill in Broomesyde, George Hill in Caldercruik, Thomas Inglis of Murdistoun, James Hammiltoun of Broomehill, John Hammiltoun of Udistoun, James Hanmiltoun called the Blacke Laird, William Hammiltoun of Blantyesome, James Muirheid of Shawfitt, William Foirsyith of Dyke, William Hammiltoun of Wishaw, and George and John Kneilland, brothers to the said Sir James, "and with

Fol. 8. a.

Discussion
anent the
barring of the
Kirk of Monk-
land by Sir
James Clel-
land of Monk-
land and
others, against
Mr. James
Fullerton, who
had been
presented to
the said Kirk
by his Majesty.

thame he come to the said kirk of Monkland upoun the Saturday afoir ^{Decreta,} the Sabbath foirsaid, all boddin in feare of warre with swords, halberts ^{November} and stalffes and uthers weapouns invasive and possesst thame selffes of ^{1627-January} the said kirk and remained and abode thairintill drinking aill and ^{1630.} tobacco and committing manie uther abuissis all that night till the ^{Fol. 8, a.} morne." Then, when the said Mr James Foullertoun and Mr Robert Scot came peaceably and craved access to the kirk, showing their errand and warrant and his Majesty's presentation and letter, they ^{Fol. 8, b.} opposed their entry, "presentit thair weapouns out at the doores unto thame, threatning thame with present death if thay preast to enter in the said kirk," and so they were forced to retire. Charge having been given to the persons named and Mr James Foullertoun appearing personally, the Archbishop appearing by his procurator, Robert Stewart, and all the defenders, except James Hammiltoun of Turneley, the Lords after hearing the evidence find that the said George Hill presented "ane bandit stalffe" to the said Mr Robert Scot, and would not suffer him to enter the kirk to hear the preaching, and commit him to ward in the Tolbooth of Edinburgh till further order, but they assoilzie the remaining defenders, because the pursuers failed in their proof, seeing ^{Fol. 9, a.} that it was lawful for the said Sir James to maintain his right and possession of the patronage of the said kirk by barring of the pursuers' admission in a civil manner. But further, the Lords, to obtemper his Majesty's desire that the said kirk be no longer unprovided "of a minister for teaching of the word and ministratioun of the sacraments to the parochiners of the said kirk," command the said Archbishop and the ministers of the presbytery of Hamilton to see that the said church is served by the said ministers *per vices* until it is decided by law to whom the patronage thereof belongs; and they further discharge both the said Mr James Fowllertoun, and also Mr James Johnstoun who was presented to the said kirk by the said Sir James from preaching or administering the sacraments therein till then.

[Here is engrossed the following letter.

Letter from his Majesty anent the barring of the Kirk of Monkland by Sir James Clelland and others.

"CHARLES R.—Ryght trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. In regard the church of Monkland wes of a long tyme unprovvyded of a preacher becaus of some differences depending in law betuix the Lord Boyd and Sir James Clelland, we wer pleased to write at severall tymes that the same sould be provided, haiving for that effect sent our presentatioun to the Archbishop of Glasgow for giving collatioun and admissioun to Mr. James Foullertoun, preacher at the Church of Baith. Bot we are since informed that upoun the intendit sattling of the said Mr. James at the said church of Monkland it wes violentlie opposed by he said Sir James, his two brethrein and complices, who (as we ar

Decreta,
November
1627-January
1630.
Fol. 9, a.

crediblie informed) in contempt of our pleasure both signified by the said presentatioun and by our letter writtin to that effect and showin unto thame, did in armed maner and by convocating our lieges for that effect, barr the said Mr. James his admissioun, the parochiners frome the benefite of hearing of the word, and infants frome being baptized, a course not becomming civill men nor good Christianes. Our pleasure thairfoir is that yow caus cite the saids persouns before yow and after dew tryell of that which is alledged, or of suche informatiouns concerning this purpose as sall be exhibited before yow by the said Archbishop if yow find thame guiltie that yow caus fyne, confyne or otherwayes punishe thame as yow sall find the nature of thair offences to have deserved; and in the meane tyme that yow give ordour that the said church be no longer unprovided according to our pleasure heeretofore signified to this purpose. So we bid yow fairweill. Frome our Court at Theobaldes, the 18 of September 1627."

Fol. 9, b.

On a supplication by the Lyon King at Arms, and his brother heralds, stating that by a former Act of Council, their lordships had modified the fees to be paid to them by all nobles upon their creation either by "patent or be the ordinarie ceremoneis," viz., by every Marquis, 400 merks, every Earl, 300 merks, and every Lord, 200 merks, but as at that time there had been no Viscounts created "nor wes it than a dignitie looked for to be usuall or conferred upoun anie persouns within this kingdome," there was no fee modified for them, and craving that by their Act the Lords would now appoint the fee to be paid to them both by all Viscounts already created, and by such as should be created hereafter, "the saids Lords hes modified and be the tennour heerof modifeis to the saids supplicants the sowme of twa hundreth and fiftie merkes to be payed to thame be all Viscounts who sall be preferred to that dignitie in anie tyme comming."

The sum of 250 merks to be paid to the Lyon King at Arms by every person preferred to the new dignity of viscount.

Cautions,
1621-28.
Fol. 272, b.

Cautions by Mr Abraham Rig in Prestoun Grang in £100 that he will conform himself in buying and receiving of his victual to the order set down in the Act of Parliament thereanent.—(Signed) Mr Abraham Rig.

Edinburgh,
15th November
1627.

Cautions by Mr Abraham Rigg in Preston-grange.

Cautions by John Thomesoun, baillie in Prestounpannis, Hectour Achesoun, James Pinkertoun, and James Tueddie, indwellers there, and David Huntar in Prestoun, each in £100, that they will conform themselves in buying and receiving their victual, to the order prescribed in the Act of Parliament thereanent.—(Signed) Johne Thomsoun, H.A. James Pincartoune, James Tueddie, D.H.

Edinburgh,
16th November
1627.

Cautions by John Thomson, baillie in Prestonpans, and others.

Fol. 273, a.

Cautions by Allane Hendersoun in Prestounpanes and William Affleck there, each in £100, to the same effect —(Signed) Allane Hendersone.

Cautions by Allan Hendersoun and William Affleck, in Prestonpans.

Cautions by George Mc'Clair in Prestoun in £100, to the same effect.

Cautions by George M'Clair.

Cautions by John Thomesoun, John Wood and James Haistie in Prestounpannes, each in £100, to the same effect.—(Signed) Jhone Thomsone, Johne Uoode, J. H.

Cautions by John Thomson.

- Caution by William Allan. Caution by William Allane in Prestoun in £100, to the same effect. Cautions, 1621-28. Fol. 273, b.
—(Signed) Williame Allane.
- Holyrood House, 17th November 1627. Commission to the bailies of Dysart to apprehend Katherine Christie, who is suspected of witchcraft. Commission under the Signet to the bailies of Dysert, to search for, apprehend, imprison and examine Kathrene Crystie, relict of Andro Yoole in Dysert, who has been long under "vehement suspicioun of hir guyltynes of the deteastabill crymes of witchecraft, sorcerie, using of charmes, and utheris divillishe practizes." They are to report her depositions in writing to the Council before further procedure.—Signed by the Chancellor, St Androis, Mar, and Naper. Commissions, 1624-30. Fol. 149, a.
- Edinburgh, 17th November 1627.. Caution by Thomas Turnbull of Minto for William Turnbull of Braidhauch and his son. Caution by Thomas Turnbull of Minto, in 300 merks each, for William Turnbull of Braidhauch and James Turnbull, his son, that they will appear before the Lords of Council on 14th December instant and answer to a complaint by Robert Ker of Cavers of pursuing and wounding him, and of resisting his apprehension of the said James by warrant of the Council; and that they will pay 20 merks for their escheat if their suspension (which is to the 20th December) fail; with clause of relief.—(Signed) Thomas Turnbull of Mynto. Cautions, 1621-28. Fol. 273, b.
- Holyrood House, 20th November 1627. Chancellor; Treasurer; Privy Seal; Nithisdail; Lynlythqu; Roxburgh; Bishop of Dunblane; Lord Arskine; Lord Melvill; Lord Naper; Secretary; Advocate; Sir Johnne Scott. Sederunt, 1625-28. Fol. 67, b.
- A missive to Mr. Robert Dick and Robert Monteith anent a Dutch ship that had been wrecked at Unst. "Ane missive to Mr. Johnne Dik and Robert Monteth anent the preserveing of the goodis being in the Holland ship that brak at Unst, and to mak thame furthcumand to pairtyis interest, commanding thame to notifie the same to all the inhabitantis that hes medlit with ony of the goodis and to arrest the goodis in thair handis, certifeeing thame that thay salbe callit as robberis and spoillaris of the goodis of his Majesteis confederatis."
- The Earl of Crawford. "Ane warrand for persuite of the Earle of Craufurde at the instance of Peter Rid, and to crave the concurrence of the cuntrey."
- Holyrood House, 22nd November 1627. Sederunt.—Chancellor; Treasurer; Hadintoun, Lord Privy Seal; Mentieith; Nithisdail; Linlithgow; Roxburgh; Lauder-dail; Bishop of Dunblane; Lord Areskine; Lord Melvill; Lord Naper; Master of Jedburgh; Secretary; Advocate; Clerk of Register; Sir Johnne Scot. Acts March 1625-January 1628. Fol. 257, b.
- In obedience to a missive from his Majesty, the Council ordains that no fines be raised from his Majesty's "The whilk day Johnne McNaucht, deane of gild of Edinburgh, accompanied with some commissioners from the Burrowes produced the missive letter underwrittin, of the whilk the tennour followes;—CHARLES R.—Right trustie and right weilbelovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weil-

belovit counsellours, we greete yow weill. Whairas we have beene of subjects till
 lait humblie petitioned by the commissioner of our free burghes in his Majesty's
 that our kingdome that the executioun of all penall statutes might be pleasure be
 respected unto thame, in regaird of the manie good services done by further known.
 thame unto our royall predecessours and our selfe and for uther good
 consideratiouns moving us, we are willing at this tyme both to show unto
 thame and all uthers our subjects there in generall some favour heerin;
 and thairfoir our speciall pleasure is that the exacting of the fynes of
 all penall statuts whatsoever from anie of our saids subjects throughout
 our said kingdome sall cease till suche tyme as we sall heerafter be
 pleased to give speciall ordour to the contrarie; for doing whair of these
 presents sall be unto yow and everie of yow ane sufficient warrand.
 So we bid yow fairweill. Frome our Court at Theobaldes, the nyntein
 day of September 1627. Whilk letter being read, heard and considerit
 be the saids Lords, thay for obedience of his Majesteis royall directioun
 will forbear the exacting of the saids fynes whill his Majesteis forder
 pleasure be knowin; and in the meane tyme thay ordaine a missive to
 be writtin to his Majestie acquainting his Majestie with the evils and
 inconvenients flowing from the generalitie of this letter to the whole
 estait, and whill his Majestie sall be pleased to returne his answer to
 the said missive thay thinke it meete that his Majesteis officiers whome
 it concerns sall be going on in the examinatioun and tryell of the
 contraveenners of the saids penall statuts, forbearing to exact the fynes
 in the meane tyme."

"The whilk day the commissioners abonewrittin produced and exhibite
 the missive letter underwrittin, of the whilk the tennour followes:—
 CHARLES R.—Right trustie and right weilbelovit cousin and counsellour,
 right trustie and weilbelovit cousins and counsellours, and right trustie and
 weilbelovit counsellours, wee greete yow weill. Being informed how for
 reforming of ane abuse in dressing of leather a selected number of the
 Privie Counsell of that our kingdome by ordour frome the Table (to whome
 it wes then remittit by the Estaits of Parliament) did saddle a course how
 that bussines could be caried; yitt upoun some complaints now exhibited
 unto us against the new course of tanning and against the imposition of
 a groate upoun all hydes sold within that kingdome, we can not but
 desire that these differences could be tryed. And thairfoir our pleasure
 is that yow call both parteis interested in that earand before yow and
 haiving considerit of the said established course, and haiving withall
 tryed the grounds of these complaints, that thairafter yow taik suche a
 speedie course thairin as sall be thought most fitt by yow for the publict
 good of that kingdome, the continuance or establishing whair of sall
 alwayes be one of our cheefe cairs. And so we bid yow fairweill.
 Frome our Court at Whitehall the 18 day of October 1627. Whilk
 letter being read, heard and considerit be the said Lords, thay ordained

Letter from
 his Majesty
 directing
 enquiries to be
 made anent the
 complaints
 regarding the
 new course of
 tanning, and
 the imposition
 of a groat on
 all hides sold
 within the
 kingdom.
 See ante, p. 101.

a copie thairof to be delyverit to the Lord Areskine to the intent he may answeere thairto the nixt Counsell day.”

Acta March
1627-January
1628.
Fol. 258, b.

Order to Mr. John Dickson, William Dick, and Robert Menteith, to take present and exact trial of the circumstances of the robbery of the Dutch ship wrecked on the Island of Unst, and to see that complete reparation be made to the owners of the said ship.

“ Forsameekle as it is understand to the Lords of his Majesteis Privie Counsell that ane shippe of Encusane,¹ callit *The Whyte Fulke*, whairof Albert Jacobsoun thair wes maister, being laittie upoun her dew course homewards laidnit with riche and coastlie commodities frome St. Nicolas in Russie, she wes by contrarious winds in a tempestuous storme drivin towards the Yle of Unst in Zetland and sett upoun a craig, and that the countrie people aganis the dewteis of humanitie not onelie refused to contribute thair helps towards the releeffe of the said shippe,² bot with that in a most barbarous and insolent maner thay enterit within the same, thrust the maister and companie furth thairof and reft spoyled and intromettit with the goods and geare being thairintill, leaving and expoising the shippe to the injurie of the sea. Whilk being ane most barbarous inhumanitie committit upoun the subjects of the United Provinces who ar his Majesteis most firme and constant confederats and freinds, and unto whome the honnour and justice of this kingdome and the good correspondence inviolablie kepted betuixt his Majestie and the saids Estaits requires that summar restitutioun sould be made of the goods and geare, and exemplar punishment inflicted upoun the delinquents according to the law; Thairfoir the Lords of Secreit Counsell, with consent of Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome duiring the minoritie of the Duke of Lennox, and of Archibald, Lord Naper of Merchinstoun, Deputie Thesaurar, as tackisman of Orkney and Zetland, and without prejudice of either of thair rights, clame, title or possessioun which thay or either of thame can pretend to the office of admiraltie within the saids bounds, whilk the saids Lords declairs sall no wayes be prejudgit nor impairit be this act and commissioun, hes givin and grantit and be the tennour heerof gives and grants full power warrand and commissioun and thairwithall commands and ordanis Mr. Johne Dick, sonne to Williame Dick, merchant burges of Edinburgh, and Robert Menteith of Egilshaw, to take present and exact tryell how and by whome this robrie hes beene committit, and to make a perfyte record of thair names and of thair cariage and proceedings in this bussines, to the intent thay may be delaited and callit, pursewed and punished thairfoir according to the law; as alsua with power to the saids Mr. Johne Dick and Robert Menteith to pas and make diligent searche and inquirye for the saids goods whair and in whose possessioun soever the same or anie pairt thairof can be apprehendit, and to sease thairupoun and to delyver the saids goods with the cables, ankers, ordinance, apparrelling and what ellis belonging to the said shippe being in the possessioun of the saids Mr. Johne Dick and Robert Menteith ar intromettit with by anie uthers

Fol. 259, a.

¹ Enkhuizen, in the Zuyder See.

² Cf. *ante*, v., 393, vi., 88.

Acta March
1625-January
1628.
Fol. 259, a.

persouns whatsomever togidder with the bands and money (if anie be) taine be thame and be Robert Bruce frome the merchants of the said shippe or be anie uther persoun, Hollander or strainger, residing in Zetland, to Adriane Herminsoune, Hendrick Hendirsoun, Phillip Usseill, Jane Van Lebert and the said Albert Jacobsoun, merchants, awners of the said shippe and goods, or to suche uthers haiving thair warrand and commissioun to that effect; to the intent thay may transport the saids goods and dispone thairupoun at thair pleasure without trouble, latt or impediment to be made unto thame thairfoir, and that free without anie charge, payment or allowance to be craived, exacted or taine for the same; and that thay stay and arreist all straingers who hes intromettit with the saids goods or anie pairt thairof, and in whose custodie and keeping anie pairt or portioun thairof can be challenged and suffer thame not to depairt till thay make restitutioun thairof to the persouns foirsaid. And the saids Lords recommends to the saids Mr. Johne Dick and Robert Menteith the cairfull performance and executioun of this commissioun in everie heed and article thairof as thay will answeere upoun thair neglect and dissobedience at thair highest charge and perrell."

"The whilk day in presence of the Lords of Secreit Counsell compeered personallie David Aikinheid, provest of the burgh of Edinburgh, with the bailleis and some of the counsell of the said burgh, and gave in the articles underwrittin of the whilk the tennour followes:—
 Quhairas it is proponit be the Lords of his Majesteis most honourable Privie Counsell to the provest, bailleis and Counsell of Edinburgh, that thay sould take to thair consideratioun the building of forts in Leith as necessarie for the preservatioun of the harberie and toun of Leith frome forraine invasioun and utherwayes mutche importing the publict securitie of this realme; and the saids proveist, bailleis and counsell for obedience thairof after mature deliberatioun, both amongs thameselffes and als with these of the best judgement in militarie effaires within this realme, having found it very probable that the building of forts thair would little or nothing endomage the enemye, nather mutche secure the toun incaice the enemye sall once expone his forces on land, hes in all humilitie presumed to offer to your Lordships wyse considerations the fortificatioun of the hailt toun of Leith as most importing the publict securitie. And albeit the samine will amount to a great charge which the saids proveist, bailleis and counsell of Edinburgh ar not able of thameselffes to undergoe, yitt if it sall please his Majestie and the Lords of his honourable Privie Counsell to resolve upoun the expedience and necessitie thairof thay for thair awin pairts will undergoe the said worke upoun the conditionis and provisiouns after specified.

The Magistrates of Edinburgh submit to the Council that the mere building of forts at Leith would do little or nothing to defend the town against a foreign enemy, and offer to be at the charge of fortifying the whole town on the following conditions:

1. That the liberteis, privileges, immunities and jurisdictionis als weill civill as criminall whilks the said proveist and bailleis and counsell of Edinburgh hes alreadie within the said toun of Leith,

(1) That the ancient privileges which the Magistrates of Edinburgh

have held within the town of Leith should be ratified and confirmed by his Majesty.

port and harberie thairof, passages leidand to and fra the same and Linkes thairof, ather east or west, may be conservit inteir to thame conforme to thair chartours and grants made to thame and thair predecessours and decreits past thairanent, and especiallie that na merchandice be exercised thairin nor guids houssit in the same but all transportit to Edinburgh, and that na exercise of free crafts be thair conforme to the Acts of Parliament and lawes of this realme, and that his Majestie *de novo* ratifie and approve the same conforme to the tennour thairof in all points and confirme the same be Act of Parliament.¹

(2) That the government of the whole town of Leith should be conferred on the Magistrates of Edinburgh.

2. That the government of the hail toun of Leith to be fortified as said is be conferrit upoun the saids proveist, bailleis, counsell and deacons of craft of the said burgh of Edinburgh as representand the hail bodie and communitie thairof, sua that thay and thair successours and thair deputs for whom thay sall be haldin to answeere sall be, be his Majestie with consent of the Estaits of Parliament, made governours of the said hail toun of Leith upoun both the sides of the water thairof, of the hail citadells, foretresses, rampeirs, bulwarkes, and fortificatioun within the same, with all uther libertie, priviledge and jurisdiction over the inhabitants of the same as is grantit to anie governours in suche caises, especiallie of shirefship and justiciarie of peace; with power to thame and thair successours to appoint under thame lieutenents, captans and uthers under officiers as sall be necessarie and is requisite thairanent.

¹ The controversy regarding the claim of superiority on the part of Edinburgh over Leith was of long standing. John Knox in his History of the Reformation has the following interesting passage on the subject, under date 1559:—"It is not unknawin to the maist pairt of this realme, that thair hes bene ane auld haitrent and contentioun betuix Edinburgh and Leith; Edinburgh seiking continewallie to possess that libertie, quhilk be donatioun of kyngis thay have long enjoyit; and Leith, be the contrary, aspyring to ane libertie and fredome in pre-judice of Edinburgh. The Quene Regent, ane woman that could mak hir proffitt of all handes, was nott ignorant how to compass hir awin mater; and thairfor secretlie sche gaif advertisement to sum of Leith, that sche wald mak thair Toun fre, gif that sche mycht do it with any cullour of justice. Be quhilk promise, the principall men of them did travell with the Laird of Restalrig, ane man nether prudent nor fortunat, to quhome the superioritie of Leyth appertenit, that he sould sell his hail tittle and rycht to our Soverane, for certane sowmeis of money, quhilk the inhabitantis of Leith payit, with ane large taxatioun mair, to the Quene Regent, in hoip to have bene maid free in dispite and defraud of Edinburgh."—I., 426 (Laing's edition).

Dr. Laing has the following editorial note on the above passage:—"The harbour and mills of Leith, then known as Inverleith, were granted by Robert the First, in the year 1329, to the community of Edinburgh, and in 1398 they acquired other rights and privileges by purchase from Logan of Restalrig, who possessed the banks of the river. During the fifteenth and following century the Magistrates of Edinburgh passed some Acts of a very oppressive and illiberal kind against the inhabitants of Leith. In 1547, during the English invasion, the town and harbour were completely destroyed; but the Queen Regent, in favour of the inhabitants, purchased anew the superiority in 1555 from Robert Logan of Restalrig for 3000 pounds Scottish money; it was strongly fortified in 1559, and was taken possession of by the French auxiliary troops on behalf of the Queen Regent, who proposed to have erected the Town into a Royal Burgh. Her death, in June 1560, defeated this project, and the citizens of Edinburgh afterwards obtained the superiority from Mary Queen of Scots for the sum of 10,000 marks."

The documents referring to the controversy between Leith and Edinburgh will be found in "Leith and its Antiquities from the Earliest Times to the Close of the Nineteenth Century," by James Campbell Irons, M.A. (1897).

Acts March
1625-January
1628.
Fol. 259, b.

Acta March
1625-January
1625.
Fol. 259, b.

3. Since the north syde of the toun of Leith with ane pairt of the south syde appertains to the Baroun of Broughtoun in superioritie and some uther pairts to uther superiours, it might please his Majestie to buy the same and to ressave thair resignatioun thair of, to the effect it might be consolidat in ane inteir government. ¹

(3) That the parts of the town belonging to the baron of Broughton and others should be bought by his Majesty.

4. Since the grounds frome the calsay at the windmylne round about the said toun upoun the west to St. Nicolas upoun the north appertains to diverse heretours whair of necessitie the fortificatioun upoun that side must be raised, it might please his Majestie to make the same free to us. Lykeas we offer willinglie to give the ground upoun the uther side frome the harbourie and Little Londoun round about to the windmylne to that same use in sua farre as the said fortifications sall be extendit.

(4) That certain grounds about the town should be made free for the building of the fortifications.

5. That since the inhabitants of Leith, als weill upoun the north syde as south syde of the water thair of, participats in the benefite of the fortificatioun thay might all be subject to undergoe a pairt of the charges to be disbursed in the said worke, and underly all burdeins thairanent as sall be imposed upoun thame be the proveist, bailleis and counsell of Edinburgh, without exceptioun to anie persoun of whatsoever qualitie thay be.

(5) That the inhabitants of Leith should contribute to the expense of the fortifications.

6. That since the same worke will be of great importance for the publict securitie of the realme, that nane be sufferit to build anie worke without the toun whilk may endamage the same; and if anie plaice neere adjacent may annoy the same that the same also be fortified, and that nane be suffered to build within the toun bot be the advice of the Magistrats of Edinburgh and in maner to be by thame prescryvit.

(6) That no one be suffered to build any work which might injure the fortifications.

7. And als to the effect it may be knowin wha resides thair that nane be sufferit to sett houssis to anie persoun bot suche as sall have allowance of the saids proveist, bailleis and counsell of Edinburgh, and that ydle and suspect persouns be removed furth of the same.

(7) That houses may be set only to persons allowed by the Magistrates of Edinburgh.

8. That it be leasome to the saids proveist, bailleis and counsell to doe anie thing within the said toun whilk may tend to the securitie of the same als weill in raising of cittedells, as building of girnells, munitioun houssis, or anie uther thing tending to the preservatioun and strenthening thair of.

(8) That it may be lawful to the said Magistrates to strengthen the fortifications.

9. That his Majestie would contribute suche number of good artillerie

(9) That his Majesty would

¹ The Barony of Broughton has an interesting history. Together with the surrounding lands within its jurisdiction it was granted by James VI. in 1568 to Adam Bothwell, Bishop of Orkney, who surrendered the lands to the Crown in 1587 in favour of Sir Lewis Bellenden of Auchnoul, Lord Justice-Clerk, who obtained a charter from the King uniting them into a free barony and regality. Sir William Bellenden, the grandson of Sir Lewis, disposed of the whole lands to Robert, Earl of Roxburgh, in

1627, and by an agreement between him and Charles I. the barony was purchased by the Governors of Heriot's Hospital in 1636, to whom the superiority was yielded by the Crown, partly in payment of debts due by the King to the Hospital. Thenceforward the barony was governed by a bailiff nominated by the Governors of the Hospital, who possessed the power of pit and gallows.—Steven, *History of George Heriot's Hospital*. (Edit. 1859), p. 59.

contribute the needful amount of artillery.

(10) That the Council would find how the expenses may be met, and the work done.

(11) That a competent garrison should be entertained both in Leith and Edinburgh.

(12) That liberty be obtained for the procuring of materials for the work.

both brasse and yrne with poulder and bullet effeirand to the same as shall be thought and found necessarie for the defence of the same. Acts March 1625-January 1628. Fol. 260, a.

10. And since this worke will amount to ane infinite charge and expenssis, als weill in raising of the fortificatiouns and bringing the same to perfectioun as interteaning thair of, it might please your Lordships to find out the meanes how the same shall be done and the charges levied als weill for the ane as the uther.

11. That the meanes be found how ane competent garisoun may be interteaned thairin and all things fitting for suche a worke, and how the samine incaice of forraine invasioun may be manned with sufficient number of souldiours and als competent number putt in Edinburgh for defence of the same against anie suddaine invasioun.

12. That since thair is na grounds perteaning to the good toun whilk will afford sufficiencie of fail or divvett [turf] or ryse [brushwood] for the said worke, it might please your lordships to obteane libertie unto thame to have the same in the most ewest plaices whair thay can be had, and caus the countrie assist thame with cariages freele.

Whilks articles being seene, read and considerit be the saids Lords, thay haive taine the same to thair considerations and will advise thairwith and give answeere thairto with convenient diligence. And in the meane tyme that thay beginne and proceed in bigging of twa forts at Leith."

[Sederunt as recorded above.]

Holyrood House, 22nd November 1627.

Complaint by the Moderator and Presbytery of Dumfries that the sentence of excommunication passed by them on John McBrair and others, on the ground of their being Papists, and on John Allan and others, on the ground of certain crimes specified, is despised by all these persons.

Complaint by the Moderator and brethren of the Presbytery of Dumfries, as follows:—In the Parliament held at Edinburgh in June, 1594, all presbyteries in the realm were enjoined to cite before them all Papists or persons suspected of being Papists within their bounds, and in case of their refusal to appear or to give satisfaction, that their names be notified to the Council. Now, John M'Brair, eldest lawful son to Robert M'Brair of Almigill, Marion Maxwell, Lady Wauchop, Elspitt Maxwell, widow of Harbert Cuninghame, lately town clerk of Dumfries, Agnes Johnstoun, wife of William Hereis, Edward Maxwell called of Cowhill, Agnes Maxwell, daughter of the Lady Conheth, James Maxwell, brother of Herbert Maxwell of Kirkconnell, Barbara Maxwell, Lady Mabie, elder, Dame Barbara Johnstoun, Lady Gribtoun, John Maxwell of Gribtoun, her son, James Maxwell of Kirkconnell, Richard Murray of Aikiebuss, Elspeth Maitlane, and Barbara Maxwell, servitrices to the Countess of Nithisdail, Ewfame Beatie in Colledge, Homer Maxwell of Trostan, Jeane Browne, his spouse, Mr Charles Browne in New Abbey, Fergus M'Gill in Clauchane, and Gilbert Browne of Corbellie, have been long suspected of Papistry, and being for this and refusing to communicate, cited before the complainers, "they contempnandlie misknew and contemned both thame and thair charges." Then,

Decreta, November 1627-January 1630. Fol. 10, a.

“after long patience abyding thair tyme of conversioun,” the complainers were constrained to pronounce against them the sentence of excommunication, as also against John Allane, portioner of Kirkgunzeane, and Thomas Patersoun there, for abusing of the minister and session of the kirk; Issobell Hereis in Kirkgunzeane for incest and divers adultries; John Williamsoun, William Creirie and Agnes Sinclair in Lochrowtoun, for adultery; and Thomas Patersoun in Auchingry and Margaret Browne for cohabitation in adultery; which sentence they despise and go about at their pleasure as if they were not under the same. Charge being given to these persons named to compear with testimonials of their having satisfied the Kirk and been relaxed, and the pursuers appearing by Mr Thomas Ramsay, their moderator, and none of the defenders appearing, the Lords ordain them to be denounced rebels.

Complaint by William Duncane, servitor to William Congletoun of that Ilk, and by the latter, as master, for his interest, as follows:— On 7th November instant William Duncane, having come with his master to the musters and weaponshawing on the muir of Glaidsmure, as he was quietly returning home in the evening, David Smith in West Fentoun set fiercely upon him with a long lance, with the butt of which he gave him “a number of cruell and violent straiques” on sundry partis of his body, but specially the left hand, one of the fingers of which was thereby “so bruised and disjoynted” that “he will be mutilat thairof, to his heavie hurt and prejudice, he being bot a poore man not haiving meanes whairwith to interteane himselfe and familie bot that whilk he purchast be his worke and labour.” Both pursuer and defender appearing, and several witnesses having been heard, the Lords find David Smith guilty as libelled and ordain him to pay a fine of £30 to William Duncane, and to be warded in the Tolbooth of Edinburgh till he pay the same.

“Ane act wherby the Earle of Nithisdail nominat James Young, sone to Patrik Young, burges of Drumfreis, and Stevin Young, notar, in place of the Laird of Conhaith and umquhile Johnne Young for the service of the Middleshyris.”

“The whilk day Robert, Erle of Nithisdail, ane of the commissioners for the Middleshyres, nominat and gaive up James Young, sonne to Patrik Young, burges of Dumfreis, and Stevin Young, notar in Dumfreis, to be twa of the personis whome he will imploy in the service of the Middleshyres and that in plaice of Sir Johnne Maxwell of Conheth, who is his Majesteis rebell and at the horne, and whome the said Erle declaired he would not imploy forder in that service, and in plaice of umquhile Johnne Young, shireff clerk of Dumfreis, wha is now depairtit this lyffe. Quhilk nominatioun made be the said Erle of the saids James and Stevin Youngs for the service foirsaid being heard and considerit be the Lords of Secret Counsell, thay allow of the choise and nominatioun made be the said Erle of Nithisdail of the persouns foresaid for

Fine of £30 imposed on David Smith for violence done to William Duncan.

The Earl of Nithsdale.

Holyrood House, 22nd November 1627.

Approval of certain persons nominated by the Earl of Nithsdale for the service of the Middle Shires.

for the said service, and ordanis letters to be direct to mak publicatioun heerof be opin proclamatioun at the mercat croces of the heid burrowes within the Middleshyres, whairthrow nane pretend ignorance of the same." Borders,
1603-43.
Fol. 91, b.

Holyrood House, 23rd November 1627.
Commission to the Sheriff of Haddington and his depute, or to the provost and baillies of the burgh of Haddington, to examine three persons charged with child-murder.

Commission under the signet to the Sheriff of Hadintoun and his deputes, or the provost and bailies of the burgh of Hadintoun, to examine the three persons underwritten. Their Lordships have heard "and knowes by the depositioun of Marioun Kemp, relict of umquhile Williame Paxtoun in _____, that she with the knowledge, allowance and permissioun of Megie Yorksoun, spous to Patrik Robesoun, hes lvin in adulterie with the said Patrik since Witsunday bygane a yeere; and that she being with chylde to the said Patrik at Lambmesse 1626, she and the said Patrik and Megie Yorksoun, his spous, concurred all three togidder in seeking of a drinke to make hir pairt with bairne and that in end thay gott a drinke fra a woman in Hadintoun quhilk she dranke, bot the drinke had not the looked for effect; and that about the 25 day of December the yeere foirsaid she being delyverit of a bairne, nane being present bot the saids Patrik Robesoun and Megie Robesoun, his wyffe, she, how soone as the said bairne wes borne, gave it to the said Patrik, her husband, and he caried it into the yaird and buried it thair. And she forder confessed that about Hallowmesse last she wes delyverit of twa bairnes to the said Patrik, she being within aucht weekes to the tyme of hir delyverie, quhilks twa bairnes, as wes confessed be the midwyffe and uther weomen present at her delyverie, wer consumed in her bellie. Upoun the quhilk confessioun and depositioun made be the said Marioun "all three have been apprehended and warded in the Tolbooth of Hadintoun" being "all three guiltie of the murder of the first bairne, and by probable appearance thay haive used indirect meanes to destroy the uther twa bairnes in the womans bellie." The commissioners are to examine these three persons "upoun the particular crymes abonespecified and upoun everie circumstance quhilk thay sall thinke expedient to concurre thairwith, and to confront thame as thay sall find the occasioun," and then report to the Council in writing.—Signed by Geo. Cancell., Marr, Hadinton, Menteith, Nithisdaill, Linlithgow and Arch. Achesone. Commissions,
1624-30.
Fol. 149, b.

Whitehall, 23rd November 1627.
Remission from his Majesty to John Lawson who had lately killed John Banks.
See ante, p. 99.

"CHARLES R.—Right trustie and right weilbeloved cousin and counsel-our, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellouris, we greeete yow weill. Whairas we have understood by your letter of the reasounable offers made by the freinds of one Lawsoun for ane assithement and satisfioun to the neerest of kin of one Jo. Bankes, laitlie killed by him, and that a thowsand pund Scottish hes beene demanded be the freindis of the said Bankes for discharge of all actioun competent to thame for the said slauchter, whairupoun we haiving considered the circumstances Royal Letters,
1623-32.
Fol. 124, b.

Royal Letters,
1623-32.
Fol. 124, b.

heerof and the dispositioun of the parteis, the one being willing to give all he hath and to undergoe perpetuall banishment, and the other to take compositioun for the said fact, we haive beene pleased to signe a remis-sioun to the said Lawsoun, notwithstanding we are heereby graciouslie pleased that before his enlargement from prisoun yow see suche a reasonable course takin with the said kin of the person killed as may be convenientlie done be the said Lawsoun according to his offer. So we bid yow farewell. From our Court at Whitehall, the 23 of November 1627."

Acts March
1625-January
1629.
Fol. 260, b.

Sederunt.—Chancellor; Treasurer; Lord Privy Seal; Menteith; Holyrood
Nithisdail; Wyntoun; Linlithgow; Lauderdaill; Bishop of November
Dumblane; Lord Areskine; Lord Melvill; Lord Naper; Master 1627.
of Jedburgh; Sir Archibald Achesoun, Secretary; Clerk of
Register; Advocate; Sir Johne Scot.

"Forsameekle as it is understand to the Lords of Secreit Counsell that a shippe of Lubecque callit *Sanct Laurence* loadnit with salt being returning frome her voyage towardis the toun of Lubecque, she wes by contrarious winds drivin upoun the north west iles of this kingdome whair she wes brokin and her whole loadning expoised to the injurie of the sea, the equippage and companie of the shippe allanerlie being by God's providence preserved, who with great distresse ar come heere to seeke the commoditie of passage home. And whairas thay ar poore distrest people haiving nothing left whairby to forder thair addresse home, Thairfoir the saids Lords ordanis his Majesteis Thesaurar and Deputie Thesaurar and ressaivers of his Majesteis rents to make payment to thame of ane hundreth merks for the forderance of thair transporting, whairanent the extract of thir presents with Nicolas Lusk, skippar of the said shippe his acquittance, sall be unto his Majesteis said Thesaurar and Deputie Thesaurar and ressaivers of his Majesteis rents ane sufficient warrand."

"Forsameekle as altho Sir Johne Stewart, knight, captane of the castell of Dumbartane, undertooke in presence of the Lords of Secreit Counsell that the said castell sould be saulfelie and surelie kepted and that he sould ever have saxtein persouns within the said castell for keeping of watche and waird thairin, notwithstanding as the said Lords ar informed the said castell is not kepted in that ordour as the importance of suche a place requires and thair is few or nane that keepes watche or waird thairin, sua that in a maner the said castell is expoised to all hazard and danger without remeid be provydit; Thairfoir the saids Lords ordanis letters to be direct chairging the said Sir Johne at the castell of Dumbartane and als be opin proclamatioun at the mercat croce of Edinburgh, peire and shoir of Leith, upoun threescoir dayes wairning, becaus he is presentlie furth of this realme, to compeir personallie before the saids Lords upoun the day of to answeere to the premissis

Order anent
the crew
of a Lübeck
ship, which
had been
wrecked on the
north-west
isles.

Charge to Sir
John Stewart
to appear
before the
Council on
60 days
wairning to
answer for his
neglect of
Dumbarton
Castle.

See ante, p. 52,
and Index to
Vol. XV.

and to underly suche ordour as sall be taine thairanent, under the paine of rebellioun etc., with certificatioun, etc.”

Acta March
1625-January
1628.
Fol. 261, a.

Order to his Majesty's Justice and depute to take oath from Alexander Robertson, Jesuit, that he will depart from the kingdom, and not return save by his Majesty's permission.

“ Forsameekle as thair is diverse acts made aganis the resorting of Jesuits within this kingdome and aganis thair ressett and remaining within the same; notwithstanding whair of Alexander Robesoun, jesuit, hes made his addresse unto this kingdome and being apprehendit is committit to waird within the Tolbuith of Edinburgh, whair he hes remained thir diverse moneths bygaine. And the Lords of Secreit Counsell considring that his remaining in the countrie will be hurtfull to suche as he hants with, it being verie likelie that following the custome of the rest of that societie and ordour he will bussie himselfe to corrupt his Majesteis good subjects, both in their religioun and in thair dewtie and alledgance to the Kings Majestie, Thairfoir the saids Lords finds it more expedient that he be sent away out of the countrie nor unnecessarlie haldin within the same; and for this effect ordains his Majesteis Justice and his deputs with the concurrance of his Majesteis Advocats to affixe and sett a justice court to be hald in the Tolbuith of Edinburgh at suche a day as thay please appoint; and to call the said Alexander Robesoun before thame, and after acknowledging his offence in transgressing of his Majesteis lawes made aganis the resoirting and remaining of Jesuits within this kingdome that thay taik him solemnelie sworne and judiciallie actit that he sall depart and pas furth of this kingdome with the first commoditie of a shippe going toward the Low Countreis, and that he sall not returne againe within the same without his Majesteis licence had and obtanit to that effect under the paine of deid.”

Decision of Council anent the claim of the Colledge of Justice for immunity from contributing to the maintenance of the ministers of Edinburgh. See ante, p. 8.

“ The whilk day in presence of the Lords of Secreit Counsell compeerit personallie Mr. Robert Learmouth, Mr. Andrew Aittoun and Mr. Lewes Stewart, advocats, Sir Williame Scot, and Mr. Alexander Hay, clerks of the Sessioun, and David Andersoun, writter to our soverane lords Signet, for thameselfes, and in name of the remanent advocats, clerks and members of the Colledge of Justice, and declaired that thay wer wairned to compeer personallie before the saids Lords this present day to give thair answeere to a letter directit frome his Majestie to the saids Lords whairby his Majestie willed thame to give warrand to the toun of Edinburgh for taxing and stenting of the hail inhabitants thair of proportionable toward the maintenance of the ministrie of the said burgh; and in regaird that thay wer readie to answeere to the said letter and that no partie compeered to insist in this bussines against thame, Thairfoir the Lords of Secreit Counsell dismissit thame and declairs be thir presents that nothing sall be proceedit nor moved in this mater at the instance of anie partie aganis the advocats, clerks, writters and remanent members of the Colledge of Justice till first thay be callit and thair reasouns heard whairby thay pleade immunitie frome contributing towards the payment of the ministers stipends of the said burgh.”

Fol. 261, b.

“ Forsameekle as the Lords of Secret Counsell ar informed that the walls about the Castell of Dumbartane ar become verie ruinous and decayed and great pairts thairof ar fallin doun sua that the said castell is not so fensible as the importance of suche a plaice requires, Thairfoir the saids Lords ordanis and requires Walter Murrey and Williame Wallace, his Majesteis maister maissoun, to make thair addresse to the said castell with all convenient diligence, and at thair comming to Dumbartane that thay in his Majesteis name require the Laird of Foulwod, Johne Sempill and Thomas Fallesdail, burgessis of Dumbartane, to accompanie thame to the said castell, and thair to sight and consider the hail defects in the walls thairof and of the bridge and passage betweene the craigs; and what charges the reparatioun of the same will necessarilie require, and to make ane repourt thairof in writt to the saids Lords. Commanding heereby the constable and keepers of the said castell to make the hous patent to the persouns foirsaid to the intent thay may sight and consider the defects of the said castell in maner foirsaid as the saids constable and keepers will answeere upoun thair obedience.”

“ The Lords of Secret Counsell nominats and appoints Thomas, Erle of Hadingtoun, Lord Privie Seale; Williame, Erle of Menteith; Erle of Wyntoun; Robert, Erle of Roxburgh; Johne, Lord Areskine; and Sir Archibald Achesoun, Secretarie, or so manie of thame as may attend to conveene and meete with suche of the Counsell of Warre as ar in toun in the Laich Counselhous of Edinburgh upoun Saturday nixt in the foirnoone and thair to consider and peruse the articles givin in be the burgh of Edinburgh tuiching the fortifeing of Leith, and after thay haive considerit and weyghed the consequence thairof to conferre with the toun of Edinburgh thairanent and upoun the meanes and maner of prosecutioun of the same.”

“ The Lords of Secret Counsell continewes all proceeding in the mater of the tannage and the consideratioun of the missives directit frome his Majestie to that effect untill the threttein day of December nixtocome, of the whilk continuatioun, Johne, Lord Areskine, and Johne M^cMath, deane of gild of Edinburgh, who compeered in name of the Burrowes, being both personallie present, ar wairned *apud acta*. Lykeas the said Johne M^cMath tooke the day foirsaid to give answeere to the saids missives.”

[Sederunt as recorded above.]

Complaint by David Arnot of Barkaipill, his Majesty's Chamberlain of Galloway and one of the steward-deputes of Kirkcudbright, as follows:— On 18th October last he had gone to the burgh of Kirkcudbright to a head court of the stewartry there to attend his Majesty's service, he being at that time admitted one of the depute stewards, and the small barons and freeholders being convened for electing commissioners to Parliaments and general councils for the following year in terms of his

Order to Walter Murray and William Wallace, his Majesty's master masons, to prepare a report of the ruinous state of Dumbarton Castle.

Nomination of Thomas, Earl of Haddington, and others, to consider the proposals made by the burgh of Edinburgh anent the fortification of Leith.

See ante, p. 125.

Anent the Tannage. See ante, p. 123.

Holyrood House, 27th November 1627.

Denunciation of Robert McLellan of Muretoun for assault on David Arnot, his Majesty's Chamberlain of Galloway in the Tolbooth of Kirkcudbright.

Majesty's letter, and the election being over and the clerk ordained to draw up a bond for payment of the said commissioners' expense, meanwhile word was brought to him while sitting on the bench that some defaulters in his Majesty's taxation were upon the streets, whereupon he went down and took order with them. But in returning to the Tolbooth for finishing the business in hand he met Robert McClellane of Muretoun on the Hie Streete, who having a private grudge against the complainer and thinking the opportunity favourable for executing it, thrust himself in before the complainer "at the yett of the passage leading in to the Tolbuith whair he thought he would gett his best advantage of the compleaner in regard of the narrowness of the said passage whilk dishaibled the said compleaner to defend himselfe, and after that the said compleaner had followed the said Robert in a certaine spaiace within the said passage he turnes him upoun the said compleaner with a long one-edged whingear or durk and most despytefullie straike at him diverse straiques or ever the compleaner wes awar of him, and gaive him a cruell and deadlie straike and wound in the left shoulder fyve inche deepe to the effusioun of his blood and perrell of his lyffe," and had slain him if the cries of the people had not brought out the noblemen and gentlemen then in the Tolbooth to his relief. The pursuer appearing and the defender not, the Lords ordain the latter to be denounced.

Decreta,
November
1627-January
1630.
Fol. 11, a.

Fol. 11, b.

Sir David
Hume of
Wedderburn.

On the supplication of Sir David Hume of Wedderburne stating that their lordships' warrant to him for coming to Edinburgh and dealing with the Commissioners for the Surrenders, as also for receiving their lordships' directions respecting the charge which he undertook in his Majesty's service, expires on the last of that instant month, and craving a necessary prorogation therefore until the said business be accomplished, the Lords prorogate his protection till 1st January next.

Supplication of
Patrick
Carkettill for
licence to
attend the
Commissioners
of Teinds.

On the supplication of Patrick Carkettill of Markle stating that he has the teinds of Castlehall, Skafintie, and Corsehous in the parish of Glencorce and barony of Wooderslie pertaining heritably to the Baron of Brouchtoun, and has also a tack of the teinds of Foulefoorde, pertaining heritably to himself, and also within that parish, and that he desires to deal with the Commissioners for the Surrenders regarding them, and the teinds of others of his lands in the sheriffdom of Edinburgh, now in possession of the Lord Halyrudhous, and craving their lordships' licence to come and attend the said Commissioners, the Lords grant him liberty for this end till 1st January next, and discharge all magistrates, &c. from arresting him.

Fol. 12, a.

Edinburgh,
27th November
1627.

Caution by
William Phine.

Caution by
Donald
McAngus of
Glengarrrie for
the Captain of
Clanranald.
See *ante*, p. 118.

Caution by William Phine in Leith in £100 that he will conform himself in buying and receiving his victual to the order prescribed in the Act of Parliament thereanent.—(Signed) William Phine.

Cautions,
1621-28.
Fol. 274, a.

Caution by Donald McAngus of Glencarrie and Lauchlane McClaine of Morvell, jointly and severally in 5000 merks, that John McDonald McAllan V'Ean of Ilantirum, Captain of the Clanranald, being released from his present ward in the Castle of Edinburgh, will keep ward in the

Cautions,
1621-23.
Fol. 274, a.

burgh of Edinburgh and in the Cannogait until released by the Lords of Council.—(Signed) Donald MakAnguss, L. M^cLaine of Morverne.

Caution by George Yuile, burges of Dysert, and Andrew Ranie, also burges there, jointly and severally in 300 merks, that Katherine Crystie, relict of Andrew Yuile in Dysert, will appear for her examination before the baillies, or the Kirk Session of Dysert or the Presbytery of Kirkaldie, in an accusation against her of witchcraft, whenever cited to that effect.—(Signed) A. Rannie, G. Yuill.

Caution by George Yule, burges of Dysart, and Andrew Raine, for Katharine Christie.

Sederunts,
1625-29.
Fol. 68, b.

“The quhilk day the Lord Arskene produceit a letter quhairby his Majestie willed the Counsell to tak tryall of the bussynes of the tanning, and to consider yf it be fitt to be prosequite, and yf not that the Lord Arskine be repayit of his losse. Quhilk letter being imparted to the deane of gild of Edinburgh to be advysed thairwith he tooke the xiiij day of December to gif ansuer thairto.”

Letter of his Majesty anent the tanning.
See *ante*, p. 123.

Commissions,
1624-30.
Fol. 150, a.

“To all and sindrie unto whome these presents sall be showne the Lords of the Privie Counsell wisheth health. Whairas ane shippe of Lubecque callit Sanct Laurence, laidnit with salt, being laitlie upoun her dew course frome Spaine toward the toun of Lubecque, she wes by contrarious winds drivin upoun the northwest iles of this kingdome whair she wes brokin and her whole laidning expoised to the injurie of the sea, the equippage of the shippe by the providence of God being preserved, and by favour of the commander of the iland whair thay susteained shipwracke thay wer sent heere to the burgh of Edinburgh. And whairas now they ar to make thair addresse home as they may best find the commoditie of passage, these ar thairfoir to will yow and every ane of yow whome these presents doe concerne to assist thir poore strangers whose names followes, to witt, Peter Young, skippar; Immanuell Augustine, wrytter; Nicolas Lusk, steersman; Marcus Lusk, his sonne; Nicolas Schould; Jacob Carstens, Otto Purbeck, George Diderick, Laurence Peirsoun, Marcus Braint, Hans Stode, Castine Steding, all mariners, and Hans Fritz, cuike of the said shippe, and to minister unto thame suche necessars as thay stand in neid of, thay behaving thameselfes modestlie and peaceable as becometh thame. Givin at Halyruidhous, the twentie eight day of November, 1627. *Sic subscribitur*, Geo. Cancell., Marr, Hadintoun, Linlithgow, Wintoun, Ad. B. of Dunblane, Naper.”

Holyrood House, 28th November, 1627.
Letter of Council desiring assistance for the crew of a Lübeck vessel which had been shipwrecked on the western islands.
See *ante*, p. 131.

Acts March
1625-January
1628.
Fol. 261, b.

Sederunt.—Chancellor; Treasurer; Lord Privy Seal; Menteth; Nithisdail; Wyntoun; Linlithgow; Lauderdaill; Bishop of Dumblane; Lord Areskine; Lord Naper; Master of Jedburgh; Sir Archibald Achesoun, Secretary; Clerk of Register; Advocate; Sir Johne Scot.

Holyrood House, 29th November 1627.

“Forsameekle as it is understand to the Lords of Privie Counsell that

Charge to John Dundas

of Nowliston and his son on the one part, and to Philip Whitehead and his son and son-in-law on the other, to keep the peace.

thair is great appearance of trouble lyke to fall out betuixt Johne Dundas of Newlistoun and Dundas, his sonne, on the one pairt, and Philpe Quhytheid of Park, Mr. Quhytheid, his sonne, and Schaw, his sonne in law, on the uther pairt, whilk will procure the disturbance of his Majesteis peace and disquet of the countrie without remeid be provydit; Thairfoir ordanis letters to be direct chairging the saids pairteis to compeir personallie before the saids Lords upoun the saxt day of December nixtcome to underly suche ordour as sall be taine with thame tuiching the observatioun of his Majesteis peace and keeping of good rule and quyetnes in the countrie under the paine of rebellious, etc., with certificatioun, etc."

Acta March
1625-January
1628.
Fol. 262, a.

Allowance to Alexander Robertson, Jesuit, for his sustenance while a prisoner in the Tolbooth of Edinburgh.
See *ante*, p. 132.

"Forsameekle as Alexander Robertsoun, jesuit, hes beene prisoner within the Tolbuith of Edinburgh since the twentie day of September last, and whairas by diverse petitionis givin in be him to the Lords of Secreit Counsell he hes heavilie regraited the want of meanes to interteane him in waird and to satisfie his bypast charges thairin; and seing it agrees not with Christiane charitie to suffer him to starve for hunger, he being hiß Majesteis prisoner; Thairfoir the saids Lords allowes unto him the sowme of threttein shillings foure penneis daylie fra the said twentie day of September last inclusive and in tyme coming duiring his remaining in the said waird to be payit to him daylie be his Majesteis Thesaurar and Deputie Thesaurar and the ressaivers of his Majesteis rents, whome the saids Lords ordanis to make payment to him of the said sowme, anent the payment whairof the extract of this act with the said Alexander Robertsoun his acquittance sall be unto thame ane warrand."

Holyrood House, 29th November 1627.
Protection to the Captain of Clanranald.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 12, b.

On the supplication of John Mc'Donnald Mc'Allan V'Ean of Ilantirum, Captain of the Clanranald, stating that he had lately come to Edinburgh to give their lordships an account of his proceedings in a charge undertaken by him for his Majesty's service and is presently waiting for his dispatch and craving their protection against the execution of civil hornings against his person, the Lords grant the same, and discharge the sheriff of Edinburgh and his deputes, the provost and bailies of Edinburgh, and all others from arresting him until 15th December next.

Holyrood House, 29th November 1627.
Charge to the Earl of Nithsdale and others, Commissioners of the Middle Shires, to take measures for the prevention

"The Lords of Secreit Counsell, haiving heard of the great disordours and thifts committit of lait within the bounds of the Middle shyres and how that numbers of fugitives who formerlie abandonned and left the countrie ar now returned and hes ane publict and avowed resset within the same, and that the peace and quietnesse of these bounds is lyke to be disturbed to the hurt and greeffe of his Majesteis good subjects without remeid be provydit; Thairfoir the saids Lords recommends to the Erles of Angus and Nithisdail, the Maister of Jedburgh and Laird of

Borders,
1603-43.
Fol. 91, b.

Fol. 92, a.

Borders,
1603-43.
Fol. 92, a.

Lag, foure of the commissioners of the Middleshyres, who wer personallie present, that thay conveene suche uthers commissioners of the Middleshyres and barons and gentlemen within the same as ar in this toun, and that thay informe thameselfes of the disordours arissin of lait within these bounds and of the stouthes and reaffes committit within the same and of the resort and ressett of fugitives thairin, and that thay resolve upoun some course how the forder growth of these disordours may be prevented and suppressed, and the offenders punished, and that thay report to the saids Lords upoun Tuisday nixt the fourth of December what thay find meete to be done heerin."

of further
disorders
within their
bounds.

Sederunte,
1625-29.
Fol. 69, b.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Johnne M'Donald M'Allane V^cEane of Ilantyrum, Capitane of the Clanrannald, and promiseit upoun his honnour and credite and thairwithall actit and oblist him that he sall in all tyme comeing behave himself as ane peceable and goode subject to his Majestie; that he sall use his best cair and endevoiris within his boundis to see God honnoured and his Majestie and his lawis obeyit, the resoirt and ressett of Jesuitis and preistis restrained, and the ministeris cherished and intertenyed [added on the margin], that he sall not heir messe nor suffer it to be said in his boundis under the pane of x^m merkis incaise he failyie in ony point of the premissis. Inrespect wherof the Lordis grantis libertie to the Capitane to pas home at his pleasour and relevis the Laird of Glengarrie and Lauchlane M'Clayne his cautionaris of thair oblisment for his keeping of warde within the burgh of Edinburgh and the Cannogait, and ordanis the Capitane to remayne in the toun till Mononday come aught dayis, and in the meantyme to meete and confer with the Bishop of Dumblane and suche otheris as he sall appoint quhairby he may be instructed in the trew religioun and ressave resolution of his doubtis and scruplis thairin."

Liberty
granted to the
Captain of the
Clanrannald to
pass home on
his pledge to
behave as a
peaceable and
good subject.

Royal Letters,
1624-32.
Fol. 119, a.

"Most sacred Soverane, In obedience of your Majesteis letter of the nynteinth of September delyverit unto us by the commissioners of the Burrowes upoun the twentie twa of this instant, requyring the surcease of the exacting of the fynes of all penall statuts untill your Majesteis pleasure thairin be further knawin, we haive givin ordour for respetting the saids fynes accordinglie. Bot least the manie and frequent contraveners of suche statuts sould conceave opinioun or hope of absolute impunitie or licence to transgresse these your Majesteis lawes and statuts made by your Majesteis most noble progenitours and States of Parliament for the generall good of the whole kingdome and the particular increase of the casualiteis of the Crowne, we haive thairfoir thought meete humble to represent unto your Majesteis royall consideration that in the last Parliament when as the then bypast of all uther penall statutes wes gratiouslie released and dischargit at the humble sute of your Majesteis subjects, yitt these wer ever excepted which wer enacted for the publick good against the wearers of hacquebutts and pistoletts, exor-

Highrood
House, 29th
November
1627.

Letter to his
Majesty
representing
that if the
exaction of the
fines of certain
specified penal
statutes should
cease it would
tend to shake
the whole
frame of the
government.

bitant usurie, exportatioun of gold and silver, slaying of rid and blacke ^{Royal Letters, 1623-32.} ^{Fol. 119, a.} fishe; with which we also humblie recommend unto your Majesteis royall consideratioun the laudable lait Acts of Parliament and Stait made against the transportatioun of nolt and sheepe and uther forbiddin goods, concealing of your Majesteis customes and lent moneyes, to the prejudice of your Majesteis extraordinar taxatioun, and against the exacting of a peck to the boll of sauld victuall, and importing and selling of forraine drinking beir at a farre higher rait then is sett down in the Acts made thairanent and farre abone the pryces of better drinking beir made at home within the kingdome concerning all which our humble opinioun unto your Majestie is that if the offenders against the Acts sall not fra tyme to tyme be persewed and in some measure punished, the hoip of impunitie will in a short tyme shaik louse the whole frame of the Governement of this kingdome and the habituall custome of offending without punishment will breede obstinacie against all future reformatioun of suche disordours, and your Majestie will ressaive great prejudice in your rents and casualities, and your most dewtifull subjects will suffer irreparable losse; all which we doe humblie leave unto your Majesteis awin incomparable judgement and princelie directioun, which we in all humilitie expect and sall ever reverence and obey as becometh. Halyrudhous, 29th of November, 1628. *Sic subscribitur*, Dupline, Marr, Hadinton, Menteith, Nithisdail, Wintoun, Linlithgow, Lauderdaill, Ad. B. of Dumblane, Naper, Arch. Achesone."

Holyrood House, 29th November 1627. Summons to all the Councillors to be present at the sederunt of the 11th of December next.

"After our verie heartilie commendatiouns, Whairas thair hes beene ^{Fol. 119, b.} ane bussines moved at the Counsell table highlie concerning his Majesteis service which for the better forderance thairof requires your presence and hearing, these ar thairfoir to will and require yow that yow faile not, all excuissis sett aside, to make your addresse heere against the ellevint day of December nixt to the intent yow may give your best advice in the maters than to be propouned and ressaive your directiouns thairanent accordinglie. And so, looking for your precise keeping of this dyet, we committ yow to God. Frome Halyruidhous the twentie nyne of November, 1627. *Sic subscribitur*, Hadintoun, etc."

Holyrood House, 30th November 1627. Recognition of Sir Donald Gorme's hospitable action towards the crew of the Lübeck vessel shipwrecked on his coast. See ante, p. 131.

"After our verie heartilie commendatiouns, Haiving heard frome the poore straingers of Lubecque who wer laitlie shipbrokin on your coast how kyndelie and courteouslie thay wer used be yow not onlie by withstanding and resisting the injurie of the countrie people, who ar ever readie to make unlawfull advantages of suche occasiouns, bot by assisting of thair convoy and addresse heere and furnishing of thame with necessars for thair interteanement in thair heere comming, we can not forbear to rander unto yow heartie thanks, acknowledging that as yow haive done that whilk becomes a gentleman of honnour and credite in suche a caise to doe, so we will keepe the same in a thankfull remembrance at all interveening occasiouns of your adoes; and we ar certane

Royal Letters, 1623-32, Fol. 119, b. that the straingers thameselfes will make a worthie report of your behaviour and charge at thair hame comming. And so committing yow to the protection of God, we rest. Frome Halyruidhous the last day of November 1627. *Sic subscribitur*, Geo. Cancell., Hadinton, Menteith, Wintoun, Roxburgh, Lauderdaill, Arch. Acheson."

Minute Book, 1594-31, Fol. 80, b. The *Minute Book of Processes* gives the following Memoranda collectively for the month of November 1627.

Suspensione: Dunbar of Pankill against Tulloch.

Act of Cautione: Keneth M^cKenze for appearance of M^cKenze, Archdean of Rosse.

Supplicatione: Hary Buchanan to be putt to libertie.

Complaint for falshood: Sir Johne Scott, Directour, against William Fergusone, his servand.

Act dispensing with the neglect of not giving up the inventar of moneyes that payes taxatione at the particular dyett appointed be the Estaites.

F.4. 81, a. Complaint of roberie: Adman Herring and otheris, merchands of Amsterdam, against inhabitants within Zetland, etc.

Precognition against Dundas of Newlistoun and Whytheid of Park.

Act ordaining 13s. 4d. to be payed be the Thesaurar daylie to Alexander Robison, jesuit, for aliement, etc.

Ryott: Arnot of Barncaple against M^cClellan of Muirtoun.

Act ordaining the Thesaurar to pay to the master of ane ship of Lubik, who by stresse of weather wes casten upon the North Illes, 100 merks to assist them in ther journey home.

Supplicatione: Lyon King at Arnes for payment of 250 merks be all Viscounts to be created. Granted.

Protectione for Jon M^cDonald VicEan of Ilantirum.

Proces: Jean Knowes against the Sessione of Leith for intertaining of ane infant found in her closse.

Proces of contraventione of intercomouning: Peter Reid against Hog in the Potterraw, etc.

Ryott: William Duncan against David Smith.

Letters for denouncing M^cBrair, etc., papists for not appearance.

Ryott and wearing of pistolls: Mr Robert Peibles against Jon Dick, etc.

Protectione for Hoome of Bassindean.

Protectione for Hoome of Hardismilne.

Letters to charge the justices of peace of Edinburgh to tak tryall of the qualitie and number of fensible persones within ther bounds.

Warrant to the Lyon to make a perfect book of arnes.

Protectione for Hamiltoun of Samuelstoun.

Proces for exporting tallon: Advocat against Carmichaell, etc.

Severall Actes anent the levieing of sojours for Denmark.

Holyrood
House, 4th
December
1627.

Hadintoun, preses ; Menteith ; Nithisdail ; Roxburgh ; Lauderdale ; Decreta,
Bishop of Dunblane ; Melvill ; Carnegie ; Naper ; Master of 1627-January
Jedburgh ; Secretary ; Clerk of Register ; Tracquair ; Sir 1630.
Johnne Scot. Fol. 12, b.

Complaint of
John Maxwell
of Gararie
against George
Maxwell, the
complainer's
son, and
others, for
violence done
to his person
and estate.

Complaint by John Maxwell of Gararie, as follows:—In January 1626, George Maxwell, the complainer's son, John Maxwell, John Maxwell in Laroche and Patrick Quhyte, all his servants, with others, came to his dwelling house in Gararie, armed with "swords, lang staves, battouns, forkes, durkes, whingears," etc., and by way of hamesuckin, the complainer being in his bed, broke up the door of the chamber where he was lying "with ane great syle [rafter] of ane hous," and making violent entry therein wounded the complainer in divers parts of his body to the great effusion of his blood, "and tooke his hors over his bellie, which was standing beyond him in the chamber whair he lay." Further they broke up the door of another chamber where the complainer's son, James Maxwell, was lying and similarly wounded him, and had killed him, but for "the providence of God and helpe of his mother and sister." Moreover in 162, the said George Maxwell and his "complices" "most barbarouslie and unnaturallie unbesett the said compleaner his father whill he wes on his journey toward the burgh of Edinburgh for doing his lawfull effaires, and chassit him be the spaice of fourtein myles" so that for safety he had to betake himself to the house of Mathirmoir around which they lay Fol. 13, a. in wait for three days and would suffer neither meat nor drink to be brought to the complainer so that he almost perished for want. For fear of them for the last six years he dare not repair to his own dwelling house nor meddle with any part of his living; they have laid some of his lands waste, and compelled the tenants to remove for fear of their lives; yea "without all feare of God or respect and comiseratioun to the said compleaner his father and mother hes most barbarouslie tirred [unroofed] the hous whairin thay dwelt and hes demolished and cast down the same, quhairthrow he hes most unnaturallie redacted his parents foirsaid unto extreme necessitie and want and to exceding great miserie." The pursuer compearing but none of the defenders, the Lords ordain them to be put to the horn.

Charge to
certain persons
in Dunfermline
to refund
moneys lent to
them on the
destruction of
their property
by the late fire
in the said
burgh.
See Vol. XV.

Complaint by the Commissioners appointed by the Council for collect- Fol. 13, b.
ing and distributing the voluntary contribution for supplying the
distresses and losses of the inhabitants of the burgh of Dunfermline by
the "lait fearefull fire," as follows:—In the distribution the persons
afternamed "for the more speedie enhabling of thame in the reedifeing
and repairing of thair housis whilk wer brunt unto thame," received,
some in timber and others in money, the amounts placed after their
names, more than their losses valued to, on condition of redelivery for
distribution to others—viz., James Carnes, £8; William Thomson,

Decreta,
November
1627-January
1630.
Fol. 13, b.

£36 6s. 8d.; Andro Meiklejohn, £66 13s. 4d.; John Wardlaw, 4s.; James Millar, 5s. 4d.; Robert Whyte, 13s. 4d.; John Huttoun, £5; Marjorie Steill, £5 8s. 8d.; Laurence Huttoun, £35 3s. 4d.; James Kinghorne, £307 12s. 8d.; Henrie Douglas, 23s. 4d.; Mr. William Dagleische, £236 2s.; David Crystie, £28 12s. 4d.; Elspett Naismith, £11 18s. 8d.; Malcolm Cowell, 15s. 8d.; David Walker, 42s.; Robert Kirk, £46 16s. 6d.; John Feg, £14 6s. 8d.; James Huttoun, £101 15s.; John Wilsoun, mealmaker, £3 17s.; Robert Quhitet, 6s. 8d.; Alexander Lamb, 13s. 4d.; John Young, 10s.; James Ker, £9; Laurence Huttoun, weaver, £5 4s. 8d.; Thomas Mudie, £3; Henrie Turnbull, 40s.; Effie Phillane, £3 10s.; Jonnet Lauchlane, 18s. 8d.; James Littlejohn, £12 4s. 10d.; James Hendersoun, 35s. 4d.; Jonnet Kennedie, £101 3s. 4d.; Adam Walwod, £80 3s. 4d.; William Walwode, baker, £9; David Strang, 40s.; Charles Richartson, £51 17s.; Robert Andersoun, £23 18s.; and Peter Law, £398 15s. Moreover Robert Aitkine and James Rid, being intrusted by the complainers with the distribution of certain timber among the said distressed inhabitants, have sold thereof to various persons to the value of £430 19s. 10d., of which they have rendered no account; and Androw Murrey in Lymkills has bought and taken to do with six great "timber jeasts," worth 33s. 4d. each, which the complainers provided for their neighbours foresaid. All the above persons though often required thereto, will make no payment unless compelled. The pursuers appearing by their procurator, Robert Stirk, but none of the defenders, the Lords ordain letters to be issued charging them to make payment of their said debts within six days, and failing thereof, to denounce and escheat, and order is given that the said letters be reported within fifteen days.

Fol. 14, a.

Cautions,
1621-23.
Fol. 274, b.

Caution by John Walker of Meikle Creichie, in 100 merks, that John Fraser of Elrig will deliver to Patrik Strauchane, brother to the Laird of Glenkindie, as good a sword as that which was taken from him in a trouble that fell out between him and the said John Fraser, or else the value thereof, which shall be ascertained by his oath of verity. Letters of horning had been issued for this effect against John Fraser, suspension of which has been granted to 20th January and parties warned to the 10th January next.—(Signed) J. Walcar w^t my hand.

Edinburgh,
4th December
1627.

Caution by
John Walker
of Meikle
Creichie for
John Fraser of
Elrig.

Borders,
1629-33.
Fol. 92, a.

"The Lords ordanis ane maissier to pas and wairne suche of the Commissioners for the Middleshyres; as ar in the toun to compeir before the Counsell upoun Thursday nixt the saxt of this instant to report thair advice and opinioun tuiching the repressing of the disordours and thifts committit in the Middleshyres and that suche as ar not in the toun be writtin for to be heere upoun the eightein day of December instant to the effect abonewrittin and to accept the commissioun upoun thame and to give thair oath. Followes the missive:—After our verie heartilie commendationis. We ar informed of manie great disordours and thifts committit of lait within the bounds of the Middleshyres, and that

Holyrood
House, 4th
December
1627.

Charge to the
Commissioners
of the Middle
Shires to
appear before
the Council on
the 6th of
December for
the considera-
tion of the
present dis-
orders within
their bounds.

See ante, p. 138.

numbers of fugitives who formerlie abandouned and left the countrie ar now upoun hope of impunitie returned and hes ane publict and avowed ressett within the same; quhilk disordours be all appearance will grow to ane greater hight to the disturbance of the good and happie peace whilk by the caire of his Majesteis officiars who formerlie had the charge of these bounds wes established within the same, if some present course be not taine to prevent the same. For whilk purpose thair is ane meeting of the whole commissioners appointed to be heere at Halyruidhouse upoun the eightein day of December instant, to the intent some course may be taine for punishing of the present offenders and preventing of the lyke in tyme comming. And yow being one of this number, these ar thairfoir to requiest and desire yow to keepe this dyet preciselie, quhilk looking assuredlie yow will doe we commit yow to God. Frome Halyruidhouse the fyft day of December 1627."

Borders,
1603-43.
Fol. 92, a.

Holyrood
House, 6th
December
1627.

Sederunt.—Treasurer; Privy Seal; Menteith; Nithisdail; Lyn-lythgow; Lauderdaill; Bishop of Dunblane; Lord Arskene; Lord Melvill; Lord Carnegie; Lord Naper; Master of Jedburgh; Secretary; Clerk of Register; Advocate; Tracquair; Sir Johne Scott.

Decreta,
November
1627-January
1630.
Fol. 14, b.

Complaint by Mr. James Stewart of Ladywell, Commissary of Dunkeld, and John Burgh, messenger, as follows:—John Burgh being employed to apprehend Malcolme Burgh, son and heir apparent and successor to the deceased William Burgh at the Mill of Auld Clunie, who had been denounced at the instance of the said Commissary for debt, and having on 11th November last gone to the said lands, apprehended the said Malcolm, and brought him to the nearest prison for detention till he were freed from his horning, David Murrey, son to the deceased William, Earl of Tullibairdin, with James Brimmer, servitor to John, Earl of Athole, Andrew Oyne, John Blair, John Dow M^cInrossiche, M^cOneilglas, servitour to Robert Stewart of Toldamff, and others, all armed, came to the said messenger and his witnesses, set upon them, and wounded them to the effusion of their blood; and also "violentlie strake and dang thame frome the said rebell and caried him away," thus deforcing the messenger in the execution of his office. The said Mr. James Stewart, pursuer, appearing, but none of the defenders, the Lords ordain them to be denounced rebels and escheat.

Complaint by
Mr. James
Stewart, Com-
missary of
Dunkeld, of
violence done
to John Burgh,
messenger, in
the execution
of his duty, by
David Murray,
son of the
deceased Earl
of Tullibardine,
and others.

Charge to
Katharine
Christie in
Dysart,
accused of
witchcraft, to
find caution in
£1000 that she
will appear for
trial when
lawfully
summoned.
See *ante*, p. 135.

Complaint by Katharine Crystie, relict of Andrew Yuile in Dysert, as follows:—Some "malicious and invyfull persouns, her unfreinds," have lately delated her to their lordships as guilty of witchcraft and purchased a commission to the bailies of Dysart for apprehending and warding her in their Tolbooth till her trial, which they intend to execute and so "bring her name in questioun wrangouslie." She is and ever has been known as an honest woman, and when the report of witchcraft was first

Fol. 15, a.

Decreta,
November
1627-January
1630.
Fol. 15, a.

raised upon her by David Clerk, mariner in Dysart, she summoned him before the presbytery of Kirkaldie, who caused Mr. William Nairn, minister of Dysert, Mr. John Gillespie, minister at Kirkaldie, and Mr. John Tullos, minister at the Weymes, with the concurrence of the session of Dysert, take cognizance of the affair, and they after narrow examination found her innocent, and ordained the said David Clerk to acknowledge his offence before the session "and to testify that he knowes nor knew nothing of her bot honestie" as an act made thereon bears. And because the complainer followed out this matter before the presbytery, the said David and his friends within the said burgh, namely, Alexander Simsoun, bailie, his cousin german, Mr. William Spittill, one of the ministers, who has married the said Alexander Simsoun's sister's daughter, and the most part of the council, have conceived a hatred and malice against her, and have endeavoured to hold her under suspicion of the said crime "notwithstanding that the hail persouns brunt in the burgh of Dysert for witches the tyme of thair executioun and before declared her to be free and innocent of all consulting or practising with thame or assisting or accompaneing of thame in anie of thair meetings." To free herself from imprisonment she hes found caution in the books of Privy Council to compear for examination when required, either before the bailies of Dysert, the kirk-session of that burgh, "the presbytery of the burgh of Kirkaldie," or his Majesty's Justice, and craves suspension of the said commission. The pursuer appearing by Mr. Robert Burnet, her advocate, and George Yuile, her son, and there being also present the said Mr. William Spittill, purchaser of the commission, and David Crystie and Alexander Simsoun, bailies of Dysert, to whom the commission is granted, the Lords, after hearing parties, find it expedient that the trial of the said Katharine Crystie take place before his Majesty's Justice and his deputes in the Tolbooth of Edinburgh, and ordain her to find caution in £1000 in the Books of Adjournall that she will appear to her trial when lawfully charged, and they suspend the commission aforesaid.

Fol. 15, b.

Borders,
1623-43.
Fol. 92, b.

"The whilk day in presence of the Lords of Secreit Counsell compeerit personallie William, Erle of Angus, Robert, Erle of Nithisdail, Androw, Maister of Jedburgh, Sir Johne Stewart of Tracquair, Sir William Setoun, knight, and Sir William Greir of Lag, and declared that thay had mett, conferred and considerit of the caussis of the disordours and thifts committit of lait within the Middle Schyres and that the caus thair of as thay conceave proceeds from the discontinuance of holding of Courts and keeping of the ordinarie meetings with the Commissioners on the English side and from the uncontrolled libertie whilk these lymmaris hes taine to pas to and fra Ireland at thair pleasure and to flee in to England without challenge; and that for repressing of these disordours it wer requisite that Justice Courts sould be haldin at some certane dyets to be appointit to that effect; and that the Commissioners

Holyrood
House, 6th
December
1627.

Report of the
Commissioners
of the Middle
Shires anont
the causes of
the disorders
within their
bounds.

See ante, p. 141.

who are absent sould be writtin for to the auchtein of this instant ; and that ane meeting sould be urged with the Commissioners on the English side ; and that some persouns be appointed to restraine the transport of unlawfull persouns and goods to and fra Ireland. The Commissioners present ar wairned *apud acta* to attend the said auchtein day. The Lords ordanis that the ordour prescryvit for restraining the transport to and fra Ireland be produced upoun Tuisday, togidder with the course sett doun for delyverie of malefactouris on the Scottish and English side." Borders,
1603-45.
Fol. 92, b.

Edinburgh,
7th December
1627.
Caution by
John Houstoun
of Skelpie for
John Dundas
of Newlistoun.
See *ante*, p. 135.
Caution by
William
Hamilton for
David Dundas.

Caution by John Houstoun of Skelpie that John Dundas of Newlistoun will not molest Philpie Quhitehead of Park, and Mr. James Quhitehead, his son, nor their families, tenants, etc., the former in 3000 merks, and the latter in 1000 merks ; with clause of relief.—(Signed) J. Houstoun of Skelpie, J. Dundass of Newlistoun. Cautions
1621-28.
Fol. 274, b.

Caution by William Hammiltoun, bailie of Linlithgow, in 1000 merks, for David Dundas, son to the said John Dundas of Newlistoun, to the same effect ; with clause of relief.—(Signed) W. Hamilton, David Dundas. Fol. 275, a.

Caution by
Andrew
McConnell,
burgess of
Stranraer, for
John
McConnell, his
son.

Mr. John Paip, younger, advocate, as procurator for the cautioner, registers a bond of caution by Andro McConneil, merchant burgess of Stranrawer, in 500 merks, that John McConneil, son to Andro McConneil, burgess of Stranrawer, being released from his present ward in the tolbooth of Edinburgh, which he has entered for obedience of letters of horning at the instance of the provost and bailies of Stranrawer, will appear before the Lords of Council on 15th January next, and answer to their complaint of his insolence against Thomas Adair, a bailie of the said burgh, and breaking of his ward in their tolbooth ; and that he will pay £20 for his escheat. The bond is dated at Air, 29th November 1627, witnesses, Robert Dyet, smith, and William Smith, servitor to David Richart in Air. The cautioner signs by Andrew Gray, notary.

Caution by
Alexander
Bruce of
Kincavel and
Alexander
Bruce of
Bangour, for
Philip White-
head of Park.

Caution by Mr. Alexander Bruce of Kinkevill and Alexander Bruce of Bangour, jointly and severally, for Philpie Quhithead of Park, not to molest John Dundas of Newlistoun, and David Dundas, his son, nor their families, tenants, etc., the former in 2000 merks and the latter in 1000 merks. With clause of relief.—(Signed) A. Brusse off Kinkawill, A. Bruce of Bangour, P. Quhythead. Fol. 275, b.

Caution for
Mr. James
Whitehead.

Caution by the same in 1000 merks for Mr. James Quhithead, son to Philpie Quhithead of Park, to the same effect. With clause of relief. Signatures of cautioners repeated and J. Whythead. Fol. 276, a.

Holyrood
House, 11th
December
1627.

Sederunt.—Treasurer ; Hadintoun, Lord Privy Seal ; Nithisdail ; Wyntoun ; Linlithgow ; Roxburgh ; Bugcleuche ; Lauder-
dail ; Bishop of Dumblane ; Lord Areskine ; Melvill ;
Carnegie ; Naper ; Master of Jedburgh ; Sir Archibald Acta March
1625-January
1628.
Fol. 262, a.

Acta March
1625-January
1628.
Fol. 262, a.

Achesoun; Secretary; Advocate; Clerk of Register; Tracquair;
Sir Johne Scot.

“Forsameekle as the Lords of Secreit Counsell ar informed that thair hes beene great convocatioun of lait betuix James, Lord of Desfoorde, and Alexander, Maister of Desfoorde, on the ane pairt, and Sir George Ogilvie of Bamff, on the uthar pairt, who under a pretendit collour of keeping of a weapounshawing not onelie gave wairning to thair whole freinds and suche as wald doe for thame within the shirefdome whair thay dwelt bot to uthers barons and gentlemen in the nixt adjacent shirefdomes who war not subject to these weapounshawings to accompanie and assist thame at the same; and wer not by the power and authoritie of his Majesteis ordinar officiar and judge of these pairts thair pryde and insolence had beene prevented and resisted some great inconvenients had not failed to have fallin out to the break of his Majesteis peace and disquetting of that pairt of the kingdome, highlie to his Majesteis offence and disgraice of his governement; Thairfoir the Lords of Secreit Counsell ordanis letters to be direct chairging the saids pairteis to compeir personallie before the saids Lords upoun the twentie twa day of Januar nixtocome to underly suche ordour as sall be taine with thame tuiching the observatioun of his Majesteis peace and keeping of good rule and quyetnes in the countrie, under the paine of rebellious and putting of thame to the horne, with certificatioun, etc.; and in the meane tyme to command thame to observe his Majesteis peace and to keepe good rule and quyetnes eache with others, and that nane of thame presoom nor taik upoun hand to invade, molest, harme, trouble nor persew ane another for whatsomever dead, caus or occasioun otherwayes nor be ordour of law and justice under the paines following, viz., the said James, Lord of Desfoord, under the paine of ten thowsand pundis, and the said Alexander, Maister of Desfoorde, under the paine of fyve thowsand merkes; and the said Sir George Ogilvie of Bamff under the paine of ten thowsand merkes; certifeing thame and anie of thame that does in the contrair that thay sall be decerned to have incurred and to incurre the paines respective forsaidis, and letters and executorialis sall be direct aganis thame for payment thairof in forme as effeirs.”

“The whilk day the missive letter underwritten, signed be the Kings Majestie, wes presentit to the Lords of Secreit Counsell, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weil. Understanding how muche it may importe the good of that our kingdome in these troublesome tymes that blockehoussis be builded in the most necessarie plaices for defending the roades, harbours and coasts thairof, as lykewayes that all our subjects sould be trained in militarie discipline, and that some store of armes thought to be most

Charge to James, Lord of Deskford, and Alexander, Master of Deskford, on the one part, and to Sir George Ogilvie, on the other, to appear before the Council on the 22nd of January following, and that meanwhile they keep good rule and quietness with each other.

Letter from his Majesty desiring the erection and furnishing of block-houses for the defence of the kingdom.

necessarie sould be provydit, our pleasure is that yow seriouslie consider heerof and of the meanes and wayes how the same may best be done according to the estate of the tyme. And whair yow sall find that our authoritie or other lawfull helpes that can flowe frome us in advancing these purposes will be fitt to be used, upoun your report backe thairof unto us we will be cairfull to proceede thairin for the favour and goode of our said kingdome as we by your advice sall thinke most expedient. So we bid you fairweill. Frome our Court at Whitehall the 23 of November, 1627. Whilk letter being read, heard, and considerit be the saids Lords, thay remittit the consideratioun thairof to the Counsell of Warre who ar to reporte thair opiniouns concerning the said letter to his Majesteis Counsell upoun Thursday nixt."

Acta March
1625-January
1628.
Fol. 262, b.

Fol. 263, a.

Charge to certain coal-owners to appear before the Council for their neglect to uplift the duties on coals lately imposed by Act of Council.
See ante, p. 72.

" Forsameekle as the Lords of Secreit Counsell haiving upoun verie considerable and good grounds importing the honnour, strenth and saulfetie of this kingdome found it meete and expedient that blockehoussis and forts sould be bigged in suche convenient pairts on the water of Forth whair thair is anie appearance of danger; and for the better advancement and furtherance of this bussines and defraying a part of the charges that thc same would necessarilie require, the saids Lords haiving imposit the sowme of twa shillings money upoun everie twne of coale and twa shillings money upoun everie twn of salt that sould be transportit furth of this kingdome at anie tyme after the dait of the Act made to this effect, whilk wes the 18 of September last, frome the water of Forth on both sides thairof betuix the Bridge of Stirline and Beruick, outhere be strangers or the subjects of the kingdome. The saids Lords lykeweyes appointit and ordained this impost and dewtie to be upliftit be the maisters and awners of the coaleheuches and saltpannes by whome the said coale and salt sall be sauld or transportit to be sauld, and that thay sall be answerable and comptable thairfoir to his Majesteis Counsell quarterlie by making of a cleere compt of everie shippe and veschell whairin anie coale or salt sall be transportit and of what port, birth and burdein everie such shippe is and what is her laidning, and that accordinglie thay sall make payment of the impost and dewtie foirsaid to the saids Lords or suche as thay sould appoint to ressave the same as the Act made to this effect beares; Quhairof altho lawfull publicatioun hes beene made sua that nane with reasoun can pretend ignorance thairof and that accordinglie Mr. Alexander Hamiltoun of Kinglas, Alexander Bruice and John Adie in Caribdin, maisters and awners of the coale and salt pannes of [], Alexander Guidlet, chalmerlane and greeve to the Erle of Linlithgow of his coaleheuches and saltpannes of Airth; Alexander Schaw of Saquhy, of the coale heuche thairof; George Bruice of Carnock, maister of the saltpannes of Culrosse and Kincairdin; Blacadder of Tulliallan, awner of the coaleheuches and pannes thairof; Margaret Forbes, Ladie Torrie, present possessour and awner of the coale and salt pannes thairof;

Acts March
1625-January
1628.
Fol. 263, a.

Sir Johne Weymes of that Ilk and Sir George Hammiltoun of Blaikburne, awners of the coaleheuches and saltpannes of Dysert and Weymes; George, Erle of Wyntoun, Samwell Johnstoun of Elphingstoun, Sir Johne Hammiltoun of Prestoun, Robert Hammiltoun, his brother,

Fol. 263 b.

Fawsyde of that Ilke, and Mr. Simeoun Ramsay of Quhythill, maisters and awners of the coaleheuches and saltpannes within thair bounds, wer chargit to have a speciall care of the uplifting of the dewtie foirsaid, and to make honnest and cleere compt thair of; neverthelesse the saids Lords hes not as yitt heard of anie diligence done be thame heerin, sua that this mater whilk imports the countrie so neerelie is lyke to be neglectit and slighted without remeid be provydit; Thairfoir the saids Lords ordains letters to be direct charging the persouns particularlie abonewritten to compeer personallie befor the saids Lords upoun the tent day of Januar to give ane accompt of thair diligence done in the mater foirsaid, and to underly suche forder ordour as sall be taine thairanent, under the paine of rebelloun, etc., with certificatioun, etc."

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 16, a.

Complaint by John Birsbane of Bishoptoun, as follows:—According to his infetments and securities, the lands and castle of Stanelie belong to him heritably, yet Hew, Lord Sempill, sheriff of Renfrew, under colour of an alleged warrant from their lordships for taking and keeping the said house during the alleged rebellion and disobedience of the Laird of Stanelie, detains the same, and refuses delivery. It is against the common course of justice that the rebellion of the Laird of Stainlie should infer injury to the complainer, his Majesty's lawful and obedient subject. The pursuer appearing by Hew Peebles, agent, as procurator, and the defender not appearing, the Lords ordain charge to be issued to the said Lord Sempill to render the castle to the complainer.

Fol. 16, b.

In the complaint by Colonel James Sinclair against Captain John Innes of Crombie and John, Lord of Balmerinloch, his cautioner, for not performing his agreement to raise and transport 240 men into Germany for the service of the King of Denmark, Captain Innes having received his preferment and a sum of £240 Sterling for that end from the said Colonel, and all parties being present, the said Captain Innes replied that he had "dewtiffullie and tymouslie fulfilled the first pairt of the said band and covenannt toucheing the leveying of the number of men abonewrittin, and that he had the same in readinesse to haive bene transportit about the midds of September last," and he verified this by producing a letter from Colonel Sinclair to Lord Balmerinloch dated 21st September last, and bearing that the writer had been in the north and had seen the said Captain have his men together. As for the transporting of the men, Captain Innes affirmed that this part of the agreement had been modified by a later agreement, wherein the Colonel undertook to freight

Holyrood
House, 11th
December
1627.

Charge to
Hew, Lord
Sempill, to
render the
Castle of
Stanelie to
John Brisbane
of Bishoptoun.

Relief of John,
Lord of Bal-
merino, from
his cautionry
for Captain
John Innes
of Crombie
anent the
raising and
transporting of
240 men for
the service of
the King of
Denmark.

and victual a ship for the purpose on condition of the expense being paid out of the first and readiest of Captain Innes's muster pay in Germany, and this the Colonel could not deny. That ship should have been sent to Aberdeen for the men in the beginning of October, the men being then in readiness, but the ship did not leave the road of Leith before 12th November, and the Captain's men "after long and wearisome attendance at the hous of Crombie and uthers plaices thair about, expecting the comming, of the shippe to Aberdein, and being out of hope of her comming, thay wer forced to disband," and it would be very difficult for him to get them together again. This was verified by an instrument under the hand of Robert Greenelaw, notary, bearing that on 13th October last Nicoll Clapen, burgess of Burntisland, as procurator for Captain John Innes and his cautioner, went to Colonel Sinclair and William Dick, merchant burgess of Edinburgh, and asked the Colonel if he had freighted and victualled the ship, and if he was ready to receive the Captain's mustours at Aberdeen, and that the Colonel answered that he was not ready and lacked money for performance of his condition. In respect of all which Lord Balmerinloch protested that he might be freed from his cautionry in the premisses which the Lords forthwith granted.

Holyrood House, 11th December 1627.

Commission to the Commissioners of the Middle Shires for the apprehension of Sir John Maxwell of Conheath and others.

Commission under the signet to the Commissioners of the Middle Shires, the Sheriff of Drumfreis and his deputes, the stewards of the Stewartries of Kirkcudbright and Annanderdail and their deputes, and the provost and bailies of Drumfreis, to convocate the lieges in armes, search for, apprehend and present before the Council for delivery to the Justice and his deputes for trial, Sir John Maxwell of Conheath, William and Robert Maxwell, his sons, and Robert Maxwell, his servitor, who on 16th November last were put to the horn at the instance of Bessie Newall, the relict, James Young, elder, chirurgeon, burgess of Drumfries, the father, Patrick Young, the brother, James Young, brother's son, and the remanent kin and friends of John Young, Sheriff Clerk of Dumfries, for not finding caution to underlie the law for their "cruell and unmercifull slaughter and murthour of the said umquhile Johnne Young." Signed by Mar, Haddingtoun, Linlithgow, Lauderdaill, Carnegie, Arch. Acheson, and Hamiltoun.

Edinburgh, 11th December 1627.

Caution by John Brown for Alexander Donaldson.

Holyrood House, 11th December 1627.

Caution by [John] Broun in Gorgy Milne in 500 merks that Alexander Donaldson in Sauchtoun will not molest Robert Mowbray at the Bridgend of Crawford, nor his family, etc.—(Signed) Johnne Broun.

Cautions, 1621-28. Fol. 276, a.

"The whilk day in presence of the Lords of Secret Counsell compeerit personallie Walter, Erle of Bugcleuche, and acceptit upoun him the Commissioun for the Middle Shyres and gaive his oath *de fidei administratione*."

Borders, 1603-43. Fol. 92, b.

Walter, Earl of Buccleuch. Ordinance

"The whilk day Robert, Erle of Nithisdail, ane of the Commissioners for the Middle Shyres, gaive in in roll the persouns underwritin whome

Borders,
1603-43.
Fol. 92, b.

he declaired he would use in the executioun of the commissioun of the anent the
Middle Shyres according to the power and privedge conteanit thairin, persons
to witt, Robert Maxwell of Dinwodie, Johne Maxwell of Castlemilk, nominated by
Johne Maxwell of Logane, Johne Maxwell of Broomeholme, Johne the Earl of
Gordoun, appearand of Auchland, Robert Maxwell, brother to the Laird Nithsdale for
of Tinwald, Williame Charteris of Buss, Johne Maxwell of Kilbeane, the execution
Williame Douglas of Baitfuird, Patrik Young, James Young, his sonne, of the Com-
chirurgians, Stephane Young, notar, Johne Maxwell of Holme, Johne mission of the
Maxwell callit of Airdrie, Robert Maxwell of Culnaghtrie. Quhilk Middle Shires.

roll being seene and considerit be the saids Lords they allow of the
nominatioun and choise maid be the said Erle of Nithisdail of the
persouns foirsaidis for the charge and service abonewrittin and ordanis
thame to proceed thairin according to the warrant and power of the
Commissioun. And the saids Lords dischairges all uthers nomina-
tiouns maid be the said Erle in tyme bygaine of anie persoun or
persouns for the said service and dischairges thame of all using and
exercing of the same service be vertew of anie preceeding nominatiouns.
And ordanis letters to be direct to maike publicatioun heerof be opin
proclamatoun at all plaices needfull, whairthrow nane pretend igno-
rance of the same."

Fol. 93, a.

"Charge aganis those who hes interesse anent the forte at Inchgarvie." The fort at
Inchgarvie.

"The consideratioun of the expediencie of biging of fortificatiounis at The fortifica-
tions at Leith.
Leethe continewit till Thurisday." The Castle of
Dumbarton.

"The consideratioun of the course to be tane anent the keeping of the
Castell of Dumbartane remittit till Thurisday nixt."

Wederunte,
1625-29.
Fol. 70, b.

Royal Letters,
1623-32.
Fol. 124, b.

"CHARLES R.—Right trustie and weilbelovit cousine and Whitehall,
12th December
1627.
counsellour, right trustie and weilbelovit cousins and counsellours, Warrant from
his Majesty for
the payment of
the captains,
soldiers, and
sailors who had
last served in
his Majesty's
three ships.
and right trustie and weilbelovit counsellours, we greete yow
weill. Whereas we haive intrusted our three shippes appointed
for our service in that our kingdome to our right trustie
and weilbelovit cousins and counsellours, the Erles of Mairshall and
Linthgow, to be disposed of by thame according to the gifts
granted by us thairupoun, thairfoir our pleasure is that yow try what
is dew unto the captans, who had last charge of the said shippes and
to the sojours, saylers and others under thair command, and thair-
after that with all convenient diligence, yow, our Treasurer and
Deputie Treasurer, pay the same unto thame out of the first and
readiest of our rents or casualiteis whatsoever of that our kingdome, and
lykewayes that yow consider of the paines and charges susteaned and
disbursed by the saids captans in that service and thairafter that yow
accordinglie caus satisfie thame for the same, for doing whairof these
presentis sall be unto yow our said Treasurer and Deputie a sufficient
warrand. Given at our Court at Whitehall, the 12 day of December
1627."

Holyrood
House, 13th
December
1627.

Sederunt.—St. Andrewes; Treasurer; Privy Seal; Nithisdwll; Acts March 1626-January 1628.
Wyntoun; Linlithgow; Roxburgh; Lauderdaill; Bishop of Fol. 263, b.
Dumblane; Lord Areskine; Lord Melvill; Lord Carnegie;
Lord Naper; Master of Jedburgh; Secretary; Advocate;
Clerk of Register; Tracquair; Sir Johne Scot.

Appointment
of Sir John
Stewart of
Tracquair to
be keeper of
Dumbarton
Castle in the
absence of Sir
John Stewart
of Methven.

“ Forsameekle as the Lords of Secreit Counsell upoun verie considerable and good grounds, highlie importing the honnour and saulfetie of this kingdome, hes thought meete that the charge of the keeping of the Castell of Dumbartane, whilk hes beene slighted and neglected this tyme bygaine whan the necessitie of the saulfe and sure keeping thairof wes most important, sall be committit to Sir Johne Stewart of Tracquair, knight, one of the curatours of the Dooke of Lennox, heretable proprietor thairof, and that in the absence of Sir Johne Stewart of Methven, keeper thairof, untill the Kings Majesteis pleasure be further knowin; Thairfoir the saids Lords ordains letters to be direct to heralds or pursevants charging thame with displayed coate of armes to pas to the said castell, and thair in our soverane lords name and auctoritie to command and charge all and sundrie havears, keepers, and deteaners of the said castell to rander and delyver the same to the said Sir Johne Stewart of Tracquair, and to remove thameselfes and thair servants furth thairof within sax houres nixt after thay be chairgit under the paine of treasoun, with certificatioun to thame and thay faillye, thay sall be repute, haldin, persewit and demained as tratours, and the proces and doome of forefaltour sall be led aganis thame conforme to the lawes of this realme.”

Assignment of
the rents
of Dumbarton
Castle to those
lately
appointed to
the charge of
the said castle.

“ Forsameekle as the carelesse neglect of the sure and saulfe keeping of the Castell of Dumbartane in thir difficill and dangerous tymes when the countrie is threatned with forraine enemeis, hes moved the Lords of his Majesteis Privie Counsell upoun verie considerable and good grounds highlie importing the honnour and saulfetie of the countrie to make choise of Sir Johne Stewart of Tracquair, knight, one of the curatours of the Dooke of Lennox, to have the charge and keeping of the said castell in the absence of Sir Johne Stewart of Methven, keeper thairof, till his Majesteis forder pleasure be knowin; and whairas reasoun and justice Fol. 264, a. craves that these who sall attend the charge and keeping of the said castell sould be interteaned upoun the rents and living properlie belonging to the said castell and upoun the usual casualiteis of the same, Thairfoir the saids Lords ordains letters to be direct chairging officiers of armes to pas and in his Majesteis name and auctoritie to fense and arreist all and sindrie the rents, maills, dewteis and casualiteis, belonging to the said castell, to remaine under arreistment unintromettit with, payed or givin up to, anie persoun or persouns who formerlie had the charge of the said castell, bot to be made furthcommand as accords of the law for satisfacioun of the pay and charges of these who ar now appointit to haive the charge of the said castell.”

Acta March
1625-January
1628.
Fol. 264, a.

“Forsameekle as the Lords of Secreit Counsell upoun verie considerable and good grounds highlie importing the honnour and saulfetie of this kingdome hes thought meete and expedient that the Castell of Dumbartane, which hes benee carelesslie and negligentlie kept this tyme bygaine, sall be heerafter more carefullie looked too for the better preventing and resisting of anie suddaine surpryse or opin invasioun that in thir difficill and dangerous tymes may be attempted against the same; and for this effect thay haive made choise of Sir Johne Stewart of Tracquair, knight, one of the curatours to the Dooke of Lennox, to haive the charge and keeping of the said castell in the absence of Sir Johne Stewart of Methven, knight, keeper thairof, who is now absent and furth of this realme, and whill his Majestie declair his forder will and pleasure thairanent. And whairas it is verie necessar that in all interveening occasiouns of danger whairwith the said castell may be threatned that the said Sir Johne and suche as sall have the charge of the said castell under him be assisted with the power and forces of his Majesteis good subjects to burgh and land in the bounds nixt adjacent to the said castell; Thairfoir the saids Lords ordains letters to be direct, chairging all and sindrie his Majesteis lieges and subjects inhabitants within the burgh of Dumbartane and others pairts nixt adjacent to the said burgh be opin proclamatioun at the mercat croce of Dumbartane and others plaices needfull, that thay and everie ane of thame ryse, concurre, fortifie, and assist the said Sir Johne Stewart of Tracquair and suche as sall have the charge of the said castell under him in all and everie thing tending to the saulffe and sure keeping of the said castell, and withstanding and resisting of all attempts that may be moved agains the same, and that at all tymes as they sall see and understand of anie surpryse or invasioun to be attemptit aganis the said castell, as thay and everie one of thame will answeere to his Majestie and his Counsell upoun the contrair at thair highest charge and perrell.”

Charge to the inhabitants of the burgh of Dumbarton and of the adjacent parts to assist Sir John Stewart of Tracquair in the safe-keeping of the castle.

Fol. 264, b.

“Forsameekle as the Lords of Secreit Counsell, considering how farre it imported the honnour, strenth and saulfetie of this kingdome that in thir difficult and dangerous tymes when the countrie is threatened with so powerfull enemeis that care sould be had of the saulfe and sure keeping of the Castell of Dumbartane, the saids Lords for this effect moost seriouslie recommendit that bussines to Sir Johne Stewart of Methven, knight, Captane of the said castell, who not onelie undertooke to be answerable for the sure keeping thairof bot lykeweyes actit himselffe and faithfullie promiseit to have saxtein sensible men in ordinarie for keeping watche and waird thairin. Upoun assurance of whilk promiseit the saids Lords resting satisfied at that tyme, it come thairafter to thair eares that the said Sir Johne wes become forgetfull and carelesse of his said promise. For the better cleering whairof the saids Lords appointit some of thair awin number to go and visite the said castell and to take notice of the forme and ordour of the keeping of the same, and how it wes provydit and furneist, by whais report the saids Lords finds that

Appointment of Sir John Stewart of Tracquair to be keeper of Dumbarton Castle, with the condition that his charge be without prejudice of the Duke of Lennox, hereditary proprietor of the said castle, and of Sir John Stewart of Methven, its absent keeper.

thair is no suche care had for keeping of the said castell as the im-^{Acta March}portance of suche a plaice requires, sua that in a maner the castell is ^{1626-January}exposed and layed opin to all dangers als weill of surpryse as ^{1628.}invasioun ; ^{Fol. 264, b.} quhilk report wes this day secunded and confirmed be another report of some famous and answerable gentlemen, vassalls and dependars upoun the Duke of Lennox, heritable proprietar of the said castell. Quhilks reports the saids Lords haiving taine to thair consideratioun and finding that the charge of the said castell cannot without great hazard to the countrie and discredite to the Duike of Lennox, heretable proprietar thairof, ly in this uncertantie, and respecting thairwithall the absence of the said Sir Johne Stewart, who this long tyme bygaine hes beene out of this kingdome absent in Ireland and carelesslie hes left the said castell unprovydit and guairdit, thairfoir the saids Lords did require the present curatours of the Duike of Lennox to meete and consider of the premissis and to certifie the saids Lords of thair opiniouns; and the saids curatours haiving mett and considerit the saids neglects to be trew did this day delyver thair opiniouns to the saids Lords recommending unto thair choise Sir Johne Stewart of Tracquair to be keeper of the said castell in the absence of the said Sir Johne Stewart of Methven untill the Kings Majesteis pleasure sould be further knowin. And the saids Lords considering that the said Sir Johne Stewart of Tracquair is one of thair awin number and as a curatour to the said Duike of Lennox fitt to be trusted with that charge, Thairfoir they haive approvin of the opinioun of the saids curatours and accordinglie haive made choise of the said Sir Johne Stewart of Tracquair to have the charge and keeping of the said castell and makes and constitutes him captane and keeper thairof in the absence of the said Sir Johne Stewart of Methven untill his Majesteis further pleasure be knowin or he dischairgit thairfra by the saids Lords; and that without prejudice to the said Duike of Lennox or the said Sir Johne Stewart of Methven thair right and possessioun of the keeping of the said castell, whilk the saids Lords declairs to be na wayes impaired heereby, and that the same sall inferre no preparative aganis the said Duike or anie suche as sall have right flowing frome him or his airis, and that the same sall not establishe or confirme anie right in the persoun of the said Sir Johne Stewart of Tracquair other than is afoir-said; with the whilk declaratioun the said Sir Johne is weill content and agreeth thairunto. Lykeas the said Sir Johne Stewart of Tracquair ^{Fol. 265, a.} being callit upoun and the choise made of him to haive the charge and keeping of the said castell being intimat unto him, he out of his humble respect to his Majesteis service and out of his dewtifull regard to the Duike of Lennox acceptit the charge upoun him and promiseit, actit and obleist him to have a speciall care of the sure and saulfe keeping of the said castell in absence of the said Sir Johne Stewart of Methven, and without prejudice of the right and possessioun of the said Dooke of Lennox and Sir Johne Stewart of Methven, and that at suche tymes as

Acta March
1625-January
1628.
Fol. 265, a.

he can not attend himselfe thairin that he sall appoint some answerable persoun in his plaice for whome he will be answerable to have the charge and keeping of the said castell upoun the provisiouns and limitatiouns foirsaidis; with power to the said Sir Johne and to the persoun or persouns whome he sall appoint to supplee his absence, to doe, performe and use all and everie thing towards the keeping of the said castell whilk to the charge of a captane of one of his Majesteis houssis apperteanes. Firme and stable halding and for to hald all and whatsomever things the said Sir Johne Stewart of Tracquir and the persoun or persouns to be nominat be him to supplee his absence sall lawfullie doe heerin. Lykeas Robert, Erle of Roxburgh, and Johne, Erle of Lauderdale, and David, Lord Carnegie, compeerand personallie before the saids Lords, become actit and obleist as cautioners and souerties conjunctlie and severallie for the said Sir Johne Stewart of Tracquir that he sall performe and fulfill this present Act in all the points, claussis and articles thairof and that he sall interteanie saxtein sensible men to keepe watche and waird within the said castell besides so manie others as he sall find necessar for keeping thairof according as the tyme and occasioun sall require, under all highest paine that thairafter may follow. And the said Sir John Stewart being personallie present actit and obleist him and his airis to releve his said cautioners of the premissis."

"The whilk day Sir Walter Stewart of Minto, knight, and Walter McCawlay of Ardincaple, compeerand personallie before the Lords of Privie Counsell and being demandit how and in what caise the Castell of Dumbartane is left be Sir Johne Stewart, keeper thairof, thay declaired that thair wes not sax men in the Castell to keepe watche and waird thairin, and that thay knew not of anie provisioun of victualls within the same. Quhilk declaratioun being heard and considerit be the saids Lords thay dismissed the saids Lairds of Minto and Ardincaple and desired thame to be aiding and assisting to suche as by warrand frome the Counsell sall be appointit to have the charge of the said castell."

Report by Sir
Walter Stewart
and Walter
McCawlay
anent the
neglected state
of Dumbarton
Castle.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 17, b.

Complaint by George Hendersoun in Strowie, as follows:—On November last he was in the town of Segie seeking some debts which were owing to him, when Henry Robertsoun in Neather Crago, meeting him in the highway, put violent hands on him and took and carried him as a prisoner to the town of Kinroscher where he delivered him to William Dempster, bailie, who put him in the Tolbooth of that town and there he has since been detained, he being his Majesty's free liege, having committed no crime and they having no commissioun to apprehend him. Charge having been given to Robertson and Dempster to compear and also to James Schaw, John Crambie, John

Holyrood
House, 13th
December
1627.

Case of George
Henderson in
Struie, who
had been mal-
treated by
Henry Robert-
son of Nether
Craigs, and
illegally
imprisoned in
the Tolbooth
of Kinross by
William
Dempster,
bailie.

Tait and John Arnot as witnesses, and the pursuer and Robertson appearing but none of the others, the Lords, after hearing parties, ordain the pursuer to be set at liberty, and discharge all acts whereby he is obliged to answer before the Sheriff of Kinroscher or his deutes, but ordain him to answer before his own judge ordinary when lawfully charged to that effect. They further ordain the four witnesses named to be denounced for their contempt and disobedience, but excuse the absence of William Dempster, because James Dowglas, called of Mortoun, compeared and explained that "Williame Dempster wes so necessarilie employed and bussied at this [tyme] in the Erle of Mortoun his maisters affaires, as he could not, without the said Erle his great hurt and prejudice, keepe this dyet." They finally ordain that the said Henry Robertsoun and David Robertsoun of Little Segie "who assistit the said Henrie at the barr," shall each find caution in 300 merks for the indemnity of the said George Andersoun [sic] and his wife, tenants and servants.

Decreta,
November
1627-January
1630.
Fol. 17, b.

Fol. 18, a.

Robert Ker of
Cavers against
William Turnbull
of Braidhaugh
and his son,
James Turnbull,
charged with being an
idle and
masterless
man.

The Lords assign to Robert Ker of Cavers the 17th of January next for proving a complaint laid by him against William Turnbull of Braidhaugh and James Turnbull, his son, for opposing him in the apprehension of the said James, who was given up as an idle and masterless man, and for whose apprehension the said Robert had a commission from their lordships, and also for hurting and wounding him. They further direct charges to be issued for the said day against such persons as the complainer gives up as his witnesses, and put the said James and William Turnbull, who were present, under caution, each in 500 merks, to compear the said day.

Edinburgh,
13th December
1627.

Caution by Robert Meikilljohne, glover, burgess of Edinburgh, that Mr. William Dagleish will pay £236 2s. to the commissioners appointed for collecting and distributing the contribution given for the supply of the town of Dunfermline, if the Lords of Council shall find he ought to do so; with clause of relief. Suspension has been granted to the 20th, and parties, including the provost and bailies of Dunfermline for their interest, are warned to the 15th of January next.—(Signed) Robert Mekiliohne, Mr. William Dalgleische.

Cautions,
1621-28.
Fol. 276, b.

Caution by
Robert Meikle-
john, burgess
of Edinburgh,
for Mr. William
Dalgleish.

Holyrood
House, 13th
December
1627.

Letter in
favour of
Colonel
Sinclair, who
has sustained
great losses in
transporting
men for service
in Germany.
See ante,
p. 147.

"Most sacred Soverane, Colonell Sinclair haiving exhibited ane complaint at the Counsell table against Captane Inneis of Crombie for his not performance of his pairt of the covenants made betuix thame concerning the leveing and transporting of twa hundreth men into Germanie for the King of Denmarke under the command of the said Captane, who for that purpois had ressaivit his preferment and twa hundreth and fourtie pundis sterline from the said Colonell, it did appeare unto us upoun examinatioun and hearing of the said caus that the said Captane, haiving exhausted his whole meanes and credite for effecting the said service and charge committed unto him and thairby haiving dishabled himselfe frome all possibilitie of performing of the

Royal Letters,
1623-32.
Fol. 119, b.

Royal Letters,
1623-32.
Fol. 119, b.
Fol. 120, a.

says covenants, the said Colonell out of his care and affectioun to the service was forced to taik upoun himselfe the charge of transporting the said men, and for that purpose did fraught and furnishe a shippe with men, victualls and munitioun frome Leith to Aberdein thair to ressaive the said men to be transportit to Germanie; which shippe haiving beene long stayed and tossed in her way by tempest and crosse winds and the said men levied and kepted at ane excessive charge the said Colonell himselfe as weill as the said Captane is drivin to extreme wants and difficulteis to performe his intendit course and so muche the rather becaus the Lord Gray and the Lord Kinlevin who wer his sureteis have long agoe arreisted and made stay of all his moneyis and meanes untill they may be releevd of thair suretieship for his performance of what he undertooke before your Majesteis Counsell heere in the behalf of the said King of Denmark. Bot in regaird the said Colonell hes used his best diligence, and as yitt is most willing that all the moneyis dew unto him be employed towards the performance of the said undertaiking at the sight of anie whom your Majestie may be pleased to appoint, and becaus he hath alreadie transportit into Germanie a great pairt of his men and hes onelie ressaived three thowsand pundis stirline, the most pairt whair of he hes disbursed unto diverse of his Capitans who as yitt have not performed thair agreements with him as we ar credible informed, thairfoir we doe heereby humblie crave leave of your Majestie to recommend the commiseratioun of his hard caise and great losses unto your Majesteis princelie consideratioun and royall favour, and that your Majestie would be graciouslie pleased to require the Lord Kinlevin, who is the gentlemans uncle, to deale freindlie with him now in his hard estait (being destitute of meanes and credite duiring the lyftyme of his father, who is lyverenter of all his inheritance which is now ingadgit to William Dick for fyftein hundreth pundis sterline towards the said service,) that thairby the rest of his moneyis dew unto him may be fred frome the said arreist and employed toward the transportatioun of the rest of his men without anie farther interruptioun or hinderance to the publick service, muche importing the present estait of these troublesome tymes. All which we humblie leave unto your Majesteis further royall directiouns whairin we sall ever endeavoure to expresse our loyall dewteis, etc. Frome Halyruidhous the threttein day of December, 1627. *Sic subscribitur*, Sanct Andrewes, Marr, Hadinton, Nithisdail, Wintoun, Areskine, Carnegie, Naper, Arch. Achesone, Hammiltoun, S. J. Traequair."

"Most sacred Sovereign, We haive of lait ressaivit diverse signatours under your Majesteis royall hand bearing particular assignatiouns unto the rents of your Majesteis proper lands and customes; and though the pairteis worth and past services have perhaps deserved weale at your Majesteis hands yitt particular assignatiouns haive in tymes past done so muche prejudice to your Majesteis crowne as we can not in duetie omitt

Holyrood
House, 18th
December
1627.

Letter to his
Majesty
representing
the prejudice
that had been
done to the

Crown by particular assignations for payment of pensions.

to represent the same unto your Majesteis royall consideratioun. For manie lands haive heeretofore bene givin out by your Majesteis royall predecessouris by particular assignatiouns for payment of pensions and the same as yitt did never revert to the Crowne againe by reasoun that the pairteis possessours haive thairafter wrought meanes for the title of inheritance; besides the great inconveniences your Majestie may be drivin unto by not being hable to stoppe assignatiouns so easilie as pensions incaise of necessitie of moneyes for anie publict or important bussines; and your Majesteis Exchecker being once exhausted by such assignatiouns can hardlie subsist or be furnished againe for suppleing the ordinarie necessar charges and expenssis of the Crowne, especiallie in these penurious and troublesome tymes whairin all maner of trading customes and impost ar almost utterlie extinguished and your Majesteis subjects thairby extremelie impoverished and dishabled frome doing what utherwayes they would cheirfullie perform at anie of your Majesteis royall occasiouns. All which being taikin into your Majesteis princelie consideratioun, we humblie submitt our selffes unto your Majesteis further directiouns as becometh. From Halyruidhous the threttein day of December 1627. *Sic subscribitur*, Sanct Andrewes, Marr, Hadintoun, Wintoun, Areskine, Naper, Arch. Achesone, S. J. Tracquair, Hammiltoun, J. Scottistarvett.”

Royal Letters
1623-32.
Fol. 120, b.

Holyrood House, 14th December 1627.

Letter to his Majesty representing Sir John Stewart of Methven's neglect of his duty as keeper of Dumbarton Castle, and intimating the appointment of Sir John Stewart of Traquair in his place.

“ Most sacred Soverane, Sir Johne Stewart of Methven, knight, captane of the Castell of Dumbartane, haiving undertaiken in November 1625 at the Counsell table of this kingdome to mainteane and keep in the said castell saxtein able men in ordinar to keepe watche and waird in these troublesome tymes, and haiving shortlie thairafter neglected to performe the same, he went into Ireland last summar, leaving the said castell destitute of both men, provisiouns and munitioun, as we wer informed. Quhairupon in August last the Counsell tooke into thair consideratioun the state of the tyme and the importance of the sure keeping of the said Castell, being the principall strenth and one of the prime keyes of this kingdome, and thairfoir thought it fitt to direct some of thair awin number to view and survey the said Castell and to make report of the trew estait thairof. Which survey haiving bene performed be the Erle of Menteith and the Lord Kilmares and other gentlemen of qualitie joined in commissioun with thame, thay did certifie unto the said table manie insufficiencies, defects and omisiouns upoun the pairt of the said Sir Johne Stewart, quhom we have for that caus of late cited before us upoun threescore dayes becaus he is still out of the kingdome. Bot in regard the said omisiouns ar not as yitt, nather ar lyke to be, rectified be the said Sir Johne, notwithstanding our long patience sustained in hope of his amendment, and the said Castell being as yitt onlie furnished with foure men and without anie kynde of provisioun, as hath at large appeared unto us by the testimonie of diverse gentlemen of good fame, freinds and vassalls of the Duike of Lennox, heritable proprietor of the

Fol. 121, a.

Royal Letters,
1627-32.
Vol. 121, a.

said Castell, and by the certificat and report of diverse other gentlemen within these three weeks who wer sent in commissioun from this table to view and certifie the particular defects of the said Castell; and we perceaving no hope of the said Sir Johne Stewart of Methven his returne to the said Castell and being cairfull to prevent surpryse or invasioun and the danger of the same did referre the same unto the consideratioun of suche of the Duike of Lennox his curatours as wer then present, who, haiving mett and consulted togidder did recommend unto our choise Sir Johne Stewart of Tracquir, knight, for keeping of the said Castell, who, being present, hath accordinglie ressaived commissioun frome this table to keepe the same in the absence of the said Sir Johne Stewart of Methven until your Majesteis further pleasure be knowin. He is one of our awin number, sworne and affectionat unto your Majesteis service, and everie way respective of his dewtie to the Duike of Lennox, and one of his curatours, and whois progenitours haive beene ancient followers and wellwishers of that noble familie, and of whois abilities and faithfull cariage we ar so confident as we darre boldlie recommend the same unto your Majesteis gracious acceptance; and so muche the rather because he hath acted himselfe and three noblemen as sureties for him to performe his charge and truiest faithfullie and cairefullie and without prejudice of the right and possessioun of the said Duke of Lennox and Sir Johne Stewart of Methven untill your Majesteis further pleasure be knowin or he dischargit by warrand from this table which have intruisted his sufficiencie and affectioun in this employment. Concerning which we humblie submitt our selfes unto your Majesteis further directiouns, praying for your Majesteis long health and everlasting happiness etc. Frome Halyrudhous the 14th day of December 1627. *Sic subscribitur*, Marr, Nithisdaill, Hadintoun, Linlithgow, Roxburgh, Lauderdaill, Carnegie, Archibald Achesoun."

"Our verie honourable good Lord, The present estait of these dangerous and troublesome tymes when as the countrie is threatned with the powerfull invasioun of forraine enemeis, haiving moved the Counsell, out of thair honourable care and respect to your Grace's credite and saulfetie of the kingdome, to advert to the suire keeping of the Castell of Dumbartane, quhairof your Graice is heretable proprietar and which is a plaice of great importance as one of the principall strenthes and pryme keyes of this kingdome; and for this effect haiving direct some of thair awin number to view and survey the said castell and to make report of the trew estait thairof, they did certifie backe unto the Counsell that Sir Johne Stewart of Methven, captane of the said castell, was depairted to Ireland and had left the castell unfurnished of men or munitioun ansuerable to the importance of the plaice and exigence of tyme, notwithstanding that he had undertaine to the Counsell to interteane and keepe in the said castell saxtein fensible men in ordinar. Which report was secundit by the testimonie of diverse gentlemen of good

Holyrood House, 14th December 1627.
Letter to the Duke of Lennox informing him that Sir John Stewart of Traquir, one of his curators, had been appointed keeper of Dumbarton Castle, of which castle the said Duke was hereditary proprietor.

qualitie, friends and vassalls to your Graices hous, who constantlie affirmed that thair wes not abone foure men within the castell, sua that the samine was expoised and made lyable to the dangerous advantages of surprysall or invasioun. The danger and remeed whairof being recommendit be the Counsell to the consideratioun and carefull report of us who haive the honnour to be your Graices curatours, and we haiving mett and consulted together thairupoun and who wes the persoun fittest to be intruisted with suche ane weightie and important charge during the absence of Sir Johne Stewart of Methven, and after mature advice, whill more solide ordour sould be commandit by his Majestie and your Grace, we all with unanime consent resolved that a present remeid wes necessar, and that Sir Johne Stewart of Tracquair, who is one of your Graices curatours and most affectionatlie devoted to the service of your hous, wes most fitt to haive the truist duiring this interim; and we recommendit him to the choise of the Counsell who allowed thairof and accordingle he has given him warrand for keeping of the said castell in absence of Sir Johne Stewart of Methven whill his Majestie signifie his further pleasure thairanent, without prejudice of your Graices right, interesse and possessioun, or of the lawfull claime to be made by Sir Johne Stewart of Methven when he sall satisfie the Counsell in the meanes of competent securing that important plaice. Lykeas three noblemen are become suirteis for Tracquair his cairfull and honest discharge of his dewtie and trust reposed in him. All which recommending to your Graices favourable acceptance and good allowance, which we expect according to the integritie of our faithfull intentionis, seing your Graices credite and our awin dewtie hes bene thé onelie ayme of our advice heerin, we committ your Grace and all your honnourable effaires to the protectioun and conduct of the Almighty, and we rest, &c. Halyruidhouse the 14th of December, 1627. *Sic subscribitur*, Duppline, Marr, Hadintoun, Nithisdail, Linlithgow.

Whitehall,
17th December
1627.

Letter from
his Majesty
desiring the
Council to
execute a
decreit in
favour of the
Earl of Annan-
dale for the
recovery of
certain moneys
from Lord
Herries.

CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, etc., we greete yow weil. Being informed by the Erle of Annerdail that he hes procedit by a legall course for recoverie of some moneis which of a long tyme have bene dew unto him by the Lord Herreis, and that he wanteth nothing bot the executioun of a decreit and letters givin and publiist in his favors; though his losses heerin wer not a sufficient inducement for us to desire that he might be repaired, yitt the neglect of our lawes in so contemptible a maner and in the behalffe of him who is one of your nomber and who hes bene a long and faithfull servant to our lait deere father and so continueth to our selfe, sould justlie move us to require yow to have a special care for the tymelie suppressing of ane abuse so ill of itselfe and dangerous by the exemple, therefore our pleasure is (yow having considerit the former proceedingis used heerin,

Fol. 143, a.

Royal Letters,
1623-32.
Fol. 143, a.

and if yow sall find the abuse to be suche as is informed) that according as justice hes beene dewlie administred unto him in so farre as concernes the legall pairt, so that yow would have a speciall care to see the same putt in dew executioun with als muche diligence and after the most sure maner that sall be considerit by yow. Quhairin nothing doubting bot that yow will use your best endeavoures, we bid yow fareweill. From our Court at Whitehall the 17 day of December 1627.

Acta March
1625-January
1628.
Fol. 285, a.

Sederunt.—Treasurer; Privy Seal; Menteith; Nithisdail; Roxburgh; Bugleuche; Lauderdaill; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Master of Jedburgh; Secretary; Advocate; Sir Johne Scot.

Holyrood
House, 18th
December
1627.

“Answeres of the Lords of his Majesteis Privie Counsell to the articles givin in to thame be the proveist and bailleis of Edinburgh bearing the conditionis whairupoun thay offer to undertake the fortificatioun of the toun of Leith.

Fol. 285, b.

The Lords of Secreit Counsell finds it fitt and expedient for the strenth and saulfetie of the kingdome that the whole toun of Leith sall be fortified provyding that it be weill appointed with men, victuall, munitioun, and all necessar furniture requisite for guarding and maintenance of the same and that the charge and keeping thair of sall be committit to his Majestie and suche as he sall entruist thairwith who ~~shall~~ not be heretable governours bot removeable at pleasure, and that the toun of Edinburgh beginne this fortificatioun with the raising of blockehoussis for defence of the harbourie, and that with all convenient diligence.

Approval of the
fortification of
the whole town
of Leith, and
of the said
fortification
being committed to the
charge of his
Majesty.

See ante,
P. 133.

Anent the first article, The Counsell can give no satisfeing answer thairto untill the chartours, infetments, decreits and others securiteis craived be the toun of Edinburgh to be confirmed be first produced and seene [and] considerit be his Majesteis Advocats. And tuiching that pairt of the article whairby it is craived that no merchandice be used, goods houssed, nor free crafts exercised within the toun of Leith; the Counsell thinks it meete that the inhabitants of Leith and others whome it concernes be callit and heard thairanent.

Answers of the
Council to the
articles submitted by the
Provost and
bailies of
Edinburgh
anent the
fortification of
the whole town
of Leith.

See ante,
p. 125.

Anent the secund article, Tuiching the governement of the toun of Leith the Lords repeats thair answer givin to the first propositioun made be the toun of Edinburgh in this mater.

Anent the thrid article. That the proveist and bailleis of Edinburgh condescend upoun the superiours and upoun the worth and pryce whilk in thair judgements sall be givin for these superioriteis.

Anent the fourth article. That the proveist and bailleis condescend and be speciall anent the bounds craived to be bought, the names of the heretours to whome the same belonges and the pryce which in thair opinioun sall be givin thairfoir; and that thay declair in particulaire what

pairt and portioun of thair ground they will give towards the fortifica-
 tioun, and how farre the same is to be extended upoun the south and
 south east.

Acta March
 1625-January
 1628.
 Fol. 265, b.

Anent the fyft article, craiving that the inhabitants upoun both the
 sydes of the water of Leith sould be equallie lyable to all burdenis that
 sall be inpoised upoun thame be the toun of Edinburgh, ordanis the
 inhabitants of Leith and others pairteis interest to be heard thairanent.

Anent the saxt article. That the proveist and bailleis condescend
 upoun the warkes and houssis outwith the toun whilks ar to be fortified,
 to the intent the awners thairof may be heard for thair interesse, and
 that the inhabitants of Leith be lykewayes heard anent the prohibitioun
 craved that nane sall build within the toun bot be the advice of the
 magistrats of Edinburgh and in maner to be by thame prescryved.

Anent the sevint article dischairging the setting of houssis in Leith
 without allowance of the toun counsall for removing of ydle and suspect
 persouns furth of the same, the Lords refuses the same altogidder.

Anent the aucht article tuiching the raising of citadells and building
 of girnells and munitioun houssis for defence of the toun of Leith the
 Lords allowes thairof upoun the conditionis and provisious conteanit in
 the first propositioun.

Anent the nynt article. That the proveist and bailleis of Edinburgh
 condescend upoun the number of artillerie and bullet and the quantitie
 of powder which they craive of his Majestie; as alsua that they make it
 appeare to his Majesteis Counsell how and after what maner thair
 magasens sall be furnished and interteanned thairafter, and what store
 of munitioun, vivers, and other warrelyke provisioun they will under-
 take to have alwayes in readinesse within the toun of Leith to be
 sighted and surveyed by ordour frome his Majestie or the Counsell
 sua oft as sall be found expedient, to the intent his Majestie may be
 acquainted thairwith and declair his gracious will and pleasure thairanent.

Fol. 266. a.

Anent the tent article. That the toun of Edinburgh declaire thair
 opinioun anent the charges and expenssis to be bestowed in raising of
 the fortificatiouns and interteaneing of the same, togidder with thair
 advice anent the meanes and possibilitie how, whair and be what meanes
 moneyes sall be levied for defraying of the charges both of the one and
 of the other.

Anent the ellevint article. That the proveist and bailleis of Edinburgh
 condescend what number of men they desire or intends to interteanie in
 ordinarie garisoun, what thair yeerelie charges will amount to, and what
 number they craive in supplee for Leith, and how manie for Edinburgh
 incaise of suddaine invasioun, who sall furnishe these souldiours, by
 whome they sall be interteanied, and how long they sall be bound to
 attend and serve.

Anent the twelffe article. That the proveist and bailleis condescend
 what pairt of the countrie they desire to be burdenned with the

Acta March
1625-January
1628.
Fol. 266, a.

furnishing of rysse and divvett, and if thay intend that the heretours sall be satisfied for the same and be whome the satisfioun sall be made; as alsua that thay be speciall what pairt of the countrie thay desire to assist thame with cariage freele, and if it be not reasonable that the rest of the countrie sall ratablie contribute towards the releefe and satisfioun of these who sall thus freele serve. Whilk answers made be the saids Lords to the articles and overtures givin in be the toun of Edinburgh anent the fortifeing of Leith wes ordained to be delyverit to the proveist of Edinburgh to be shawin be him to the Counsell of the said burgh, to the intent that after consideratioun and advisement had thairupoun thay might report to the saids Lords thair answer thairanent upoun the tent day of Januar nixtcome; at least that thay satisfie the saids Lords the day foirsaid what thay will doe and undertake anent the raising of twa blockehoussis and forts for defence of the harbourie of the toun of Leith."

"Forsameekle as the Lords of Secreit Counsell haiving entrusted Sir Robert Hilthead of Pitfirrane, Mr. Thomas Wardlaw of Logie, Williame Menteith of Randisfuir, Peter Law, burgess of Dunfermline, Mr. Harie McGill, minister thair, Patrik Cowper, burgess thair, Robert Livingstoun of Baldrig, Williame Browne, burgess of Dunfermline, Mr. Johne Drummond of Woodcockedaill, James Rid, younger, burgess of Dunfermline, George Durie of Craigluscar, and Mr. James Durie in the neather town of Dunfermline with the collectioun of the benevolence and charitable contributioun of his Majesteis good subjects to burgh and land for the helpe and support of the burgh of Dunfermline, whilk in the moneth of May 1624 wes fearefullie brunt and destroyed, and diverse termes and dyets being appointed and assigned to the saids commissioners to have reportit thair diligence anent the collectioun of the said contributioun; yitt thair is little or nothing done thairin, and the saids Lords ar daylie troubled with numbers of poore people who looked to haive gottin some helpe and supplee out of the said contributioun; thairfoir the saids Lords ordains letters to be direct chairging the Commissioners particularlie abonewrittin to conveene and meete at the burgh of Dunfermline upoun the twentie sevint day of December instant and so oft thairafter as thay thinke meete, and that thay use thair best cair and diligence by horning and otherwayes for recoverie of the superplus of the moneyes delyverit be thame to anie persouns abone the valuatioun of thair losses and distribute the same proportionable among suche of the inhabitants of the said burgh as hes not ressaivit thair dew allowance; and that thay compeir personallie before the saids Lords upoun the tent day of Januar nixtcome and make a trew and perfyte report and compt of thair proceedings heerin and of the sowmes of money collectit be thame, and how and to whome the same is distributed, and fra whome the said collectioun wes

Charge to the Commissioners entrusted with the collection of contributions for the relief of those who had suffered loss by the late fire in Dunfermline.

See ante, p. 140.

Fol. 266, b.

ressaivit according to the expresse words and tennour of the commissioun grantit unto thame for this effect, under the paine of rebelloun, etc., with certificatioun, etc.”

Acta March
1625-January
1628.
Fol. 266, b.

Warrant for
sentence of
death on
Patrick
Robison and
Marion Kemp
for child-
murder.

“ Forsameekle as Patrik Robesoun in Duncanlaw, and Marioun Kemp, being callit before his Majesteis Justice for the filthie cryme of adulterie committit be thame and for talking of a poyssounable drinke for destructioun of the bairne within the said Mariouns bellie, whilk wes gottin in adulterie, thay were both convict of the said cryme and the pronouncing of the doome and sentence superseedit till his Majesteis Counsell consulted thairanent. Whilk being propouned to his Majesteis said Counsell thay find the cryme to be of that nature and qualitie that it deserves death, and thairfoir the Lords of Privie Counsell advises and ordains his Majesteis Justice and his depute to pronunce doome and sentence of death against the saids persouns, whairanent thir presents sall be unto thame a warrand.”

Order to
Andrew
Davidson,
charged with
the crime of
adultery, to
appear before
the Council to
answer for his
failing to go to
the wars in
Germany.

“ Forsameekle as Andrew Davidsoun, messenger in Moffett, being callit before his Majesteis Justice for the filthie cryme of adulterie committit be him, he fearing the event of his tryell, absentit himselfe and compeered not, for the whilk he wes denounced fugitive and rebell, the executioun whair of wes not onelie superseedit, bot a remissioun wes grantit unto him for the said cryme upoun promise and conditioun that he sould have made his addresse to the warres of Germanie under the charge of Alexander, Lord of Spynie, and that he sould not haive gone backe againe to Annanderdail; notwithstanding of the whilk favour shewed unto him he being most unworthie thair of not onelie falsified his promise and went not with the said Lord of Spynie, bot with that he past backe to Annanderdail whair he hes remained sensyne as he does yitt; for the whilk he aucht to be puneist to the terrour of others to abuse his Majesteis Counsell after that kinde. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct chairging the said Andrew Davidsoun to compeere before thame upoun the day of to answeere upoun the falsifeing of his said promise and abusing of the saids Lords in maner foirsaid, under the paine of rebelloun, etc., with certificatioun, etc.”

Charge to the
coalowners on
the Water of
Forth not to
receive dog-
dollars in
payment for
their coals.

“ The whilk day intimatioun wes made to the awners of the coal- heuches upoun the Water of Forth, to witt, Alexander, Erle of Linlithgow, Sir Johne Weyms of that Ilk, Sir Johne Blacader of Tulliallan, Sir George Hammiltoun of Blaikburne, Mr. Alexander Hammiltoun of Kinglas, Alexander Bruce for himselfe and George Bruce of Carnock, his brother, Mr. Johne Drummond in name of the Laird of Sauquhy, James Wardlaw, uncle to the Laird of Torrie, for himselfe and in name of the Laird of Torrie, his nephew, that nane of thame ressaive anie dog dollours for the pryce of thair coales nor to oute the same at ane higher rait and pryce nor the trew worth as thay will answeere upoun the contrarie at thair perrell.”

Fol. 267, a.

Decreta,
November
1627-January
1630.
Fol. 18, b.

[Sederunt as recorded above.]

Holyrood
House, 18th
December
1627.

Complaint by Mr. James Hannay, minister of the Cannogait, as follows:—"Captane Hannay, haiving undertaine ane charge in the warres under the King of Sweden, and in the tyme of the lifting of his men in this kingdome, haiving engaged some of his freinds and cautioners for him in certane sowmes of money whilks he employed towards these leveis, he out of ane honest regaird to give his creditours satisfioun, fynding Patrik Crystie, burges of the burgh of Dysert, he delyverit unto him ane packet of letters with ane hundreth rex dollours to haive beene givin to the said compleaner whairwith he sould haive outred ane pairt of his debt, looking that the said Patrik sould haive tymouslie and thankefullie delyverit the packet and moneyes unto the said compleaner immediatlie after his hamecomming. Bot the said Patrik being something forgetfull of his dewtie and credit, he concealed both the packet and the money, till by some of the equippage of the shippe whairin he come hame the mater wes discovered, and than perceaveing that he could not longer gett the mater hid he delyverit the packet, bot hes ever kepted the moneyes, maiking manie ydle and frivolous shifts and excuissis anent his retentioun of the same, sua that the gentlemans credit, whilk by thir moneyes sould have been dischargit, is lyke to be in danger, to his heavie greefe and reproache, and to the evill exemple of uthers to doe the lyke if some present exemplar course be not taine for maiking the said Patrik answerable." The pursuer appearing but the defender not, the Lords ordain the latter to be denounced rebel and escheat.

Patrick
Christie,
burgess of
Dysart,
denounced
rebel and
escheat for
withholding
moneys
entrusted to
him by Captain
Hannay,
serving in the
warre under the
King of
Sweden.

Fol. 19, a.

Complaint by John Browne at Gorgie Mylne and James Gray, mealmaker in Edinburgh, as follows: On 12th December instant while James Heriot, Alexander Reanie and William Dobie, servants of the said John Brown, with six of their master's horse with six loads of oats on their backs belonging to the said James Gray, were in the morning before day on the highway between Dalry and Gorgie Mylnes, John Stewart *alias* Fisher at Dalry Milnes, accompanied by James Aikman James Cock, Robert Wood, James Mairshall, John Mowbray, James Mure, John Mairshall, and others, all armed with "swords, bandit stalffes, forkes, great kents and rungs" [staves], and other weapons, shamefully and unmercifully fell upon "the three poore harmelesse servand men" and forced them "for saulfetie to flee by speed of foote, violentlie thrust and dang the loades aff the horsebacke into deepe myres and stonkes, sua that the same wes in a maner haillilie spoyled and made unprofitable to the said James Gray, most barbarouslie straik and dang thair harmelesse hors with thair weapouns foirsaidis in sindrie pairts of thair bodeis and chaist thame away athort the feilds." The pursuers and John Stewart personally compearing with Sir George Towres of Innerleith, knight, as master for the remaining defenders, who

Order to Sir
George
Towers, of
Inverleith,
to make
reparation to
James Gray,
mealmaster,
for damage
done to six
loads of oats,
the property
of the said
James Gray, by
the servants of
the said Sir
George
Towers.

declared that he appeared and would answer for them in this case, and admitted "the casting of the laids whilks extendit to twelffe bollis aitts, becaus as he alledgit they wer cornes that grew on his awin land and sua sould have beene grund at his awin mylne, and that the persouns foirsaidis wer careing thame away to the prejudging of his multours," the Lords, after hearing parties, ordained the said Laird of Innerleith to pay to James Gray, owner of the oats, £5 for every boll thereof, and to deliver him the sacks as good as they were at the time of "the casting of the laids," and that letters pass hereupon if necessary.

Decreta,
November
1627-January
1630.
Fol. 19, a.
Fol. 19, b.

Holyrood
House, 18th
December
1627.

Warrant from
his Majesty to
the Lyon King-
at-Arms and
his brethren to
put in exe-
cution the Act
of Parliament
against the
illegal bearing
of arms, and
to receive the
penalties
arisin from
the contra-
vention of the
said Act.

"Our Soverane Lord ordanis a letter to be made under his privie seale in dew and competent forme to his lovitt Thomas Drysdail, Hly Herald, makand mentioun that for preventing of diverse abusiss of his Majesteis lieges in bearing and usurping of armes not belonging to thame so that the nobles and gentrie can not be discerned frome the meaner sort by thair armes and signes armorialls, for remeid whair of our Soverane Lords darrest father of worthie memorie in his twelffe Parliament holdin at Edinburgh in the moneth of Junii 1592 yeeres with the advice of the Estaits thair of gaive and granted full power and commissioun to the Lyoun King at Armes and his brethrein heralds to visie [examine] the hail armes of noble men, barons and gentlemen borne and usit within this realme and to distinguishe and discerne thame with congruent differences and thairafter to matriculat thame in thair bookes and registers, and to putt inhibitioun to all the commoun sort of people not worthie be the law of armes to beare anie signes armorialls, that nane of thame presooome nor taike upoun hand to beare anie armes in tyme comming upoun anie of thair insicht [furniture] or houshold geare under the pane of escheating of thair saids goods and geare sua oft as thay sall be found contraveening the said Act whairevir the samine sall be found graven and painted to our Soverane Lords use; and lykewayes under the paine of ane hundreth punds to the use of the said Lyoun and his brethrein heralds, and failyeing of payment thair of that thay should be incarcerat in the neerest prissoun thairin to remaine upoun thair awin charges duiring the pleasure of the said Lyoun, as in the said Act of Parliament of the dait foirsaid at mair lenth is contenit. And now seeing that the said Thomas Drysdail hes, upoun his awin great charges, travells and expenssis, drawin up, perfyttit ane compleit booke of all the atchievements, coats, creists and armes of the whole nobilitie of the kingdome of Scotland, and is of intioun to go fordward in setting furth ane other booke and worke of thair armes and genealogies, and to exhibite and present the same to the Lords of his Majesteis Secreit Counsell to the effect ordour may be taikin for rectifieing the armes of the gentrie, Thairfoir his Majestie wills and ordanis that the Lyoun King at Armes and his brethrein heralds putt the said Act of Parliament to dew executioun in all points agains all persouns who sall happin

Commissions,
1624-30.
Fol. 151, b.

Fol. 152, a.

Commissioun,
1624-50,
Fol. 152, a.

to contraveene the said Act in tyme comming; lykeas thir presents with the said Act sall serve as ane sufficient commissioun and warrant to thame for that effect. And for encouragement of the said Thomas Dryisdail in his paines and travells foirsaid and in tyme comming, and in recompence thair of, his Majestie gives, grants and dispones to the said Thomas duiring his lyfetye that pairt of the penalteis whilk is dew to his Majestie be vertew of the said Act to be payit be the contraveenners and transgressours of the samine Act but prejudice alwayes to the said Lyoun King at Armes and his brethrein heraulds of the particular sowmes and penalteis ordanit be the said Act of Parliament to apperteane unto thame, and but prejudice to the said Thomas of his pairt thair of as ane of thair brethrein. And siclyke for the said Thomas his encouragement to go on in these his honnest labours, our Soverane Lord gives and grants full power, libertie and licence to him to keepe ane register for enrolling of all Duikes, Marqueisses and Erles, Viscounts and Lords and of the whole baronnets and knights that ar to be made within the realme of Scotland, at anie tyme heerafter quhilk sall conteane thair names, the tyme of thair promoting to the honnour of the said digniteis abone mentionat and in all tyme comming sall ressaive the forme and distinctioun with thair awin consents of thair armes frome the said Thomas; Ordaining heerby all the saids noblemen and knights how soone thay sall ressaive thair patents and sall be preferred and advanced to thair rankes and digniteis abonewrittin that thay inroll thameselfes in the said bookes of armes; Inhibiting by thir presents all painters, carvers, goldsmiths and gravers, and all others to paint, cutt, carve or grave anie armes in this countrie or to be sent out of the same upoun testificat of borne brieffs or siclyke not conteanit in the said Lyoun King at Armes or the said Thomas Dryisdail, his Depute, thair registers or allowit be thame under the paines abone conteanit. With letters of publicatioun of the premisses if neid beis. And that the said letter be extendit in the best forme with all claussis neidfull. Given at Halyruidhous the aughtein day of December 1627. *Subscribitur*—Geo. Cancell, Marr, Nithisdail, Wyntoun, Hadintoun, Lauderdaill, Areskine, Melvill, Naper, Arch. Achesoun.”

“The quhilk day the Lord Arskene tooke the tent day of Januar nixt Lord Erskine. to ansuer to the petitioun gevin in be the barkaris.”

“Chargeis agais the convenaris of the Justiceis of Peace within Edin-^{Justiceis of the}burgh, Hadingtoun, Lynlythgu, Fyffe, and Forfar, to mak reporte of the^{Peace.} rollis of the sensible personis.”

“Chargeis to this same effect agais the remanent Justiceis of Peace^{Justiceis of the} within the kingdome.”^{Peace.}

Caution by Johne Gordoun of Fola in 500 merks that George Gordoun^{Edinburgh,} of Dilpersie will apprehend and deliver to Captains James Blair and^{19th December} Thomas Beatoun, Alexander Couttis, Pattersone, and John^{1627.} Gordon^{Caution by} John Gordon

Sederunts,
1625-29,
Fol. 71, a.

Cautions,
1621-23,
Fol. 276, b.

of Fols for
George Gordon
of Dilpersie.

Murysoun, who have been inrolled as idle and masterless men, if it be found by the Lords of Council that he ought to do so; also that he will pay £20 for his escheat, if required. Suspension has been granted to the 20th and parties warned to 14th February next. (Signed) Johne Gordoun, wt my hand.

Cautions,
1621-28.
Fol. 276, b.

Whitehall,
19th December
1627.

Letter from
his Majesty
anent the
detaining of
French goods
and debts
belonging to
the subjects of
the French
King.

See ante, p.
116.

“CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow, weil.

Royal Letters,
1623-32.
Fol. 124, a.

Whairas, upoun the severall petitionns exhibited unto us, the one by Johne Johnstoun and Robert Carr, merchants, the other by Mr. James Strachan, for attaching and deteaning in thair hands all suche Frenche goods and debts as did belong to the subjects of the Frenche king extending to the lyke value of goods withholdin frome thame in France, we wer pleased to write unto yow for granting unto thame letters of arreistment, which as we ar informed being granted by yow unto the said Johne Johnstoun and Robert Carr they did arreist some goods of this kinde alledgedit be thame to be in the custodie of the said Mr. James before our letter in his favour come into your hands. Now in regard he hes againe exhibited another petitionn unto us desiring that before the other partie have anie processe upon thair arreistment that thay verifie by writt thair debts allegeit dew unto thame in France that thair goods and debts ar unjustlie deteaned and confiscat thair and that his exceptiouns aganis thair pretences may be heard, which petitionn we have sent unto you herewith enclosed, we thairfoir (conceaving these demands to be reasonable) have thought fitt to referre the same to your consideration and that (calling before you suche parteis there as ar interested thairin) yow so proceed to examine and ordour the differences betweene thame, as may best stand with justice and equitie, haiving alwayes a respect to the course used by the subjects of the Frenche king with our subjects in caces of the lyke nature. And whair in this purpose anie doubt or objection shall arise and fitt to be cleered by law, ather in the attaching or detentioun of the saids goods in the behalffe of either partie, we will yow to referre the same to our Colledge of Justice or other judges competent that thay proceed thairin according as thay shall find just caus. So we bid yow heartilie fairweill. Frome our Court at Whitehall the 19 of December, 1627.”

Whitehall,
19th December
1627.

Warrant from
his Majesty
for the arrest
of the slayers
of James
Young, late
sheriff-clerk of
Dumfries.

“CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovet cousines and counsellours, and right trustie and weilbelovit counsellours, &c. Having beene informed by the petitionn which we have sent unto yow heerewith inclosed of the slaughter of one Johne Young, lait shireff clerk of Dumfries, committit by the parteis mentiouned in the said petitionn, we conceaved it to be agreeable with justice and our princelie care for the dew administratioun thereof to hearken unto his demand in requiring that the said malefactoris might be punished according to the lawes of that our kingdome;

Fol. 132, b.

Royal Letters,
1623-32.
Fol. 132, b.

and thairfoir our pleasure is that according to the said petition yow direct warrants with all convenient diligence to suche our shireffs or other our officiars quhom it does concerne and in whois jurisdiction the saidis malefactouris or anie of thame ar knowne to be, or otherwayes to suche of the saids shireffs or unto all of thame as yow sall think expedient for apprehending and presenting to justice of the saids malefactours or so manie of thame as sall happin to be within that kingdome, to the effect that they may abide the tryell of our lawes provided in the like caises. So we bid you heartilie farewell. From our Court at Whitehall, 19 of December, 1627."

Acta March
1625-January
1628.
Fol. 267, a.

Sederunt.—Treasurer; Privy Seal; Nithisdail; Wyntoun; Roxburgh; Bugleuche; Lauderdaill; Bishop of Dumblaine; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Master of Jedburgh; Secretary; Advocate; Clerk of Register.

Holyrood
House, 20th
December
1627.

"The whilk day the missive underwrittin signed be the Kings Majestie was presented to the Lords of Privie Counsell, of the whilk the tennour follows:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greeete yow weill. Whereas the tithe buyers within that our kingdome haiving occasioun at this tyme to meete togidder for treating touching all suche things as may concerne thame in the buying of thair tithes, our pleasure is (in regard these purposes concerne our service) that yow licence thame ather in the whole nomber or anie part thairof and that either by thameselffes or by suche as sall have power frome thame (thay careing thameselffes in a civill and decent maner) to meete and conveene togidder duiring the continuance of the commissioun for surrenders or till we sall be pleased to signifie our pleasure unto yow for dischairing thairof and that thair said meetings be at suche tymes and plaices as thair commissioners last sent unto us or anie of thame in name of the rest sall thinke fitt. For doing whairof these presents sall be your warrand. So we bid you fairweill. From our Court at Whitehall the first day of November 1627. Whilk letter being read, heard and considerit be the saids Lords and thay finding his Majesteis royall directioun mentiouned in the said letter to be just and reasounable, Thairfoir the saids Lords gives and grants warrand and licence to the teind buyers within this kingdome either in the whole nomber or anie part thairof, and either be thameselffes or be thair commissioners haiving power frome thame to meete and conveene togidder in forme and maner specified in his Majesteis missive letter foirsaid, and to the effect mentioned thairin, conforme to the tennour thairof in all points."

Warrant for
the meetings
of the Com-
missioners for
the teind
buyers.

"The whilk day Johne Achesoun, generall of his Majesteis Cunziehous, gave in the informatioun following of the whilk the tennour follows:—

Report by the general of the Cunziehouse anent the abuse arising from the currency of dog-dollars. See *ante*, p. 162.

Information to the right honourable my Lords of Secret Coun- Acta March 1625-January 1628. Fol. 267, b.
sell anent the present estait of the money within the realme
be Johne Achesoun, generall of his Majesteis Cunziehous

It may please your Lordships understand that the toleratioun or rather oversight of the lait course of the dollours farre abone the availl and value of his Majesteis cunzeit money hes bred this inconvenient that the merchants ar daylie transporting the best sort thairof and importing the worst sort callit dog dollours of nyne deneirs fyne; whilk be trew tryell of weight and fynes ar skairse worth fourtie shilling of our money and hes commoun course among the lieges for fourtie aucht shillings, whilk is the greatest inconvenient that hes fallin out in my tyme. May it thairfoir please your honourable wisdomes to obviat the same in dew tyme. Whilk informatioun being heard be the saids Lords thay continew the consideratioun thairof and ordouring of the abuse abonewrittin in the course of dog dollours to the tent day of Januar nixtcome, and ordains the generall of the Cunziehous to come prepared that day to represent unto his Majesteis Counsell the trew estait and worth of the dollours and the prejudices that the countrie susteanes thairby."

John, Lord Erskine.

"The whilk day Johne Lord Areskine tooke the tent day of Januar to answeire to the petitioun givin in agains him be the barkers, whilk petitioun was delyverit unto him to the intent he may be advised with the same."

Charge to the Justices of the Peace within certain specified sheriffdoms to divide themselves according to the Presbyteries wherein they dwell, and with the advice of the ministers to ascertain the number and quality of all fencible persons within the bounds assigned to them.

See *ante*, p. 93.

"Forsameekle as the Lords of Secret Counsell hes found it verie necessar and expedient that in thir difficult and dangerous tymes, when the countrie is threatened with powerfull enemeis, that the subjects of the same, who thir manie yeeres bygaine hes enjoyed the happie fruicts of peace and ar thairby become ignorant of militarie exercises and discipline, sall now be brought backe to the use and handling of thair armes under suche commanders and leaders as in everie shirefdome or circuit sall be nominat and appointit to have charge over thame; and this being a mater importing so neerelie the good of the kingdome, the strenth and saulfetie of the same, the preservatioun of religioun and of the estaits and fortunes of all the subjects in the kingdome, it is thairfoir expectit that everie good subject will contribute the best helpes whilks may conduce to the forderance and advancement of this so important and necessar a service. And whairas for this effect it is necessar that tryell and notice be taine of the nomber and qualiteis of all the fencible persouns als weil to burgh as to land within eache parish of this kingdome, to the intent that accordinglie ordour may be taine for dreilling and training of thame up in the use and handling of thair armes under suche commanders as sall be nominat and appointit over thame, and the executioun heerof being most proper to the justices of peace and ministers within eache parishe, Thairfoir the Lords of Secret Counsell ordains letters to be direct chairging the conveyers of

the Justices of peace within the shirefdomes of Beruick, Roxburgh, Selkirk, Peebles, Lanerk, Dumfreis, Wigtoun, Fyffe, Stirlin, Clackmannane, Air, Renfrew, Dumbartane, Linlithgow, Perth, Kincairdin, Aberdeene, Bamff, Elgine, Foresse, Nairne, Innernesse, Cromartie, Argyle and Tarbett, the Stewartreis of Kirkcudbright and Annanderdaill and baillereis of Kyle, Carict and Cuninghame, that thay and everie ane of thame within thair severall bounds, offices and jurisdictionis, conveene the rest of the brethrein of thair benche, and at thair meeting that thay divyde thameselfes according to the presbytereis whair thay dwell, allowing to eache of thame thair awin severall bounds whair by the advice of the minister of the parish thay may take tryell and informe thameselfes of the nomber and qualiteis of all the fensible persouns als weill to burgh as land within eache parish, to the intent ordour may be taine for dreilling and training of thame in the use and handling of thair armes under suche commanders as sall be appointit over eache quarter to the effect foirsaid; and lykewayes that at thair said meeting thay informe thameselfes how the shirefdom whair thay have charge may be most convenientlie divydit in quarters, whairthrow colonells and captans may be nominat and appointit over thame, and that thay report thair diligence in the premissis in writt to the saids Lords upoun the dayes particularlie following, to witt, that the conveeners of the Justices of peace within the shirefdoms of Beruick, Roxburgh, Selkirk, Peebles, Lanerk, Dumfreis, Wigtoun, Linlithgow, Stirlin, Air, Renfrew, Dumbartane, Fyffe, Perth, Clackmannane, and Kincairdin, stewartreis of Kirkcudbright and Annanderdaill, and baillereis of Kyle, Carick and Cuninghame, make thair reports upoun the twentie saxt day of Februar nixt, and that the conveeners of the Justices of peace within the shirefdomes of Aberdein, Bamff, Elgine, Foresse, Nairne, Innernesse, Cromartie, Argyle and Tarbett make thair reports to the saids Lords upoun the xxvij day of Februar, under the paine of rebelloun, etc., with certificatioun, etc. And the said divisoun being made for talking of the tryell and informatioun foirsaid that the said justices of peace have a special care that suche of thair brethrein as ar appointit with the minister of eache parish to take the tryell and informatioun foirsaid dewtfullie, tymouslie and effectualle execute the charge layed upoun thame within fyftein dayes after thay be burdened thairwith, and that thay take ane accompt of thame of thair diligence done thairin after the expyring of the saids fyftein dayes, and that thay report the said diligence to the saids Lords so soone as possiblie and convenientlie thay may thairafter, as thay will answeere upoun the contrarie at thair perrell."

"Forsameekle as the Lords of Secreit Counsell haiving upoun verie considerable and good grounds recommendit to the justices of peace within some particular shirefdomes the talking of tryell with the advice of the ministers of eache parish of the nomber and qualiteis of all the fensible persouns als weill to burgh as to land within thair parish to the intent

Threat of
horning
against certain
specified
persons in the
sheriffdom of
Forfar for
neglecting to

inform themselves of the number and quality of the fencible persons within the bounds assigned to them.

that accordinglie ordour might be taine for dreilling and training of thame in the use and handling of thair armes under suche captans sould be appointit over thame, the justices of peace within the shiref-dome of Forfar for testifeing thair dewtifull obedience to the directionis of his Majesteis Counsell in this point tooke a verie good and solide course by appointing of the persouns following in eache parish for taiking of the said tryell, to witt, for the parishes of Marytoun, Logymontrose and Dun, Alexander Areskine of Dun; for the parishes of Stracathro and Pert, Patrik Livingstoun of Barowny; for the parishes of Inchebrayock, Kinnaird and Fernall, David, Maister of Carnegie; for the parochie of Ferne, Alexander Carnegie, his uncle; for the paroches of Edyell, Navar, Lethnock and Dillopie, David Lindsey of Edyell; for the parishes of Aberlemno and Eidwie, David Lindsey of Balgaves; for the parochie of Menmure, Johne Collace of Balnamone; for the parishes of St. Vigianes and Innerkeillour, Sir Johne Carnegie of Athie; for the toun and parochie of Brechin, the bishop and bailleis thairof; for the parishes of Abirlot and Panbryd, Sir Harie Wood of Bonytoun; for the parishes of Guthrie, Kirkbuddo and Carmyllie, David Guthrie of that ilk; for the parish of Kynnettills, Friderick Lyoun of Brigttoun; for the parishes of Mathie and Nevay, Johne Nevay of that ilk; for the parish of Moniekie, James Durhame of Pitkerro; for the parishes of Murrayes and Inner-aritie, Thomas Fothringhame of Powrie; for the parish of the Maynes of Erlestradightie, Johne Scrimgeour of Kirkttoun; for the parish of Strickmartine, Sir Thomas Wentoun of Strickmartine; for the lands of the parish of Kirremure, David Grahame of Fyntrie and Sir Johne Ogilvie of Innerquharatie; for the parish of Teilling, Thomas Ogilvie of that ilk; for the parishes of Liff and Innergowrie, Sir Williame Grahame of Claverhous; for the parish of Benvy and outland parish of Dundie, Sir Johne Scrimgeour of Duddop and James Scrimgeour, his sonne; for the parishes of Lundie and Foulles, Coline Campbell of Lundie; for the parish of Oughterhous, James Erle of Buchane; for the paroches of Keitnes and Newtyld, Williame Halyburtoun of Pitcur; for the parishes of Glames and Neather Airlie, Johne, Erle of Kinghorne; for the parish of Essie, George Lammy of Dwnkany; for the parish of Lownand, Mr. James Durhame of Kinnell; for the parishes of Kynnell, Glenylla and Over Airlie, James, Lord Ogilvie; for the parish of Kingowdrum, Francis Ogilvie of Newgrange; for the parishes of Clovay and Cortowhy, Sir David Ogilvie of Clovay, knight; for the parish of Dinnichtin and outland parish of Forfar, Robert Carnegie of Dinnichtin; for the burgh of Forfar, the proveist and bailleis thairof; for the toun of Aberbrothocke, the bailleis thairof; for the parishes of Othlo and Rescobie, Mr. David Lindsey of Pitskandlie, and for the parish of Tannadyis, Williame Guthrie of Maines; Whilks persouns hes done no diligence at all in that charge committit unto thame bot hes slighted and neglectit the same to the great hinder and disappointing of his Majesteis service; Thairfoir the Lords of Secreit

Acta March
1625-January
as 1628.
Fol. 268, b.

Acts March
1625-January
1628.
Fol. 268, b.

Counsell ordains letters to be direct chairging the persouns particularlie abonewrittin that thay and everie ane of thame within the bounds particularlie abonespecified assigned and allowed unto thame, try and informe thameselffes sufficientlie of the nomber and qualiteis of all the fensible persouns within the saids bounds, and that thay make a perfyte report thairof in writt under their hands and send in the same to the clerk of his Majesteis Counsell within ten dayes nixt after the charge under the paine of rebelloun and putting of thame to the horne, or ellis that thay compeir personallie before the saids Lords at Halyruidhous or whair it sall happen thame to be for the tyme upoun the last day of Januar nixt, and shaw a reasonable caus why the same sould not be done, with certificatioun to thame and thay failyie letters sall be direct *simpli-citer* to putt thame to the horne and to escheate, etc."

Fol. 269, a.

Commissions,
1624-30.
Fol. 151, a.

Commission under the signet to the Sheriff of Renfrew and his deputes, the bailie of the Regality of Glasgow and his deputes, Robert, Lord Boyd, James, Lord Rose, the provost and bailies of the city of Glasgow, and the provost and bailies of the burgh of Renfrew, to search for, apprehend and present before the Council, Hew Stewart in Cloighoillis, who on 4th May last was denounced rebel at the instance of the moderator and brethren of the presbytery of Paisley for not compearing before the Lords of Council and "producing ane sufficient testimoniaie of the presbiterie quhair he duellis of his satisfacioun anent religioun"; also David Stewart in Darnelie, and Elspett Stewart, his spouse, who on 18th October last, were denounced rebels "for thair not satisfeing of the decreit and sentence of excommunicatioun pronounced aganis thame for thair appostacie and defectioun frome the trew religioun." Signed by Mar, Hadintoun, Nithisdail, Wintoun, Roxburgh, Lauderdail, Arch. Acheson, and J. Hamiltoun.

Holyrood
House, 20th
December
1627.

Commission to
the Sheriff of
Renfrew and
his deputes to
apprehend, and
present before
the Council,
Hew Stewart,
David Stewart,
and Elspeth
Stewart, all of
whom had been
denounced
rebels on
account of
their religion.

Borders,
1608-43.
Fol. 93, a.

"The whilk day James Maxwell of Kirkconnell acceptit upoun him the commissioun for the Middle Shyres and gaive his oath."

Holyrood
House, 20th
December
1627.

"The Lords ordains the whole commissioners of the Middle Shyres to be writtin for to the sevintein day of Januar nixt to advise and to represent to his Majesteis Counsell the trew caussis and best remedeis of the troubles of the Middle Shyres; and that the Laird of Johnestoun be writtin for to keepe the said dyet anent the exemptioun granted to him and his name aganis the Erle of Nithisdail. Followes the missive to the commissioners:—After our verie heartilie commendatiouns. The disordours and thifts arrisin of lait within the bounds of the Middle shyres and the frequent and avowed resort and resett of fugitives and outlawes within the same hes moved his Majesteis Counsell to appoint a meeting of the whole commissioners to be heere at Halyruidhous upoun the sevintein day of Januar nixt come, to the intent that after conference among thameselffes they may represent to the Counsell the caussis of thir disordours and the best way how to redresse the same, that accordinglie some solide course may be taine als weill for punishing of the present as

Kirkconnell
accepts the
Commission.

Letter to the
Commissioners
of the Middle
Shires desiring
them to appear
at Holyrood
House on the
17th of Janu-
ary following.
See ante, p.
141.

for preventing of future disordours in tyme comming. And thairfoir ^{Borders,} these are to requeist and desire yow that, all excuissis sett aside, ^{1608-43,} yow keepe this dyet preciselie, whairthrow this service whilk imports so neerelie the peace and quyet of the countrie be not neglectit nor frustrat. And so resting assured of your precise keeping of this dyet we committ yow to God. Frome Halyruidhous the 20 day of December 1627. *Sic subscribitur*, Geo. Cancell., Marr, Hadinton, Roxburgh, Areskine, Arch. Achesone. Followes the missive to the Laird of Johnestoun:—After our verie heartilie commendatiouns. The disordours and thifts arrisin of lait within the bounds of the Middle Shyres and the frequent and avowed resort and ressett of fugitives within the same haiving moved the Counsell to looke ^{Fol. 93, b.} into the caussis thairof for thair better directioun in the right remedeing of the same, it wes alledgit and constantlie affirmed at the table that the exemptioun grantit to yow and your freinds frome the jurisdiction of the Erle of Nithisdail was a maine and cheefe occasioun of the trouble and unquyetnes within these pairts, and that the recalling of that exemptioun would be verie conduceable to the sattling of these bounds and repressing of all disordours within the same. Which, howsoevir it may carie with it probabilitie of reasoun, yitt in regaird your exemptioun wes grantit in a frequent Counsell upoun good and weightie respects we would not summarilie discharge the same till yow wer first callit and heard for your interesse. And becaus thair is a meeting of the Commissioners of the Middle Shyres appointit to be at Halyruidhous upoun the sevintein day of Januar nixt to resolve upoun some solide course for repressing of the present disordours and preventing of the lyke in tyme comming we haive thought good heereby to require yow to keep that same dyet, to the intent that after hearing of all pairteis and consideration of the reasouns and lawfulnessse of your exemptioun and of the evils and prejudices flowing thairfra suche ane equall course may be taine thairin as may best stand with his Majesteis service and the good and quyet of the countrie. And so looking for your precise keeping of this dyet as you respect your awin interesse, we committ you to God. Frome Halyruidhous the 20 day of December 1627. *Sic subscribitur*, Geo. Cancell., Marr, Hadinton, Roxburgh, Areskine, Arch. Acheson.”

Letter to the Laird of Johnston enjoining him to attend the meeting of the Commissioners of the Middle Shires at Holyrood House on the 17th of January following.

Publication to be made of the persons appointed by his Majesty to be the Commission of the Middle Shires, with the powers that have been assigned to them.

“ Forsameekle as the Kings Majestie out of his royall and princelie care to reteane the lait Bordours of this kingdome, whilks now by the happie conjunctioun and unioun of the twa kingdomes of Scotland and England in his Majesteis sacred persoun and under his royall crowne and scepter ar become the Middle shyres of both kingdomes, hes authorized his right trust cousins, Williame, Erle of Angus, Robert, Erle of Nithisdail, Walter, Erle of Bugcleuche, Johne, Erle of Annanderdail, Lord Hay of Yester, with the concurrence of Androw, Maister of Jedburgh, James Maxwell of Kirkconnell, Williame Dowglas of Drumlanrig, Sir Johne Stewart of Tracquir, Sir Williame Setoun, knight, Sir Williame Greir of Lag, Sir Johne Charters of Amisfeild, Sir Johne Murray of

Philliphauch, Sir Robert Dalyell of that Ilk, Sir Thomas Kirkpatrick of Cloosburne and Sir Robert McClellane of Bombie, with full and ample power and commissioun to haive the charge, care and oversight of the saids lait Bordours; to witt, of the shirefdomes of Berwick, Roxburgh, Selkirk, Peebles, Dumfreis, and Stewartreis of Kirkcudbright and Annanderdaill, and hes givin and grantit unto thame full power and warrand in maner specified in the said commissioun, to informe thame-selffes at all occasiouns of the trew estait of the saids lait Bordours, whair, be whome, and upoun what occasioun disordours and thifts ar committit within the same, and, according as thay sall be informed, and as the necessitie of his Majesteis service for the peace and quyetnes of the saids bounds sall require, to consult, conferre and advise how his Majesteis peace may be preserved within the saids bounds, the forder growth and progres of the saids disordours prevented and malefactours and delinquents punished, and to sett doun suche good acts and ordinances thairanent as sall be thought needfull; and to caus the same ordinances ressaive executioun accordingle, and to sett doun the tymes and plaices of the Justice Courts to be holdin within the saids bounds. Lykeas he the said commissioun power is givin to the saids Erles of Angus, Nithisdail, Bugleuche, Annanderdaill and Lord Yester and to everie ane of thame to nominat and appoint a certane number of famous and answerable gentlemen for everie ane of thame, for whome thay sall be answerable, and whois names thay haive givin up to his Majesteis Counsell; unto the whilks persouns his Majesteis good subjects susteaning skaith be stouth or maisterfull reaffe of thair goods may make thair addresse and compleane of the stouth and reaffes susteaned be thame; quhilks persouns upoun informatioun to be givin unto thame sall be haldin to make diligent inquiry and searche for the same and whair thay find anie pregnant presumptiouns of guiltinesse to apprehend the criminalls and to committ thame to waird, thair to remaine till thay be delyverit to thair tryell and punishment, and whair the presumptiouns ar not pregnant, to putt the suspect persouns under good bands and cautioun to be answerable and furthcummand to thair tryell at the nixt Justice Courts; as in the said commissioun conteaning a number of others liberteis, priviledges, limitatiouns and conditiouns at lenth is conteanit: Quhairof necessar it is that publicatioun be made to all his Majesteis lieges and subjects whairthrow nane pretend ignorance of the same. For whilk purpos the Lords of Secreit Counsell ordains letters to be direct, chairging officers of armes to pas to the mercat croces of the heid burrowes within the shirefdomes and stewartreis abonewrittin and thair be opin proclamatioun to make publicatioun of the said commissioun to all his Majesteis lieges and subjects whairthrow nane pretend ignorance of the same, And to command and charge all his Majesteis saids lieges and subjects to reverence, acknowledge and obey, concurre, fortifie and assist the saids commissioners in all and everie thing tending

to the executioun of the said Commissioun. as thay and everie ane of thame will answeere upoun the contrair at thair highest charge and perrell.
 Copy of letter to the Laird of Johnston, printed *ante*, p. 172.
 Copy of letter to the Commissioners of the Middle Shires, printed *ante*, p. 171.

Borders,
1608-43.
Fol. 94, a.
Royal Letters,
1623-52.
Fol. 121, b.
Fol. 122, a.

Edinburgh,
21st December
1627.

Caution by
Henry Shanks
and others
anent the
selling of
English beer.

Caution by Henrie Shankis in Kinghorne, William Balfour in Kirkcaldie, John Gray, burgesse of Dundie, Alexander Boyter, burgesse there, and Patrik Baxter, James Small, Patrik Kinloch, James Bowar and Robert Stirling, all in Dundie, each in 500 merks, that they will not hereafter sell any English beer at a higher rate than £6 the tune.

Cautions,
1621-28.
Fol. 277, a.

Holyrood
House, 25th
December
1627.

Sederunt—Chancellor; Treasurer; Roxburgh; Lauderdaill; Bishop of Dumblane; Lord Areskine; Lord Naper; Secretary; Advocate; Sir Johne Scot.

Acta March
1625-January
1628.
Fol. 269, a.

Instructions to
Sir John
Stewart of
Tracquir,
interim keeper
of Dumbarton
Castle, to
repair and
furnish the
said castle
with the
necessaries for
its safe-keep-
ing.
See *ante*, p.
156.

“Forsameekle as the charge and suire keeping of the Castell of Dumbartane being by warrand frome the Lords of his Majesteis Secreit Counsell committit to Sir Johne Stewart of Tracquir, knight, in the absence of Sir Johne Stewart of Methven, captane of the said castell, whill his Majesteis forder pleasure sould be signified thairanent, and the said Sir Johne Stewart of Tracquir haiving made his addresse to the said castell and taine exact tryell and notice of the trew estait thair of and of the furniture and provisioun being thairintill, and compeerand this day before the saids Lords he reported and declaired that at his entrie within the castell he found onlie three men and a boy in ordinar guairding the same, that the walls in the cheefe and most important pairts thair of wer ruinous and decayed, the houssis wanting doores, lockes or bolts, and nather wind nor water tight, the ordinance unmounted and little or no provisioun of victualls and munitioun (except some few roustie muscats) within the same. Which report being heard and considerit be the saids Lords, and thay finding in these difficult tymes a verie pressing and urgent necessitie of the repairing of the defects of the said castell and maiking of the same secure frome the danger of surpnyse, Thairfoir the saids Lords recommends to the said Sir Johne Stewart of Tracquir and thairwithall requires and allows him to use his best care and diligence towards the necessarie beiting and repairing of suche pairts and plaices of the said castell as ar most important and which can not without a seene danger and inconvenient admitt anie delay, and to victuall and provyde the said castell with furniture answerable to the necessitie of the tyme, and for this effect to advance and furnishe suche sowmes of moneyes towards the uses afoirsaid as the charges to be bestowed thairupoun sall extend unto;

Acta March
1625-January
1628.
Fol. 269, a.

which sowmes of money swa to be disbursed be the said Sir Johne the saids Lords declairs sall be thankfullie payit and refoundit unto him upoun production of his verified accompt; Anent the doing of the which premissis the extract of this Act sall be unto the said Sir Johne Stewart a sufficient warrand."

Fol. 269, b.

"The whilk day in presence of the Lords of Secret Counsell compeered Johne Belcheis as procuratour for Sir Archibald Achesoun of Clancairny, knight, Secretar of Scotland, and gave in the discharge under writtin desiring the same to be insert and registrat in the Bookes of Privie Counsell thairin to remaine *ad futuram rei memoriam*. Quhilk desire the saids Lords finding reasonable, thay thairfor have ordained and ordains the same to be insert and registrat in the saids bookes to the effect foirsaid, of the whilk the tennour followes:—I, Sir Archibald Achesoun of Clancarnie, knight, Secretarie of Scotland, grants me, be the tennour heerof, to haive ressaivit frome Thomas, Erle of Hadintoun, late Secretarie of the said kingdome, and James Winrahame of Libbertoun, late keeper of the Signet, all suche warrands of the Signet past by bills as the said James Winrahame declaired upoun his great oath in presence of the Lords of Secret Counsell that he had carefullie kept without abstracting or putting anie of thame away; which ar to be dispoised of by my lyke declaratioun whensoever the same sall be required frome me by the saids Lords or any other having his Majesteis warrand to ressaive the same. And for the more securitie I am content and consents thir presents be registrat in the bookes of Secret Counsell thairin to remaine *ad futuram rei memoriam*; and for registring heerof constituts Johne Belcheis, etc., conjunctlie and severallie my lawfull procuratours, *promittentes de rato*, etc. In witnes whairof (writtin by Mr. George Nicoll, my servant) I have subscrievd thir presents with my hand at Edinburgh the twentie nynt day of December 1627, before these witnessis, George Watsoun, wrytter to the signet, and Johne Strugeoun, my servant. *Sic subscribitur*, Arch. Acheson, Geo. Watsone, witnes; Johne Strugeon, witnes."

Holyrood
House, 29th
December
1627.

Acknowledg-
ment by Sir
Archibald
Achesoun,
Secretary of
Scotland, of
warrants
received from
Thomas, Earl
of Haddington,
late Secretary
of the said
kingdom.

Minute Book,
1604-31.
Fol. 81, a.

The *Minute Book of Processes* gives the following Memoranda collectively for the month of December 1627.

Proces: The Commissioners appointed for collecting the voluntar contributione for repairing the toune of Dumfermlin, brunt be fyre, against James Cairnes, etc. who received more then the valuatione of ther losse did extend to.

Ryott and hamsuken: Maxwell against Maxwell of Laroeh.

Precognitione against Dundasse and Wheitheid of Park.

Letters: The Laird Bishoptoun against Lord Sempill for delyverie to him of his house of Stainlie.

Ryott and imprisonment: Hendersone of Strowie against Robertsons. Minute Book, 1604-31. Fol. 81, b
 Act commissionating Stewart of Traquair to be captan of the Castle of Dumbartoun.

Proces: Mr. James Hanney against Patrik Crystie for concealing and deteaning some money sent to him fra a souldier in Sweden.

Ryott: Broune against Jon Stewart, etc.

Rebellione: Glen against the Lord Hereis.

Letters: Advocat against Gray, etc. for contraveening ane Act anent the pryce of English bear.

Proces: Commissioners of Borrowes against Coalmasters for raising the pryce of ther coalls and preferring strangers.

Commissioun to the Shireff or his deputts or magistratts of Hadingtoun to examine Marion Kemp, suspect of murther.

Actes anent levieing sojours for Denmark.

Holyrood House, 8th January 1628.

Sederunt—Chancellor; Privy Seal; Roxburgh; Bugcleuche; Acta March 1625-January 1628. Fol. 269, b.
 Lauderdall; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Naper; Secretary; Clerk of Register; Advocate.

Charge to the Sheriff of Forfar and his depute to apprehend the Earl of Crawford, now under sentence of horning, to seize his castle of Finhaven, and to apply his fermes and rents, so far as they will extend, to the payment of the said Earl's debts to Peter Reid, merchant tailor of London.

“ Forsameekle as the Lords of Secreit Counsell haiving consideratioun of the manie complaints exhibite unto them be Peter Rid, merchant tayleour citiner of Londoun, aganis George, Erle of Crawford, who being of a long tyme denounced rebell and putt to the horne be vertew of letters raised at the said Peter his instance for not payment maiking unto him of the sowme of twa hundreth pundis sterline money togidder with the sowme of fourtie sevin pundis fyve shillings three penneis sterline money with the expensis of the plea specified in the saids letters, and in two severall decreits recovered be him thairupoun before the Lords of Counsell and Sessioun; and upoun the said horning the said Peter haiving used all other lawfull executioun allowable be the lawes of this kingdome, not onelie be letters of captioun (the executioun whairof proved voide) bot by letters of treasoun whairby the said Erle was charged by Thomas Huntar, Rose herald, with displayed coate of armes, to rander and delyver his castell and fortalice of Phynnevin and to enter his persoun in waird within the castell of Blacknes within a certane spacie after the charge under the paine of treasoun, the said Erle hes lykeways dissobeyed that charge and hes not entered his persoun in waird within the said castell of Blacknes, bot to the contempt and Fol. 270, a. mockage of justice and for a culloured shew of obedience caused delyver to the said herald a key of one of the yetts of the said plaice of Phynnevin, and he in the meane tyme still reteanes and keepes the possessioun of the said hous and hants and frequents all publict pairts and societeis of men, as if he wer his Majesteis free and lawfull subject, using himselffe in all respects as if he lived not under the obedience of

Acta March
1625-January
1628.
Fol. 270, a.

a soverane king, and as if thair wer nather law nor justice to controll him. Upoun occasioun whair of the said Peter (who is a strainger and was some tyme a man of good wealth and credite) is now after sevin yeeres persuite and processe in law reduced to great necessitie and want to the disgraice of his Majesteis governement, and to the course and ordour of justice of this kindome. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct chairging officiars of armes to pas and charge the shireff of Forfar and his deputs and all other shireffs, stewarts, bailleis of regaliteis and thair deputs, proveists and bailleis within burgh and all others his Majesteis officiars and magistrats to burgh and land, to pas, persew, searche and seeke the said George, Erle of Crawford, whairever he may be apprehendit within the bounds of thair office and jurisdiction, and to putt, hold and deteane him in sure firmance and captivitie ay and whill he have satisfied the command and will of the saids letters of horning and obteane himselfe relaxt thairfra : As alsua to command the said shireff of Forfar and his deputs to pas, persew and taik the said Erle his plaice and fortalice foirsaid of Phynnevin, and to remove his wyffe, servants and familie furth thairof, and to appoint two discreit men to keepe the said plaice duiring the tyme of the said Erle his rebellious, allowing to either of the saids two men threitein shillings foure pennis daylie to be payed to everie ane of thame of the readiest of the said Erle his rents and living ; and also that the said shireff of Forfar and his deputs intromett with and uplift the said Erle his fermes and rents and apply the same so farre as thay will extend towards the payment of the said Peter Rid : And for the better executioun of the premissis, with power to the saids shireffs, stewarts, bailleis of regaliteis and thair deputs, proveists and bailleis within burgh and uthers foirsaid, to convocat his Majesteis lieges in armes, whome the saids lords be thir presents commands to ryse, concurre, fortifie and assist the saids shireffs and uthers foirsaid in all and everie thing tending to the executioun of the premissis, as thay and everie ane of them will answeere to his Majestie and the saids Lords upoun thair highest charge and perrell : As alsua to command, charge and inhibite all and sindrie his Majesteis lieges and subjects yitt as of before be opin proclamatioun at all plaices needfull that nane of thame presooome nor take upoun hand to ressett nor supplee the said Erle nor furneis him meate, drinke, hous nor harbourie, duiring the tyme of his rebellious under whatsoever cullour or pretext under all highest paine that by law can be inflicted against thame in this cause."

(Sederunt as recorded above.)

Holyrood
House,
8th January
1628.
Finding in
favour of the
provost and

Complaint at the instance of David Whyte, deacon, Andrew Thom-
soun, John Robertsoun, James Robertsoun, David Weyland, Alexander
Melvill and Robert Durie, cordiners burgesses of Cowper, as follows :—

bailies of
Cupar anent
their pro-
cedure in
fixing the
prices of boots
and shoes
within their
burgh.

As the complainers are informed the provost and bailies of Cowper have lately made certain acts whereby they have "prescryved the pryces of the saids compleaners handie worke of boots and shoone," and for not observing the said acts the complainers have each been fined five pounds and put under caution on "some hard and strict conditions." Further for their not paying the fine and finding caution, the complainers have been warded in the tolbooth of Cowper, and the said provost and bailies will not put them to liberty, notwithstanding their "submissive offers of obedience." The said acts, the complainers plead, were "verie extraordinarie and summarie made aganis thame, without tryell or cognitioun tane in the caus or calling of the compleaners to the making of the said acts," who were ready to appear and give reasons why the said provost and bailies "could not sett suche a definitive pryce upoun their boots and shoone. For in maters of this kynde concerning a whole bodie (whairof the compleaners ar a pairt) respect sould have beene had to the pryces of the hydes and of the barke, lyme and all other materialls requisite for the perfectioun of thair workes, and accordnglie to have set doun the saids pryces with allowance to the compleaners of that whilk the law of God and nature gives unto thame for the fruct of thair labours and interteanement of thair familieis." Thus the said provost and bailies have acted in a way whereof there "is no precedent in this kingdom," as also of "perverting of the law of nature," and their proceedings cannot be warranted by law, justice, or reason. Moreover, the complainers are a number of honest, simple men who live by their daily work and labour, "and being sequestrat thairfra, as now they ar, hes not the meanes to interteane thameselfes in waird." Charge having been given to George Airth, provost, and David Jamesoun, bailie of Cowper, to compear personally by one or two of their number instructed to answer for the rest, and to bring the complainers with them, and the complainers appearing, and the said David Jamesoun, in name of the defenders, the latter produced "the acts and rolments of thair court, by the whilks at severall dyets they conveened before thame the cordonners of the said burgh and earnestlie dealt and travelled with thame to give thair advice and opinioun and to make overtures anent the setting doun of statuts for conformeing the pryces of boots and shoone to ane reasonable rait, and that the saids cordonners having refused to give anie advice in that mater, saying they would not be subject to anie acts to be made thairanent; thairfoir the provest, bailleis and counsel of the said burgh, after mature advice and deliberatioun, made and sett doun the pryces of boots and shoone, with the penalteis to be incurred be the contraveenners thairof, as the acts made to this effect bearing date the twentie ane day of September last, the twentie sevint day of November, the sevint and twentie aucht days of December last beares." After hearing these read and the reasonings of both parties the Lords find "that the saids defenders hes verie laughfullie, legallie

Decreta,
1627-30.
Fol. 19, a.

Fol. 20, a.

Fol. 20, b.

Decreta,
1627-30.
Fol. 20, b.

and formallie proceedit aganis the saids persewers in the mater foresaid, and allowes and approves thair proceedings in all points." They further ordain them to carry back the pursuers to their ward and keep them there until they find sufficient caution to obey the said acts and serve the country accordingly.

Royal Letters,
1623-32.
Fol. 122, a.

"After our verie heartilie commendatiouns. We haive^e beene informed frome James Auchinmowtie, captane of his Majesteis shippe callit *The Thrissell*, that in thair lait returne frome England the said shippe wes most dangerouslie tossed by contrarious windes at sea, that a great laike strooke up in thair shippe whilk endangered both the shippe and the lyves of all these being within her; and how that haiving spent thair hail victualls they wer in end forced by the violence of the storme, and upoun lyffe and death, to seeke in to that harbourie quhair the shippe now lyes unfurnished of victualls and other necessars, and the captane and his companie wanting freindship and acquaintance thair; the consideratioun quhair of and the care we haive towards the preservatioun of his Majesteis shippe hes moved us to recommend this bussines unto yow, requeisting and desiring yow upoun the sight heerof to caus furneis the captane with all things necessar for beiting of the shippe and victualling of her duiring her abode thair, and that yow forder the dispatche of the shippe and sending of her about to Leith this nixt streame if possiblie may be; and failyeing thair of, and that the shippe by contrarious windes be haldin within your harbourie, that yow dismissee all the companie except sax whome by advice of the captane yow sall receive for keeping of the shippe and direct the rest hither, furnishing thame with moneyes for thair charges hither, to the intent that at thair heere coming ordour and directioun may be givin for thair pay. Yow sall taik the sailes frome the raes of the shippe and haive a care of her saulfe and suire keeping and of her furniture and apparelling belonging thairto till ordour be givin for bringing her about to Leith; and quhat sowmes of money yow sall disburse in this bussines sall be thankfullie refoundit and payit unto yow upoun production of your accompt. And so not doubting of your conformitie and obedience, we committ yow to God. Frome Halyruid-hous, the aucht day of Januar 1628. *Subscritur*, Geo. Cancell., Marr, S. Andrewes, Hadinton, Roxburgh, Lauderdaill, Naper, Arch. Achesone."

Holyrood
House, 8th
January 1628.
Letter to the
Provost and
Baillies of
Aberdeen
anent a ship
that had been
driven into the
harbour of the
said burgh by
stress of
weather.

Fol. 122, b.

"Ane missive to the Countesse of Lynlythqu certifying hir of the arryvall of the Kingis tua shippis and requiring hir to gif ordour for ressaveing of the same."

The Countesse
of Linlithgow.

"Ane warrand to James Ruthirfoorde, pursair, to furneis Capitane Murrayis ship with victuallis till Mononday nixt upoun assuurance to be thankfullie payit."

James
Rutherford.

"The quhilk day the Lordis haveing hard the reporte of Lyoun King of Armes anent the uniformitie of the Herauldis registeris, thay ordane Thomas Dryisdail his signatour to be delyverit to him to the effect the same may be past and exped through the seallis."

The Lyon
King of Arms.

Sederunta,
1625-29.
Fol. 72, a.

Edinburgh,
9th January
1628.

Cautioun by
James Murray
for William
Smeaton.

Cautioun,
1621-28.
Fol. 277, a.

Cautioun by James Murray, younger, son to James Murray, merchant, burgess of Edinburgh in 100 merks that William Smetoun, master of the ship called *The Blessing of Leith*, will appear before the Admiral whenever charged, if then within the country, and "ansuer to the caus whairfoir his shippe wes arreisted be the said Lord Admirall."—(Signed) Ja. Murray.

Cautioun by
John Cuning-
ham of Bonny-
ton for Mr.
James
Baillie of
Crimptcramp.

Mr. James Lawtie, advocate, as procurator for principal and cautioners, registers a bond of caution by John Cuninghame of Bonnyton, in 300 merks, that Mr. James Bailzie of Crimptcramp will appear before the Lords of Council on 5th February next, and answer to a complaint of John Booke in Thankertoun of "ryding over him with ane hors," and that he will pay £20 for his escheat if he be found to have been lawfully denounced; with clause of relief. The bond, written by Robert Cairncroce, servitor to Patrik Hammiltoun, writer, is dated at Edinburgh, 7th January 1628: witnesses, John Hammiltoun, messenger, and the said Patrik Hammiltoun.

Holyrood
House, 10th
January 1628.

Sederunt—Chancellor; Treasurer; St^t Andrewes; Privy Seal; Acta March
1625-January
1628.
Fol. 270, b.

Roxburgh; Bugleuche; Lauderdaill; Lord Areskine; Melvill;
Naper; Secretary; Advocate; Sir Johne Scot.

Admission to
the Council on
his Majesty's
warrant of Mr.
Thomas Hope
of Craighall,
his Majesty's
Advocate.

"The whilk day the Lords of Secreit Counsell according to ane warrant and directioun in writt signed be the Kings Majestie and this day presentit unto thame ressaivit and admittit Mr. Thomas Hoip of Craighall, his Majesteis Advocat, to be ane of the ordinar number of his Majesteis Privie Counsell of this kingdome, lykeas the said Mr. Thomas, being personallie present and acknowledging with most humble thankes his Majesteis gracious favour shawin unto him in preferring and advancing of him to this high plaice of honnour and dignitie, he with all dew reverence upoun his knees, his hand upoun the halie evangall, made and gaive his solemne oath of allegeance and the oath of a privie counsellour. Followes his Majesteis missive letter for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counselours, and right trustie and weilbelovit counsellours, we greete yow weill. Understanding perfytelie the sufficiencie of our trustie and weilbelovit Mr. Thomas Hope of Craighall, one of our Advocats, and of his affectioun to our service wee ar pleased in regaird thairof and for his further encouragement and enabling for our said service to advance and promove him to be one of our Privie Counsell in that our kingdome. It is thairfoir our will and pleasure and wee doe heereby require yow that having administred unto him the oath accustomed in the lyke caises yow admitt him to be one of our Privie Counsell, receaving him in that plaice as one

Acts March
1625-January
1628.
Fol. 270, b.

of your number, for doing whair of these presents sall be your warrand. Givin at our Court at Whitehall the 28 of December 1627."

"The whilk day Sir Lewes Lawder of Gogar, knight, acceptit upoun him the shirefship of Edinburgh principall, and gaive his oath."

Sir Lewis
Lauder accepts
the sheriffship
of Edinburgh.

"The whilk day the proveist and bailleis of Edinburgh gaive in a reply to the answeres made be the Lords of his Majesteis Privie Counsell, to the articles and conditionis whairupoun the proveist, bailleis and counsell of Edinburgh undertooke the fortifeing of Leith, whilks the saids Lords will take to thair consideratioun with convenient diligence."

Reply anent
the fortifica-
tion of Leith.
See ante, p. 159.

"The whilk day the Lord Areskine gaive in his answeres in writt to the petition givin in be the tannars, whilks answeres wer delyverit to Johne M^cNacht, deane of gild of the burgh of Edinburgh, who compeered with some of the tannars and who tooke Tuisday nixt to reply thairunto."

Lord Erskine
and the
tannars.

"The Lords of Secreit Counsell nominats and appoints Sir Johne Scot of Scottistarbett to peruse and examine the bookes, charges and collection of the commissioners nominat be the saids Lords for collecting and ingaddering of the voluntar contributioun towards the releeffe of Dumfermline, with the discharge and distributioun of the moneyes and others givin to that use, and to report to the Counsell the trew extent thair of; and ordanis the commissioners to haive letters for pointing of the readiest goods of suche as haiving ressaivit more nor thair valuations refuses to delyver backe the same."

Warrant to
Sir John Scott
to examine the
books anent
the contri-
bution for
Dunfermline.
See ante, p. 161.

"The Lords of Secreit Counsell recommends to the generall and maister of the Coinziehous and to Williame Dick, David M^cCall, and David Jonkeene, who wer personallie present, to meete and advise upoun the best remedies for obviating the abuse and course of dog dollours, and to report thair opiniouns thairanent to the Counsell upoun Tuisday the fyftein of this instant."

Warrant to
the master
cunyeour.
See ante, p. 168.

"Anent the propositioun made to the Lords of Secreit Counsell be Mr. James Robertoun, Justice Depute, bearing that Alexander Hammiltoun of Holmeheid and Williame Cowtterd in Glendowie being conveened and persewed before his Majesteis Justice and the said Depute at the instance of James M^cMorran of Glaspen for the mutilatioun of the said James, thair wes ane exceptioun propouned be the pannell for eliding of his persuite, to witt, that he haiving callit and persewed thame for the same caus before the Lords of his Majesteis Privie Counsell, and haiving deduced and led probatioun aganis thame that thay wer *simpliciter* assoilyed frome his persuite and declaired free thair of, whilk thay verified be productioun of the decreit of absolvitur givin in thair favour. And whairas the mater seemed doubtfull to the said Mr. James if he might proceed in a mater which had alreadie received tryell and decisioun before the saids Lords and decreit and sentence following thairupoun, he thairfoir humblie desired that he might be consulted and advised be the saids Lords and haive thair opinioun thairanent. Quhilk propositioun

Finding of
Council in
answer to Mr.
James Robert-
son, Justice
Depute, that a
party who has
been assoilyed
by the Council
from the
charge of riot
cannot be
brought to a
second trial
before the
Justice on the
same ground.

Fol. 271, a.

being heard and considerit be the saids Lords and thay weill advised thairwith, the saids Lords be thair interloquutor finds—That a pairtie being persewed before the saids Lords of Privie Counsell for a ryot at the instance of a partie interest who made choise of his owne judgement and produced witnessis and led probatioun thairupoun that the partie so persewed can not thairafter be brought to a secund tryell criminallie before his Majesteis Justice for mutilatioun upoun that ground and fact for whilk he wes persewed before his Majesteis Counsell, and accordingley thay find the exceptioun propouned be the pannell to be relevant to exclude the persewar fra processe before his Majesteis Justice.”

Acta March
1625-January
1628.
Fol. 271, a.

Protest of Mr.
Thomas Hope,
his Majesty's
Advocate,
anent the
above finding.

“The whilk day Mr. Thomas Hoip of Craighall, his Majesteis Advocat, protested, that the Interloquoutour and decisioun abonewrittin givin be the Lords of Privie Counsell in the mater abonespecified betuix pairtie and pairtie sall not prejudice nor exclude his Majesteis Advocats to persew anie persoun before his Majesteis Justice for a cryme, notwithstanding of anie tryell or cognitioun taine be the Lords of his Majesteis Privie Counsell in that mater of befoir.”

Letter from
his Majesty
anent the
fines due by
penal statutes.
See ante, p. 137.

“The whilk day the missive letter underwrittin signed be the Kings Majestie wes presented to the Lords of Secreit Counsell, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours; Whairas we wer formerlie pleased to write unto yow that the fynes dew by penall statuts sould not be levied for a tyme till our further pleasure wer knowne as we graciouslie heereby intendit a favour for our subjects by taiking a moderat course for the tyme past, we wer so farre frome thinking that this would induce thame to transgresse our lawes in tyme comming as we wer fullie perswaded that this taste of our bountie sould haive made thame the more loath to provooke our justice by living in dew obedience in tyme comming. Bot seing yow find it necessarie that another course be taikin, as we haive onelie respetted and not remitted anie suche transgressiouns for tymes past, so it is our pleasure that frome thence fordward yow caus punish all these persouns who infringe anie of these lawes which wer excepted in the last Parliament or which yow sall thinke fitt for the better governement of the kingdome to be presentlie putt in executioun; not doubting bot yow will haive a care to see it done in suche a moderat forme that our subjects sall not have just cause to compleane. And thairfoir we can not bot the rather require yow to haisten fordward that course for holding of justice courts in everie circuit as wes formerlie intendit that the delinquents may frome tyme to tyme be censured in the shyre whair thay dwell without being putt to the charge of a farre voyage; that by the frequent doing of this thay may be terrified frome offending and not ensnared by a long delay which may make thame presooome of impunitie. And so remitting the

Fol. 271, b.

mannaging of this to your care we bid yow fairweill. Frome our Court at Whitehall, the 28 of December 1627. Quhilk letter being read, heard and considerit be the saids Lords, and thay being weill advised thairwith, thay returned thair answeere to the Kings Majestie in the tennour following:—Most Sacred Soverane, We receaved your Majesteis letter of the twentie eight of December in answeere to that which we wrote to your Majestie concerning penall statuts, whairby we conceave that it is your Majesteis pleasure that the past transgressours of these statuts sall be respitted for a tyme and punishment onelie inflicted upoun suche as sall offend in tyme comming. As with all humble and dewtifull respect we reverence your royall favour and bountie intendit to your subjects in this caise, yitt the dewtie we owe unto your Majestie in the truste concredite unto us enforces us humblie to represent unto your royall consideratioun als weill your awin prejudice as the inconveniences that will follow to the estait if the executioun of all penall statuts sall be respitted. For your Majesteis extraordinar taxatioun (whairof the most pairt depends upoun concealed moneyes) will heereby be altogidder overthrowne to your Majesteis great losse and prejudice. And these lawes which in the last release and discharge of penall statuts wer by Act of Parliament excepted and reserved for the publict good of the kingdome and restraining the contempt and insolence of lawlesse persouns by whome the commoun weale wes wronged and your Majesteis good subjects distressed will become voide, aganis the meaning of your Majesteis Estaits who in the favour shawin to the subjects be the said release intendit that these reserved Acts sould stand in force and ressaive executioun accordinglie. And whairas some course wes begunne by your Majesteis officers for censuring of these offenders in suche a moderate forme as none with reasoun could compleane of rigour, this interruptioun by the respekt foirsaid will breede suche ane hoipe of impunitie in the opinioun of persouns not weill dispoised as will mucche prejudice the course of gouvernement of this kingdome. All which leaving to your royall consideratioun and further directioun whairunto in all humilitie we sall conforme our selffes, we pray God to blesse your Majestie with manie long and happie yeeres. Frome Halyruidhous the tent of Januar 1628.”

“Anent our Soverane Lords letters direct be the Lords of Secret Counsell makand mentioun, Forsameekle as Andrew Davidsoun, messinger in Moffat, being callit before his Majesteis Justice for the filthie cryme of adulterie committit be him, he, fearing the event of his tryell, absentit himselfe and compeered not, for the whilk he wes decerned to be denounced fugitive and rebell, the executioun whairof wes not onelie superseedit, bot a remissioun grantit to him for the said cryme upoun promise and conditioun that he sould haive made his addresse to the warres of Germanie, under the charge of Alexander, Lord of Spynie,

Letter from the Council to his Majesty anent the respitte of fines due by penal statutes.

Sentence of horning against Andrew Davidsoun for his failure to appear before the Council to answer to the charges of adultery and neglect to take service with the Lord of Spynie in the

Acta March
1628-January
1628.

Fol. 271, b.

Fol. 272, a.

wars in
Germany.
See *ante*, p. 162.

and that he sould not haive gone backe againe to Annanderdail. Notwithstanding of the whilk favour showin unto him he, being most unworthie thairof, not onelie falsified his promise and went not with the said Lord of Spynie, bot with that he past backe to Annanderdail, whair he remained sensyne, as he does yitt; for the whilk he aucht to be punished to the terrour of others to abuse his Majesteis Counsell after that kinde. And anent the charge givin to the said Andrew Davidsoun to haive compeered personallie before the Lords of Privie Counsell upoun this present tent day of Januar instant to haive answered upoun the falsifeing of his said promise and abusing of the saids Lords in maner foirsaid and to haive heard and seene suche ordour taine thairanent as apperteanned, under the paine of rebellioun and putting of him to the horne, with certificatioun to him and he falyied letters sould be direct to putt him *simpliciter* thairto, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof: Quhilks being callit and the said Andrew Davidsoun not compeerand, the Lords of Secreit Counsell thairfoir ordains letters to be direct, chairging officiars of armes to pas and denunce the said Andrew Davidsoun his Majesteis rebell, and putt him to the horne and to escheate."

Acta March
1625-January
1628.
Fol. 272, a.

Reply of the
Burgh of
Edinburgh.
See *ante*, p. 181.

"The whilk day compeered personallie before the Lords of Privie Counsell the proveist and bailleis of Edinburgh and gave in the replyes underwrittin of the whilk the tennour followes:—

At Edinburgh the tent day of Januar 1628. Replyes of the proveist, bailleis and counsell of Edinburgh to the Answeres made be the Lords of his Majesteis most honourable Privie Counsell to the first articles givin in be thame to the saids Lords anent the fortificatioun of the toun of Leith.

Quhairas it hes pleased your honnours to find it expedient for the strenthe and saulfetie of the kingdome that the whole toun of Leith be fortified so it be sufficientlie provydit, willing us to beginne the fortificatioun with raising of bulwarkes and with all doe advise that the governement and keeping thairof be committit to his Majestie and suche as his Majestie sall intruist thairwith who sall be at pleasure changeable, we most humble intreate your Lordships to consider that

Fol. 272, b.

(1) The Council
of Edinburgh
undertook the
fortification of
Leith solely on
condition that
the govern-
ment of the
town should be
entrusted to
them and their
successors.

what wes offered be us anent the fortifeing of Leith wes upoun the conditionis and provisiouns conteanit in our articles givin in to your lordships and no otherwayes, whairof this wes the principall and *sine qua non* that under his Majestie the governement and keeping thairof sould be intruisted to us and our successours as these who ar presentlie invested in the jurisdiction of the same (except ane small parcell thairof) and since the governement thairof can not he conferred upoun anie other without ane evident breache and infringing of these rights, liberteis and priviledges conferred upoun us and our predecesours be his Majesteis most noble progenitours we humbelie crave

Acts March
1625 January
1628.
Fol. 272, b.

pardoun that we heere subsist till we be secured in the government and keeping thair of under his Majestie be patent grantit of the same in maner conteanit in our former articles, and the remanent articles givin in be first satisfied."

"As to your lordships answer to the first article thair is no necessitie of production of our chartours, infeftments or other securiteis since we crave not ane ratificatioun of anie liberteis, priviledges or securiteis, bot that whilk is signed be his Majestie hes beene presented to the Lords of his Majesteis Exchequer, whair of the particular evidents and writts thairin mentiouned hes beene alreadie be warrand frome his Majestie and als frome the saids Lords perused and allowed be his Majesteis Advocats, Sir Williame Oliphant and Mr. Thomas Hoip, and that severallie and sindrie tymes, as is notour to the saids Lords and hes beene by the saids Advocats before your Lordships verified. And as to the calling of the inhabitants of Leith, thair is no reasoun why they sould be callit to anie grant that it sall please his Majestie to confer upoun us, nather yitt that we sould dispute with thame upoun the validitie or invaliditie of Acts of Parliament and decreitts givin before the Lords of Sessioun *in foro contradictorio partibus comparentibus*, since nather will your lordships find yourselfes judges competent to the decisioun if anie questioun may arise frome the same, bot will remitt the judgement thair of to the Lords of Sessioun as onelie judges competent in suche caises; nather is it usuall to conveene the vassalls to dispute the priviledge of the superiour."

(2) Reply anent the production of charters and infeftments pertaining to the superiority of the burgh of Edinburgh over Leith. See ante, p. 159.

"As to your lordships answer to the secund article anent the government of the whole toun of Leith to be established in our persons and our successours we repeate what we have formerlie said in our answer to your lordships preface anent the same, and with all humblie intreates your lordships to be perswaded that it is nather our ambitioun nor wealth that makes us zealous of that government, bot it is our necessitie whilk presseth us to the same; since if anie other under his Majestie sall be intruisted thairwith he must also have in his hands the managing and disposing of our liberteis and priviledges whilks hithertills hes ever beene committit to the magistrats of this burgh, the best pairts of Leith being so incorporat with our burgh as pairts, pendicles and pertinents of the samine as our awin commoun streetes ar or the freest part of our burgh. Nather can the government be disjoyned from the burgh of Edinburgh without the utter period and ruine of this burgh and liberteis thair of. Nather when the same is established in our persons is it to be accompted altogidder heretable since it is bot to us and our successours, and our Magistrats being yeerelie changed, and sua in effect ilk yeere new governours chosin. And thairfoir since our necessitie so presseth us and the good of the worke requires and bringes with it the securitie of his Majesteis service without the least prejudice ather

(3) If anyone else should have the management of the fortification of Leith except the Council of Edinburgh, he must also have in his hands the liberties and priviledges of the said burgh of Edinburgh.

Fol. 273, a.

to his Majestie or realme we humblie intreate your lordships to concurre with us for obteaning of his Majesteis grant to the same." Acta March 1625-January 1628. Fol. 273, a.

(4) The superi-
orities of the
Baron of
Broughton and
Lord
Balmerino.

"As to your lordships answe're to the thrid article: The Baroun of Brouchtoun is superiour of the north syde of the Bridge of Leith and ane parcell at the south syde of the bridge; the Lord Balmerinoch of ane other small parcell. As to the pryce, your Lordships can better find out the worth thair of; and since it is that whilk is to be performed be his Majestie for the good of the worke and consolidating the same in ane inteir government we humbelie intreate your lordships to spaire us not to meddle thairin."

(5) Anent the
price of the
bounds
necessary for
the work, and
the proportion
to be contri-
buted by the
burgh of
Edinburgh.

"Anent the fourt article: Since it is our humble sute to his Majestie to buy these bounds for the use of the said work we remitt the tryell thair of to your lordships since it is more in your lordships power and easier to be performed; and as for notifeing of our proportioun it sall need no declaratioun since we intend to doe that whilk sall be fitt for the good of the worke."

(6) The inhabi-
tants of Leith
would only
have to contri-
bute their
proportionate
share of the
burdens.

"Anent the fyft article: It is not desyred be the toun of Edinburgh that the inhabitants of both the sydes of the Water of Leith sould underly all burdeins imposed upoun thame be the toun of Edinburgh bot thair proportionall pairt with us of all burdeins and charges we undergoe for the fortificatioun and maintenance of the said toun of Leith since thay equallie participat of the benefite thair of, and at all tymes; whilk we remitt to your lordships wise considera-
tion and judgement."

(7) The desire
of the burgh is
that nothing
should be done
without or
within to
prejudice the
fortifications
raised.

"Anent the saxt: Our desires ar reasonable, for we crave onelie that nather without nor within anie thing be done which may prejudice the fortificatioun raised; and if anie thing be without that it may ather be removed or secured and that nane sould build heerafter without neere the rampiers or wallis least the same may give advantage to the enemie, and that nane within sould build so neere the wallis as may hinder the service or so high as may bring hurt or damage to the toun, quhilk all we hope your lordships will thinke reasonable."

(8) Touching
strangers
settling in
Leith, and the
removal of idle
and masterless
persons.

"Anent the seavint: Our desyres ar just; for we doe not crave that it sall not be leasome to anie present inhabitant of Leith to sett houssis ane to another bot that heerafter no stranger repaire and thither be suffered to sitt down thair without tryell of his qualitie. And whairas your lordships refuissis to give warrand for dischairging of ydle and suspect persons furth thair of, we most humblie intreate your lordships secund consideratioun of the same, since to our eyes it Fol. 273, b. appears both warranted be law and reasoun that all ydle and suspect persons sould be removed furth of anie weill governed citie farre more out of anie fortified plaice or strench."

"Anent the aucht: We adhere thairto provyding the government be established upoun us and our successours."

(9) Three score
pieces of

"Anent the nynt: It is hard to us for the present to resolve upoun the

Acta March
1625-January
1626.
Fol. 273, b.

full number of cannon, bullett and powlder till the platt of the fortifica-
cious be made; bot sua farre as we have learned of these who hes
insicht in these effaires it will require at least three score peece of
cannon, whair of thrid pairt brasse, twa pairt yrne, with fyve hundreth
weight of powder and twa hundreth bullets to ilk peece and all other
furniture requisite to the same. As to the maintenance, answeere sall be
given thairto when the meanes of the interteanement sall be found out
and knowne.”

cannon, with
five hundred-
weight of
powder and
200 bullets to
each peece, may
be necessary.

“ Anent the tent: We will heare from your lordships judgement in so
weightie ane effair before we presume to give anie overture frome our
selfes. For evin the most difficult effaires may be your lordships great
wisdome be exped, which to weaker judgements sall be inextricable, and
we sall sooner come to the knowledge heerof by following the threid of
your lordships directionns than going before.”

“ Anent the ellevint article: We thinke it a mater worthie your
lordships consideratioun, the plaices being so important; and thairfor
darre not presume till we heare your lordships opinioun thairanent and
the meanes whairpoun the same sall be done be found out and sattled.”

“ As to the last: Whair we have divvett or ryce of our awin we sall
not be troublesome to the countrie. When ours is spent we intreate we
may be furnished out of the nixt adjacent plaices ewest to the toun of
Leith or neere hand. As for the satisfacioun for the same and cariage
it is that we desire the countrie to be burdenned with, of whois favour
and goodwill and speciallie of the noblemen aud gentlemen of Louthiane
we ar so confident that we doubt not they sall offer thair contributting
helpes thairto with more willingnes nor we crave it. What your lord-
ships otherwayes will thinke fitt in the mutuall releefe one of another
we leave it to your lordships wise deliberatioun.”

Touching turf
and brush-
wood, the
burgh will not
be troublesome
to the countrie.

“ In end we ar in all humilitie to intreate your lordships if the worke
be so necessarie for the publict good as your lordships hes found it, and
that it cannot bot appeare to your lordships what burdein we sall
undergoe in undertaking ane work of suche weighte and moment it might
please your lordships to grant your honourable assent to these our just
desires; and with all willingnes to interceid with us at his Majesteis
hands for his royall grant of the same, especiallie anent the governement,
since Edinburgh and Leith can not be disjoynned without the utter
undoing of the ane; and what other auxiliarie helpes ar desired ar so
necessarie as without thame the worke cannot be accomplished. If,
otherwayes, your lordships deny your honourable assistance and favour,
we must [postpone] and leave aff what upoun motioun made be your
lordships hes beene be [us] for the publict good so freelie offered, and
resolve to undergoe the hazard of what may insew with the rest of the
countrie and to leave the issue to the Lord, whome we most heartilie
pray for Jesus Christs sake to direct both your lordships and us, ilke ane
in our statioun, to take suche course as may be best for the publict good

Unless the
government
of Leith be
committed to
it the burgh of
Edinburgh will
withdraw from
its proposal.

Fol. 274, a.

and securitie of this realme and whilk may beare testimonie to his Majestie, the Estaits of this realme and all posteritie, that thair wes nather laiking in your lordships that honnourable care to interteane all motiouns whilk might incourage us to undertake so great a worke, nor willingnes in us to approve ourselfes to the full in undergoing the samine to be good subjects to our king, patriots to our native countrie and presidents of so memorable ane monument to all posteritie. For if we doe not find these incouragements whilks we expect, and that with great alacritie and propensioun of your lordships myndes and favours frome your lordships, we will rather resolve to stand at the hazard of what may insew than seeme to give to your lordships the least distaist by anie of our actionns whilk sall never please us under whatsoever cullour they appeare till they first be approvyn be your lordships."

Acts March
1625-January
1628.
Fol. 274, a.

Holyrood
House, 10th
January 1628.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 20, b.

Suspension of
horning
against Alex-
ander Donald-
son in
Saughton.

Complaint at the instance of Alexander Donaldsoun in Saughtoun, as follows:—He has been charged at the instance of Robert Moubray at the Brigend of Cramond to find caution for the indemnity of the said Robert, his wife, bairns, men, tenants, and servants, in the sum of 500 merks, which is far above the limits of the Act of Parliament for a person of his quality, the complainer being "bot a servant man and lives by his service" and so "of the ranke of a yeoman," whose caution is only £40. The pursuer compearing and the defender not, the Lords suspend the horning threatened for not finding the said caution, and modify the same to the sum of 200 merks.

Suspension of
horning
against John
Fraser of Elrig.

Complaint at the instance of John Fraser of Elrig, as follows:—In the decret arbitral pronounced by the Lords of Council between him and Patrick Strauchane, brother to the Laird of Glenkindie, he was ordained to deliver to the said Patrick a sword which was alleged to have been taken by the complainer from the said Patrick during the feud between them, and for non-delivery of the sword Strachan has proceeded against him by horning and caption, and he is now in the tolbooth of Edinburgh. Now, long before the pronouncing of the said decret, "that sword was out of the compleaners possessioun, it being ane auld unworthie sword not worthie of the keeping, whilk moved the complainer to make no compt thairof, and he knowes not what is become of it," but he has found caution to give Strachan as good a sword or else the price of his own sword to be declared by him upon oath. The pursuer compearing by Robert Keith, writer to the Signet, and the defender not, the Lords suspend the execution of the horning against the pursuer.

Extension of
protection
granted to
Patrick Car-
kettill anent
his teinds.

On the supplication of Patrick Carkettill of Markle, stating that the protection granted to him for attending the Commissioners for the Teinds, respecting the teinds of his lands of Castelhall, Skafintie, Corsehous,

Decreta,
November
1627-January
1630.
Fol. 21, b.

Libbertoun, Foulefuird, and others in the sheriffdom of Edinburgh principal, expired on the 1st instant in which as yet there is nothing done, and craving an extension of his time, the Lords grant the same till the last day of January instant.

Fol. 22, a.

Similar extension of his protection is granted to Sir John Edmistoun of Edman, who "is willing as yitt to attend the said treatie," especially with respect to the teinds of his lands of Fawla and Fawlahall in the sheriffdom of Edinburgh principal, in regard to which nothing has yet been done.

Extention of protection granted to Sir John Edmistoun anent his teinds.

On the supplication of Sir David Hume of Wedderburn, representing that the protection granted to him for coming to "this burgh" to attend the Commissioners for the Teinds and to receive the directions of the Council "anent that charge whilk he undertooke in his Majesteis service" expired on 1st instant, and craving a prorogation thereof, the Lords grant an extension to 10th February next.

Similar protection granted to Sir David Hume of Wedderburn.

Fol. 22, b.

Complaint by John Storrock, mariner, and Marioun M^cCoull, his wife, as follows:—On a petition by the complainers their lordships ordained Ewfame M^cDowall, indweller in Edinburgh, to place "the hail writs and evidents" of the complainers' lands in Edinburgh in the hands of James Prymrois, Clerk of the Council, so that a security might be formed thereupon to their creditors for payment of their debts, but this she will not do unless compelled. Both pursuers and defender comparing and having been heard, the Lords ordain the defender to consign the writs as above, to be seen by the creditors who are to deal for the right of the land, but they are "nowayes to be givin up to the pairtie."

Order anent Euphemia M^cDowall and her creditors.

Sederunta,
1625-29.
Fol. 73 b.

"Ane missive to his Majestie in ansuer to his Majesteis missive anent penall statutis subscriyvit be Dupline, Mar, S^t Androis, Hadintoun, Roxburgh, Bugcleugh, Lauderdaill, Naper, S^r W^m Oliphant, Ar. Achesoun, Mr. Thomas Hoip."

Missive anent penal statutes.

Acta March
1625-January
1628.
Fol. 274, a.

Sederunt.—Chancellor; Treasurer; Privy Seal; Roxburgh; Holyrood House, 15th January 1628.
Bugcleuche; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Naper; Secretary; Sir Williame Oliphant; Mr. Thomas Hoip.

"Forsameekle as it is understand to the Lords of Secreit Counsell that a shippe of Lubick called *The Sanct Marie*, whair of Henrick Schult is maister, being laitlie upoun her dew course frome Spaine laidnit with Malaga wynes, raisines and uthers commoditeis, she wes boordit and tane be some merchant shippes of this kingdome upoun probable suspicion that the goods and gear being thairintill perteaned to his Majesteis professed and avowed enemeis, and whair as the persouns that thus medled with the said shippe wer bringing her about to the port of Leith thair to have beene tryed and judged con-

Order anent a ship of Lübeck, which had been seized by some Scottish merchant ships on suspicion that her cargo pertained to his Majesty's enemies, and which, while being brought to the port of

Leith, had
been wrecked
near the port
of Peterhead.

forme to the ordour it unhappilie fell out that by distresse of weather in a tempestuous storme the said shippe wes drivin to the shore neere to the port of Peterheid, and thair cassin away, and the wyne, raisines and others goods being within her, were exposed to the injurie and spoyle of the countrie people about, by whome a great pairt thair of hes beene abstracted, stollin and reft away. And whairas it concernes the honnour and justice of this kingdome that ordour be givin and care had of the saulfe keeping of the saids goods and recoverie of suche as hes beene spoyled and tane away to the intent the samine may be sauld to the best availl and the moneyes arysing thair of made furthcummand to these who sall be found to have best right thairto, in regaird that that point is not yitt cleered nor the mater entered in processe, and that it is doubtfull if the shippe and goods sall prove pryze, or to whome the samine sall apperteane in caise they sall happin to be adjudged; Thairfoir the saids Lords with advice of Sir James Bailzie, Thesaurar of his Majesteis Navie, for his Majesteis interesse, and with expresse consent and assent of the said Henrick Schult, skipper of the said shippe, who wes personallie present, hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun, expresse command and charge to Johne Kinrosse, customer of the tobacco at Leith, to repaire with all convenient diligence to the plaice and bounds whair the said shippe wes cassin away and thair in the presence and with the concurrence of the said skipper and of suche persouns as sall happin to be directed frome the Erle of Mairshall, within whois bounds and jurisdiction the said shippe is alledgit to have beene cassin away, and frome the Erle of Linlithgow, Lord High Admirall of this kingdome, for either of thair interessis, and whair of wairning wes made to Robert Keyth, wrytter, in name of the said Erle Mairshall, and to Johne Ker, wrytter, in behalffe of the said Lord Admirall, who wer both personallie present, to use thair best care and diligence for preserving of the shippe, intrometting with and assuring of the goods that ar presentlie in hands, and recovering of suche as hes beene unlaughfullie medled with and tane away, and to make inventar thair of, and to report the same to his Majesteis Counsell with the first opportunitie. With power lyke wayes to the said Johne Kinrosse to caus fraucht a shippe and imbarque the hail wyne, raisines, and uthers goods, furniture and apparrelling belonging to the said shippe, and to caus transport the same to the harbourie of Leith, thair to be ordoured and sauld to the best advantage, to the intent that the moneyes to be givin thairfoir may be assured and made furthcummand to all pairteis interessed according to the course of law. And in regaird the maister and companie of the said shippe, through the occasioun afoirsaid ar wanting in apparelling and clothes and destitute of meanes whairby to interteane thameselfes duiring the depending of the processe, and

Acta March
1625-January
1628.

Fol. 274, a.

Fol. 274, b.

Acta March
1625-January
1626.
Fol. 274, b.

that the frauchting of barkes and conducing of mariners for bringing about of the loading foresaid to the harbourie of Leith will be chargeable and expensive. Thairfoir the saids Lords recommends to the said Sir James Bailzie, and heereby gives warrand and allowance unto him to provyde the skipper and his companie of cloathes answerable to thair qualiteis and necessitie, and to furnishe the said skipper with moneyes towards his awin interteanement heere duiring the dependance of the actioun and for defraying the [charges] of his companie in thair returne home; which sowmes of money so [to] be advanced be the said Sir James Bailzie and be the said Johne Kinrosse be his directioun upoun the occasiouns foresaids the saids Lords declaires sall be thankfullie refundit unto him out of the first and readiest of the moneyes that sall be ressaved by the sale of the goods abonewrittin, and the persoun or persons in whois favours decreit sall be recovered and the shippe and goods declaired to apperteane sall be burdenned and obleist in repayment to the said Sir James Bailzie of all sowmes of money which by ordour frome his Majesteis Counsell he sall happin to disburse in this bussines upoun his verified accompt. For the better doing whairof and for defraying of the charges which sall be bestowed upoun the transport of the saids goods to the harbourie of Leith, the saids Lords with advice and consent foresaid gives power, warrand, and allowance to the said Johne Kinrosse in the sight and presence and with the concurrence of the skipper of the said shippe, he being present, and of the persouns, if anie sall be directed be the said Erle Mairshall and Lord Admirall to attend this bussines, to dispone and sell the said shippe and her hail furniture [or] apparrelling, if thair be no possibilitie to recover her, and to bring her about to the harbourie of Leith; as alsua to dispone and sell to the countrie people in the north suche quantitie of the saids wyne as convenientlie thay can gett sauld, not exceeding fourtie pypes of wyne at eight score punds the pype at the least, ten barrells and fourtie freirs raisines at the pryce of twentie punds money for everie hundreth weight of the same, and to make compt, reckoning, and payment to the said Sir James Bailzie of the pryces and moneyes to be ressaved thairfoir, to the intent the samine may be employed and made furthcummand as is above provydit. And the saids Lords declaires that the course and ordour tane be thame in this mater sall be without prejudice to the Erle Mairshall or to the Lord Admirall, or to anie others having laughfull interesse of thair right, clame and possessioun of the saids goods or title competent unto thame or anie of thame for judging thairupon which sall remaine whole and inteir unto thame unprejudged by this present Act and ordinance. And whairas it is understand to the saids Lords that Dame Areskine, Countesse of Mairshall, out of her worthie regard to the credite of the countrie and preservatioun of the saids

Fol. 275, a.

goods frome injurie and spoyle, hes by her care and diligence recovered a great pairt thairof frome the hands of suche as had unlaughfullie medled thairwith, and hes the same in her custodie and keeping: Thairfoir the saids Lords requeists and desires the said Countesse of Mairshall and thairwithall commands and ordains her to make present delyverie to the said Johne Kinrosse upoun subscriyved inventar of the haille wyne, raisines, goods, commoditeis, furniture or apparrelling belonging to the said shippe being in her hands, and to caus restitutionn be made to him of suche of the saids goods as hes bene intrometted with and ar deteaned by others so farre as by her credite and moyen she may procure, whois discharge to be givin upoun the inventar foresaid to the said Countesse of Mairshall the saids Lords declaires sall be ane sufficient exoneration and discharge to her and to the said Erle Mairshall, her husband, at all hands having interesse and sall liberat thame of all action and challenge that may be moved aganis thame or their servants in tyme comming. Lykeas the saids Lords recommends the said Johne Kinrosse to all noblemen, barons, and gentlemen, his Majesteis judges and officiers to burgh and land in whois bounds he sall happin to resort, and thairwithall wills and requires thame to be aiding and assisting to the said Johne Kinrosse in all and everie thing that may further the recoverie of the shippe, preservatioun of goods and discoverie of the persons by whome the samine hes bene abstracted, and to caus delyverie and restitutionn to be made unto him of the same as they will answer the trust which his Majesteis Counsell reposes in thame, and the merite of the caus requires."

Acta March
1625-January
1628.
Fol. 275, b.

Order forbid-
ding the
importation of
dog- or lion-
dollars into the
kingdom, and
fixing the
value of the
said dollars
now within the
kingdom at
forty-six
shillings a
piece.

"Forsameekle [as it is understand] to the Lords of Secreit Counsell that of lait thair hes bene a great number of dollours, commonlie callit Lyoun or dog dollours, brought within this kingdome, and hes bene craftilie putt out amongst his Majesteis subjects, who wer ignorant of the trew worth and fynesse thairof, at fourtie aucht shilling the peece, whilk the saids Lords hes found and tryed to be abone the trew worth and pryce of the same, and that the forder course thairof can not without the evident hurt and prejudice of the countrie be suffered abone fourtie sax shillings the peece, quhairthrow the countrie hes bene verie farre abused and his Majesteis subjects wronged and prejudged by the uncontrolled course of the saids dollours at so high a rait, and thairfoir the saids Lords after mature advice and deliberatioun hes thought meete and expedient for the good of the kingdome that thair sall be a restraint of all forder importatioun of the saids dollours, and for this effect the saids Lords hes dischairgit, and be the tennour heerof discharges all his Majesteis lieges and subjects and all strangers whatsomever that nane of thame presoom nor take upoun hand at anie tyme after the publicatioun heerof to bring within this kingdome anie lyoun or dog dollours upoun whatsomever cullour or pretext under the paine of confiscatioun of the

same to his Majesteis use. And tuiching the dollours of that sort presentlie being within the kingdome the saids Lords will allow the same to have course for fourtie sax shillings the peece; and ordains letters to be direct to make publicatioun heerof at all places needfull whairthrow nane pretend ignorance of the same."

"The whilk day the replyes made to the tannars to the answere made [be] the Lord Areskine to thair supplicatioun wer delyvered to the Lord Arsekin, and he ordained to answere thairto upoun Thurisday nixt the sevintein of this instant."

Lord Erskine and the supplication of the tannars.

[Sederunt as recorded above.]

Complaint by Patrick Hamilton, locksmith, burges of Edinburgh, and one of the ordinary printers of His Majesty's "Coinziehous," as follows:—"It is a custome constantlie observed and kepted within the burgh of Edinburgh that when anie prenteis is ressaved in service he sould be booked in the touns bookes of the said burgh, and John Rankein, sonne to umquhile John Rankein, burges of the said burgh, being laitlie entered to the said compleaner as prenteis, and his indentour being past betuix thame, the said compleaner caused present him to Johne M^cNaucht, deane of gild, and to the proveist and bailles to the intent he might be booked conforme to the ordour; quhilck they have refused, demanding how anie of thair Coinziehous durst seeke anie suche benefite from thame, seing they refuse to stent, watche and waird with thame." This the complainer pleads is one of the privileges of the officers of the Mint, and he cannot renounce the same without prejudice to all these officers. Charge having been given to David Aikinheid, provost, Alexander Speir, bailie, for himself and in name of the other bailies, and to the said John M^cNaucht to compear before the Lords, and the pursuer, together with the general and some of the officers of his Majesty's "Coinziehous" for thair interest, compearing, but none of the defenders, the Lords decern against the latter for their absence, and ordain them to book the pursuer's said apprentice conform to the order.

Holyrood House, 15th January 1628.

Confirmation of a privilege pertaining to the officers of the Mint.

Complaint by John M^cConnell, son to Andrew M^cConnell, burges of Stranrawer, as follows:—"He has been put to the horn at the instance of the provost and bailies of Stranrawer for not entering in ward within the tolbooth of Edinburgh to await his trial for an insolence alleged to have been committed by him against Thomas Adair, bailie of the said burgh, and for breaking out of their tolbooth, which has been wrongfully done on their part seeing he was never lawfully charged, or he would have compeared and answered to their accusation. Moreover, as soon as he knew thereof he went to Edinburgh and entered into ward in the tolbooth there, where he still remains, but his affairs at home being "cassin louse" through his absence, and he being content

Suspension of horning granted to John M^cConnell of Stranraer.

to find caution in 500 merks to appear before the Council, and to pay ^{Decreta, November 1627-January 1630.} £20 to the Treasurer and Depute Treasurer for his Majesty's use, as ^{Fol. 23, b.} his escheat, if found liable thereto, he craves suspension of the horn-^{Fol. 24, a.} ing. Charge having been given to Sir Patrick Agnew of Lochnaw, knight, provost, and to Thomas Adair and Patrick M^cKie, bailies of Stranrawer, and the pursuer compearing but the defenders not, the Lords grant suspension as craved.

Order for the liberation of Sybilla Cowper from the Tolbooth of Edinburgh, where she had been kept in ward on a charge of theft.

Complaint by Sibilla Cowper, servitrix to John Binning, painter in Leith, and by him for his interest, as follows:—The said Sibilla has been kept in ward in the tolbooth of Edinburgh for ten weeks past by Grissell Denholme, indweller in Edinburgh, on a charge of stealing from her £300, and "certane gold rings and others"; and having for clearing of her innocence raised an action of slander against the said Grissell before the Commissaries of Edinburgh, the said Grissell compeared before them and gave her "aith *de calumnia* that she had never slaundered the complainer of the said cryme," as the extract thereof under the hand of Mr. William Hay, Clerk of the Commissary of Edinburgh, produced, bears. Thereupon the said Sibilla complained to their lordships, who on 20th December last ordained the said Grissell, who compeared personally before them, to find caution to pursue the complainer criminally before the ordinary judge for the said theft, failing which, the prisoner should be liberated the next morning. But neither has been done, and the complainer lies still miserably in ward, "destitute of coale, candle, food, and uther necessar interteanement for maintenance of her lyffe, sua that she is now lyke to famish." Charge having been given to the said Grissell Denholme, and to Thomas Charters and Alexander Speir to produce the said complainer, and the complainer compearing, being brought ^{Fol. 24, b.} by Andrew Whyte, jailor and keeper of the tolbooth of Edinburgh, and the said Grissell compearing also by Alexander Skougall, her procurator, and consenting to the said Sibilla's liberation, the Lords ordain the provost and bailies of Edinburgh to put her to liberty forthwith.

Holyrood House, 15th January 1628. Commission to Colin, Earl of Seaforth, and others for the apprehension of Donald Dow M^cWilliam V^eEane, charged with the slaughter of Alexander Urquhart.

Commission under the signet to Coline, Erle of Seafort, Simoun, Lord ^{Commissions. 1624-30.} Fraser of Lovat, Hew, Master of Lovat, Thomas Fraser of Strechin, Hew ^{Fol. 152, b.} Fraser, younger of Kilbokie, Hew Fraser of Belladrum, Patrik Grant, younger of Glenmoreistoun, Angus MacRonnald of Glengorie, Johne Baine of Tulloche, Duncane Baine of Wester Logie, Johne M^cKeinzie of Ord, James Fraser of Kirkhill, Alexander Chisholme of Comor, Ronnald Baine of Ardwaill, and Johne M^cKeinzie of Ferburne, to convocate the lieges in arms, search for, apprehend, and present before the Council for delivery to the Justice and his deputes for trial, Donald Dow M^cWilliam V^eEane in Ardblair, who on 6th September last was put to the horn at the instance of Alexander Urquhart in Ballacharrie, as father, James and Henrie Urquhart, as brothers, and the remanent kin and friends of the late Alexander Urquhart, sometime servitor to Simon, Lord Fraser of Lovat, for not finding caution to underlie the law for

Commissions,
1624-30.
Fol. 152, b.

the slaughter of the said Alexander.—Signed by Geo. Cancell., Marr, Hadintoun, Roxburgh, Areskine, Melvill, Naper, Arch. Acheson, M. Thomas Hoipe.

Sederunts,
1625-29.
Fol. 73, b.

“Ane Act in favouris of the memberis of the Colledge of Justice anent thair libertyis and previlegeis, notwithstanding thair voluntar offer of taxatioun.”

“Ane letter of thankis to the Countesse of Marshaell for hir cair and diligence in preserving the goodis within the ship [of Lubeck].”

“Chargeis aganis Wode in S^t Androis for exhibitioun of the strangeis writtis.”

“Ane Act anent single and double aill.”

“Ane letter frome his Majestie in favouris of Mr. James Strauchane, towcheing the arrestment maid of Franshe menis goodis being in his handis. The mater contenit in the letter remittit to the Sessioun befor whome the arrested goodis ar persewed to be maid furthcomeand.”

Fol. 74, a.

“Ane other letter frome his Majestie in favouris of Mr James Strauchane anent letteris to be gevin to him for arresting of Franche menis goodis heir. The Lordis ordanis afoir he ressave ony suche letteris that he verifie to the Counsell that thair ar moneyis due to him and detenit in France, and ordanis Johnne Johnnestoun and Robert Ker to be warnit to instruct thair interesse by cleiring that thair goodis and moneyis ar detenit in France afoir thay gett proces for making of the arrested goodis furthcomeand.”

Acts March
1625-January
1628.
Fol. 276, a.

Sederunt.—Chancellor ; Treasurer ; Privy Seal ; Roxburgh ; Bug-Holyrood
cleuche ; Lauderdale ; Bishop of Dumblane ; Melvill ; Naper ; House, 17th
Master of Jedburgh ; Tracquair ; Clerk of Register ; Sir January 1628.
Williame Oliphant ; Mr. Thomas Hoip ; Sir Johne Scot.

“Forsameeikle as some points whilks wer debaited and not condescended upoun before the Commissioners nominat be the Kings Majestie for the Surrendars and teinds being referred to be determined be his Majestie both by a reference agreed upoun by the Commissioners and more particularlie thairafter exprest by severall submissiouns of diverse persons interest thairin and sent to his Majestie, his Majestie hes bene pleased after dew consideratioun thairof to accept upoun him the decisiou of the saids maters and will proceed thairin so fairlie and equitable as no man sall have just caus to compleane ; and for this effect his Majestie hes caused draw up a legall Submissioun suche as may stand with law and justice of these things referred unto his Majestie, to the intent the same may be subscryved be all parteis having interesse, for subscryving whair of the twentie day of Februar nixtcome is appointit, and the meeting to be in the Counselhous in the palace of Halyruid-hous. And thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging officers of armes to pas to the mercat croce of Edinburgh and other plaices needfull and thair be opin proclamatioun to make

Charge to the
Lords of
Erections to
appear before
the Council on
the 20th of
February.

publicatioun and intimatioun heerof to all his Majesteis lieges and subjects having interesse whairthrow, nane pretend ignorance of the same; and to wairne all and sindrie lords of erectiouns and all others having interesse in erectiouns and in the others maters foresaids referred to his Majestie that thay and everie ane of thame compeere in his Majesteis Counselhous at Halyruidhous the said twentie day of Februar before George, Vicount of Dupline, Lord High Chancellour of this kingdome, and thair be readie, according as thay sall be required be the said Lord Chancellour, to subscriyve the said submissioun or suche uther securitie concerning the same as sall be presented unto thame, with certificatioun to thame that sall faillye and refuse to signe and subscriyve the said submissioun or other securitie foresaid that his Majestie sall caus proceed aganis thame in a legall maner for recoverie of that whilk is dew to his Majestie according to the course of justice.”

Decision anent the tanners and Lord Erskine's patent.
See ante, p. 193.

“The Lords of Secretit Counsell having heard and considerit the complaint givin in be the tannars aganis the Lord Areskine his patent with the answeres made thairto be the Lord Areskine and replyes and duplyes givin in *hinc inde*, the saids Lords in regaird the patent is founded and flowes frome ane warrand of the Parliament, and that it is not yitt cleered if it be profittable or hurtfull to the countrie, continewes the mater in the same forme, strenth and effect whairin it presentlie stands for twelffe moneths nixtocome, in regaird the Lord Areskine being personallie present made offer and undertooke in presence of the saids Lords to sett up a tannehous with all convenient diligence for trying the good of the new forme of tanning and if the same be profittable and fitting to be ressaved in the countrie.”

Holyrood House, 17th January 1628.

[Sederunt as recorded above.]

Decreta, November 1627-January 1630.
Fol. 24, b.

Suspension of horning against Mr. William Dalgleish, who had been charged with the non-payment of what he had received over and above his share of the contribution in aid of the inhabitants of Dunfermline.
See ante, p. 181.

Complaint by Mr. William Dalgleische, as follows:—He is charged by the Council to pay to the commissioners for collecting and distributing the contribution in aid of the inhabitants of Dunfermline “tuicheing the detriment and losse susteanit be thame be reasoun of the lait fearefull fyre” there, £236 2s. which it is alleged he received over and above the loss actually sustained by him therein, and they threaten him with horning. He affirms that he was never lawfully charged, notwithstanding that the messenger who executed the letters has endorsed them as executed against him personally apprehended, and that the super-valuation given to him was in respect “of his father's paines and travellis in educating and training up of the youth of the said burgh and of others noble and gentlemens sonnes thairabout whill he was schoolemaister thair, and of the said compleaner his conditioun, he being ane young student haveing no present functioun nor employment nor uther patrimonie left unto him be his parents bot ane hous whilk at the tyme foresaid wes brunt. Lykeas the saids gentlemen adjacent to the said

Fol. 25, a.

Decreta,
November
1627-January
1630.
Fol. 25, a.

burgh would have most liberallie (being moved with the considerations foresaids) contributed unto the reparatioun of the said compleaners losse in particular, bot least he sould have been anie wayes prejudiciall to the commoune worke, he betooke himselfe to the generall collectioun; and the losse and skaith susteained be the said compleaner was greater nor the losse of anie others in respect that the combustioun was so violent upoun the compleaners hous that almost all the household geir and stufte wes whollie consumed, and thairby the biggit walls, with the great and extreme heate so ruined, cracked, and rent, that he wes forced to reedifie his loodging frome the verie ground and foundatioun, whilk no other within the said burgh wes forced to doe. Lykeas the said compleaner never meddled with anie of the contributioun assigned and allowed unto him, bot it wes debursed be the proveist and bailleis of the said burgh for the tyme; whilk part of the said contributioun wes whollie spent before the wallis of the said compleaners loodging could be repaired, whairthrow he wes forced for a certane spaice to desist frome building and repairing of the said hous, and at last he borrowed moneyes for bringing the same to some perfectioun, and as yitt the halffe thair of is unperfyted for want of moneyis to compleit the same; sua that if the said compleaner be compellit to mak payment to the saids commissioners of the sowme foresaid he will be in farre worse caise nor he wes the tyme of the burning of his said loodging, and thairby redacted to extreme povertie and utter ruine." Yet having found caution for its payment if he be found liable, he craves suspension of the horning. Charge having been given to William Monteith of Randifuir, Robert Livingstoun of Baldrig, George Durie of Craigluscar, Mr. John Drummond of Woodcokdaill, Mr. Thomas Wardlaw of Logie, Mr. Harie M^cGill, minister at Dunfermline, and Patrick Cowper, bailie there, and the said pursuer compearing, as also Sir Robert Halkett of Pitfirrane, and the said Mr. Harie M^cGill and Mr. John Drummond, commissioners, and the said Patrick Cowper, for themselves and in name of the rest, the Lords suspend and annul the horning for the reasons above given and also because the commissioners present declared that some of the presbyteries of the kingdom had contributed more largely than they intended, out of respect of the said William's case, and had purposed to have contributed to him personally, but he declined their offer, and submitted himself to the direction of the commissioners lest his example should form a precedent to others and so prejudice the common cause and general collection.

Fol. 25, b.

In the case of Robert Ker of Cavers's complaint against William Turnbull of Braidhauche and James Turnbull, his son, for resisting the apprehension of the said James, which was delayed for the production of proof, parties being present, and the depositions of certain witnesses being heard, the Lords find that the said William Turnbull was the cause of

Order for the warding of William Turnbull of Braidhaugh in the Tolbooth of Edinburgh. See ante, p. 154.

his son's escape, and ordain him to be warded in the Tolbooth of Edinburgh on his own expenses till liberated by them.

Holyrood House, 17th January 1628. Order to the Commissioners of the Middle Shires to keep the diet of the 7th of February.

"The Lords of Secreit Counsell, in respect of the absence of the most pairt of the Commissioners of the Middle Shyres who were writtin for to keepe this dyet, continewes the ordour talking with the effaires of the Bordours till the sevint day of Februar nixtocome; of the whilk continewatioun the Erle of Bugleuche, the Lord Yester, the Maister of Jedburgh, the Laird of Tracquir, Sir Williame Setoun, knight, and the Laird of Johnestoun, being personallie present, wer wairned *apud acta*. And the Lords ordained missives to be direct to the rest of the Commissioners, willing thame to keepe the said dyet, to witt the sevint of Februar."

Decreta, November 1627-January 1630. Fol. 25, b. Borders, 1603-1643. Fol. 94, b.

Holyrood House, 17th January 1628. Request to the Earl of Nithsdale to keep the diet of the Commissioners of the Middle Shires on February the 7th.

"After our verie heartilie commendatiouns to your good lordship. We ressavved your lordships letter tuicheing your not keeping of this dyet for the Bordour effaires and we conferred at lenth with the Laird of Johnestoun anent the exemptioun and advocatiouns alledgit to be the ground of the present disordours, whairin he seemed to cleere himselfe and his freinds as not being accessorie to anie suche disordours. But becaus we wer ignorant of the particulars and nane of the commissioners for the west marche who could give us light thairin being present, we haive thairfoir continewed all forder medling thairin till the sevint day of Februar nixtocome and we haive writtin to all the commissioners to keep that dyet preciselie; and whairas this bussines cheefelie concernes your lordship as he whois power and freindship may most advance the same for his Majesteis contentment and good of the countrie, we will thairfoir most earnestlie requeist your good lordship to keep this nixt dyet, to the intent that by your lordships presence, counsell and concurrence, suche good courses may be resolved upoun as offenders may be punist and the forder grouth of thir disordours preventit. And so committing your lordship to the protectioun of God, we rest. Frome Halyruidhous, the xvij of Januar, 1628. *Subscritur*, Geo. Cancell, Marr, S. Andrewes, Hadinton, Roxburgh."

Royal Letters 1628-32. Fol. 123, a.

Holyrood House, 18th January 1628. Letter to the Countess Marischal anent the Lübeck ship wrecked near Peterhead. See *ante*, p. 189.

"Our verie honnorabill good ladie. Haiving heard of your ladyships worthie and commendable care in preserving the goods being within the shippe of Lubecque laitlie cassin away beside Peterheid frome the injurie and spoyle of the countrie people about, we cannot forbear to rander unto your ladyship most heartie thanks for your honnourable cariage in a bussines of this kinde so mucche importing the credite of the kingdome and the interesse of these to whome the goods sall be declairit to apperteane, for the better tryell quhairof we haive givin commissioun to the bearer, Johne Kinrosse, to repaire thither and to caus shippe the whole goods and to bring thame about to the harbourie of Leith, thair to be sauld to thair best avail, and the moneyes arrissing thair of to be made furthcummand to all pairteis interessid as accords

Fol. 122, b.

Royal Letters,
1623-52.
Fol. 122, b.

of the law. Quhairin as we haive sufficientlie provydit for your lord his right and interesse in the said mater as your ladyship will perceave be the said commissioun, so we will intreate your ladyship to delyver upoun inventar to the said Johne Kinrosse the hail goods and gear belonging to the said shippe and being in your ladyships hand, and to further and procure by your moyen restitutionoun to be made of suche pairt thairof as hes beene intrometted with and deteanned by others. And becaus we ar informed that another shippe belonging to Alexander Bruce, sonne to umquhill Sir George Bruce, and to David Jonkein, merchand of Edinburgh, hes beene lykewayes cassin away in the same bounds, and that the goods being thairintill ar reft and spoyled be the countrie people, we will earnestlie intreate your good ladyship to use your best care and credit for recoverie of the saids goods and assuring of thame to the just awners. Whairin nothing doubting of your diligence and care, we committ your ladyship to God. Frome Halyruidhous, the auchtein day of Januar, 1628. *Subscribitur*, Geo. Cancell., Marr, S. Androes, Hadintoun, Roxburgh, Areskine, Naper, Hammiltoun, Tracquair, Mr. Thomas Hoip."

Fol. 123, a.

"My lords, I have thought it expedient to acquaint your lordships anent the occurrent of this shippe laitlie cassin in heir upoun my lord my husband his bounds, laiden with some wynes, suggar and sweetmeats, whairof I haive takin inventar. The wynes extend to aucht score pypes and above threescore puncheons of syrope and suggar in the stalke or thairby, threescore barrells and twa hundreth frears of raisins with twentie pokes of anise seed. This wes all the goods I found in this shippe at my comming, for the countrie people that ar not answerable to his Majesteis lawes had done mucche harme, the salt water had spoyled most of the raisins, and anise seed, and thair is also mucche leikage of the wynes. I have taikin suche ordour to preserve all the goods as for the tyme I could resolve or the plaice afford helpe. For the wynes I haive caused taist all and separate sa meekill thairof as is spilt with salt water fra the rest and fill up all the leikage; I haive caused build ane timber hous and enclose it thairin, and have putt keepers to attend the same: as for the raisins and anise seed, becaus all wer wett with the salt water, I have caused transport to dry lofts to try if possiblie they can be winne and preserved frome heate and rotting; for the present they ar not portable to carie and keepe till they be dryed and win. For the sugar and syrope I have putt it in saife keeping. This I have done at my awin travell and charges, and seing my lord my husband is absent for the present, I intreate your lordships to be pleased to permitt thir goods to remaine heere whair they ar now in safe custodie till suche tyme as I may have advertisement fra my lord and husband, or that himselfe be present to doe in this mater what your lordships sall thinke maist expedient. So

Invergie,
20th January
1628.

Letter of the
Countess
Marischal
anent the
Lübeck ship.

to your lordships deliberatioun I rest. Innerugie, 20 January, 1628. *Royal Letters, 1623-32. Fol. 123, b.*
Subscribitur, Marie Areskine."

Holyrood
House, 22nd
January 1628.

Sederunt.—Chancellor; Treasurer; Privy Seal; Murray; Wyntoun; *Acts March 1623-January 1628. Fol. 276, b.*
 Roxburgh; Bugcleuche; Lauderdaill; Bishop of Dumblane;
 Lord Gordoun; Melvill; Naper; Master of Jedburgh; Clerk
 of Register; Sir William Oliphant; Mr. Thomas Hoip; Trac-
 quair; Sir Johne Scot.

Warrant from
his Majesty
approving the
Council's
appointment
of Sir John
Stewart of
Tracquir to
be keeper of
Dumbarton
Castle.
See ante, p. 174.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell was presented to the saids Lords, off the whilk the tennour followes:—' CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greeete yow weill. Whairas in regaird of the absence and neglects of Sir Johne Stewart of Methven, knight, who had the keeping of the castell of Dumbartane committit unto him by the lait Duke of Richmond, yow have appointed our trustie and weilbelovit counsellour, Sir Johne Stewart of Tracquir, knight, to have charge thair of for the tyme, and that provyding that it be no way prejudiciall to the Duke of Lennox his right thairunto: we allow of your care heerin and of the course yow have talkin with the provisious abonespecified, and ar pleased that the said Sir Johne [Stewart] of Tracquir have the keeping thair of till the said Duke of Lennox with the advice of his freinds sall provyde otherwayes. And, in the meane tyme as yow have begunne, we intreate yow to give ordour that the said castell may be repaired, furnished and attended as is most fitting, which recommending unto your speciall care we bid yow fairweill. Frome our Court at Whitehall, the sevint of Januar, 1628.' Quhilk being read, heard and considerit be the saids Lords and thay acknowledging with all dewtifull respect his Majesteis gracious allowance of the choise made be thame of the said Sir Johne Stewart of Tracquir to have the charge of keeping of the said castell of Dumbartane in maner and with the provisious conteaned in the commissioun grantit unto him for that effect, Thairfoir the saids Lords, according to the warrand and directioun of the said letter, ordanis the said Sir Johne Stewart of Tracquir to continew his charge in keeping of the said castell till the Duke of Lennox with advice of his freinds sall provyde otherwayes, and to have a care that the said castell be sufficientlie guairded, repaired and furnished according to the necessitie of the plaice and exigence of the tyme. And what sowmes of money it sall happen the said Sir Johne to disburse towards the uses aforesaid sall be thankfullie refundit and payed backe unto him out of the first and readiest of the rents and living belonging to the said castell whilks the saids Lords declairs sall be burdenned and affected with the payment thair of. Lykeas the

Acts March
1625-January
1628,
Vol. 277, a.

said Lords for the said Sir Johne Stewart of Tracquir his forder securitie and more [readie payment hes givin and grantit and be the tennour heerof gives and grants full warrand, power and commissioun to the said Sir Johne to intromett with and uplift so muche of the rents and dewteis of the said castell as will correspond to the sowmes of money which he hes alreadie or sall disburse in maner abonewrittin and sall be allowed be the Counsell upoun his verified accompt; and declairs his meddling with the saids rents to be warrantable and laughfull, and discharges him of all actioun and instance that may be moved aganis him for the same."

"Forsameekle as it is understand to the Lords of Secreit Counsell that thair is great appearance of trouble and unquyetnes lyke to fall out betuix Sir Johne Blair of Bagillo, knight, on the ane pairt and Alexander Campbell of Crwnan, on the other pairt, whilk will not faile to breake and dissolve the peace of the countrie and to draw on manie other inconveniences without remeid be provydit, Thairfoir the saids Lords ordains letters to be direct chairging both the said pairteis to compeir personallie before the said Lords upoun the day of to underly suche ordour as sall be tane with thame tuiching the peace and quyet of the countrie under the pane of rebelloun, etc., with certificatioun, etc., and in the meane tyme to command and charge both the saids pairteis to observe his Majesteis peace and to keepe good rule and quyetnes in the countrie; and that thay nor nane of thame presooome nor take upoun hand to invade or persew ane another for whatsomever deed, caus or occasioun otherwayes, nor be ordour of law, ilke ane of thame under the pane of fyve thowsand merkes, with certificatioun to thame that failyeis that thay sall be decerned to have incurred and to incurre the said pane, and letters and executorialls sall be direct aganis thame for payment thairof to his Majesteis Thesaurar and Depute Thesaurar, and ressavers of his Majesteis rents in his Majesteis name and to his Majesteis use in forme as effeirs."

"The Lords of Secreit Counsell nominats and appoynts Archibald, Lord Naper of Merchinstoun, Androw, Maister of Jedburgh, and Sir Johne Hammiltoun, Clerk of Register, to meete and consider the Acts of Counsell and bands givin be the said Lord Naper for satisfacioun of the losses susteaned be Captans Watsoun, Alexander, and Robertsoun in thair employments to attend his Majesteis shippes aganis the enemye, and to consider the tyme when thay served and the rait dew to thame thairfoir, and to report to the Counsell upoun Thurisday nixt."

Commission under the signet to the sheriff of Roxburgh, William Dowglas of Bonjedburgh, and Johnne Riddell, apparent of that ilk, or any two of them, as justices, to hold courts in the tolbooth of Jedburgh or elsewhere, as they think meet, and try Archibald Elliot of Mewslie, a common and notorious thief and fugitive, who having lately been apprehended and committed "to waird within the pitt of Cavers," conscious of

Charge to Sir John Blair, on the one part, and to Alexander Campbell, on the other, to appear before the Council, and meantime to preserve the King's peace.

Nomination of Lord Napier of Merchiston and others to consider the losses sustained by Captain Watson and others in connection with his Majesty's ships.

Holyrood House, 22nd January 1628.
Commission to the Sheriff of Roxburgh to try Archibald Elliot.

Commissions,
1624-30,
Vol. 153, a.

his guilt, broke out of his prison and fled to England; where being also apprehended for theft and ready to be put to his trial, by the intervention of John, Lord Cranstoun, he was sent back to Scotland, and is now in ward in the tolbooth of Jedburgh. Signed by Geo. Cancell, Hadinton, Winton, Roxburgh, Naper, and M. Thomas Hoip.

Commission to the Sheriff of Dumfries and others to present certain excommunicated persons charged with papistry or disobedience to the Kirk.

Commission under the signet to the sheriff of Dumfries and his deputes, Alexander, Earl of Galloway, William Dowglas of Drumlanrig, John Gordoun of Lochinvar, Sir William Greir of Lag, Sir John Charters of Amisfield, and the provost and bailies of the burgh of Dumfries, to convocate the lieges in arms and search for, apprehend, and present before the Council the persons underwritten who were put to the horn at the instance of the moderator and brethren of the presbytery of Dumfries as follows:—On 10th January instant, James Maxwell, brother to Harbert Maxwell of Kirkconnell, Mr. Charles Browne in New Abbey, Gilbert Browne in Corbellie, Fergus M^cGill of Clauchane, Barbara Maxwell, Ladie Mabie, elder, Homer Maxwell of Trostane, Jeane Browne, his spous, Agnes Maxwell, daughter to the Ladie Conheth, Ewfame Beatie in Colledge, and Barbara Maxwell there; on 12th January instant, Johne M^cBrair, son to Robert M^cBrair of Almigill, Dame Barbara Johnestoun, Ladie Gribtoun, Johne Maxwell of Gribtoun, Marioun Maxwell, Ladie Wauchop, Elizabeth Maxwell, relict of Harbert Cuninghame, notary, Elspitt Maitland, servitrix to the Countess of Nithisdail, Agnes Johnestoun, spouse to William Hereis of Madinpalp, and Edward Maxwell, brother natural to Archibald Maxwell of Cowhill; and on 16th January, James Maxwell of Kirkconnell: all for failing to appear before the Lords of Privy Council to answer to a complaint given in against them “as being suspect of avowed and profest Papistrie, and for that caus and for thair obstinat refusing to communicat being excommunicat, and for thair not bringing and producing with thame sufficient testimonials frome the presbytereis whair thay dwell that thay had satisfied the Kirk and relaxt thameselfes frome the sentence of excommunication;” also on 10th January instant Thomas Patersoun in Auchingry and Margaret Browne, his spouse, for not appearing before the Lords of Council to answer to a complaint against them “for thair cohabitatioun in adulterie, for quhilk caus they wer excommunicat,” and not bringing a testimonial of their satisfaction and relaxation; also on 12th January, Johne Allane in Kirkgunzeane, and Thomas Patersoun there, for not appearing to answer to a charge of being “abusers of the minister and sessioun of the kirk and excommunicat thairfoir,” and not bringing the like testimonial; also on 10th January, Johne Williamsoun in Lochrowton, and William Creirie and Agnes Sinclair there, for not compearing to answer to complaints against them “for thair adultereis,” and failing to bring testimonials of their relaxation from the sentence of excommunication passed against them; also on 10th January, Issobell Hereis in Kirkgunzeane, for not appearing to answer to a complaint against her

Commissions,
1624-30.
Fol. 153, a.

Fol. 154, a.

Fol. 154, b.

Commissions,
1624-30.
Fol. 154, b.

“for incest and diverse adultereis,” and not bringing the like testimonial; also on 30th August 1624, “Johne Littill, maister-houshold to the Erle of Nithisdail, and George Warrock, isher to the Countesse of Nithisdail,” for not appearing before the Council on 24th June 1624 to answer a complaint against them of being “persouns suspect of Papistrie, recusants and dissobedient to the ordour and discipline of the Kirk and excommunicat thairfoir”; also on 31st July, 1622, John Browne in Lochhill, and Jonnet Johnestoun, his spouse, for not bringing to the Council testimonials “of their giving satisfioun to their kirks and presbytereis”; and also on 23rd May, 1616, Mr. Harbert Browne and Katharine Glendinning, spouse to David Maxwell, called of Newarke, “for their not relaxing thameselfes frome the sentence of excommunicatioun pronounced aganis thame and not reconciling thameselfes to the Kirk and submitting thameselfes to the discipline thairof.” The said commissioners are to report their diligence in the execution of this commission to the Council before 30th April next.—Signed by Geo. Cancell., Marr, Hadinton, Winton, Perth, Roxburgh, Buccleuche, Melvill, Carnegie, Naper, S. W. Oliphant, M. Thomas Hoip, S. J. Scottistarvett.

Fol. 155, a.

Fol. 155, b.

Cautions,
1621-28.
Fol. 277, b.

Caution by William Turnbull of Braidhauch in £100 that he and James Turnbull, his son, will satisfy the minister and session of the kirk of Abbotroull “for the insolence committit be him at the said kirk upoun Sunday the tyme of Divine service,” and that he will exhibit his said son before the Lords of Council whenever charged to do so.

Holyrood
House, 22nd
January 1628.
Caution by
William Turn-
bull of Braid-
hauch and his
son James
Turnbull.
See ante, p. 197.

Royal Letters,
1623-32.
Fol. 159, b.

“CHARLES R.—Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weil. We ar informed that our loving subject, William Parke of Roseberrie, havin alreadie at his proper charges built upoun the rivers of Cader and Coven eache of thame a bridge with calseyes belonging thairto doeth forder intend by the helpe of our pious and weil disposed subjects thair voluntarie contributiouns to build upoun the rivers of Clyde and Dimeyton eache of thame a sufficient bridge to the great safetie and ease of all our loving subjects, we thairfoir out of our princelie dispositioun being willing to cherish the undertakers of suche generallie goode workes, as lykeways to encourage others to interteane suche vertuous endeavoures as tend so manifestlie to the good and ornament of that our kingdome, have thought fitt to will and require yow to give ordour for breeves or suche other writts as yow sall thinke fitt to goe furth in our name recommending the said undertaker to the charitable and voluntarie contributioun of our loving subjects of quhatsoever degrees, that by thair assistance so necessarie a worke may have the more speedie performance; quhairin not doubting of your care and diligence we bid yow fareweill. Givin at our Court at Whitehall this 22 day of Januarie 1628.”

Whitehall,
22nd January
1628.
Letter from his
Majesty
desiring the
Council to
support
William Park
in his building
of bridges.

Fol. 160, a.

Sederunts,
1625-29.
Fol. 74, b.

“The Lordis ordanis his Majesteis Thesaurair and Deputie Thesaurair and his Majesteis Advocatis to persew declaratouris upoun the rebellis esheatis”

[those evidently in respect of whom commission is granted to the Sheriff of Dumfries and others].

Sederunts,
1625-29.
Fol. 74, b.

“That missives be written to the Commissioneris anent the Surrendaris and teyndis to attend the commissioun upoun the xiiij of Februir nixt.”

Holyrood
House, 24th
January 1628.

Sederunt.—Chancellor; Treasurer; Privy Seal; Wyntoun; Roxburgh; Bugeleuche; Lauderdaill; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Naper; Master of Jedburgh; Sir Williame Oliphant, Mr. Thomas Hoip, Advocats; Clerk of Register; Tracquir; Sir Johne Scot.

Acta March
1625-January
1628.
Fol. 277, a.

Declaration that the commission granted to John Kinross anent the ship, “*Sanct Marie*,” wrecked near Peterhead, shall not import prejudice to the rights of Admiralty claimed by the Earl Marischal.

See ante, p. 189.

“Forsameekle as the Lords of Secreit Counsell by ane former act bearing dait the fyftein of this instant gave commissioun to Johne Kinrosse, customer of tobacco at Leith, to repaire to the bounds whair a shippe of Lubick callit *The Sanct Marie*, whairof Henrick Schult is maister, was laitlie cassin away and to intromett with the hail goods and gear belonging to the said shippe whairevir the samine could be apprehendit, and to caus imbarque and transport the saids goods to the harbourie of Leith thair to be ordoured and sauld to the best avall, to the intent that the pryce and moneyes arysing thairof might be assured and made furthcummand to all pairteis interessid thairin according to the course of law, as the said Act conteaning diverse others directiouns givin to the said Johne Kinrosse at lenth beares. And whairas the saids Lords understanding that the said shippe wes cassin away neere to the port of Peterheid within the bounds whair the Erle Mairshall pretends right of admiraltie, and that the Countesse of Mairshall and the said Erle his deputs in the said office had be vertew thairof medled with the saids goods, and the saids Lords no wayes intending that the commissioun foresaid and the course and ordour prescryved thairin sall prejudice the said Erle in his right of admiraltie and power grantit unto him be vertew thairof to judge upoun the said shippe and goods, Thairfoir the saids Lords decernis and declairs that the commissioun foresaid grantit to the said Johne Kinrosse bearing ane command to the Countesse of Mairshall to delyver unto him all suche goods and geir as she had intromettid with to be transported, ordoured and sauld as is abone provydit, all import no prejudice to the said Erle Mairshall of his right, clame and possessioun of the saids goods, and title competent to him for cognoscing thairupoun, bot that notwithstanding thairof and that the goods ar appointit to be brought to Leith it sall be leasome and free to the said Erle and his deputs under him to sitt, cognosce and judge the said shippe and goods ather in the bounds whair the samine wes cassin away or in the burgh of Edinburgh and toun of Leith as sall best please thame, dispensand with the plaice which be the saids Lords is and sall be reserved free and arbitrarie unto the said Erle according to his right unprejudged by the said former act and ordinance.”

Fol. 277, b.

“The Lords of Secreit Counsell ordanis Archibald Lord Naper of Merchinstoun, Thesaurar Depute, to compt with the captans of the three shippes sent out to attend his Majesteis shippes when the enemies supposed to be upoun the coast and to try what is dew unto thame.”

His Majesty's
three ships.

Acts March
1625-January
1628.
Fol. 277, b.

[Sederunt as recorded above.]

Holyrood
House, 24th
January 1628.

Complaint by James Mowat of Fawsyde, Writer to the Signet, as follows:—His Majesty by a gift under the Privy Seal dated at Whitehall 14th November last has appointed the complainer sheriff-clerk of Berwick, in which letter of gift there is a command to the Sheriff of Berwick to take the complainer's oath and receive him as clerk. He had accordingly on 3rd January instant gone to Duns, where Sir Alexander Nisbit of that Ilk, Sheriff of Berwick, with John Dewar, his pretended clerk, was holding a court in the tolbooth and desired the Sheriff to receive and admit him to the said office which he was ready to accept, which Sir Alexander Nisbitt “contemptuouslie refused to doe, pretending sindrie ydle and impertinent excuses.” Charge having been given to the said Sheriff to receive the complainer in terms of his gift, and to the said John Dewar to desist from the exercise of the said office within three days or otherwise to compear before the Council and answer for the same, the pursuer and the said Sheriff being personally present, and John Dewar not, the Lords assoilzie the said Sir Alexander from the charge of contempt “in respect of his probable ignorance of the effect and tennour of his commissioun,” and ordain letters to be issued charging him to receive the complainer in the said office, and the said John Dewar to desist from the exercise thereof within three days, failing which to denounce and escheat.

Charge to Sir
Alexander
Nisbet of that
Ilk, sheriff of
Berwick, to
receive James
Mowat of
Fawsyde,
Writer to the
Signet, as
Sheriff-clerk of
Berwick.

Fol. 26, b.

Complaint by George Meldrum and Patrick Hunter, two of the bailies of Carraill, as follows:—At Michaelmas last Arthur Myretoun and Andrew Daw and the complainers were chosen bailies of the said burgh for this year, and they accepting office, all four “continued in a loving and brotherlie harmonie and concurred and joynd each of thame with other in everie thing which imported the good and peace of thair toun and equall doing of justice to the inhabitants thair of the spaice of diverse weekes.” But “some restlesse and bussie persouns, lovers of trouble and unquyetnesse, and invying this happie harmonie which was interteanned betuix thame and thair fellow labourers, thay have raised and fosters ane seditious factioun within the said burgh, and hes so farre gone on thairin as they have infected and poysounded the saids Arthure Myretoun and Androw Daw, the saids compleaners thair conjunct bailleis, with this contagioun in so farre as they aganis thair dewtie and oath givin at thair acceptatioun of the said office hes now shaikin off the said charge,” and they also interrupt and hinder the complainers in the discharge of their duty, so that by casting loose all government in the

Charge against
Arthur Myre-
ton and
Andrew Daw,
bailies of
Carraill, for
factious
conduct in
their office.

Fol. 27, a.

burgh they will "opin a doore to all kynde of impietie and disordour. They have dischairgit the officiars of the said burgh to serve the compleaners, to fense thair courts or call suits, threatning thame with wairding and other punishment if they disobey. They reject thair clerk depute who hes painfullie and cairfullie served thame without reproache these diverse yeeres bygane, thair principall clerk (in respect of his manie imploymentis fra tyme to tyme in his Majesteis service) having ane uncontrolled and uncontraverted allowance of deputatioun of a clerk to supplee his necessar absence at all interveening occasiouns, as by two several instruments tane thairupoun will appeare," by which and the like the peace of the burgh is disturbed, distractions fostered, government shaken, and the course of justice stayed. Both parties compearing, complainers in proof of their averments produced two instruments—the one under the subscription of David Maxwell, notary, dated 12th December last, "proporting that the said George Meldrum, Patrik Huntar and Androw Daw, three of the bailleis of the said burgh, with some of the Counsell thairof, being conveened in the tolbuith of the said burgh the day foresaid, being ane ordinar court day for ministering of justice to the lieges, and Alexander Leslie, notar publict and clerk depute of the said burgh being lykewayes present and readie to discharge his office of clerkship, the said Androw Daw not onlie refused expresselie to keepe courts with the other twa bailleis foresaids and to concurre with thame in the administratioun of justice, bot with that removed out of the tolbuith"; and the other subscribed by the same notary, dated 19th December, showing that the four bailies being convened for the administration of justice, and the said clerk depute being present and ready to discharge his office, and having showed the said Arthur Myretoun his commission of "deputrie" which he read, the said Arthur not only refused to keep court with the others but discharged the officer with threats from doing his duty. The Lords find that the said Arthur Myretoun and Andrew Daw, "hes behaved thameselffes verie factiouslie" in the conduct above narrated, and admonish them "to be more respective of thair behaviour and cariage, and to forbear suche doing in tyme comming as they will answer upoun the contrair at thair perrell"; and they further commit the said Arthur Myretoun to ward in the tolbooth of Edinburgh until they liberate him.

Decreta,
November
1627-January
1630.
Fol. 27, a.

Fol. 27, b.

Fol. 28, a.

Case of Sybilla
Cowper and
Grissel Deu-
holm referred
to the Provost
and bailies of
Edinburgh.

Complaint by Sybilla Cowper as follows:—On 15th January instant (*ante*, p. 194) their lordships ordered her release from the tolbooth of Edinburgh, where she has now been these twelve weeks at the instance of Grissel Denholme. She then thought that "she had no more to doe bot to have past fra the Counsell doore hame to her maisters service or ellis whair she pleased for doing her laughfull effaires, nevertheesse it is of truthe that she wes taikin instantlie thairafter backe agane to waird be Androw Whyte, keeper of the Tolbuith of Edinburgh, for payment to

Decreta,
November
1627-January
1630.
Fol. 28, b.

him of hir jaylour fee, expensis and charges during her remaining in waird whairin she yitt remaines to her great hurt and skaith, she being ane pure miserable woman haveing nothing to pay the said jaylour fee, bot is lykelie to famishe for cold and hunger." Charge having been given to the said Grissell Denholm as liable to pay the said jailor fee, and she and the pursuer both compearing personally, the Lords remit the matter to the provost and bailies of Edinburgh to be dealt with as they shall judge expedient.

Complaint by Harie Walker, "citiner" in London, as follows:—About six weeks ago the complainer was apprehended and imprisoned by the bailie of Leith, and afterwards transferred to the Tolbooth of Edinburgh, where he still remains, at the instance of his wife's friends, "becaus that he craved his wyffes barnes pairt of geir and partage of thame." He affirms that with intent to defraud him they allege that against his wife's consent he took her and married her in England, while the truth was that "she wes the onelie desyrer of the compleaner away to marie her, lykeas they wer laughfullie and solemnelie married." The complainer is ready to obey the censure of the sessions of the kirks of Leith and Edinburgh for any offence committed against them, and thereafter to transport himself and wife to London, but he is still detained in ward. Charge having been given to the provost and bailies of Edinburgh to compear and produce the said pursuer, and he being brought by Andrew Whyte, keeper of the Tolbooth of Edinburgh, but the defendants not compearing, the Lords ordain that he be put to liberty forthwith, and give command to the said provost and bailies accordingly, "becaus Issobell Bains, spous to the said compleaner, being personallie present, declaired that she went away with her said husband freelie and of her awin accord, and that they wer laughfullie married."

Case of Harry Walker, citizen of London, detained in the Tolbooth of Edinburgh, on the charge of marrying his wife against her consent.

Fol. 29, a.

Commissions,
1624-30.
Fol. 153, b.

Commission under the Signet to Johne Oliphant of Buchiltoun, and Patrik Butter of Gormack, as justices, to try Andrew and Alexander Donaldsoun in Kinfaunes, who have been apprehended "with the bloodie hand" for the murder of Patrick Browne at the Brigend of Perth on January instant, and are now in ward within the place of Kinfaunes. Signed by Marr, Murrey, Buccleuche, Areskine, Traquair, and Scottistarbett.

Holyrood House, 24th January 1628. Commission for the trial of Andrew and Alexander Donaldson for the murder of Patrick Brown.

Fol. 158, b.

Signature for a commission to be made under the great seal to the Laird of Lochinvar, "makand mentioun, that quhair at the humble sute of umquhile Sir Robert Gordoun of Lochinvar, knight, our late Soverane Lord of famous memorie wes pleased formerlie to grant unto him, his airis and assigneyes, ane patent under the great seale of Scotland for plantatioun of ane island, now callit be the name of Charles Island beyond the Equinoctiall lyne, intended and purposed for the propagatioun of the Christian faith for the service of his Majestie, for the enlargement of his Majesteis dominionis and for his owne experience and benefite by his vertuous and honnourable endeavoures with certane priviledges,

Commission to Sir John Gordon of Lochinvar for the execution of his father's scheme of colonizing an island beyond the Equinoctial line. See ante, p. 13.

prerogatives and immunitis quhilkis out of his Majesteis free grace he hes granted and conferred upoun him for his encouragement and for the cherishing and furtherance of so goode a worke. And quhairas it hes pleased God to call the said umquhile Sir Robert Gordoun to his mercie frome this mortall lyffe, Johne Gordoun, his soun and air, is resolved to follow out and execute that bussines, and to hazard his awin persoun and a great part of his estait and meanes for executioun of the same, and hes made his preparatiouns, and is in readines to sett out for the fore-said intended voyage, and quhairas he must of necessitie pas by the confynes and territoireis of the enemeis of his Majesteis estait and dominionis, his Majestie thairfoir does by these presentis licence and give full power and commissioun, approbatioun and allowance to the said Johne Gordoun" [and so forth in terms of the former signature dated 12th June 1627, *ante*, pp. 13-15, *mutatis mutandis*]. Signed by Geo. Cancell., Marr, Hadinton, Wintoun, Roxburgh, Melvill, Naper, Hamilton, and S. J. Scottistarvett.

Commissions,
1624-30.
Fol. 158, b.

Holyrood
House, 24th
January 1628.
William
Douglas of
Drumlanrig.

"The whilk day Williame Dowglas of Drumlanrig, compeerand before his Majesteis Counsell, acceptit upoun him the Commissioun for the Middle Shyres and gaive his oathe."

Borders,
1603-43.
Fol. 94, b.

The captains of
his Majesty's
ships.

"The Lordis ordanis Sir James Baillie to compt with the capitanes of his Majesteis shippis and to trye quhat is justlie awand thame and thair companyis, and to reporte the nixt Counsall day."

Sederunts,
1625-29.
Fol. 75, a.

The jailor of
the Tolbooth
and the fugi-
tive soldiers.

"The quhilk day the jaylour of the Cannogait compeerand promiseist to undertak to interteny the souldiouris prisounaris in the Tolbuithe of the Cannogait reasounable quhill the firste of Marche betuix and whilk tyme he declairit that he sould delyver thame to some capitanes or other-ways putt thame to libertie."

Whitehall,
26th January
1628.

Letter from
his Majesty
appointing the
Earl of Linlith-
gow, Admiral
of Scotland,
and his
assessors to be
the sole judges
of all prizes.

"CHARLES R.—Right trustie amd right weilbelovit cousine and counsellor, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weil. Where-as we have bene pleased to establishe the Erle of Linlithgow to be our Admirall of that our kingdome duiring the minoritie of our right trustie and weilbelovit cousine the Dooke of Lennox, and have for the better preservatioun in the integritie of the priviledges of that office settled a commissioun whereby the said erle and his assessouris sould be onelie judges of all pryzes, Thairfoir our pleasure is that yow caus all persons who have or sall medle with anie pryzes since the establishing of that commissioun and duiring the continuance thairof dewlie answer unto him concerning thair proceedings in these pryzes or anie of thame, and that thay restore unto him suche things of that nature formerlie takin be thame or whairwith thay sall meddle heerafter, and in the meane tyme that yow caus intimate at all plaices requisite that none of our subjects proceed in the lyke kynde without they be speciallie authorized by him, under suche paines as yow sall thinke fitt; which we recommend

Royal Letters,
1623-32.
Fol. 126, b.

Fol. 126, a.

Royal Letters, unto your care, and so we bid yow fareweill. Frome our Court at
 1623-32. Fol. 126, a. Whitehall the 26 of Januar, 1628.”

Sederunt—Chancellor; Treasurer; Privy Seal; Wyntoun; Rox-
 burgh; Bugcleuche; Bishop of Dumblane; Lord Gordoun; Holyrood
 House, 29th
 January 1628.
 Lord Areskine; Lord Melvill; Lord Naper; Master of Jed-
 burgh; Sir Williame Oliphant; Tracquair; Sir Johne Scot.

F. 1. 273, a. “The Lords of Secret Counsell ordanis Archibald, Lord Naper of
 Merchinstoun, Androw, Maister of [Jedburgh, Sir Joh]ne Hammiltoun, The captains
 of his Majesty's
 three ships and
 their wages.
 Clerk of [Register], Sir Johne Stewart of [Tracquair], and Sir Johne
 Scot, Directour of the Chancellarie, to meete the morne at afternoone in
 the Exchequer Hous to examine the particular compts givin in be Sir
 James Bailzie and the captans of his Majesteis three shippes tuiching
 the wadges dew and awand thame, and to report the estait of the compt
 upoun Thurisday nixt.”

“The Lords of Secret Counsell ordanis Mr. Williame Livingstoun who Inventory of
 two of his
 Majesty's
 ships to be
 made, and
 reported to the
 Exchequer.
 was personallie present to ressave in name of the Erle of Linlithgow his
 Majesteis shippe, whairof Captane Murrey had the charge, lyand at Leith,
 upoun Thurisday nixt the last of this instant, and his Majesteis shippe
 lyand at Aberdeene, whairof Captane Auchinmowtie had the charge,
 upoun Thurisday come aucht dayes, the sevint of Februar nixt, and to
 ressave thame and all thair furnitour, apparrelling, and what ellis belongs
 unto thame upoun inventar laughfullie subscriyved be these whome it
 concernes and to report the same to the Exchequer to the intent it may
 be registrat and remaine as a charge to the Erle of Linlithgow at the
 delyverie to his Majestie of the saids twa shippes.”

[Sederunt as recorded above.]

Decreta,
 November
 1627 January
 1629.
 Fol. 29, a.

Holyrood
 House, 29th
 January 1628.

Complaint by Margaret Fleeming, indweller in Edinburgh, as follows:—
 She has been unjustly committed to ward at the instance of Margaret
 Collace, spouse of Mr. James Bousila, who alleges that when the com-
 plainer left her husband's service she was due to them for wine, beer
 and ale sold by her in their service £100 Scots. Yet the said Mr.
 James had already acknowledged full payment of the complainer's intro-
 missions and had granted her a full discharge, signed in presence of
 famous witnesses, two of whom are in the service of the Earl of Home,
 which she produces. But the said Margaret Collace “be reasoun of her
 husbands absence furth of the countrie, out of malice, aganis conscience,
 equitie, and reasoun, hes committit her to waird, whairin without doubt,
 she will starve throw famine without remeid be provydit.” Charge
 having been given to the said Margaret Collace, and also to the provost
 and bailies of Edinburgh to produce the complainer, and the pursuer and
 Margaret Collace compearing, but not the said provost and bailies, the
Order for the
 liberation of
 Margaret
 Fleming, who
 had been
 warded at the
 instance of
 Margaret
 Collace, on a
 charge of debt.

Fol. 29, b.

pursuer produced the extract from the Books of Counsell and Session of Decreta, November 1627-January 1630. Fol. 29, b. the discharge above mentioned, dated at the Cannogait 11th March 1627 and registered 18th January instant, whereupon the Lords ordain the said provost and bailies to liberate the pursuer, who has promised upon her great and solemn oath to compear before the Lords of Counsell and Session whenever charged so to do and answer upon the alleged falsifying and counterfeiting of the said discharge.

Discharge of an action by Patrick Moreson against William Drysdale.

In the action by Patrick Moreson against William Dryisdail, portioner of Wester Itheardell, for the restoration to him of "certain evidents and writts alledgit to have beene in his hous in Clackmannane and to have beene tane away be the said William whan as the said Patrik wes in his bed and had layed the same writts under his hatt upoun his chamber boord," the pursuer compeared not, whereupon the said William Dryisdail protested that being now person-ally present and ready to answer the charge, it should not be further proceeded in without new summons and the payment of his expenses, which protest the Lords admitted. Fol. 30, a.

"Ane missive to his Majestie toucheing the estate of his Majesteis cofferis and grite burdynis lyand thairupoun." Sederunts, 1625-29. Fol. 75, a.

"Ane commissioun to Lochinvar."

Order to Sir James Baillie to pay the captains of his Majesty's three ships out of the sale of the commodities of the Lübeck ship wrecked near Peterhead. See ante, p. 204.

"Ane Act ordaining Sir James Baillie to mak payment to the capitane of his Majesteis three shippis of the wadgeis addebtit unto thame oute of the first and reddiest of the moneyis aryseing upoun the saile of the wynis and otheris commodityis of the Lubecque ship laitlie cassin away on the north coast besyde Peterheade; for the quhilk the Lordis declairis that he sall not be straited nor compelled to mak the moneyis furthcomeand at the instance of ony persone haveand right thairto till he be first secured and meanis found oute for refounding unto him all suche soumes of money as he salhappin to disburs upoun the occasioun foirsaid." Fol. 75, b.

"Ane missive to the Archiebishop of S^t Androis to send heir to his Majesteis Counsell with convenient diligence the wholl paperis, writtis, and letteris whilkis wer tane oute of the ship of Lubecque brokin on the north coast and delyverit to him, and that he send thame heir cloised and sealed."

Holyrood House, 31st January 1628.

Sederunt.—Chancellor; Treasurer; Privy Seal; Murrey; Wyntoun; Perth; Roxburgh; Bugcleuche; Lauderdaill; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Naper; Master of Jedburgh; Sir William Oliphant; Clerk of Register; Tracquair; Sir Johne Scot. Acta March 1625-January 1628. Fol. 278, a.

Order anent the contribution granted for support of the Burgh of Dunfermline. See ante, p. 181.

"Forsameekle as the Lords of Secretit Counsell hes appointed the twelffe day of Februar now approaching for a finall hearing of the compts of the commissioners intruisted with the collectioun of the contributioun

Acta March
1625-January
1628.
Fol. 278, a.

granted for support of the burgh of Dumfermline, Thairfoir the saids Lords ordains letters to be direct chairing officers of armes to pas to the mercat croce of Dumfermline and thair be opin proclamatioun to make intimatioun of the designatioun of the terme and dyet foresaid for hearing of the saids compts; and to command and charge the saids commissioners and all others having interesse ather by the want of thair dew valuatiouns or by ressavng of more than thair losses wes appryzed unto or who hes ressavng nothing of the said contributioun that thay and everie ane of thame compeir before his Majesteis Counsell at Halyruidhous or whair it sall happin thame to be for the tyme upoun the said twelffe day of Februar nixtocum to heare and see the saids compts fitted and ordour tane for satisfeing of everie persoun according to thair valuatiouns and otherwayes as sall be agreeable to justice so farre as the contributioun collected toward that use will extend to, certifeing these who [failyies thairin that] the saids Lords will proceed to the hearing exam[ining] and cleering of the accompts; and if anie sall be neglected and overseene in that bussines the caus thair of sall be impute to thair awin absence. Jacobus Prymrois.¹

Fol. 278, b.

[Sederunt as recorded above.]

Holyrood
House, 31st
January 1628.

Decreta,
November
1627-January
1630.
Fol. 30, a.

On a supplication by John Stewart of Coldingham, bearing that he is required to attend the meeting of the Lords of Erections and others on the 20th April (*sic.* 1. February) next in Holyrood Palace for subscribing the submission sent down by his Majesty touching the superiorities and teinds of erections, and that for clearing his right to the priory of Coldingham "which he is to surrendar and convoy in his Majesteis persoun" he has several actions before the Lords of Counsell and Session; but that he can attend neither on account of some civil hornings under which he lies, the Lords grant him a protection till 1st March next to come to Edinburgh for the purpose above-written.

Protection
granted to
John Stewart
of Coldingham
anent his
claim to the
Priory of
Coldingham.
See *ante*, p. 195.

Fol. 30, b.

Complaint by Sir William Oliphant of Newton, knight, and Mr. Thomas Hoip of Craighall, his Majesty's Advocates, and John Forbes of Leslie, as the aggrieved party, as follows:—On the 11th July 1626 William Gordoun of Rothiemay became cautioner in £1000 that Alexander Gordoun of Dunkintie should not use firearms in future, as the act thereof in their Lordships' books beares, notwithstanding whereof the said Alexander Gordon has since on several occasions violated the same; viz.: (1) Knowing that Sir George Ogilvie of Bamff had a tryst of his friends at the Hill of Bamff on April last, the said Alexander Gordon, believing the pursuer would have been there, came from his own house, which is not in Banffshire, with his followers, all armed, many of them with hagbuts and pistols, to the said hill, intending to have pur-

Absolvitor
granted to
William
Gordon of
Rothiemay
from the for-
feiture of his
caution in
respect of Sir
George Ogilvie
of Bamff.

¹ Signature at the end of a volume of the Register of Acta.

sued the complainer if he had come thither: (2) In November following, getting word of another similar tryst at the same place, he repeated his attempt: (3) On the of the same month of November, being Sunday, the complainer, having as usual gone to the parish kirk of Premnay for hearing of the sermon, the said Alexander came with a number of his servants armed with hagbuts and pistols and other weapons and lay near by the kirk all the time of the sermon intending to slay the pursuer when he came out; and perceiving Arthur Forbes of Milbigging, who had been at the kirk, riding home, and taking him for the complainer, the said Alexander with a drawn sword in his hand followed the gentleman with all speed, and "approaching neere unto him, finding himselfe disappointed, he avowed with manie fearefull oathes that if he had rencountered with the complainer as he did with the said Arthur, that he sould have had his lyffe:" and (4) on the of the same month he came to the complainer's house of Leslie intending to kill him if he found him "going about the dykes," but finding him accompanied by the said Arthur Forbes, he told the said Arthur that he had come purposely to take the complainer's life. Accordingly his caution should be forfeited and the same paid, one half to the Treasurer and Treasurer's Depute for his Majesty's use and the other half to the complainer. Charge having been given to the said Alexander Gordon, and he and the pursuer compearing personally and the matter being referred for proof amply to the defender's oath of verity, who being deeply sworn, denied the charge against him, the Lords assoilzie the defender.

Decreta,
November
1627-January
1630.
Fol. 30, b.

Fol. 31, a.

Fol. 31, b.

Repetition of the above complaint in respect of points Nos. (3) and (4), in which for proof the pursuers produced certain witnesses but failed "in preiving of anie point of the said complaint," whereupon the Lords assoilzie the defender and grant expenses to the witnesses, every footman £5, and every horseman £10, to be paid by the producer.

Fol. 32, a.

Abolvitor
granted to Sir
James Forbes
of Haughton
from forfeiture
of his caution
in respect of
Alexander
Gordon.

Counter complaint by his Majesty's Advocates and the said Alexander Gordon of Dunkintie as the aggrieved party, as follows:—On 17th January last Mr. James Forbes of Haughtoun became cautioner, by an Act in their Lordships books, for the said John Forbes of Leslie, not to wear nor use firearms, yet since then, especially in each month since last March and almost on every day of the said months, "the said Johne Forbes hes worne pistoletts and gwunes and a new sort of pistolett callit powtche pistoletts and rydes and ganges thairwith in all pairts of the countrie" where he has business, seeking occasion to take his advantage of the said Alexander Gordon. He ought therefore to be punished in his person and he and his cautioner adjudged to pay the penaltie of £1000 contained in their act of caution. Parties compeiring, the evidence of certain witnesses was heard, who, however, failed to prove any point of the complaint, whereupon the Lords assoilzie the defender, and grant expenses to the witnesses as in the previous case.

Fol. 32, b.

Decreta,
November
1627, January
1630.
Fol. 33, a.

Complaint by Andrew Gray, late Dean of Gild of Perth, as follows: Order to David, Viscount of Stormont, to enter in ward in the Castle of Edinburgh for contempt of his Majesty's laws in his conduct as Provost of the burgh of Perth.
—By Act of the Parliament at Edinburgh in 1612 none were to be admitted as magistrates or provosts in burghs but merchants, actual indwellers in the same, of which Act frequent publication has been made so that none can with reason pretend ignorance of it. Yet David, Viscount of Stormont, has for divers years “by his privat moyen and freindship in the said burgh (especiallie amongs the crafts, who by thair numbers careis a great sway in the electioun of thair magistrats) procured himselfe to be continewed in the office of proveist expresse aganis the tennour of the said Act of Parliament and in manifest contempt and violation thair of, the gild brethrein and merchants of the said burgh, apprehending their awin feares and danger by the continuance of this unlaughfull and extorted electioun so prejudiciall to the law, they resolved the tyme of thair lait electioun outhier to have proceedit legallie and formallie according to the law, or if they had been borne down and oversweyed be the multitude to have protested aganis the electioun and for nullitie thair of. And for this effect they in thair ordinar court, haldin the same day of the electioun (bot before the same as use is) by ane act and ordinance of thair court commandit the said compleaner as deane of gild for the tyme to protest in thair names and to take instruments aganis the electioun of the said Vicount of Stormont to be proved; and if according to his usuall maner he overruled the voices of the multitude to his electioun, that than the compleaner sould protest in thair names that they might be free of all imputation of breake of the law, and of all danger and inconvenient that might follow thair upon; as alsua that they might be free of all the Acts of Burrowes standing over thair heads and penalties thair of. According to the whilk directioun givin to the said compleaner be act of thair court, how soone the mater of electioun come in thair hands, and the compleaner perceaveing that the voices of the most pairt of these who had vote in the election wer wrested and throwne to the Vicounts behoove, the said compleaner, for discharge of his dewtie in the charge laid upoun him, with all modestie as become him protested aganis the electioun and took instruments thairupoun. Whairat the said Vicount, being personallie present, takand offence, he in judgement upbraidit the said compleaner with most disgraceful speeches, calling him knave and lowne, demanding him how he durst speeke aganis him, and commandit him silence; and with that he raise on his feete and preast to have strickin the compleaner with a stalffe, wer not he wes stayed be Alexander Peebles and Robert Arnot. And now laitie upon Mononday the last of December, the said Vicount of Stormont haveing mett. with the Counsell of the said burgh anent the commoun effaires thair of, and the compleaner as one of the Counsell givand his opinioun in the materis than intreated, the said Vicount ryses up aganis the compleaner, commands him silence, demanding how

Fol. 33 b.

he durst speake whair he satt, and he haveing simplie answered that as a counsellour he would give his vote freele in all maters proponned, and haveing spoken some thing aganis his unlaughfull electioun, and the oppressioun committit be him aganis the said burgh, useing thame as slaves and cotters to sheare his cornes, wairning thame be towcke of drumme to that effect, and urging thame to putt his armes on thair tolbuith, whilk is his Majesteis hous, with these speches he ryses out of his seate within the Counsell hous of the said burgh, and with his hand on his whingear persewes the compleaner of his lyffe, resolved to have slaine him thairwith, wer not he wes stayed. And seing he wes stayed of his faird [attempt] he at his going out of the tolbuith turned backe saying to the compleaner, 'Knaue, I vow to God I sall caus doupe a whingear in your head.' And the said compleaner haveing tane instruments in the premisses in the hands of Johne Mersar, toun clerk, and haveing earnestlie desired him to extract his instruments and delyver the same to him, he wrangously refuses to extract the saids instruments, in high and proud contempt of his Majesteis auctoritie and lawes." The pursuer compearing, and the said Viscount not, and the depositions of certain witnesses being heard, and the pursuer stating that he had now received the instruments from the said John Mersar, the Lords find the Viscount of Stormont guilty as libelled and that he has thereby committed "ane great offence of ane evill preparative and to the contempt of his Majesteis lawes." They therefore ordain him to enter in ward in the Castle of Edinburgh before 20th February at night, to remain therein until further order be taken in the matter, under pain of rebellion, failing which he is to be put to the horn and escheat.

Decreta,
November
1627-January
1630.
Fol. 33, b.

Fol. 34, a.

Order to the
Provost and
bailies of Edin-
burgh to
liberate from
ward John
Muill, tailor,
burgess of the
Canongate.

Complaint by John Muill, tailor, burgess of the Cannogait, as follows:—For three years and a half he has been detained in ward by James Aikman, merchant burgess of Edinburgh, for failing to find caution for 700 merks which Aikman alleges he owes him, although Aikman has infetment, charter and sasine in his own name of a "rowme" in Kingsyde belonging to the complainer, in whose name he has also received from Lady Broughtoun £400, from Sir Alexander Hamilton of Innerweik £300, from Laurence Nairne in Tilliefergus £100, and from Alexander Ogilvie's wife in the Cannogait 100 merks, besides which Aikman is due to the complainer in an account twelve score pounds, 300 merks of "laid down silver lent unto him be the compleaner in Captane Hunters," and 100 merks which James Eistoun, servant to Aikman, received in his master's name from the complainer, all which extends to much more than Aikman can lay to his charge. Nevertheless he still keeps the complainer in ward, "abstracting him frome his calling, and hes craftilie holdin him under termes of submissioun this yeare bygane, bot never keepes ane word to him; sua that the compleaner having no meanes to interteane

Fol. 34, b.

Decreta,
November
1627-January
1633.
Fol. 34, b.

himselfe is forced to beg his meat out at the yrnehous windowes and had lang or now perished for famine were not the charitable support of the goodman of the Tolbuith." Charge having been given to George Suttie, bailie, for himself and in name of the other bailies of Edinburgh, to produce the complainer, and to the said James Aikman; and the pursuer being brought by Andrew Quhyt, jailor of the Tolbooth, and Aikman being also present and consenting to the pursuer's liberation from ward, the Lords ordain the provost and bailies of Edinburgh to put him to liberty, seeing he has obliged himself to satisfy the defender for all he can crave of him before the first Council day of Hallowmas next, and failing so to do, to re-enter in ward within the said tolbooth under the penalty of 1000 merks, and without prejudice to Aikman to enforce his letters of caption against the pursuer.

Royal Letters,
1623-32.
Fol. 123, a.

"Our verie honourable good ladie, We received your letter whairby we understood the course taine be your ladyship for securing the goods of the Lubeck shippe laitlie cassin away upoun that coast, for which your ladyships honourable cariage and worthie care we rander unto your ladyship our most heartie thanks. We doubt not bot your ladyship hes beene certified be our letter of the ordour givin be the Counsell for bringing these goods about to the harbourie of Leith, thair to be sauld to the best avail, and the moneyes arising thairof to be assured and made furthcummand to all parteis interested according to the course of law, without prejudice to your lord of his right and clame to the saids goods and title competent to him to judge thair-upoun als weill in the burgh of Edinburgh and toun of Leith as in the bounds whair the shippe wes cassin away, which the Counsell hes declaired sall be free and arbitrarie unto him according to his right; and whairas the Counsell in the course taine be thame in this mater hes cheefelie respected my lord your husband his honour and weale, which they conceive might be endangered if the shippe and goods sould be ordoured and judged thair, we will intreate your ladyship to have ane answerable regaird to our proceedings thairin, and accordinglie to make delyverie to Johne Kinrosse, customer of tobacco at Leith, of the hail goods and geir belonging to the said shippe being in your custodie and keeping, and to further him by your credite and moyen to the recoverie of the rest and transporting of the same according to his warrand, your ladyship being alwayes satisfied of the charges bestowed be yow in preserving of the saids goods out of the first and readiest of the moneyes that sall be received by the saile of anie of thame within these bounds. Quhairin looking for your ladyships dewtiful obedience and forward concurrence, we committ your ladyship to God, and rests. Frome Halyruidhous, the last of Januar, 1628. *Subscribitur*, Geo. Cancell., Marr, Hadinton, Winton, Roxburgh, Bucleuche, Lauderdaill, Areskine, Naper."

Holyrood
House, 31st
January 1628.
Letter to the
Countess
Marischal
desiring her to
make delivery
of all the goods
and gear
belonging to
the Lübeck
ship wrecked
near Peter-
head.
See ante, p. 199.

Fol. 123, b.

The *Minute Book of Processes* gives the following Memoranda collectively for the month of January 1628.

Minute Book
1604-31.
Fol. 81, h.

Supplicatione of contraventione: Kathrin Lintoun against Alexander Meikill.

Proces: Cordiners of Coupar against the magistratts thereof for imprisonment and putting pryces on ther work.

Supplicatione for delyverie wrytts: Sturrok against M^cDull.

Suspensione, lawburrows: Donaldsone against Mowbrey.

Suspensione, relaxatione, etc.: Fraser against Kennedie.

Bill for restraining excesse in drinking forrain drink and anent the pryce of aill.

Letters: Patrik Hamiltoun against the toun of Edinburgh for not booking a prentise.

Protectiones for severall persones.

Letters for citing Rowie Scott to hear and sie it proven that he maid offer of 1000 merks for the assythment of Jon Lawsonsone who killed Jon Hurlabanks.

Bill: Sibilla Couper to be putt to libertie.

Suspensione and charge to putt to liberty: Jon M^cConneill against the baylies of Stranaver (Stranrawer?)

Proces: Keres against Trumble for impeding them to apprehend Trumble, his sone, delat for a vagabond.

Suspensione: Mr William Dalglish, against the commissioners appointed to collect the contribution for the brunt houses in Drumfermlin.

Letters: James Mowat against the Shireff of Berwick for not admitting him to the shiref clerkship. Fol. 82, a.

Imprisonment: Hary Walker against baylies of Edinburgh.

Letters be two of the baylies of Craill against the other two baylies who deserted ther charge upon the dissatisfaction of a deputt clerk.

Order to putt Margaret Fleming to libertie.

Act accepting ane offer maid be the Colledge of Justice of 10,000 merks for his Majesties service in satisfacione of some taxationes.

Precognitione against the Lord Desfoord and Sir George Ogilvie.

Act ordaining Thomas Gibsonsone who had comprysed George Osburnes lands and had notwithstanding putt him under cautione to answer as law will, either to renunce the comprysing or putt him to libertie.

Absolvitour: Forbes against Gordon persewit for wearing pistols, *et e contra*.

Letters: Jon Lawsonsone against Hurlabanks for accepting his goods in assythment for killing his sone.

Supplicatione: John Mull to be putt to liberty.

Minute Book,
1604-31.
Fol. 82, a.

Proces: Dean of Gild of Perth against the Vicount of Stormont
for abuseing him becaus he protested against his being Provest
of Perth.

Decreta,
November
1627-January
1630.
Fol. 35, a.

Sederunt—Chancellor; Treasurer; Privy Seal; Wyntoun; Perth; Holyrood
Roxburgh; Bugeleugh; Lauderdaill; Lord Arskine; Lord House, 5th
Melvill; Lord Carnegie; Lord Naper; Sir William Oliphant; February 1628.
Mr. Thomas Hoip; Clerk of Register; Sir John Scott.

Fol. 35, b.

Complaint by Mr Alexander Cuninghame, lawful son to the deceased Alexander Cuningham, Writer to the Signet, as follows:—He is informed that James Dowglas, one of the bailies of Dalkeith, and Archibaid Rosse, clerk of the regality thereof, on 18th January “instant,” their ordinary court day, made an act whereby they discharged all the inhabitants of that town to reset the complainer, or sell meat or drink to him under the penalty of £5 for every such offence. This Act has been “verie inconsideratlie made” as he is his Majesty’s lawful subject, not at the horn, and has given no just cause of offence to any of that town, “and it is ane high presumptioun for anie inferiour judge within the kingdome to make or sett down anie suche act so farre repugnant to the law of reasoun and justice,” which therefore, he pleads, should be discharged, and the makers thereof punished, “for usurping upoun thame suche a soverane power whair of no inferiour judge within the kingdome is capable.” Pursuer and defenders compearing, and the latter producing the Act complained of, the Lords discharge the said act *simpliciter* and declare the same to have no strength, force, effect, nor execution hereafter.

Discharge of an
act of the
regality of
Dalkeith,
whereby the
inhabitants of
the said
regality were
forbidden to
reset Alex-
ander Cuning-
ham, and to
sell meat or
drink to him.

Fol. 36, a.

Complaint by Harie Gordoun of Creich, as follows:—On July 1624, Patrick Hannay, son to Alexander Hannay of Kilphillane, John Dodds in Inglestoun and William M’Gowne in Culdurrie, with others all armed with swords, staves and other weapons, came “under cloud and silence of night whan as the compleaner and all the nighbours about wer in thair beds takand the nights rest under his Majesteis protection and peace,” to his corn barn upon his lands of St’ Johnescroft, broke up the door thereof and took thence five or six score “threaves of beir,” carried the same to the midden of Mr. William Patersoun, minister at Sorbie, “kuist the same thairintill, and in contempt and despyte of the compleaner, after ane ungodlie and malicious maner, tramped and tred the same in the said midding,” and so destroyed it. The complainer compearing and the defenders not, the Lords direct officers of arms to pass and denounce them as rebels and escheat.

Denunciation
of Patrick
Hannay and
others as rebels
for destroying
beir belonging
to Harry
Gordon of
Creich.

Complaint by James Papin, Frenchman, master of the ship called St. Nicolas, and the rest of the mariners of the said ship, as follows:—The said James Papin and his partners bought the said ship, which is of the burden of 150 tons, in Newport, and one fourth of her belongs to the

Complaint by
James Papin,
Frenchman,
against Captain
David Robert-
son, who had
seized the said

Papin's ship,
goods, and
crew in a port
of Norway.

complainer. He was directed by his partners to Norway for a cargo of "dails" to be brought to Calice in France; and when his ship was "ryding in ane saulffe harbourie within the dominiouns of the King of Denmarke in Norway, the ane anker thairof being on land, and the other in the water," and being a free harbour, Captain David Robertsoun sent two boats full of armed men, took the said ship and the money with which her cargo was to be purchased, as also their warrants from the Lord Admiral of France and the Governor of Calice, together with all their effects "and hes deteaned the saids compleaners since the last day of October and constrained thame to make him service within his awin shippe day and night, promising unto thame upoun his faith and honestie as he sould answere to God upoun his salvatioun to give thame honest recompence for thair service, and lykeweyes that he sould interteane thame honestlie duiring thair residence within this kingdome of Scotland, and also for thair transportatioun to Holland or Zeland; and brought thame himselfe to Leith, patt thame in a loddging, giving directioun to the goodwyffe of the hour to give thame honest interteanement, and upoun the morne thairafter, the said Captane dischairgit to give the compleaners ather meate or drinke, and thay have remained in Leith in another loddging, the spaice of twentie dayes, in great want and necessitie, and wer forced to send fyve of thair company away to Zeland in some Holland shippes, and the said James Papin, maister of the said shippe, is mynded, God-willing, to goe with the first occasioun." Charge having been given to the said Captain Robertsoun and he and the pursuer compearing, and the matter being referred for proof to the defender's oath, he acknowledged "that he promiseist to interteane the said James Papine himselfe duiring his remaining heere, bot denyes that he promiseist anie thing on the behalfe of his companie," whereupon the Lords recommend "the satisfioun of the said persewar to the discretioun of the said Captane Robertsoun."¹

Decreta,
November
1627-January
1630.
Fol. 36, b.

Fol. 37, a.

Complaint by
Robert
Callendar in
Torryburn
against
Andrew
Callendar, his
son, for
destroying a
back bond in
the said
Robert's
favour, and of
threatening the
life of the said
Robert.

Complaint by Robert Callendar in Torrieburne, as follows:—By a contract of marriage made on 1st April 1619 between the complainer and Andrew Callendar his son, on the one part, and Bernard Stewart in Torrieburne, and Marjorie, his daughter, now wife of the said Andrew, on the other, the complainer was obliged to infest his said son in his lands of Torrieburn, who was to grant a backbond bearing that it should be lawful to the complainer, if necessity urged him, to alienate or wadset a part of the said lands "in his old decrepit age." He accordingly did infest his son and received the backbond as above provided, which he has had in his possession for several years; but, being "ane unlettered man," he employed his said son to look out some of his writs, never looking that he would abuse the confidence reposed in him to his father's injury. Nevertheless "no sooner come the said backeband in the said Andrew Callendars hand bot he most unnaturallie destroyed and rave the same, and vowed if the compleaner, his father, found fault thairwith that he

¹ England was at this time still at war with France.

ould use him lyke ane strainger that he never saw. And thairafter the said compleaner, out of his fatherlie affectioun toward his said sonne, being desyrous to reclame him be all faire meanes, having requeisted him to renew his backeband that he might in his decrepit age conserve his credit, the said Androw, out of his unnaturall and unthankfull disposition, not onlie avowéd to bereave his father of his lyffe and make a sacrifice of him, bot most barbarouslie and inhumanelie he persewed him with a drawin durke, and had not failed to have committed ane monstrous parricide, if he had not beene hindered be some weill disposed persons." Both father and son compearing personally agreed to submit their differences to the arbitration of Robert Colvill, apparent of Cleish, Sir John Prestoun of Valiefeld, Robert Bruce of Blairhall, and Gilbert Gourlay of Westergrange, and obliged themselves to abide by their decision in all points without appeal.

Complaint by James Hoppar, John Dicksoun, Robert Gray, Robert Wilsoun, Patrick Purves, James Nisbitt, Robert Greirsoun, Robert Browne, Thomas Sandersoun, James Fowler, William King, Andrew King and Mungo Hoppar, all indwellers in Coldingham, as follows:—
 James, Earl of Home, has caused arrest and warn the complainers to his bailie court of Coldingham on January "instant," to be tried there for an assault upon the Laird of Aittoun committed in their town, and he intends, if they obey not, to proceed against them by fining or otherwise. Now the case has already been tried by their lordships themselves "in als exact a maner as ever anie processe was handled before thame, and suche of the said toun as wer found to be most guiltie in that earand wer send out of the countrie to the warres, and (as the saids compleaners ar informed) hes by thair death satisfied the insolence that wes committed aganis the Laird of Aittoun, and the saids compleaners wer dimitted and send home be the saids Lords as persons aganis whome no pairt of that complaint could be verified and provin." In such a case "it is a presumption for ane inferiour judge to bring the saids Lords thair proceedings to a secund hearing, or to questioun that whilk in so frequent and solemne ane meeting before the saids Lords wes discussed.." Moreover, the said Earl is the Laird of Aittoun's chief, and so cannot be considered an impartial judge in such a case. Parties being cited and the pursuers appearing by John Stewart of Coldingham, their master, and the Earl of Home also compearing, the latter, at the desire of the Lords of Council consented to forbear all further proceedings against the pursuers in this case, but without prejudice of his power and privilege of jurisdiction in future.

"Our verie honnourable good ladie. We have ressaived your ladyships letter togidder with ane inventar of the goods of the Lubeck shippe laitlie cassin away upoun that coast, and we thereby perceave the great care and diligence used by your ladyship for recoverie of the same, for the which as of before we render unto your ladyship our heartiest

Complaint by James Hoppar and others, indwellers in Coldingham, against James, Earl of Hume, who has arrested them for an assault of which they had been acquitted by Lords of the Council.

Holyrood House, 5th February 1628. Letter to the Countess Marischal desiring her to deliver to

Deceit,
November
1627-January
1631.
Fol. 37, a.

Fol. 37, b.

Fol. 38, a.

Box 1: Letters
1623-32.
Fol. 125, b.

William Gray the goods and furniture pertaining to the Lübeck ship wrecked near Peterhead.

See *ante*, p. 215.

thanks. And albeit the Counsell out of their tender regard to your lord his interesse in this bussines .hes carefullie provydit that the course taine be thame for ordouring thairof sall onnawayes prejudge my lord in his laughfull right, priviledge and claime to the saids goods, yitt for your ladyships better satisfioun in that point we have made choise of William Gray, merchand of Edinburgh, and accordinglie have givin power and commissioun unto him to ressave from your ladyship the haill goods being in your custodie and keeping, and to bring the same about to the harbourie of Leith, thair to be sauld to the best availl, and the moneyes arissing thairof ar to remaine in his hands to be made furthcummand to all parteis interested thairin according to the course of law; and becaus the said William Gray is bussie in conducing of shippes and maiking of other necessar preparatiouns for transporting of the saids goods, we thought good to acquaint your ladyship with the same, earnestlie intreating your good ladyship to delyver to the said William Gray the haill goods and furnitoure belonging to the said shippe without latt or delay upoun his repaire thither, and that yow certifie us back of your resolutioun thairanent with all possible diligence by this bearer. Quhairin resting assured that your ladyship will give that readie obedience which your awin dewtie, my lord his danger, and our respective care of his honnour and weele in this caise doeth require, we committ your ladyship to God. Frome Halyruidhous the fyft of Februar 1628. *Subscribitur*, Geo. Cancell., Marr, Hadinton, Wintoun, Roxburgh, Buccleuche, Lauderdaill, J. Areskine, Carnegie, Naper, Hamilton, Mr. Thomas Hoip, S. J. Scottistarevett."

Royal Letters,
1623-32,
Fol. 125, b.

Holyrood House, 5th February 1628. Letter to his Majesty enclosing a petition from Captain John Seaton.

"Most sacred Soverane. We have beene oftintymes petitioned by Captane Johne Seatoun desiring that he might be released frome his waird or otherwayes putt to a tryell according to the course of justice, bot in regard the warrand of his restraint procedit frome your Majestie and that the ground and occasioun thairof is unknowne to us, we have hitherto forborne to meddle with the same; and now laitlie he hes givin in a petitioun to the Counsell showing the prejudice he susteanes by his detentioun heere and earnestlie craving that we would recommend the same to your Majesteis favourable hearing and consideratioun; which in regard of the captane his daylie importunitie and of the great instance made on his behalffe be sundrie noblemen, barons, and merchants of the best sort (whome he hath obliged unto him by his courtesies and favours showne unto thame abroad), we could not weele refuse, and thairfoir we have presoomed to send up heerewith unto your Majestie the said captane his petitioun, to the intent your Majestie after perusall thairof may be gratuslie pleased to give such ordour thairanent as to your princelie wisdomsall seeme expedient. Whairin attending the significatioun of your royall pleasure, which with all dewtifull respect we sall faithfullie obey, we pray God to blesse your Majestie with a long and happie reigne, and rests. Frome Halyruidhous the fyft of Februar

Fol. 126, a.

Fol. 126, b.

Royal Letters,
1623-32.
Vol. 126, b.

1628. *Subscritur*, Dupline, Marr, Hadintoun, Wintoun, Perth, Roxburgh, Buccleuche, Areskine, Melvill, Carnegie, Naper, Oliphant, Hammiltoun, Mr. Thomas Hoip, S. J. Scottistavett. Followes the petitioun abonementiouned:—The humble petitioun of Captane Johne Seatoun to the lords of his Majesteis most honourable Privie Counsell.

Whairas I haiving some eight moneths since or thairby made my addresse to this kingdome for ordouring of my effaires which by my long absence furth of this countrie had bene neglected and overseene, I wes furthwith upoun my arrivall arreisted be my lord Chancellour (by what warrand or for quhat caus I know not), and have ever remained his lordships prisouner sensyne to my unspeakable greefe and heavie hurt; which summar forme of proceedour (without ather challenge or tryell) hath wrought manie prejudiciall impressiouns in the hearts of the people, who being ignorant of the caus of my restraint conceaves me to be guiltie of some haynous offence; lykeas my detentioun heere and long absence frome my service without warrand or allowance hes muche prejudiced the estait of my effaires abroad, and rendered my credite suspicious to the King of France, my maister, whairof I have alreadie found the harmefull effects by the forefeyture of my plaice of one of the Exempts of the Guardie, the captane of the Kings hous haiving plaiced another in my roome, and my office of lieutenandrie by the conditioun of the plaice being lykewayes lost in regard of my absence and not attendance upoun my charge, the Kings armie being upoun the feild. Besides that I have my wyffe, childrein, and whole estait in France, which upoun the occasioun foresaid in these difficult tymes may happilie be endangered; and whairas I am not consciuous of anie fault committed be me meriting to haive bene thus hardlie intreated haiving nather offended against the Kings Majestie nor the estait, and seing for cleering of my innocencie I am heartilie weele content to undergoe the most rigorous and exact tryell that the lawes of this kingdome in suche a caise doeth allow, I humblie beseeke your lordships to putt me to libertie and freedome and suffer me pas as his Majesteis free subject, or to bring me to my tryell with diligence, which I am content to abide in the strictest maner which I sall never deprecat nor declayne, or otherwayes that your lordships may be pleased to recommend this my petitioun to his Majesteis favourable hearing and consideratioun, to the intent his Majestie after his advised perusall thair of and of the merite of my caus may give ordour for my tryell and punishment if I be culpable of anie disloyall trespasse, or incaice of my innocencie that I may be released and sett free according to the course of justice; and your lordships answer.”

Petition of
Captain John
Seatoun, who
had been
arrested by the
Lord
Chancellor on
his coming
from France to
Scotland, on a
charge of
which the said
captain is
ignorant.

“Ane missive frome his Majestie anent the importatioun of Franshe goodis and ane Act past accordinglie.”

“Tua other missives frome his Majestie anent the Admirallitie.”

Holyrood
House, 5th
February 1628.

Sederunts,
1625-29.
Vol. 76, a.

"Ane missive to the Countesse of Mairshell desyring to know yf she will delyver the goodes being in the Lubecque ship to William Gray." Sederunts, 1625-29. Fol. 76, a.

"Ane missive frome the Countesse of Mairshaell, and ane other frome Johne Kinros with ane inventair of the goodis being in the Lubecque ship."

"Ane new commissioun adjoyneing William Gray to the formair commissioun grantit upoun the xv of Januair to Johnne Kinros anent the ship of Lubecque cassin away upoun the coist neir Peterheade."

"The Lordis findis it meete and ordanis that the capitanes and companyis of his Majesteis thre shippis salbe payit oute of the first and reddiest of the moneyis aryseing upoun the saile of the goodis being in the Lubecque ship laitlie cassin away upoun the north coist neir Peterheade, and failyeeing thairof that thay salbe satisfeit oute of the first and reddyest of his Majesteis rentis and casualtyis, whilkis salbe burdynnit with the payment of the wadgeis of the saids capitanes and thair companynis, and that they salbe preferrit to all others paymentis quhatsomevir."

Holyrood
House, 7th
February 1628.

Sederunt.—Chancellor; Treasurer; Privy Seal; Nithisdail; Wynthoun; Perth; Roxburgh; Bugeleugh; Lauderdaill; Lord Arskine; Lord Melvill; Lord Carnegie; Lord Naper; Master of Jedburgh; Sir William Oliphant; Mr. Thomas Hoip; Sir John Scot. Decreta, November 1627-January 1630. Fol. 38, a.

Protection to
Sir David
Hume of
Wedderburn.

On the petition of Sir David Home of Wedderburne, knight, bearing that his protection for coming to Edinburgh and dealing with the Commissioners for the Surrenders and Teinds expires on 10th instant, and his business is not yet finished, the Lords continue the same till 1st March next.

Order to the
Provost and
bailies of Edin-
burgh to
liberate James
Cunningham,
tailor, from the
tolbooth of the
said burgh.

Complaint and petition by James Cuninghame, tailor, burges of Edinburgh, as follows:—He is warded in the tolbooth of Edinburgh at the instance of James Guthrie, writer, who has taken assignation of a decree recovered against the complainer before the bailies of Leith in a case in which he was cautioner for George M'Cubie to Mr. George Simmer, minister of Kilspindie, for £24 and 2 merks of expenses. He is now like to starve through famine, "being a poore, decayed, distressed and wracked persoun by cautionrie and evill debtors and actiouns of law, haveing the burdein and charge of a great familie and foure small bairnes, and hes no meanes nor moyen to interteane thame with bot that whilk he can procure by his handis labour, whairof now he is prejudged by his detentioun in waird, sua that he and they will starve." Parties being cited, and the pursuer being brought before the Lords by Andrew Whyte, keeper of the tolbooth of Edinburgh, and the said James Guthrie also compearing and consenting to the liberation of the pursuer, without prejudice to his lawful

action at law against the pursuer, the Lords ordain the provost and bailies of Edinburgh to set the said James Cuninghame at liberty.

"The whilk day the Erles of Nithisdail and Buccleuche, the Lord Yester, the Maister of Jedburgh, Sir William Setoun, knight, the Lairds of Lag and Amisfeild, commissioners of the Middleshyres, compeerand personallie before the Lords of Privie Counsell, and thay being demandit upoun the causes and occasiouns of the disordours lyke to arise within the Middleshyres and what course was fittest to be taine for punishing of the present disordours and preventing of the forder grouth thair of, thay declared that one of the cheefe causes of the saids disordours proceidit frome the intermissioun of the ordinar meetings of the conjunct commissioners for the Middleshyres whilk emboldenned malefactours offending in the ane countrie to flee to the other whair thay had ane uncontrolled ressett. Quhilk declaratioun being heard and considerit be the Lords, thay ordaine a missive to be writtin to his Majestie humbelie desiring that the conjunct commissioun for the Middleshyres may be renewed and directioun givin to the commissioners to keepe thair meetings more frequentlie. And the Lords continews all forder dealing in this mater till Tuisday the twelffe of this instant, and ordains missives to be writtin to the commissioners absent except to Drumlanrig, Closburne, and Dalyell to keepe this dyet; lykeas Johne Johnstoun, agent for the Laird of Johnestoun, promised to caus the said laird keepe that dyet.

Followes the missive writtin unto his Majestie. Most Sacred Sovereane, Upoun occasioun of some disordours arissin of lait within the bounds of the Middleshyres we conveened before us the commissioners to whois charge your Majestie hes committed the cair over these bounds and demandit of thame the caus of thir disordours and frome whence the same proceidit. And after thay had conferred at lenth amongs thame selffes heeranent in end thay reported unto us that the intermissioun of the ordinar meetings with the conjunct commissioners on the English syde wes the cheefe and principall caus of thir disordours, and that fugitives and outlawes takand hold of this intermissioun and fleing the course of justice of this kingdome makes thair addresse to the English side whair thay have ane uncontrolled ressett, as if your Majesteis arme of justice wer not able to overtake thame thair. And whairas the conjunct commissioun for the Middleshyres hes not beene renewed since the death of your Majesteis darrest father of blessed memorie, whilk may breed ane opinioun in manie that the commissioun with his death is extinct, our humble petitioun thairfoir unto your Majestie is that this conjunct commissioun may be renewed to persouns of equall ranke and number for both kingdomes according to the accustomed forme, and that strait directioun be givin to the commissioners to keepe thair ordinar meetings accordingle, and to resolve upoun suche conclusiouns as may suppress the present disordours and prevent the forder grouth thair of in tyme

Holyrood House, 7th February 1628.

Declaration of the Earl of Nithsdale and others, Commissioners of the Middle Shires, that the late disorders in the said Shires are due to the intermission of the ordinary meetings of the conjunct Commissioners of England and Scotland.

Letter from the Council to his Majesty petitioning for the renewal of the conjunct Commission of the Middle Shires, which had been in abeyance since the death of his Majesty's father.

Decreta,
November
1627-January
1630.
Fol. 38, b.
Borders,
1608-43.
Fol. 94, b.

Fol. 95, a.

comming. Quhilk remitting to your Majesteis royall consideratioun, we Borders, pray the Almighty God to watche over your sacred persoun and to 1603-43. blesse your Majestie with a long and happie raigne. Frome Halyruid- Fol. 95, a. hous the sevint day of Februar 1628. *Subscribitur*, Geo. Cancell., Mar, Perth, Roxburgh, Lauderdaill, Melvill, Carnegie."

Warrant to the Commissioners of the Middle Shires and others to apprehend all excommunicated persons within the Stewartry of Annandale who may be given up to them by the ministers within the said bounds.

" Forsameekill as the Lords of Secreit Counsell having heard the greivous complaints exhibite unto thame be the ministers within the Stewartrie of Annanderdaill tuiching the lawlesse contempt of a number of refractorie persouns within these bounds, who being excommunicat for recusancie, adulterie, and others nefarious crymes, most obduratlie stands out aganis the ordouris of the Church, refusing to give obedience to the discipline thair of, which being a mater of verie bad exemple, dishonourable to God, scandalous to the trew religioun and disgracefull to his Majesteis royall and Christiane government, Thairfoir the saids Lords for reclaiming of suche disordourlie livers to the obedience of the law and for maintenance of Gods trew worship and discipline of the Church in the full strenth and integritie thair of, hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun to the Commissioners of the Middle shyres with the Lord or Maister of Fol. 95, b. Hereis, James Johnestoun of that Ilk, and Robert Crichtoun, stewart depute and bailie to the Erle of Annanderdaill, and to ilke ane of thame conjunctlie and severallie, to pas, searche, seeke and take all suche excommunicat papists¹ within the said Stewartrie, whois names sall be delated and givin up unto thame be anie of the ministers within the said bounds, whair ever they can be apprehendit, and to committ thame to waird within the jayle of Dumfreis, thairin to remaine upoun thair awin expenses ay and whill they have satisfied the Church and procured thameselfes absolved frome the sentence of excommunicatioun; with power lykewayes to the said Commissioners and the others foresaids to command and give warrand to the ministers and landslords of the ground whair the saids excommunicat persouns doe dwell to take and apprehend thame and to bring, present and exhibite thame to the saids Commissioners or anie of thame, to the intent thay may be committed in maner abone prescryved, the saids landslords being alwayes required to that effect be the minister of the parish in presence of twa witnesses; and in caise of the saids landslords thair refusall to doe thair diligence in tairking of the saids excommunicat persouns, thay being laughfullie required thairto as said is, or of the said Commissioners thair negligence or slacknesse in the executioun of what is committed to thair charge, the saids Lords declares that the saids Commissioners and landslords sall be callit to thair answeire upoun thair disobedience and punished thairfoir according to the merite of thair fault: Commanding hereby the provest and balleis of Dumfreis to ressave and committ to waird within thair tolbuith all suche excommunicat persouns as fra tyme to tyme sall be

¹ This word is scored through, but the proper word "persons" has not been inserted.

brought or directed to thame be warrand frome anie of the saids commisioners and to keepe thame in sure firmance till thay be ordourlie releaved, as the saids proveist and balleis will answeere upoun the contrair at thair highest charge and perrell, and that letters of publicatioun be direct, &c."

"The ordouring of the disordours of the Middleshyris continewit till Tuysday nixt."

"Ane Act anent the furtherance of the discipline of the Kirk within the boundis of Annanderdaill."

"The Lordis appointis the xvj day of this instant to consider and gif ansuers to the Articlis gevin in be the burgh of Edinburgh anent the fortificatioun of Leethe."

"CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. This paper which we have sent yow heerewith enclosed, having beene presented unto us in the name of Alexander Narne our servant, importing ane expedencie that flanked tranches, barricadoes and beacons sould be made and sett up in diverse fitt plaices of that our kingdome, and thairby perceaving his intentioun to doe us and that kingdome suche goode services as the present estait of the tyme doeth seeme necessarilie to require, we thought it the rather expedient to hearken unto suche overtures in regaird he offereth to putt thame in practise for the good of the said kingdome without anie charge to us or impositioun to be layed upoun our subjects being onelie willing to stand to thair voluntarie contributioun for the same; thairfoir in regard of the charge and care yow have of all things that may tend to the good and safetie of that kingdome, we have heerby thought fitt to referre the same unto yow, being willing that yow consider thairof and of the effects thay ar likelie to produce, and thairafter so to proceed thairin as yow, for the good and honnour of the said kingdome, sall thinke expedient: of your proceedings wherein we desire to be certified. And so we bid yow fareweill. Frome our court at Whitehall the ellevint day of Februar 1628."

Sederunt.—Chancellor; Treasurer; Nithisdail; Perth; Roxburgh; Holyrood House, 12th February 1628.
Lauderdaill; Lord Gordoun; Lord Melvill; Lord Carnegy; Holyrood House, 12th February 1628.
Lord Naper; Master of Elphinstoun; Sir William Oliphant;
Mr. Thomas Hoip; Clerk of Register; Tracquir.

On the supplication of Sir Walter Ker of Fawdownsyde bearing that he has an interest to attend the subscribing of the Submission to his Majesty concerning the teinds which is to take place in the palace of Holyroodhouse on 20th instant, but that on account of some civil hornings he is prevented from coming to Edinburgh for the said purpose, the Lords grant a protection to him to do so until 1st March next.

Borders,
1603-43.
Fol. 95, b.

Sederunte,
1625-29.
Fol. 76, b.

Royal Letters,
1623-52.
Fol. 127, b.

Holyrood
House, 7th
February 1628.

Whitehall,
11th February
1628.

Letter from
his Majesty
referring to
the Council a
proposal of
Alexander
Nairn for the
construction of
flanked
tranches,
barricades, and
beacons in fit
places through-
out the
kingdom.

Decreta,
November
1627-January
1630.
Fol. 38, b.

Fol. 39, a.

Protection to
Sir Walter Ker
of Fawdownside
to come to
Holyroodhouse
anent the
teinds.

Similar protection to others.

Similar petitions by William Home of Hardismylne and George Home of Bassindein, to whom protections are also granted for the same period and purpose. Decreta, November 1627-January 1630.

Order to the Provost and Bailies of Edinburgh for the release from the Tolbooth of John Lawson, who had made assythment for the slaughter of John Harlabanks.

Petition by John Lawsoun in as follows:—He has been in ward in the tolbooth of Edinburgh for several months past for “that unhappie and suddane” slaughter by him of John Harlabankis in Huntlicocate, for assythment of which he, by his friends, has made offer to the father and widow of the said John of all the free gear he had, viz. some few sheep, and to undergo perpetual banishment from the kingdom. His party was willing to accept satisfaction, but demanded more than it was possible for him to give or do, and the King being informed of the state of matters, was pleased to allow of the petitioner’s offer, and to sign a remission in his favour, as his Majesty’s letter to the Council bears. It was verified to their Lordships and his party that he has only four score and fifteen sheep, which their lordships ordained to be comprised and sold in presence of Andrew Quhyte, keeper of the tolbooth of Edinburgh, and this was done, the price realised being 300 merks, which the petitioner has consigned in the hands of the Clerk of Council to be delivered to his party on their granting to him a lawful letter of slains. He therefore prays their lordships to take some course for his release, as having nothing wherewith to entertain himself, he will miserably starve. The Lords ordain his Majesty’s Justice and his deutes to hold a Justice court in the tolbooth of Edinburgh, and having called the said John Lawsoun before them to take him judicially enacted to pass forth of the kingdom within 15 days and never return thither without his Majesty’s licence under pain of death. They further ordain the provost and bailies to liberate him from the tolbooth in order to make his preparations for going abroad; and empower the Clerk of Council to give over the consigned silver to the party upon their signing a sufficient letter of slains to the said John. Fol. 39, b. Fol. 40, a.

Order to the Provost and Bailies of Edinburgh to liberate Alexander Robertson, Jesuit, now in the Tolbooth, and to ship him to the Low Countries.

See *ante*, p. 136.

On a petition by Alexander Robertsoun, Jesuit, bearing that he has often petitioned their Lordships for “his libertie out of this languishing waird, and that his goods may be restored unto him” so that he might leave the country in terms of the act under which he lies to that effect, “bot thair is ane oath craved of him that he sall never returne againe within the countrie, whilk oath, saulfig the saids Lords thair better judgement, he thinkes verie extraordinar and strange, seing he is acted under the pane of death never to returne, and if he faile in that point, the law is patent to strike upoun him.” He is willing to give oath that on being relieved he will go directly to his sister’s house and remain there until he find a ship going to the Low Countries; and therefore craves their Lordships’ command (1) to the provost and bailies of Edinburgh to transport him from the Tolbooth to his sister’s house, and (2) to Sir Henry Wardlaw to pay his former allowance of a merk daily Fol. 40, b.

Decreta,
November
1627-January
1630.
Fol. 40, b.

since his last payment and until his release; as also that their Lordships will take some course for the restoration of his goods. The Lords ordain the provost and bailies of Edinburgh to have the petitioner conveyed to Leith and shipped aboard some ship going to the Low Countries, as soon as occasion shall offer; they ordain the Justice to dispense with his oath, because of the circumstance above pleaded, and also enjoin to Sir Henry Wardlaw, in terms of the petition.

Royal Letters,
1623-32.
Fol. 127, a.

" Most sacred Soverane, The weake estait of your Majesteis coffers and the manie pressing burdeins lying thairupoun hes of lait drivin us unto suche straits in the prosecutioun of your Majesteis most important services that we ar now altogidder disabled to ordour the effaires of the Estait according to the exigence of the tyme, your Majesteis casualiteis being ather dispouned by gift or exhausted by pensious, the rent of your patrimonie forestalled by assignatiouns, your customes decayed by the interruptioun of trade, and the taxatioun allotted to particular uses, sua that in a maner all is consumed and nothing left for defraying the necessar charges daylie occurring and highlie concerning the governement of the Estait as of lait hes appeared by the difficultie we had to procure moneyes for the satisfacioun of the wages dew to the captans and companeis of your Majesteis three shippes and of the other shippes that were rigged furth to attend thame when the enemy was supposed to have bene upoun the coast; who being a number of clamorous and indigent persouns whois payment and satisfacioun wes no lesse necessar than exemplar for the good of your Majesteis service in tyme coming, we wer thairupoun constrained (in regard thair wes no moneyes in your Majesteis coffers, the same being emptied upoun the occasiouns foresaid) to assure the captans and thair companeis be act of Counsell to be payed of thair wages out of the first and readiest of the moneyes arising by the sale of the wynes and other commoditeis being within a shippe of Lubecque laitlie tane and cassin away upoun the north coast, and which your Majesteis Advocats in your Majesteis name ar to persew as lawfull pryze. Lykeas upoun the receipt of your Majesteis letter concerning the said shippe and goods we have accordinglie givin ordour to the Countesse of Mairshall for delyverie of the saids goods whairwith she has medled be vertew and for preservatioun of her lord his pretendit right of admiraltie within the bounds whair the shippe wes cassin away, to the intent the samine may be brought to Leith and thair sauld to the best advantage, in regard the whole rasines and anyseids with a pairt of the wynes ar irrecoverable spoyled with salt water and the moneyes arising by the pryce of the goods sall be assured to be made furthcummand to these who sall be found to have best right to the same. The consideratioun of which premissis forceth us of dewtie in these troublesome tymes to represent unto your Majestie the weake estait of your revenewes heere and the hurtfull dilapidatioun thairof to

Holyrood
House, 12th
February 1628.
Letter to his
Majesty anent
the weak
estate of the
revenues in
Scotland, and
petitioning
that some
course be
taken that the
Exchequer be
not extin-
guished.

the discredit of the Crowne, prejudice of the publick course of affaires, and to the disabling of us to performe these offices and services which your Majestie honnour and the good and quyet of the countrie doeth oft tymes requyre; and in regaird thair of we will humblie petition your Majestie to take some course that your Majesties Exchequer be not extinguished and the necessar affaires of the estait thereby left unperformed. All which recommending to your Majesties serious consideratioun and attending your Majesties directionis and ordour heerin, which we sall carefullie follow, we rest. Frome Halyruidhous the twelffe day of February, 1628. *Subscritur*, Dupline, Marr, Nithisdail, Perth, Roxburgh, Lauderdail, Gordoun, Melvill, Carnegie, Naper, A. Elphinstoun, Oliphant, Hammiltoun, J. S. Tracquir, Mr. Thomas Hope.”

Whitehall,
12th February
1628.

Warrant from
his Majesty for
the apprehension
of certain persons
charged with
the contraven-
tion of
lawborrows.

“CHARLES R.,—Right trustie and right weilbelovit cousine and counsellour, and trustie and weilbelovit counsellours, we greete yow weil. Whairas we ar informed that Sir Alexander Gordoun of Cluny, knight, having upoun some oppressiouns committed aganis him and his brother be one Alexander Gordoun of Dunkintie, raised letters of lawborrowes accustomed in the lyke causes, the said Alexander did present one called Smart and caused him inact him selff as suretie in name of Johne Forbes of Creichie; in regard that this course is so ill of it selfe and dangerous by the exemple according to the motioun which we have sent yow heerewith we have thought fitt to recommend the consideratioun thereof unto yow; and thairfoir our pleasure is if yow find the premissis to be suche as is informed that yow take a speedie course to caus punish the transgressours according to the lawes of that our kingdome, that thereby all others may be terrified from attempting the lyke abuse heerafter. And least the subscriber, writter and witnessis of the said suretie, sould upoun hearing of the summonds of improbatioun to be raised aganis thame abandoun the kingdome thairby to disappoint the dew tryell hereof, our further pleasure is that yow give warrand to the shireff of Aberdein, or to some suche persoun in those bounds whome yow sall thinke most fitt, for apprehending and presenting of thame to abide the said tryell, all which we will take as acceptable service done unto us. And so we bid yow fareweill. Frome our court at Whitehall the twelffe day of Februarie 1628.”

Holyrood
House, 12th
February 1628.

“Ane missive to his Majestie recommending to his Majestie the petition of the marcheantis anent the prohibitioun of Franshe goodis.”

“Ane missive to his Majestie anent Bordour materis.”

“Ane Act in favouris of the extraordinair Lordis of the Sessioun and remanent memberis thair of upoun the offer of xj^m merkis maid be thame in satisfioun of thair partis of the taxatioun for the whole four termes payment thair of.”

“Ane Act in favouris of the baronis and inhabitantis within the sherifdome of Kincairdine, declairing that suche of thame as sall provide

Royal Letters,
1623-32.
Fol. 127, a.

Fol. 128, b.

Fol. 129, a.

Sederunts,
1625-29.
Fol. 76, b.

Fol. 77 a.

Sederunts,
1625-29.
Fol. 77, a.

thame selffis with armes in maner specifeit in the Act maid to that effect in the Justice of Peace Courte Bookis of Kincairdin sall not be oblist to buye armour fra ony others personis, notwithstanding of ony commoun course to be tane for provyding of the cuntrey with armour."

"Ane Act in favours of Johnne Lawsoun, prisonner in the tolbuthe of Edinburgh."

"Ane Act in favouris of Alexander Robiesoun, Jesuite, prisonner in the tolbuthe of Edinburgh."

Decreta,
November
1627-January
1630.
Fol. 40, b.

Sederunt.—Chancellor; Treasurer; Nithisdail; Bishop of Dunkeld; Lord Gordoun; Lord Melvill; Lord Carnegy; Lord Naper; Master of Elphinstoun; Master of Jedburgh; Sir William Oliphant; Mr. Thomas Hoip.

Holyrood
House, 14th
February 1628.

Fol. 41, a.

On a supplication by Patrick Carkettill of Markill stating that his protection for attending the Commissioners anent the Surrenders and Teinds about the tiends of his lands of Skafintie, Corsehous, Libbertoun, Foulford and others in the sheriffdom of Edinburgh, expired on the last of January, that as yet nothing has been done, and the 20th is the day for signing the submission, the Lords extend his protection until the last day of March next.

Patrick Car-
kettill of
Markill and
his teinds.

Complaint by George Gordoun of Dalpersie, as follows:—Captain James Blair, one of the captains in the regiment of Alexander, Lord of Spynie, obtained letters against the complainer charging him under the pain of horning to apprehend and deliver to him, Alexander Cowttis,

Suspension of
letters of
horning
against George
Gordon of
Dalpersie.

. . . Patersoun and John Muriesoun, who had been given up by the ministers of their parishes as idle and masterless men, and because he has not done so, the complainer has been denounced rebel; and wrongfully so, as none of these three persons were ever men, tenants, or servants to him. These persons, when they knew they were enrolled, fled quietly out of the place where they were long before the date of the said charge, Alexander Cowttis going to West Flanders, where he is in service with William Laing, burgess of Aberdeen, and the other two betaking themselves to the Hielands, where no knowledge of them can be got. However, the complainer has found caution to execute the said charge and pay to the Treasurer and Deputy Treasurer £20 for his escheat if he be found liable therein, and meanwhile craves suspension. Parties being cited and the pursuer compearing but the defender not, the Lords suspend the letters of horning as craved.

Fol. 41, b.

Commissions,
1624-30.
Fol. 155, b.

Commission under the Signet to the Steward of Annandail and his deutes, Sir William Greir of Lag, Sir Robert Greir, his son, James Maxwell of Tinwall, Robert Charters of Kelwod, and Archibald Johnestoun

Holyrood
House, 14th
February 1628.
Commission to
the Steward
of Annandale
and others

for the apprehension of Jaffray Irwing and others at the horn for the slaughter of Robert Charteris.

of Elshesheills, to convocate the lieges in arms and search for, apprehend, and present before the Council Jaffray Irwing in , John and Hobbie his sons, and John Irwing, called Brunt Willeis son, in Middle Schaw, who were put to the horn on 6th February instant at the instance of Susanna Irwing as relict, Charterous as son, Hew Charterous in Amisfeild as brother, Sir John Charteris of Amisfeild, knight, as master, and the remanent kin and friends of Robert Charters, servitor to the said Sir John, whom they cruelly and unmercifully slew. Signed by Geo. Cancell., Marr, Nithisdail, Perth, Roxburgh, Lauderdaill, Melvill, Carnegie and Naper.

Commissions,
1624-30.
Fol. 155, b.

Holyrood House, 14th February 1628. Anent the fencible persons in the Sheriffdom of Fife. William Horsburgh.

"The Lordis assignis to the convenair of the Justices of the Peace within the sherifdome of Fyffe the first Counsall day after the 20 day of Marche for reporting of the rollis and nomber of fencible personis within everye parroche of the said sherifdome, whilk dyet the Laird of Weymis, convenair, being personalie present, promeist to keepe."

Sederunts,
1625-29.
Fol. 77, a.

"The whilk day William Horsburgh, sone to the lait Laird of Horsburgh, compeirand personalie, actit him selfe for the indempntie of his brethreene, and gaif his oathe thair upoun under the pane of death."

Holyrood House, 15th February 1628. Caution by Hew Mitchell of Kinkell for David, Viscount of Stormont, that the said Viscount will not molest Andrew Gray, late Dean of Guild of Perth. See ante, p. 213.

Mr. Harie Schaip (Chaip), advocate, as procurator for the principals and cautioners, registers (1) a bond of caution by Hew Mitchell of Kinkell in 5000 merks that David, Viscount of Stormont, will not molest Andrew Gray, late Dean of Guild of Perth, nor his family, tenants nor servants, &c., with clauses of relief and registration. The bond is dated at Skone, 9th February, 1628; witnesses, David Wood, David Balfoure, James Murrey, John Fermour, and Thomas Edmond, servitors to the said Viscount, and Peter Fayrhar, notary, writer of the bond. (Signed) Hugh Mitchell, D. V. Stormont, Johne Fermour, witnes; Thomas Edmond, witnes; Peter Fayrhar, witnes; David Wood, witnes; David Balfoure, witnes: (2) a bond of caution by David Balfoure, son to Sir Andrew Balfoure, knight, in 2000 merks "Scotish" for Sir Mungo Murrey of Drumcarne, knight, Master of Stormont, to the same effect; with clauses of relief and registration: Dated at Scone, 11th February, 1628; witnesses, Mr. George Grahame, fiar of Inchbrakie, Patrick Grahame, his son, Thomas Naismith, servitor to the said Sir Mungo, and Peter Fairhayre, writer of the bond. (Signed) D. Balfour; MG. [monogram for Mungo] Murrey; G. Græme, witnes; T. Neasmith, witnes; Patrik Grahame, witnes; Peter Fayrhar, witnes.

Cautions,
1621-28.
Fol. 277, b.

Fol. 278, a.

19th February 1628.

[Another volume of the Acta begins with this date. It is imperfect at the beginning, commencing in the middle of the Act referring to the Dunfermline contribution given *infra* on page 232 from the Sederunts.]

Acta February
1628-July
1629.
Fol. 2, a.

Decreta,
November
1627-January
1630.
Fol. 42, a.

Sederunt.—Chancellor; Nithisdail; Wyntoun; Roxburgh; Bugcleuch; Holyrood
Lauderdaill; Bishop of Dunkeld; Lord Gordoun; Lord Melvill; House, 19th
Lord Carnegy; Master of Elphinstoun; Sir William Oliphant; February 1628.
Clerk of Register; Tracquair.

On the petition of John Elphinstoun of Schanke bearing that he is unable to come in and treat with the Commissioners anent the teinds about his teinds of Poltoun and other lands in the sheriffdom of Edinburgh, the submission regarding which is to be subscribed on the 20th, on account of some civil hornings under which he lies, the Lords grant him a protection to do so until the last day of March next.

Protection to
John Elphin-
ston.

Fol. 42, b.

Complaint by Patrick Flookiebird in Fairnieknowes as follows:—He has right by assignation to a heritable bond made by John Silbot of North Kintail to John Rutherford in Rossihill for £400 of principal and £40 of interest, and in May last Silbot arranged a meeting with him at the Hauch of Kintail for settling the bond. This meeting took place and Silbot "craftilie desired of the compleaner inspectioun of the band to the intent as he pretendit that he might knaw fra what terme the annuell wes dew." Suspecting nothing, the complainer handed him the bond "to be read in audience of some commouners present with thame for the tyme, and when as one of the commouners wes reading the band the said Johne Silbot and Katharine Murrey, his spouse, who wer both present, hearing the band read, they violentlie pulled the band furth of the hand of Thomas Young of Middlerig, who wes reading it, and rave the same in ane hundreth peeces, tauntinglie and in derisioun bidding the compleaner seeke his payment whair he might have it." Charge having been given to Silbot and his wife to compear and underlie the law for their offence and for renewal of the pursuer's security, and the pursuer compearing, but not the defenders, the Lords, after hearing the pursuer's witnesses, find that the said Katharine Murrey "violentlie pulled the band foresaid out of the hands of the said Thomas Young and rave the same in peeces," and ordain her to be charged to enter in ward within the Tolbooth of Edinburgh within six days, there to remain till further order be taken with her, and if she disobey to denounce and escheat.

Order for
committal to
ward of
Katharine
Murray,
charged with
destroying a
heritable bond
given by her
spouse John
Silbot to
Patrick
Flockhart.

Fol. 43, a.

Royal Letters,
1623-32.
Fol. 133, a.

"CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete you weil. Whairas upoun consideratioun of ane Act of Parliament that nane sould be elected provest nor yitt anie other magistrat of anie of our free burghes bot suche as wer merchants and actuall traffiquers within the same, we wer pleased effectuallie to wryte unto yow that the said Act might be dewlie observed and the breakers thair of censured for thair contempt according to the lawes of that our kingdome or as yow sould find thair faults to deserve, yitt we ar informed that our letters to this effect have

Whitehall,
19th February
1628.

Letter from
his Majesty
requiring that
none be chosen
magistrates
within free
burghs except
such as are
merchants
within the
same.

taikin little or no effect contrarie to our royall intencion so warrant-^{Royal Letters, 1623-32.}
 ablie grounded; the consideratioun whair of hes justlie moved us againe to
 require yow to putt the said Act in the dew executioun and to the effect
 that all our subjects may heerafter take notice of the same that yow
 renew the proclamatioun formerlie made to this effect and that it be
 published at all plaices requisite. The performance of all which we
 expect with all convenient diligence or a speedie returne of your
 answer why it cannot be done. So we bid you fareweill. Frome our
 Court at Whitehall, 19 February 1628."

Holyrood
 House, 19th
 February 1628.

"The Lords appointis Saterdag nixt the 23 of this instant to con-^{Sederunts, 1625-29.}
 sider the Articlis, ansuer and reply, anent the fortificatioun of ^{Fol. 133, a.}
 Leethe."

"Ane missive from the Countesse of Mairshall anent the delyverie of
 the ship of Lubecque cassin away neir Peterheade and of the goodis
 being within her."

The contri-
 butions for the
 supply of the
 Burgh of
 Dunfermline.
 See ante, p. 210.

"The commissionaris nominat for collecting the contributioun grantit
 for supplee of the burgh of Dunfermyne compeirand befor his
 Majesteis Counsell, the Lordis ordanis thame to gif in thair bookis
 togidder with the dischargeis thair of to the Clerk of Register and
 Laird of Tracquir to be sene and considerit be thame. And towche-
 ing the moneis being in the commissionaris handis or hes bene gevin
 to otheris more nor thair valuatiouns ordanis the commissionaris to
 distribute the same amongs the most necessitous people of the toun
 for repairing of thair houses so far as the same will extend to."

Holyrood
 House, 20th
 February 1628.

Caution by Mr Alexander Menteith of Maners in 1000 merks ^{Cautions, 1621-28.}
 that John Ewin in the Powes will not molest John Williamesoun, ^{Fol. 278, b.}
 Writer to the Signet, nor his family, tenants nor servants. (Signed)
 A. Montethe.

Caution by
 William Kellie,
 burgess of
 Kintore, that
 Michael Fraser
 will appear
 before the
 Council to
 answer for
 assault on John
 Fraser.

Mr. Robert Foulls, advocate, as procurator for the principal and
 cautioner, registers a bond of caution by William Kellie, burgess of
 Kintore, in 300 merks, that Michael Fraser, lawful son to the deceased
 Thomas Fraser of Sanock, will compear before the Council at Edin-
 burgh or elsewhere on 27th March next and answer to a complaint by
 John Fraser of Little Clintertie of "hurting, wounding and blood
 drawing" of him in the head and other parts of his body, and also that
 he will pay £20 as his escheat to the Treasurer if found liable therein; ^{Fol. 279, a.}
 with clauses of relief and registration. Dated at Kintore, 10th Decem-
 ber 1627, witnesses, James Keith of Kinade, Patrick Leslie in Kintore,
 John Findlay, and John Leslie, notary, writer of the bond. (Signed)
 William Kellie; Michael Fraser; James Keith, witnes; Patrik Leslie,
 witnes; John Leslie, wryter heerof and witnes, notar publict.

Holyrood
 House, 21st
 February 1628.

Sederunt. — Chancellor; Treasurer; Monteith; Bugleuche; ^{Acta February 1628-July 1629.}
 Lauderdaill; Bishop of Dunkeld; Lord Gordoun; Lord ^{Fol. 2, a.}

Acta February
1628-July
1629.
Fol. 2, a.

Melvill; Lord Carnegie; Master of Elphinstoun; Master of Jedburgh; Sir William Oliphant; Mr. Thomas Hoip; Tracquair.

“The whilk day the Lords of Secreit Counsell, according to ane warrand in writt signed be the Kings Majestie and this day presented unto thame, ressavit and admittit Williame, Earle of Monteith, to be president of the said Counsell and to enjoy all the digniteis and priviledges belonging to that place. Lykeas the said erle being personallie present and acknowledging with all humble respect his Majesteis gracious favour showin unto him in preferring of him to the said place, he with all dew reverence accepted the same upoun him and gave his oath *de fidei administratione*. Followes his Majesteis missive for warrand of the Act abonewritten.—‘CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. In regaird that the plaice of president of our Counsell there doeth vaike at our gift by death of the Erle of Montrois, last president thairof, and for the more decencie and ordour being willing that the said plaice sould be supplued, and withall understanding the sufficiencie and affectioun to our service of our right trustie and weilbelovit cousine and counsellour the Erle of Monteith, our pleasure is that yow admitt him president of our said Counsell, and that he enjoy all the digniteis and priviledges belonging to that place. So we bid yow fareweill. Frome our Court at Whitehall the fyftein day of Januar 1628.’”

The Earl of Monteith admitted President of the Council.

[Sederunt as recorded above.]

Holyrood House, 21st February 1628.

Decreta,
November
1627-January
1630.
Fol. 43, a.

Complaint by Sir William Oliphant of Newton, knight, and Mr. Thomas Hoip of Craighall, King's Advocates, for his Majesty's interest, as follows :—By an Act of the Parliament held at Edinburgh in June 1609 it was enacted that no man should be elected as provost or magistrate in any burgh but merchants and actual traffickers inhabiting the same, of which Act publication has been frequently made both in the time of his Majesty and of his father. Yet David, Viscount of Stormont, “by his prime moyen and freindship within the burgh of Perth hes procured himselfe to be continewed in the office of provestrie of the said burgh thir manie yeeres bygain, yea almost everie yeere since the Act of Parliament foresaid,” in violation and contempt of the same. The Commissioners of the Burghs of this kingdom “in thair ordinarie and public meetings recenting this proud and high contempt of the burgh of Perth in the unlaughfull electioun of the said Vicount to be thair proveist, and being sorie that suche ane imputatioun of ane wilfull and willing breake of the law should reflect upoun a

Declaration that the election of David, Viscount of Stormont, to be Provost of Perth is null and void—the election being in contra-vention of the Act of Parliament of June 1609.
See ante, p. 213

member of thair bodie, they in diverse thair meetings admonished the Commissioners of Perth of thair dewtie in this point, and in speciall at thair last generall meeting at the burgh of Air in the moneth of Julij last, whair Androw Wilsoun, baillie, wes commissioner for the said burgh, this mater and thair contempt wes highlie objected aganis him and the burgh of Perth which he represented at that meeting, by whome it wes promised and undertane that the said Vicount sould be no longer continewed in that charge, bot that at the nixt ensewing Michaelmes choise sould be made of another proveist, and that the said Vicount would willinglie leave the same, and that he wes onlie loath to be shott out afoir the tyme and craved onelie to be continewed whill Michaelmes. - Lykeas the said Androw Wilsoun and Mr. Robert Mitchell, baillies of the said burgh, haveing occasioun to be before the Lords of Privie Counsell upoun the 26 day of September last, the saids Lords made laughfull intimatioun to thame of the Act of Parliament foresaid, proclamatiouns and directiouns following thairupoun, and commandit thame at the Michaelmes than approaching to proceed to thair electioun conforme to the said Act of Parliament, and to give wairning and intimatioun thairof to the persouns haveing vote in the electioun, whilk they faithfullie promiseist and undertooke to doe." Notwithstanding hereof, the said Andrew Wilsoun, Mr. Robert Mitchell, and Robert Arnot, bailies of Perth, Gregor Johnestoun, late bailie, Alexander Peebles, Dean of Guild, John Maxtoun, late treasurer, Patrick Andersoun, now treasurer, John Andersoun, elder, James Drummond, John Home, and Robert Billie, councillors, John Ogilvie, deacon of the Hammermen, John Drummond, deacon of the Skinners, John Androw, late deacon of the Tailors, Thomas Crombie, deacon of the Fleshers, Patrick Mairshall, deacon of the Cordiners, Patrick Cree, deacon of the Braboners, and Patrick Mug, deacon of the Walkers, who had all vote in the said election and "by thair number oversweyed the voices of the rest," being convened in the tolbooth of Perth on 1st October last, the ordinary day of election, although some well-disposed persons pointed out the necessity of their dutiful obedience to the law, with protestation of nullity if they refused, in contempt of the law and of the intimations made to them by the Privy Council and also by the Burghs, "most maliciouslie and contemptuouslie upoun certane knowledge and wilfull presumption, elected the said Vicount of Stormont to be thair proveist; lykeas the said Vicount, with the lyke contempt and misregard of the law, accepted the office upoun him." Complafners therefore crave the punishment of both and the annulling of the said election. Parties being cited, and the said Viscount comparing by , who excused his absence and produced a testimonial under the hand of Mr. David Wemes, minister at Skoone, certifying "upoun his conscience that the said Vicount of Stormont is heavilie diseased and onnawayes able to travell without the hazard of his

Decreta,
November
1627-January
1630.
Fol. 43, b.

Fol. 44, a.

Decreta,
November
1627-January
1630,
Fol. 44, b.

lyffe," and the other defenders also compearing with the exception of Robert Billie and John Ogilvie, the Lords find the complaint proven, and therefore declare the election of the said Viscount null, discharging him from all exercise of that office in future, and appointing a new election of a provost of Perth for the present year of such a person as is prescribed by the Act of Parliament within the next fourteen days, as the parties concerned therein will answer upon their highest peril.

Complaint by Sir Alexander Nisbitt of that Ilk, Sheriff principal of Berwick, as follows:—He has been charged at the instance of James Mowat, writer to the Signet, to receive and admit the said James as sheriff-clerk of that sheriffdom within three days upon pain of horning (*ante p.* 205), who intends on the expiry of that period to enforce the horning. Yet, as soon as their lordships gave their decree, the complainer, resolving with all dutiful respect to obey the same, came upon the next court day, being 31st January, to the town of Duns, where the sheriff courts are ordinarily kept, and waited for the said James "fra the hour of caus till laughfull tyme of day wer past," but neither he nor any in his name came thither, as an instrument taken thereupon shows. Moreover, to testify his respect to their lordships the complainer on that occasion made use of no other clerk, but suffered that diet to desert. Nor has the said James come upon any court day in lawfull time to receive admission, or to have a term appointed for that purpose; but upon Thursday last, 7th instant, "he come in a bragging and insolent maner, accompanied with sevin or eight persons, rebells and outlawes, all upoun horsebacke, to the compleaners dwelling hous about three of the clocke in the afternoone, whilk wes long after the dew and laughfull tyme of fencing of courts, and he himselfe coursing his hors before the compleaners yett in a bragging and unseemlie maner, directed and send ane of his nomber with a paire of pistoletts at his belt to the compleaner, commanding him after a boasteous maner to goe at that unlaughfull tyme to the toun of Duns, and thair to ressave and admitt him to the said office of clerkship. And the compleaner, marvelling at his indiscretion and ignorance, modestlie answered that the tyme of fencing of courts wes past, and he could not till a new court day give unto the said James satisfioun. And sua the not admissioun of the said James proceeds upoun his awin follie, pryde and insolence," and not from any contempt or disobedience in the complainer, who is willing to admit him in a lawful way and time whenever he pleases to attend; and who therefore craves suspension of the letters of horning. Parties compearing, the Lords suspend the letters as craved and ordain the pursuer to receive and admit the defender as sheriff clerk this day eight days as he will answer upon his obedience.

Complaint by Francis Scot, servitor and chamberlain to the Laird of Johnstone, as follows:—On 20th December last after collecting his

Suspension of letters of horning against Sir Alexander Nisbet of that Ilk, Sheriff-Principal of Berwick, and in junction to the said Sir Alexander to receive James Mowat as Sheriff-clerk.

Fol. 45, a.

Denunciation as rebels of Peter Johnston

in Fingland and others for violence threatened against the person and dwelling of Francis Scot, chamberlain to the Laird of Johnston.

master's rents he returned home to his dwelling-house in Winsheills to rest the night under his Majesty's peace, when Peter Johnestoun in Fingland, David Johnestoun, his brother, John Johnestoun, son to George Johnestoun of Girthhead, and others, getting word that he had been drawing his master's rents, came, all armed, to his said dwelling-house, by way of hamesuckin, "at the cockecraw," and lying about the same for the most part of the night sought by all means to get entry so as to take the complainer's life and rob him of his master's money and goods. They so straitly beset the house with drawn swords, lances, and other weapons, that in defence thereof he and the rest of his household "wer forced to stand, sarke alane, be the spaice of three houres"; and when the complainer craved his Majesty's peace, they in derision of his Majesty's authority replied "that if they had him out they sould give him so muche peace as he sould crave no more." They further threatened to burn the house above complainer's head, and had done the same if some well-disposed persons had not intervened; and so, having been disappointed of their intention, they lie in wait for him daily, and he cannot with safety go about his master's business. Pursuer compearing but not the defenders, the Lords ordain them to be denounced rebels and escheat.

Decreta, November 1627-January 1630. Fol. 45 b.

Letters found in the Lübeck ship. See ante, p. 210.

"The quhilk day Hew Skringeour, servitour to the Archiebishop of St Andrewes, producit befor the Counsell a pock with letters of the Lubecque ship cassin away at Peterhead, quhilk wes delyverit to the Clerk of Counsell and ordanit to remayne in his handis to be furthcumeand to these who salbe fundin to haif best right to judge the ship and goodis."

Sederunts 1628-29. Fol. 77, b.

The Viscount of Stormont. See ante, p. 233.

"The whilk day a decreit wes gevin aganis the Vicount of Stormont dischargeing him of his office of provestrie within the burgh of Perth."

Holyrood House, 26th February 1628.

Sederunt.—Chancellor; Treasurer; Nithisdail; Wyntoun; Roxburgh; Lord Carnegie; Sir William Oliphant and Mr. Thomas Hoip, his Majesty's Advocates; Clerk of Register; Tracquair.

Acta Februar 1628-July 1629. Fol. 2, a.

Commission to Simon, Lord Fraser of Lovat, continuing him in the office of Sheriff of Elgin and Forres.

"Forsameekle as the commissioun of shirefship grantit to Simon, Lord Fraser of Lovatt, within the bounds of Elgine and Forresse, expyres upoun the first day of August nix[tocum] and the Lords of Secret Counsell understanding the honnourable and worthie dispositioun of the said Lord towards the forderance and advancement of his Majesteis effaires and service and how that he duiring the yeeres bygaine whairin he hes served in that office hes caried himselfe with that respect and credit which become a nobleman of honnour and whilk wes answerable to the trust concredite unto him, in consideratioun whair of the saids Lords finding it necessar for the good of his Majesteis service and fordering of justice to his Majesteis subjects that the said Lord be still continewed in the said office; Thairfoir the saids Lords hes of new made

Fol. 2, b.

and constitute and be the tennour heerof makes and constituts the said Simoun, Lord Fraser of Lovatt, Shireff principall of the shirefdome of Elgine and Forresse, and gives, grants and committs unto him the office thairof with all fees, dewteis, honnours, digniteis and priviledges perteaning thairto, with power to him to exerce and use the said office in all the liberteis and priviledges thairof and to intromett with and uplift the fees, dewteis, escheats, unlawes and forefeyttis belonging thairto, siclyke and with als great freedome and auctoritie as anie his predecessours in the said office hes or might have laughfullie done at anie tyme heeretofore; shireff courts within the burrowes of Elgine and Forresse and others accustomed plaices and seats within the said shirefdome to sett, beginne, affixe, affirme, hold and continew, sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheats of the saids courts to aske, lift and raise, and for the same if neid beis to poynd and distreinzie, and to proceid and minister justice in all and sindrie actionis and causes criminall and civill, proper and competent to the said shireff, and to give decreits and sentences thairupoun and to caus the same decreits ressave executioun accordinglie, breeves of our soverane Lords chancellarie of whatsomever nature direct and to be direct unto the said shireff to ressave, opin, caus be proclamed, and accordinglie to be putt to executioun, assyysis or witnessis als oft as neid beis, ilke persoun under the usuall and accustomed pane, to sumound, warne, choose and caus be sworne, deputs under him in the said office with officiaris, serjants, dempstars and all others officiaris and members of court neidfull to make, create, substitute and ordaine, for whome he sall be haldin to answeere; with power alsua to the said shireff to aske, crave, ressave, intromett with and uplift his Majesteis castell wairds, blenshe dewteis and others entreises of free tennents within the bounds of the said shirefdome, and if neid beis to poynd and distreinzie thairfoir and to make compt thairof in the Exchecker; and to ressave the mustouris and weapounshawings of the inhabitants within the said shirefdome at suche tymes as sall be appointit thairto be his Majesteis lawes and proclama-tions, and to unlaw and punish the absents accordinglie; as alsua to raise and conveene the inhabitants within the said shirefdome at all tymes and occasiouns needfull for the forderance and advancement of his Majesteis auctoritie and service, and persute of his Majesteis tratours, rebels, and dissobedient persons: And generallie all and sindrie other things to doe, exerce and use, whilks ar proper and competent to the office of shireff and whilks of law or consuetude of this realme ar knowin to apperteane. Firme and stable halding and for to hald all and whatsomever things sall be laughfullie done heerin. And ordanis letters to be direct chairging of officiaris of armes to pas and make publicatioun heerof at the mercat croce of Elgine and Forresse and others plaices needfull whairthrow nane pretend ignorance of the same; and to command and charge all and sindrie his Majesteis lieges and subjects to reverence,

Acta February
1628-July
1629.
a. 2. b.

Co. 3. a.

acknowledge and obey, ryse, concurre, fortifie and assist the said shireff and his deputs in all things tending to the executioun of this commissioun, and to doe nor attempt nothing to thair prejudice nor hinder, as they and ilke ane of thame will answere to his Majesteis Counsell upoun the contrair at thair highest charge and perrell. This commissioun to the first day of August in the yeere of God j^mvj^c and threttie yeeres, bot revocatioun to indure."

Acta February
1628-July
1629.
Fol. 3, a.

Warrant to
William Dick
and William
Gray to trans-
port the
commodities
of the Lübeck
ship wrecked
near Peter-
head to the
harbour of
Leith, and
there to dispose
of them to the
best avail.

" Forsameekle as it is understand to the Lords of Secreit Counsell that a shippe of Lubick callit the St Marie, whairof Henrick Schult is maister, being laitlie upoun her dew course frome Spaine loadned with Malaga wynes, raisines and others commoditeis, she wes buirdit and tane be some merchant shippes of this kingdome upoun probable suspicioun that the goods and geir being thairintill perteanned to his Majesteis professed and avowed enemeis; and when as the persouns that thus medled with the said shippe were bringing her about to the port of Leith thair to have bene tryed and judged conforme to the ordour, it unhappilie fell out that by distresse of weather in a tempestuous storme the said shippe wes drivin to the shore neere to the port of Peterheid and thair cassin away, and the wynes, raisines and others goods being within her wer exposed to the injurie and spoyle of the countrie people about, by whome a great pairt thairof hes bene abstracted, stollin and reft away; and whairas it concernes the honnour and justice of this kingdome that ordour be givin and care had of the saulffe keeping of the saids goods and recoverie of suche as hes bene spoylled and tane away, to the intent the samine may be sauld to the best availl, and the moneyes arysing thairof made furthcommand to these who sall be found to have best right thairto, in regard that that point is not yitt cleered nor the mater entered in processe, and that it is doubtfull that the shippe and goods sall prove pryze or to whome the samine sall perteane incaise they sall happin to be adjudged; Thairfoir the saids Lords hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun, to Williame Dick and Williame Gray, merchants burgesses of Edinburgh, conjunctlie and severallie, to repaire with all convenient diligence to the plaice and bounds whair the said shippe wes cassin away and thair in the presence and with the concurrence of the said skipper, if he be present, and of suche persouns as sall happin to be directed frome the Erle of Mairshall, within whois bounds and jurisdiction the said shippe is alledgit to have bene cassin away, and frome the Erle of Linlithgow, Lord High Admirall of this kingdome, for either of thair interesses, to use thair best care and diligence for preserving of the shippe, intrometting with and assuring of the goods that ar presentlie in hands and recovering of suche as hes bene unlaughfullie medled with and tane away, and to make inventar thairof and report the same to his Majesteis Counsell with the first opportunity; with power lykewayes to the said Williame Dick and Williame Gray or

Fol. 3, b.

Acta February
1628 July
1629.
fol. 3, b.

either of thame to caus fraucht a shippe and imbarke the hail wyne,
raisines and other goods, furniture and apparrelling belonging to the said
shippe, and to caus transport the same to the harbourie of Leith thair to
be ordoured and sauld to the best advantage, to the intent that the
moneyes to be gotten thairfoir may be assured and made furthcum-
mand to all pairteis interessed according to the course of law. And in
regaird the fraughting of barks and conducing of mariners for bringing
about the loadning foresaid to the harbourie of Leith will be chargeable
and expensive besides the coast and charges bestowed be the Countesse of
Mairshall in recoverie and preservatioun of the saids goods, with diverse
others sowmnes of money advanced and disbursed in this busines by
ordour frome the Counsell; Thairfoir and for the better payment and
defraying of the charges which hes or sall happin to be bestowed upoun
the recoverie, preservatioun, and transport of the saids goods to the
harbourie of Leith, the saids Lords gives power, warrand and allowance
to the saids Williame Dick and Williame Gray. or either of thame to
furnishe, advance and make payment of all suche sowmnes of money
as upoun the occasiouns aforesaid sall be found necessar and dew; which
sowmnes of money so to be advanced by the saids Williame Dick and
Williame Gray or either of thame, the saids Lords declairs sall be
thankfullie refundit and payed backe to thame out of the first and
readiest of the moneyes which sall be receaved by the sale of the
goods abonewrittin, and the persoun or persouns in whois favour
decreit sall be recovered and to whome the shippe and goods sall be
declaired to apperteane sall be burdenned and obleist in repayment
to the saids Williame Dick and Williame Gray or either of thame of
all sowmnes of money which by ordour frome his Majesteis Counsell
thay sall happin to disburse in this busines upoun thair verified
accompt. And for the saids Williame Dick and Williame Gray thair
better securiteis anent the premisses, the saids Lords gives power,
warrand and commissioun to thame or either of thame in the sight
and presence and with the advice and concurrence of the skipper of the
said shippe, if he be present, and of suche persouns as sall happin to be
direct frome the said Erle Mairshall and Erle of Linlithgow, Lord
Admirall, to attend this bussines, to dispone and sell the said shippe and
her whole furniture and apparrelling if thair be no possibilitie to recover
her and bring her about to the harbourie of Leith; as alsua to dispone
and sell to the countrie people of the north suche quantitie of the said
wyne as convenientlie they can gett sauld, not exceiding fourtie pypes of
wyne at eight score pundis the pype at the least, ten barrells and fourtie
freir [baskets] raisines at the pryce of twentie pundis money for every
hundreth weight of the same, and to make compt, reckoning, and payment
to his Majesteis Counsell or anie having thair warrand of the pryce and
moneyes to be received thairfoir, to the intent the samine may be
imployed and made furthcummand as is abone provydit. And the saids

Lords declairs that the course and ordour tane be thame in this mater Acta February 1628-July 1629. sall be without prejudice to the Erle of Mairshall or to the Lord Fol. 4, a. Admirall, or to anie others having laughfull interesse, of thair right, clame and possessioun of the saids goods and title competent unto thame unprejudged be this present Act and ordinance. And whairas it is understand to the said Lords that Dame Areskine, Countesse of Mairshall, out of her worthie regaird to the credite of the countrie and preservatioun of the saids goods frome injurie and spoyle hes by her care and diligence recovered a great pairt thairof frome the hands of suche as had unlaughfullie medled thairwith, and hes thame in her custodie and keeping, Thairfoir the saids Lords requeists and desyres the said Countesse of Mairshall, and thairwithall commands and ordanis her, to make present delyverie to the saids Williame Dick and Williame Gray or either of thame, upoun subscribed inventar, of the hail wynes, raisines, goods, commoditeis, furnitour or apparrelling belonging to the said shippe and being in her hands, and to caus restitutioun to be made Fol. 4, b. to thame or either of thame of suche of the saids goods as hes beene intromettit with and ar deteaned by others so farre as by her credite and moyen she may procure, the saids Williame Dick and Williame Gray or either of thame giving unto the said Countesse of Mairshall a tickett under thair hand of the ressett of the saids goods, whois or either of thair discharges to be givin upoun the inventar foresaid to the said Countesse of Mairshall the saids Lords declairs sall be ane sufficient exoneratioun and discharge unto her and to the said Erle Mairshall her husband, and to thair servants and others who be warrand frome them hes medled with the saids goods at the hands of all pairteis having interesse thairin, and sall liberat and free thame of all actioun and challenge that may be moved aganis thame for the same in all tyme comming. And farther the saids Lords declairs that the said Williame Dick and Williame Gray nor nane of thame sall be subject and lyable to the hazard and losse of the saids goods in thair transport hither, bot that thay sall be fred and releevd thairof and of all danger and inconvenient that they may incurre thairthrow for ever. Lykeas the saids Lords recommends the said Williame Dick and Williame Gray and either of thame to all noblemen, barons and gentlemen, his Majesteis judges and officiaris to burgh and land, in whois bounds they or either of thame sall happin to resort, and thairwithall willis and requires thame to be ayding and assisting to the saids Williame Dick and Williame Gray or either of thame in all and everie thing that may further the recoverie of the shippe, preservatioun of the goods, and discoverie of the persons by whome the samine hes beene abstracted, and to caus delyverie and restitutioun to be made unto thame or either of thame of the same, as they will answeere the trust whilk his Majesteis Counsell reposes in thame and the merite of the caus requires.

Decreta,
November
1627-January
1630.
Fol. 46, a.

[Sederunt as recorded above.]

Holyrood
House, 26th
February 1628.

On the petition of John Stewart of Coldinghame bearing that the protection already granted to him for coming to and remaining in Edinburgh to attend the Commissioners for the Surrenders, and the pursuing of some actions for strengthening the right he has already surrendered in his Majesty's hands, will shortly expire while the business is yet undetermined, the Lords grant an extension of his protection until the last day of March next.

Extension of
protection to
John Stewart
of Coldingham.

Petition by Sir Alexander Hamilton, apparent of Innerweeke, bearing that Robert, Earl of Nithsdale, had made choice of him as one of the captains of his regiment and commissioned him to raise his company of Irish men, and that having gone to Ireland he had succeeded, though with difficulty, in making up his company of "strong and fensible able persouns" there. He was desirous of conveying them thence direct to Germany, but after long waiting, at great expense, he found it necessary to bring his men to this country to be shipped. Accordingly he has them at the shore side ready to embark hither, but the fear of some civil hornings under which he lies deters him from accompanying them, and he therefore craves their Lordships' protection until he is able to ship his company for Germany. The Lords thereupon grant him a protection till 1st May next.

Protection
from civil
horning
granted to Sir
Alexander
Hamilton, to
enable him to
accompany a
troop of
soldiers he has
raised in Ire-
land for the
German wars.

In the action pursued by Thomas Fraser of Streachin, Donald McGillemichell in Muretoun, Alexander Cowy there, Donald McEane McWilliam there, and William McFrenshe there, against Donald McAngus of Glengarrie, as alleged master and landlord to Donald Gorne McVcAlaster in Berrisdail, Ronald McAllane Roy, Ronald Roy McEane VcAllane, Allan McAlaster Oig, Donald McRannald Vayne, Marie Bwy Nin Donnald Roy, Rorie McAllane Roy, Murdo McEane Vayne, Donald Moir McOneill Dwy VcInreich, Donald McAllane VcRannald, Alaster McAllane Roy, Gillichallum Dow Angus McEane VcNeill, John Dow McOneill Oig McEane Dwy, Lauchlan McEane, Angus Dow McAllaster VcOneill, Angus McAlaster VcEane, Duncan McGorie, Angus Donald Gressiche, Allan Moir VcAlaster VcAllane, Donald Bwy McEane Dwy VcOneill VcTerloche, Ewin McEane VcEane Vayne, Martin McEane VcRorie, Donald McEane VcRorie, Donald McAlaster VcAllane, Ewin McEane, Alaster McAllane, Alaster Dow McAlaster VcAllane, Angus McEane VcRorie, Rorie Dow Donnald McGillichallum Oig, Ewin Cheill McDonnald, Cheill VcConnochie VcErchar, Donald McOneill VcAllane Roy, Angus Dow McOneill Dwy VcInreiche, and William McEane Glassich VcCoull, rebels at the horn for theft, to produce them before the Lords that they might be presented to his Majesty's Justice for trial and punishment, the Lords continue the case without prejudice of party till 10th July next, of which continuation George Tailyeour, servitor to Mr. James Lawtie, advocate,

Continuance of
action pursued
by Thomas
Fraser of
Streichen and
others against
Donald
McAngus of
Glengarry and
others, rebels
at the horn for
theft.

who appeared in name of the pursuers, and Alexander Balmanno, Decreta, November 1627-January 1630. servitor to Mr. Roger Mowat, advocate, who appeared for the defender, were warned *apud acta*. Fol. 46, b.

Holyrood House, 26th February 1628. Commission to Sir John Carmichael of that ilk to present before the Council Andrew Davidson, messenger of Moffat. Commission under the Signet to Sir John Carmichael of that ilk, Commissions, 1624-30. Fol. 156, a. James Johnestoun of Dadarrane, James Mackmorrان of Glaspen, and Mr. Walter Quhytfurde, parson of Moffat, jointly and severally, to search for, apprehend and present before the Council, Andrew Davidsoun, messenger of Moffat, who on 18th January last was put to the horn for not compearing before the Council to answer to the charge of falsifying his promise to their Lordships and thus abusing them. Signed by Geo. Cancell., Mar, Wintoun, Roxburgh, Carnegie, and Hammilton.

Commission to the Sheriff of Dumfries, his Deputies, and others to apprehend Gilbert Browne of Baglee and others, charged with refusing to submit to the discipline of the Kirk. Commission under the Signet to the Sheriff of Dumfries and his Fol. 156, b. deputes, Alexander, Earl of Galloway, William Douglas of Dumlanrig, John Gordoun of Lochinvar, Sir William Greir of Lag, Sir John Charters of Amisfield, and the provost and bailies of the burgh of Dumfreis, jointly and severally to convocate the lieges, and search for, apprehend and present before the Council (1) Gilbert Browne of Baglee, who on 15th April 1626 was put to the horn at the instance of the moderator and brethren of the presbytery of Kirkcudbright for not satisfying the sentence of excommunication pronounced against him for his obstinate refusal to subscribe "the confessioun of the trew faith presentlie profest" in Scotland; and (2) Harbert Browne in Auchinlarie, who was put to the horn on 5th August 1626 also at their instance and that of Andrew, Bishop of Galloway, for refusing to submit himself to the discipline of the Kirk anent his hearing of mass. The commissioners are ordained to report their diligence herein before 30th June next. Signed by Geo. Cancell., Mar, Wintoun, Roxburgh, Carnegie, and Hammiltoun.

Holyrood House, 26th February 1628. Petition of Scottish merchants showing that if his Majesty's proclamation be carried out, forbidding the importation of French goods either in Scottish or foreign bottoms, it will tend greatly to the prejudice of the trade of the kingdom and of his Majesty's interests. "Most sacred Soverane, Upoun the publicatioun of youre Majesteis Royal Letters, 1623-32. Fol. 127, b. royall will discharging the importatioun of all Frenshe wairs in quhatsoever bottome within this kingdome under the paine of confiscatioun of the same to your Majesteis use, thair wes a petitioun preferred to the Counsell in name of the merchant traders, showing the great and unavoydable prejudice which they will susteane, and quhairof the consequence will reache unto the whole bodie of this estate if the proclamatioun sall take effect according to the tennour thairof, and they earnestlie craved that we would send up their petitioun unto your Majestie and certifie your Majestie of the truthe of their just greeves; whiche we haiving heard and tane to our consideratioun togidder with the reasons urged be thame for enforcing the necessitie of their lawfull desyres, and the mater being at lenth debaited and advised at the Counsell table, it wes found be unanime consent that this restraint in the generalitie thairof, as it is conceived without anie limitatioun or exceptioun, will undoubtedlie destroy the commerce and intercourse of trade within this kingdome to the utter suppressing of the merchand

Royal Letters,
1623-32,
Fol. 127, b.

estate and quhairin all degrees and rankes of persouns will joyntlie suffer, besides your Majesteis interesse in the losse of your customes by the interruptioun of trade which in these troublesome tymes is in a maner givin up and whollie devolved into the Low Countreis frome whence we must expect a returne of suche commoditeis as hes course and ar sailable there quhairof a great part doeth consist of Frenche goods whiche must needs be ressaved in exchange of our natives seing the transportatioun of moneyes is there forbiddin. The consideratioun quhairof obliges us in dewtie to represent unto your Majestie our simple opinioun concerning the same, humblie intreating your Majestie to be graciouslie pleased after the perusall of the petition so to temper and ordour the course of this restraint as may best stand with your Majesteis honnour and with the good of your faithfull and weill affected subjects. Quhairin submitting ourselffes to your Majesteis excellent judgement and royall determinatioun we pray God to blesse your Majestie with manie long and happie yeeres. Frome Halyruidhous the 26 of Februar 1628. *Subscritur*, Dupline, Mar, Nithisdail, Wyntoun, Roxburgh, Carnegie, Hammiltoun, Mr. Thomas Hoip. Followes the petition abonementiouned:—

Fol. 128, a.

To the Lords of his Majesteis most honnourabill Privie Counsell. We the merchands and traffiquers within this kingdome humblie sheweth, That quhair upoun the occasioun of the troubles fallin out betuix the Kings Majestie our sacred soverane and the Frenshe King we out of our most humble respect to his Majesteis interesse have dewtifullie forborne all trading in France, and for the better securing of our estaits there frome the danger of arreistment we gave ordour to our factouris to lift and imploy our stockes upon Frenshe commoditeis and to imbarque the same in Flemish bottomes the better to assure the transport thair of hither without challenge or impediment. Quhairin hoping to have givin to his Majestie plenarie satisfioun in that whiche cheeffie concerned his Majesteis honnour and royall interesse (which we ar perswadit he intends to mainteane without the prejudice of his faithfull and weele affected subjects) we ar now of late disquyeted be reasoun of a prohibitioun made of importatioun of anie Frenshe goods in quhatsoever bottomes under the pane to be adjudged as lawfull pryzes; whiche prohibitioun if it be suffered to stand in force and take effect according to the extent thereof will undoubtedlie destroy all commerce and handling within this kingdome. For our native commoditeis, which consistis of wooll, skynnes, hydes, plaiding, kairsayes and salmond, quhairwith we formerlie traded in France, and quhairupoun our outward outred onelie depends, we must of necessitie carie to the Low Countreyes, and in exchange thereof (seing the transportatioun of money is there forbiddin) we must content our selffes with suche commoditeis as they please give us as hes course there, whether they be Frenshe or countrie waires, and our refusall thereof will make

thame to misknow us and our commoditeis both, which, wanting vent in other parts (the Easterlyne trade being in these difficult tymes interrupted and in a maner relinquished), will unprofitable remane in the owners hands, to the undoing of the nobilitie and gentrie whose commoditeis we bought, and the countrie will be defrauded of the returne of suche necessar forraine commoditeis as by the exchange of our native wer formerlie imported within the same; whiche being a mater of state worthie your Lordships animadversiou and care, we will humbly intreate your Lordships to represent unto his Majestie our just and trew greeves and the seene and irreparable prejudice following thairupoun to all estats and rankes of persouns and to beseeche his Majestie to be gratuslie pleased to qualifie and moderat the rigour of this restraint and to permitt and allow us to trade freelie in the Low Countreyes and with quhatsoever commoditeis being there without danger or inconvenient to be incurred be us thairthrow. And in regaird we have our hands full of countrie commoditeis bought be us at a deere rate from the noblemen and gentrie which (if the proclamatioun sall stand) will prove unprofitable unto us, we intreate your Lordships to provyde for our indempnitie in this caise and to caus the noblemen and gentrie take thair commoditeis backe frome us and redelyver the moneyes payed be us for the same, according to the course of justice, and your Lordships answer."

Royal Letters,
1623-32.
Fol. 128, a.

Fol. 128, b.

Holyrood
House, 28th
February 1628.
Letter to his
Majesty
entreating his
favourable
hearing of the
proposals of
Alexander
Nairn for the
construction of
trenches,
barricades, and
beacons in fit
places through-
out the
kingdom.
See ante, p. 225.

"Most sacred Soverane, We ressavd your Majesteis letter with a petition there inclosed preferred to your Majestie be Alexander Narne togidder with some articles exhibite in his name before us tuicheing the forfeiting of this coast by maiking of flanked tranches and barricadoes and setting up of beacons in some fitt plaices of the same, the better to discover and withstand the approache of the enemy in caise of anie suddane invasioun; after hearing and consideratioun whair of and of the faire way projected be him for the performance of the worke without anie charge to your Majestie or burdein to the people bot quhat they will voluntarilie contribute after the worke be brought to perfectioun, we have thought good to certifie your Majestie that we find the interprise commendable as a purpose muche importing the strenth and saulfetie of this kingdome and necessarie to be putt in practise in these difficult tymes; and quhairas the petitioner for doing of this service must reter himselfe hither with all possible diligencè and that he hes some things in his possessioun there which he is to dispose upoun for his better enhabling to performe this service whiche he cannot doe without your Majesteis gratus favour and assistance, we will thairfoir humbelie intreate your Majesty to be gratuslie pleased to vouchsafe a favourable hearing to his lawfull desyres, and so farre to further and allow of the same as be your princelie wisdoms sall seeme expedient. Thus with our earnest prayers unto God for your Majesteis long and happie raigne, we rest. Frome Halyruidhous 26 February 1628. *Subscribitur*, Dupline,

Royal Letters,
1623-32.
Fol. 128, b.

Mar, Nithisdail, Wyntoun, Roxburgh, Carnegie, Hamiltoun, Mr. Thomas Hoip."

Sederunts,
1625-29.
Fol. 78, a.

"Ane Commissioun to some gentlemen within every sherifdome to conveye the teynd buyaris within the same at suche tyme and place as they shall think meete to subscriye the double of the submissioun send doun be his Majestie and subscrivit be some noblemen and others."

Convention of
teind-buyers.

Acta February
1625-July
1629.
Fol. 4, b.

Sederunt.—Chancellor; Treasurer; Menteith, preses; Murrey; Nithisdail; Wyntoun; Roxburgh; Lauderdail; Lord Gordoun; Lord Carnegie; Master of Elphinstoun; Master of Jedburgh; Clerk of Register; Sir William Oliphant; Mr. Thomas Hoip; Tracquair.

Holyrood
House, 28th
February 1628.

"Forsameekle as the Lords of Secreit Counsell hes found it meete and expedient for the better forderance and advancement of that writt and submissioun drawin up be his Majesteis Advocats and alreadie subscriyved be a number of the Lords of Erectiouns and others having interesse in the erectiouns, surrendars and teinds, that the whole teind sellers within this kingdome sall subscriye the double of the said writt and submissioun to the intent his Majestie may the more formallie and ordourlie proceed in his royall determinatioun upon the maters submitted unto his Majestie; and whairas the drawing of so manie people who hes interesse in this bussines to the burgh of Edinburgh to attend the subscriyving of the said writt and submissioun will be verie fashous and expensive unto thame, Thairfoir the saids Lords for thair ease and releefe hes thought it meete that the said writt and submissioun sall be subscriyved in the severall shirefdoms whair the teind sellers dwellis, and the saids Lords hes nominat and appointit and thairwithal gives power and commissioun to the persouns particularie underwrittin within eache shirefdom to warne the saids teind sellers to conveye and meete at the heid burgh of the shyre or suche other plaice as they sall thinke meete for subscriyving of the said writt and submissioun, and upoun suche dayes as they sall appoint, that is to say to George, Erle of Wyntoun, and Thomas, Erle of Hadintoun, or either of thame, for the constabularie of Hadintoun; to James, Erle of Home, Robert, Erle of Roxburgh, and Johne, Erle of Lauderdail, for the shirefdomes of Bervick and Roxburgh and baillerie of Lauderdail, and thair meeting to be at Kelso; to Walter, Erle of Bugcleuche, for the shirefdom of Selkirk; to Johne, Lord Hay of Yester, for the shirefdom of Peebles; to Robert, Erle of Nithisdail, for the shirefdom of Dumfreis; to James, Marqueis of Hamiltoun, for the shirefdom of Lanerk; to Alexander, Erle of Galloway, for the shirefdom of Wigtoun; to Alexander, Erle of Linlithgow, or Alexander, Maister of Elphinstoun, for the shirefdom of Linlithgow; to Johne, Erle of Mar, or Johne, Lord Areskine, for the shirefdomes of Stirline and Clackmannane; to Johne, Lord

Specification of
places and
persons where
and in presence
of whom teind-
sellers may
subscribe his
Majesty's writ
anent
erectiouns,
surrenders,
and teinds.

Fol. 5, a.

of Lowdown, for the shirefdome of Air and baillerie of Kyle; to Johne, Erle of Cassills, for the baillerie of Carict; to Alexander, Erle of Eglington, for the baillerie of Cuninghame; to James, Archbishop of Glasgow, or Robert, Lord Sempill, for the shirefdome of Renfrew; to Williame, Erle of Monteith, for the shirefdome of Dumbartane, stewardrie and erledome of Monteith; to _____, Lord of Lorne, for the shirefdome of Argyle and Tarbett; to Johne, Erle of Rothesse, for the shirefdomes of Fyffe and Kinroscher; to David, Lord Carnegie, for the shirefdome of Forfar; to George, Vicount of Dupline, for the shirefdome of Perth; to Williame, Erle Mairshall, or _____ Arbuthnot of that Ilke, for the shirefdome of Kincairdin; to George, Marquis of Huntlie, for the shirefdome of Aberdein; to James, Erle of Murrey, and Simoun, Lord Fraser of Lovatt, for the shirefdomes of Bamff, Elgine, Forres and Narne; to George, Lord Gordoun, for the shirefdomes of Innernes and Cromartie, Caithnes and Sutherland: With power to thame by thair missives or otherwayes as thay sall thinke meete to warne the whole teind sellers within the severall bounds allotted to each of thame to compeir, conveene and meete with the saids Commissioners day and plaice foresaids and at thair meetings to present unto thame the double of the said submissioun whilk sall be marked on the backe be the clerk of his Majesteis Counsell and testified be him to be ane trew and authentick double, and desire thame to subscriye the same; and that they report thair proceedings heerin unto the saids Lords upoun the twentie twa day of Apryle nixtcome: And ordanis letters to be direct to make publicatioun heerof be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places needfull, whairthrow nane pretend ignorance of the same: And to warne all and sindrie teind sellers within the severall shirefdomes of this kingdome to conveene and meete everie ane of thame at the heid burghes of the shyres whair they dwell at the dyets abonespecified with the Commissioners nominat and appointit for eache shirefdome to the effect abonewrittin, with intimatioun as effeirs. And the saids Lords hes thought meete that the teind sellers within the shirefdome of Edinburgh sall compeir before the Lords of his Majesteis Privie Counsell and subscriye the said writt and submissioun, and ordanis letters to be direct chairging thame for this effect in forme as effeirs.”

Acta February
1628-July
1629.
Fol. 5, a.

Fol. 5, b.

Charge to the
teind-sellers of
the sheriffdom
of Edinburgh
to appear
before the
Council on the
27th of March,
and to sub-
scribe the writ
anent
erections, sur-
renders, and
teinds.

“ Forsameekle as the Kings Majestie with advice of the Lords of his Secreit Counsell hes found it meete and expedient for the better forderance and advancement of that writ and submissioun drawin up be his Majesteis Advocats and alreadie subscribed be a number of the Lords of Erectiouns and others having interesse in the erectiouns, surrendars and teinds, that the whole teind-sellers within this kingdome sall subscriye the double of the said writt and submissioun to the intent his Majestie may the more ordourlie proceid in his royall determinatioun in the maters submitted to his Majestie; And it is lykewayes thought

Acta February
1628-July
1629.
Fol. 5, b.

meete that the teind sellers within the shirefdome of Edinburgh sall subscriue the said submission in presence of the Lords of his Majesteis Privie Counsell upoun the twentie sevin day of Marche now approaching, Thairfoir ordanis letters to be direct chairging officiars of armes to pas to the mercat croce of Edinburgh and thair be opin proclamatioun to warne all and sindrie teind sellers within the said shirefdome of Edinburgh principall to compeir before the saids Lords of Privie Counsell upoun the said twentie sevin day of Marche now approacheing and thair to subscriue the said submission, with intimation as effeirs."

" Forsameekle as it is the Kings Majesteis gracious will and pleasure that all his Majesteis subjects who ar desyrous to buy the teinds of thair awin lands sall subscriue a double of that writt and submission whilk is drawin up be his Majesteis Advocats and alreadie subscribed be a number of the Lords of Erectiouns and others having interesse in the surrendars and teinds, to the intent his Majestie may the more ordourlie and formallie proceed to his determinatioun in the maters submittit unto his Majestie ; And whairas the drawing of suche numbers of people who hes interesse in this bussines to the burgh of Edinburgh to attend the subscribing thairof will be fashous and expensive unto thame, his Majestie is graciouslie pleased for thair ease and releefe that thair sall be meetings of the whole teind buyers within this kingdome within the particular shirefdomes whair thay dwell, and that they sall be warned to conueene and meete als weill be proclamatiouns to be made at the heid burghes of the shyres whair they dwell and at thair parish kirks upoun Sundayes before noone in tyme of Divine service as be missive letters to be directed to thame be the persons particularlie underwrittin nominat commissioners in eache shirefdome for this bussines : thay ar to say, be Sir James Richartsoun of Smetoun and Mr. James Mc'Gill of Cranstoun or either of thame for the shirefdome of Edinburgh ; be Samwell Johnestoun of Elphinstoun and Robert Richardsoun of Pencaitland or either of thame for the constabularie of Hadintoun ; be Sir Patrik Home of Aytoun and Sir Alexander Nisbitt of West Nisbitt or either of thame for the shirefdome of Bervick ; be Riddell, appearand of that Ilk, and Ker of Cavers, or either of thame, for the shirefdome of Roxburgh ; be Sir James Pringill of Gallascheills for the shirefdome of Selkirk ; be Hay of Smithfeild and Naismith of Posso, or either of thame, for the shirefdome of Peebles ; be Sir Robert Greir of Lag and Robert Crichtoun, brother to the Vicount of Air, or either of thame, for the shirefdome of Dumfreis ; be Sir James Lokhart, elder of Lee, and Bailzie of Lamingtoun, or either of thame, for the shirefdome of Lanerk ; be Sir Patrik Agnew of Lochnaw and Sir Johne Mc'Dowall of Garthland, or either of thame, for the shirefdome of Wigtoun ; be Thomas Dalyell of Binnis for the shirefdome of Linlithgow ; be

Nomination of
Commissioners
in whose
presence teind-
buyers may
subscribe the
writ anent
erectiouns,
surrenders, and
teinds.

Fol. 6, a.

Cuninghame of Corsehill and the Laird of Kelburne, or either of thame, for the shirefdome of Air; be Sir Johne Maxwell of Neather Pooke, and

Acta February
1628. July
1629.
Fol. 6, a.

Stewart of Blackhall, or either of thame, for the shirefdome of Renfrew; be Naper of Kilmahew and John Sempill of Aikinbar, or either of thame, for the shirefdome of Dumbartane; be

Stewart, shireff of Boote, for the shirefdome of Boote; be the Laird of Lawmound for the shirefdome of Argyle; be

Grahame of Fintrie and Adame Cuninghame of Bouquhen, or either of thame, for the shirefdome of Stirlin; be Sir James Learmonth of Balcolmie and

Leslie of Newtown, or either of thame, for the shirefdome of Fyffe and Kinroscher; be Sir Robert Bruce of Clackmannane for the shirefdome of Clackmannan; be Sir Hary Wood of Bonytoun and Sir Williame Grahame of Claverhous, or either of thame, for the shirefdome of Forfar; be

Moncreif, knight baronet, and Alexander Campbell of Crwnane, or either of thame, for the shirefdome of Perth; be

Dowglas of Glenbervie for the shirefdome of Kincairdin; be Sir James Gordoun, appearand of Lesmoir, and Sir

Fol. 6, b.

Johne Leslie of Wardes, or either of thame, for the shirefdome of Aberdeen; be James, Lord of Desfoord, and Robert Inneis of Balvenie, or either of thame, for the shirefdome of Bamff; be

Dumbar of Grange for the shirefdome of Elgine; be Ross of Kilrawack for the shirefdome of Narne; be George, Lord Gordoun, for the shirefdome of Innernes, Cathnes, and Sutherland; be

Urquhart, shireff of Cromartie, for the shirefdome of Cromartie; be Johne Gordoun of Lochinvar and

Foullertoun of Carletoun, or either of thame, for the Stewartrie of Kirkcudbright; And that the saids meetings sall be at the heid burghes of eache shirefdome or at anie other convenient places as the saids commissioners sall choose, and at suche dayes and dyets as the commissioners sall appoint, and that at thir meetings choise sall be made of twa famous gentlemen of eache shirefdome to be commissioners for the shirefdome, and that they be instructed with ample power and commissioun from the teynd buyers under thair hands to subscrivve the said writt and submissioun for thame, whois subscriptiouns to the said writt and submissioun sall be als good, valide and sufficient as if it wer subscrivved be the principall parteis thameselffes. And if anie of the saids teind buyers sall be desyrous rather to subscrivve the said writt and submissioun thameselffes nor give warrand and commissioun to others to subscrivve the same for thame, that than and in that caise the persons particularlie abonewrittin nominat commissioners for eache shirefdome sall present the said writt and submissioun unto thame and take thair subscriptiouns thairunto. Whilk writt and submissioun sall be marked on the backe be the clerk of his Majesteis Counsell and testified be him to be ane trew and authentick duplicat of that writt and submissioun drawin up be his Majesteis Advocats: And alsua that at thir meetings the saids commissioners sall informe thameselffes sufficientlie frome the

Acta February
1628-July
1629.
Vol. 6, b.

teind buyers who ar the teind sellers in that shirefdome and that they send a list of thair names under thair hands to the other commissioners nominat for the shirefdome to conveene the teind sellers thair of for subscribing of the said submissioun, or to the clerk of his Majesteis Counsell with convenient diligence, to the intent the saids teind sellers may be wairned in dew and laughful tyme to conveene and meete for that effect; and that the commissioners particularlie abononamed for wairning the teind buyers to conveene as said is make intimatioun to all suche teind buyers as sall refuse outhere to subscryve the said writt and submissioun or the commissioun foresaid that they may expect no suche favour heerafter frome his Majestie in the mater of thair teinds. And the Lords of Secreit Counsell, considdering his Majesteis gracious will anent the premissis to be good and royall for the weale of his subjects, Thairfoir the saids Lords allowes of the course and ordours foresaid, and ordanis the commissioners who ar intruisted thairwith to make a report of thair proceedings thairin to the saids Lords upoun the twentie twa day of Apryle nixtocome; And ordanis letters to be direct chairging officers of armes to pas and make publicatioun heerof be opin proclamatioun at the mercat croce of the heid burrowes of this kingdome and others plaices needfull whairthrow nane pretend ignorance of the same, and to warne all and sindrie the teind buyers within the severall shirefdomes of this kingdome to conveene and meete everie ane of thame at the heid burgh of the shyre whair thay dwell or at the saids places and dyets to be appointed as said is with the commissioners nominat for each shirefdome to the effect abonewrittin, with intimation as effeirs."

Vol. 7, a.

" Forsameekle as thair hes beene diverse Acts of Parliament made and published heeretofore whairby the eating of flesh in tyme of Lent hes beene verie straitlie prohibite and forbiddin under certane panes mentioned and conteaned in the saids Acts, notwithstanding suche hes beene the abuse and wilfull contempt of great numbers of his Majesteis subjects of this kingdome that presooming of impunitie and thairupoun preferring thair owne contentment and the delicat feeding of thair belles to the obedience of the law and to the commonwealth thay doe ordinarilie feede upoun flesh. And this universall contempt of the law and misregaird of his Majesteis auctoritie in this point is so muche the more fostered and interteaned by reasoun of his Majesteis clemencie and the connivence and oversight grantit in tyme bygane to the persons offending. And his Majestie, finding by experience that nothing is so powerfull to reteane undewtifull persons under the obedience of the law as the executioun of the law upoun the transgressours thair of, Thairfoir his Majestie with advice of the Lords of the Secreit Counsell hes resolved no longer to oversee this proud contempt of the law and of his Majesteis auctoritie bot to punishe all and sindrie persouns of what ranke and qualitie so ever thay be who duiring the tyme of this present Lent sall eate anie flesh without licence had and obtaned

Specification of
fines to be
imposed on
such as eat or
sell flesh in
Lent.

to that effect, and the rather seing it hes pleased God to blesse this kingdome with all kynde of good and delicate fishes als weill in fresh as in salt waters, making the same to be answerable in plentie and abundance for the use of man according to the diverse seasons of the yeere. For whilk purpose ordanis letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what ranke, qualitie and degree so ever thay be be opin proclamatioun at the mercat croce of the burgh of Edinburgh and others plaices needfull that nane of thame presoom nor take upoun hand duiring this forbiddin tyme of Lent to eate or make readie for eating anie kynde of flesh under the paines following to be upliftit of everie persoun controveening so oft as thay failyie, that is to say—of everie Erle, ane hundreth pundis; of everie lord, ane hundreth merkes; of everie baroun, fourtie pundis; of everie burgesse, oistler and commoun cooke that sellis meate and drinke, fourtie pundis; and of everie uther gentleman such sowmes of money as sall be thought meete be the judge before whome thay sall be tryed answerable and agreeable to thair rent and moyen. As alsua that no fleshours presoom nor take upoun hand to slay or sell flesh duiring this forbiddin tyme of Lent under the paine of fourtie pundis so oft as thay failyie; And the contraveenners of this Act sall be callit, tryed and persewed before the saids Lords and his Majesteis Justice and his deputs and suche others judges as sall be constitute Commissioners be the saids Lords, and the truthe sall be tryed be oath of partie or witnesses: As alsua to command all his Majesteis officers and magistrats to burgh and land to inquire and try everie one within thair awin bounds be whome this present Act sall happin to be contraveenned and to notifie thair names to the saids Lords of Privie Counsell and to his Majesteis Thesaurar and Deputie Thesaurar and suche justices be commissioun as sall be constitute in everie toun or province to the effect the controveenners may be punished accordingle.”

Acta February
1628-July
1629.
Fol. 7, a.

Fol. 7, b.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 47, a.

Holyrood
House, 23th
February 1628.

Extension of
protection to
Sir David
Hume of
Wedderburn
anent
surrenders.

The same
protection
continued to
Sir Walter Ker
of Fawdonside
and William
Hume of
Hardiesmill.
Judgment
against Rag-
well Bennet

On a petition by Sir David Home of Wedderburn bearing that the protection granted to him to come to Edinburgh and treat with the Commissioners for the Surrenders expires on the last of this month, and that matters are still undetermined, the Lords extend the term of his protection to the last day of March. [In the repetition of the date it reads “first” day of March.]

“The lyke warrands prorogat and continewed in favours of Sir Walter Ker of Fawdonsyde and Williame Home of Hardismylne, conforme to the warrand abonewrittin in all points.”

Complaint by Sir William Oliphant of Newton, knight, and Mr. Thomas Hoip of Craighall, King’s Advocates for his Majesty’s interest, and William Bennet of the Grange as the party aggrieved, as follows:—

Decreta,
November
1627-January
1630.
Fol. 47, b.

In contravention of the prohibition of the wearing of hagbuts and pistols Ragwell Bennet of Chesters, animated by a deadly hatred and malice against the said William Bennet, daily and constantly rides up and down the country armed with these weapons awaiting an opportunity to take his advantage of the complainer. Moreover he has endeavoured under pretext and colour of law to wreck and undo the complainer, "using his Majesteis sacred name and auctoritie as a cloke and cover to his indirect and lawlesse proceedings, as nameilie; Finding a band made be the said compleaner to Mr. Harie Aitkine, commissar of Orkney, upoun the sowme of a thowsand merke, whilk sowme he had payed saxtein yeeres syne or thairby as wes verie weill knowne to the said Ragwell, he without the knowledge, directioun or allowance of the said Mr. Harie registrat this band, raised letters thair-upoun, and chairged the said compleaner for payment of the sowme, constraining him thairby to raise a suspensioun and, to his great hurt, neglect of his adoes at hame, and tinsell of his tyme, to attend the discussing of that suspensioun; quhilk being discussed in the compleaners favours, he, notwithstanding, keeping up of his letters of horning, charged the compleaner of new to make payment of the sowme, forced him thairby to raise a new suspensioun, and sua holds the compleaner in a continuall turnwoyle, trouble and fashrie; whilk form of cousenage, cloked with the pretext of law and culloured with his Majesteis sacred name and auctoritie," ought to be taken order with. Charge having been given to the said Ragwell Bennett, and also to John Rutherford in Rattinraw, Andrew Bennet in Chesters, Andrew Hownem there, Alexander Kirkton, provost of Jedburgh, John Rae, burgess there, and William Alesoun, burgess there, as witnesses, and the pursuer and defender compearing, but not the witnesses named above, the Lords, by the testimony of other witnesses produced, find the defender guilty of wearing pistols and ordain him to find caution in five hundred merks in the Books of Privy Council to appear before their Lordships for sentence "this day twentie days," and in the same amount not to wear firearms in future. As for the other points of the complaint they remit them to be pursued before the competent judge. They also ordain letters of horning to be directed against the absentee witnesses above named, and appoint £4 to be paid to each of the three witnesses present by the said Ragwell Bennett, who is to be charged to that effect.

of Chesters for
carrying arms
and offering
violence to
William
Bennet of the
Grange.

Fol. 48, a.

Complaint by Edward Patersoun and John Bynkes, servants to Andrew Mitchell, skipper in Leith, sometime indwellers in the Queensferrie and now prisoners in Dunkirk, as follows:—As their Lordships know there were certain captives in the town of Salie for whose ransom certain sums of money were collected and paid, whereupon some of these prisoners were put to liberty, and others of them died in the said town of Salie while in prison, so that there still remains part of the money thus collected in the hands of the bailies of the Quenisferrie,

Order anent
the contri-
butions raised
for the
liberation of
captives in
Sallee, in
Morocco, and
anent certain
prisoners in
Dunkirk.

which, seeing there is no further use for it with regard to the Salie prisoners, would be well and usefully bestowed on the ransom of the complainers. Charge having been given to Robert Hill and Edward Littill, bailies of the Quenisferrie, and they compearing, and Andrew Mitchell compearing on behalf of the said Edward Patersoun and George Bynkes, the Lords appoints and commands John Dundas of Newlistoun and John Gibbesoun, minister at Dalmanie, to audit the accounts of the said contribution for ransom of the prisoners at Salie, and report with all convenient diligence; and meanwhile ordain the said Robert Hill to deliver 400 merks of the said money towards the relief of the said two prisoners in Dunkirk, for the which Andrew Mitchell is to grant him a discharge.¹

Decreta,
November
1627-January
1630.
Fol. 48, b.

Edinburgh,
29th February
1628.

Sederunt.—Chancellor; Nithisdail; Wyntoun; Perth; Roxburgh; Acta February
1628-July
1629.
Fol. 7, b.
Lauderdail; Carnegie; Master of Elphinstoun; Clerk of
Register; Tracquair.

Anent the
delivery of
Dumbarton
Castle by Sir
John Stewart
of Traquair
to the Duke of
Lennox.

“ Forsameekle as James, Duke of Lennox, and the Dutchesse of Lennox hes directit and send Maister Homes, servitour to the said Duke, to this countrie for ressavng of the castell of Dumbartane fra Sir Johne Stewart of Traquair, knight, who formerlie had the charge and keeping thair of be ane warrand frome the Lords of Privie Counsell; and whairas the said Sir Johne is willing to delyver the said castell with all the goods that he ressavd thairin to the said Maister Homes and to Williame Young, fra whome he ressavd the said castell and goods, Thairfoir the Lords of Secreit Counsell declairs that the delyverie to be made be the said Sir Johne and others in his name to the said Williame Young of suche goods upoun inventar as the said Sir Johne ressavd frome the said Williame within the castell of Dumbartane, and that the delyverie of the said castell to the said Maister Homes sall be a sufficient exoneration and discharge to the said Sir Johne and his cautioners, and sall liberat thame at the hands of all parteis interessid in the said castell and goods being thairintill.”

Anent Sir John
Stewart and
the Castle of
Dumbarton.

“ The whilk day in presence of the Lords of Secreit Counsell compeered personallie Sir Johne Stewart of Traquair and protested that he reporting to the saids Lords a note and ticket under the hand of Mr. Homes of the delyverie of the castell of Dumbartane unto him according to the Duke and Dutchesse of Lennox thair appointment, that the production of the said tickett sall liberat him and his cautioners of all forder charge anent the keeping of the said castell, and of all pane that they may incurre thairthrow in tyme comyng. Quhilk protestatioun the Lords admittit.”

Fol. 8, a

¹ At this period the Sallee rovers had become so audacious as to capture English ships off the

Scilly Islands.—Gardiner, *England under the Duke of Buckingham*, I. 221.

Acta February
1628-July
1629.
Fol. 8, a.

“The Lords of Secreit Counsell understanding that thair is some Anent the owners of French wines. Frenshe wyneis laitlie brought within this kingdome aganis his Majesteis Acts and proclamatiouns made in the contrair, and whairas the keeping of the wyneis aboard in the shippes will spoyle the wyneis and make thame unusefull to the awners and others who sall be found to have right thairto, Thairfoir the saids Lords hes thought meete and ordanis that so manie of the awners of the wyneis as will find caution that so manie of the awners of the wyneis as will find caution to make the pryces of the same furthcummand to his Majestie in cause they be found pryze sall have licence to sell the same; and suche as will not find this caution, that they losse thair wyneis and sellar the same and keepe thame unsauld, to the intent they may be made furthcummand to his Majestie incaise they be found pryze.”

Cautions,
1621-28.
Fol. 279, a.

Caution by George Bennet, merchant burgess of Edinburgh, in 500 Holyrood House, 29th February 1628. Caution by George Bennet for Ragwell Chesters. Bennet of Chesters. See ante, p. 251.

merks that Ragwell Bennet of Chesters will not in future bear hagbuts and pistols, and that he will compear before the Council on 20th March next and underlie the censure of the Lords for his doing so; with clause of relief. (Signed) G. Bennett, Ragwell Bennett.

Sederunts,
1625-29.
Fol. 78, b.

“Ane Act in favouris of the Chancellair, Thesaurair, Lord Naper and Sir James Baillie for thair releif of the sowme of for William Dick and William Gray. See ante, p. 238.

whilk they haif gevin band to Williame Dik and Williame Gray, marcheantis burgessis of Edinburgh, assureing thame to be releevd of thair ingadgementis and payit oute of the first and reddiest of his Majesteis casualtyis and rentis.”

Minute Book,
1604-31.
Fol. 82, a.

The *Minute Book of Processes* gives the following Memoranda collectively for the month of February 1628:—

Act ordaining the magistratis of Aberdeene to delyver to the Earle Linlithgow the ship called The Thissell.

Ryott: Gordon against Hannay.

Complaint: James Lapeur (?) against Robertson for intertanment after taking of his ship.

Bill: Jon Maxwell to be putt to libertie.

Advocatione: James Hopper against Earle Home and his deputts.

Letter for rescinding ane Act of the baylies of Dalkeith.

Act ordaining Magistratts of Edinburgh to putt James Cunyngham to liberty.

Act ordaining Alexander Robertsonsone a Jesuit to be putt to liberty who is to be banished.

Warrant to putt James Lawsonsone to libertie imprisouned for slaughter of Laurabanks.

Fol. 82, b.

Suspensioun: Georg Gordon against Captan Blair.

Letters: Patrik Flokhard against Sibbot and his spouse for ryveing of ane Band.

Warrant to the Master of Elphinstoun to delyver some wrytts to the Clerk.

Supplication: James Mitchellhill to be putt to liberty.
 Suspensione: Sheriff of Berwik aganist James Mowatt.
 Ryott: Scott against Jonstounes.
 Proces: Advocatt against toune of Perth for illegall electione of the
 Viscount of Stormont to be thair provest.
 Act: Continuatioun of ane proces, Thomas Fraser aganist Donald
 McAngus for exhibiting some theives.
 Letters aganist the Laird of Glengarie for exhibitione of certain
 persones theives.
 Proces: Edward Patersone, &c., prisoners in Dunkirk, to the baylies
 of Queensferrie for making compt of ane contributione
 receaved for thair releiff.
 Proces: William Bennett against Raguell Bennett for wearing
 pistols.
 Letters of Denunciatioun of Alexander Davidsone.
 Protectiones for severall persones.

Minute Book,
 1604-31.
 Fol. 82, b.

Newmarket,
 3rd March
 1628.

Letter from his
 Majesty anent
 the renewal of
 the conjoint
 Commission of
 the Middle
 Shires.

See ante, p. 223.

"CHARLES R., Right trustie and right weilbelovit cousine and coun-
 sellour, right trustie and weilbelovit cousines and counsellours, and right
 trustie and weilbelovit counsellours, we greete yow weil. We have
 understood by your letter how that upoun some disordours arising in
 the Middle Shyres yow did conveene before yow the commissioners for
 the same for knowing the reasouns thereof, whairin we doe approve your
 care; and perceaving thereby that the intermissioun of their ordinarie
 meetings with our other commissioners for the English side and that the
 not renewing by us since the death of our lait royall father of that
 commission is the cheefe caus of these disordours, our pleasure is that
 yow give warrand for drawing up a new commissioun with a blanke for
 the commissioners names to be sent to us with all diligence appointing
 thairin speciall dayes and places of meeting in so farre as may be
 most agreeable with the commissioun for the other side, with suche
 additioun and provisious as yow for the good of our service in that
 kynde sall thinke expedient, and that yow certifie unto us your opinion
 concerning a fitting nomber to be upoun that commissioun that we may
 prick suche of the persouns names as we sall thinke most fitt, so we bid
 you heartilie fareweill. From our Court at Newmarkett the third day
 of Marche 1628."

Royal Letters,
 1623-32.
 Fol. 133, a.

Holyrood
 House, 4th
 March 1628.

Sederunt.—Menteith, preses; Treasurer; Nithisdail; Roxburgh; Sederunts,
 Lauderdail; Naper; Master of Elphinstoun; Master of Jed-
 burgh; Sir William Oliphant; Clerk of Register; Tracquair.

1625-29.
 Fol. 73, b.

Anent Cluny
 Gordon.

"Ane letter frome his Majestie concerning Cluny Gordoun anent the
 apprehending of one Stuart, and ane ansuer ordanit to be returnit to
 his Majestie showeing that no thing wes produceit wherupoun a warrand

Sederunts, 1625-29, Fol. 78, b. could be grantit, and that it wes a novaltie and aganis the course of justice to apprehend persons for a cryme afore he be callit to his ansuer."

Royal Letters, 1623-32, Fol. 129, a.

" Most sacred Soverane, Thair wes a signatour under your Majesteis privie seale givin in be Mr. Alexander Hay, one of the clerks of the Sessioun, whairby he desired to be adjoynned as thrid clerk in this Commissioun for the Surrendars, and we, having read and considerit the tenour and nature of his gift, called upoun him and upoun the two ordinar clerks, who with most submissive and humble respect opposed aganis the said Mr. Alexander his admissioun be reasoun of thair provisioun to the said office cled with possessioun and warranted first be your Majesteis commissioun under the great seale which is the warrand of our sitting and proceedings and nixt by your Majesteis gift under the privie seal, in both which they ar made and constitute sole and onelie clerkes of this commissioun during the whole tyme thereof; and notwithstanding thereof it wes offered be thame that if it wer found be the table that the service wes so great as it could not be overtakin be thame twa or so difficill and hard as they were not able to discharge it they wer content for the weale of your Majesteis service and without anie privat respect to thame-selfes to lay down their charge and give way to anie whome your Majestie sall be pleased to prefer thairunto; and we finding the objec-tioun made be the saids twa ordinar clerks to be foundit upoun the warrand of your Majesteis commissioun and that thir twa ar weele provydit to the said service, first by the commissioun foresaid anent the surrendars and nixt be your Majesteis gift under the privie seale, and in both are constitute sole and onelie clerks of the commissioun which excludes all others, and thay having carefullie and painfullie attendit thair service these twelffe moneths bygane and able enough to discharge the same be thameselfes we thought it more fitt to acquaint your Majestie with the caise of the bussines as it stands and to represent unto your Majestie the reasouns of our behaviour, then to proceid suddanelie to the said Mr. Alexander his admissioun which careis with it some derogatioun to your Majesteis commissioun which is the warrand of our proceedingis, and may breed some disordour and confusioun in the progres of the service, to your Majesteis prejudice. All whiche recommending to your royall and most judicious consideratioun we pray the almighty God to blesse your Majestie with a long and happie raigne, and we rest for ever. Halyruidhous the fyft of Marche 1628. *Subscibitur*, Mar, Monteith, Eglintoun, Nithis-dail, Lauderdaill, Pa. B. of Rosse, Jo. B. of Murrey, J. B. of Cathnes, Naper, A. Gibsone, Oliphant, A. Carre, D. Aikinheid, Mr. Thomas Hoip, Mr Johne Hay, Gabriell Cunninghame.

Holyrood House, 5th March 1628. Letter to his Majesty from the Commissioners for the Surrenders representing that the appointment of Alexander Hay as thrid clerk in the Commission for surrenders would breed some disorder in the progress of the service.

Holyrood
House, 6th
March 1628.

Sederunt.—Menteith, preses; Treasurer; Murray; Nithisdail; Wyntoun; Bugcleugh; Lauderdail; Bishop of Ros; Car- negy; Naper; Master of Elphingstoun; Master of Jedburgh; Advocate; Clerk of Register.

Sederunts,
1625-29.
Fol. 79, a.

Holyrood
House, 6th
March 1628.

[*Sederunt* as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 49, a.

Complaint by
Marion Hume
of cruelty on
the part of
Patrick
Cranstoun, her
spouse, which
complaint
being found
proven, the
said Patrick is
ordered to be
warded in the
Tolbooth of
Edinburgh,
and for the
space of a
year to pay 800
merks for the
maintenance of
the said Marion
Hume, his
spouse.

Complaint by Marion Home, spouse to Patrick Cranstoun of Corsebie, as follows:—"The said Patrik, her husband, haveing shaikin aff all respective dewteis of love and kyndenesse whilks by the law of God and nature he aucht to have caried to the said compleaner who hes borne unto him the nomber of twentie bairnes or thairby, of whome he is likewise become verie carelesse and forgetfull, neglecting als weill thair educatioun as provisioun; and his wraith and malice is now come to this hight that most unnaturallie he hunts for the compleaners wracke and destructioun, as sall be evident by the particulars following, to witt—In the moneth of Junij or thairby 1617 without anie just occasioun offered be the compleaner unto him he with a long corne forke most shamefullie and unmercifullie invaidit and persewed her of her lyffe and had not failed to have slaine her wer not she escaiped from him; And upoun the day of Julij thairafter he come most furiouslie upoun the compleaner in the woman hous whair she wes for the tyme, and thair after a most shamefull and cruell maner strake and dang her with his falded niffes, avowing presentlie to have her lyffe if she stayed longer in his hous and companie, whairupon she for eschewing of his crueltie haveing put on ane white wylie coate of ane servant womans, thinking in that disguised habite to have convoyed her selffe away unknowne to him, but he getting notice thairof come running after the said compleaner as she wes going throw the mosse with a drawin whingear in his hand, whairwith he had not failed to have strickin and slaine her if he had not been hindered be two of his servants that come running after him; and yitt he ranne upoun her with his feete and hands and most unmercifullie strake and dang her in sindrie pairts of her bodie. And lykeways in the moneth of Junij 1620 the said complainer being in the mosse beside her servants and warkefolkes, he thair in all thair audience uttered a nomber of disgracefull and rayling speches aganis her, and avowed with manie execrable oathes that he sould nather eate meate nor drinke whill he had the bairne whairwith she wes for the tyme out of her bellie; whairof the compleaner haveing verie vehement caus of suspicioun and feare quyetlie convoyed her selffe away to the plaice whairunto he came after her and attendit at the hall doore till she come out and er ever she wes awar of him putt violent hand in her persoun and shamefullie and cruellie strake and dang her, threatning her with present death: Bot in the meane time Mr. Thomas Park come in to the hall, and by great intreatie preassing to stay him the said Patrik Cranstoun closed the hall doore and drew furth

Decreta,
November
1627-January
1630.
Fol. 49, b.

his whingear of purpose thairwith to have taikin the compleaners lyffe, oftin avowing with manie fearefull oathes that if the said Mr. Thomas preassed to impede him he sould give him that whilk he ordained for her; lykeas he had not failed ather to have bereft her of her lyffe or done some dischort to the said Mr. Thomas if he had not modestlie and calmelie prevented the same; And haveing continewed all that day in his cruell rage aganis the compleaner and being impeded be the said Mr. Thomas fra executioun of the same, privat advertisement wes send of the mater to Mr. George Byres, thair pastour, who comming to the hall window, the doores being closed, and seing the forme of the said Patrik his cariage towards the compleaner he with teares requisted him to stay his furie and opin the hall doore, bot on no condition would he doe the same, protesting opinlie that he repented nothing more bot he had tane her lyffe the night before when they wer lying in thair beds. And the said Mr. George staying still at the window he sent his sonne Byres for James and George Cranstouns, two nighbours, who haveing come thair in the evening they than prevailed so farre by thair perswasions that he opened the hall doore, and so the compleaner wes freed of his cruelltie for that tyme; bot for the spaice of fyftein weekes thair-after she durst not come in his sight till Mr. James Daes, minister at Ersiltoun, after great paines and travells purchast ane assurance for fyftein dayes, during whilk spaice the said Patrik ever avowed at the outrunning of the assurance that he sould take her lyffe. Lykeas in the moneth of November 1625 yeeres the said Patrik dealt with the said compleaner to give unto him the infeftments and securitieis of her conjunct-fee and lyferent lands, craftilie perswading her in all his lands conforme to manie promises made to that effect; and the said compleaner simple leaning to his promise delyvered her saids writts unto him; bot in the nixt night thairafter he beganne to kythe himselfe more maliciouslie disposed aganis her nor of before; and the said Patrik and Cranstoun, his bastard sonne, colluding togidder aganis the compleaner, the said Patrik infest his said bastard sonne in a rowme that she wes infest in auchtein yeeres before and destroyed the right thairof; and soone thairafter rancountering the compleaner comming out at the towre yett, he sett upon her and shamefullie and mischantlie abused her with straiques; and after that be the providence of God she was fred of him at that tyme his bastard sonne told the compleaner that the said Patrik repented nothing bot he had feld her with the gade of yrne he had in his hand. And upoun the day of the said moneth thairafter he in a cruell rage and furie searched and sought the compleaner throw all the houssis in the plaice, and finding her in the woman hous he preast to have bereft her of her lyffe bot was stayed by these that wer present for the tyme; and finding himselfe disappointed of his wicked purpose at that tyme he thair swore and avowed that notwithstanding he sould never rest till he got his intent of the

said compleaner. Lykeas within the spaice of dayes thairafter he sett upoun her in the hall and verie cruellie strake her in sindrie pairts of her bodie till she wes releevd by the servants present for the tyme, at whilk tyme he avowed that he sould ather hang her in a slippe of yairne or in a towell; and out of his despyte towards her he tooke all the bookes from the bairnes whairon they learned and would not suffer the doctour to learne thame, swearing and saying that he sould not onelie have a mends of that whoore her selffe bot he sould have a mends of thair soules whome that rottin faiced whoore shott fra her lyke a sow; whairupoun the said compleaner wes forced for eshewing of the said Patrik his crueltie to goe to Bassindein, whair, after she had stayed a certane space, Johne Cranstoun of Thornedykes come to her and moved her to goe home againe, assuring her that her husband had promiseit to give her the nixt best hous in the plaice to remaine in whill the said Laird of Thornedykes his leasure served to come and see a better agreement sattled betuix thame; and at the said compleaners going hame the said Laird of Thornedykes directit and send Thomas Cranstoun of Bassindein home with her to see if the said Patrik kepted promise unto the compleaner, bot so soone as the said Patrik heard that she wes come he dischairgit her off all the housis in the plaice and directit her to the woman hous whair his brood swyne and grysses wer; and oute of his forder spyte aganis her (allegding that ane lasse of fyftein yeeres of age sould have brought her out some clothes) he did heate a pair of taings in the fyre and thairwith most cruellie brunt the poore damosell in the cheeke. And in the moneth of being in Bound accompanied with sindrie gentlemen, he in all thair presence, out of his old rancour and malice toward the compleaner, caught her be the hand, and with manie threatnings dischairgit her ever to sett her foote within the plaice or anie whair within his ground; and when as the compleaner caused the gentlemen foresaid speake and deale with him in the contrair he refused in anie sort to heare thame, sua that she went to her fathers hous, and after twentie dayes stay thair, the said Patrik, the compleaners husband, than seeming to repent him of the unkyndlie usage of her, send for her to come home againe, whairupoun be the advice of her father and freinds she past home, thinking not onelie to have beene weill and kyndlie ressaved of him bot to have lived in peace and saulfetie thairafter; bot the said Patrik, in verie short spaice after the compleaners home comming, beganne to renew his old and wounted misdemeanour aganis her, and, without anie just occasioun offered or done be her unto him, he patt violent hand in her, tooke her be the shoulders, and shott her out at the yett, and caused ane woman carie a littill kist after her and thairwithall followed himselffe saying to the compleaner, Take thair thy flitting with the, thow commoun bitche whoore, for thow sall never gett nothing of the living

Decreta,
November
1627-January
1630.
Fol. 50, a.

Decreta,
November
1627-January
1630.
Fol. 50, b.

of Corsbie albeit all thy kin had said it. Whairupoun the compleaner haveing meaned her selffe to the Lords of Privie Counsell and caused charge her said husband to compeir before the said Lords in the moneth of September last, he, being conscios of his awin guiltinesse and fearing deserved punishment, caused deale with the compleaner to take up the mater and submitt him selffe to freinds, whairunto out of her love to him she yeeldit, being loath to be heard forder with him; bot at the meeting of thair freinds for sattling of the agreement he wes so sclender in his offers that the meeting desertit and before the nixt meeting he send of new to the compleaner againe intreating her to come home, and the lyke sould never fall out betuix thame as had done before, bot that thay sould live in peace and love togidder; whairunto the compleaner, out of her affectioun to the said Patrik, her husband, being glade to live in quyetnes with him, wes moved to yeeld to his desire, and upoun the sevintein of October last went home againe to him, sua that the submission deserted. Yitt for all this she wes in no better caise nor of before, for the nixt night after that she come home the said Patrik beganne of new to abuse the compleaner, saying he sent not for her as thinking she sould have come, bot that he might have gottin that advantage of her that she sould have refused, and thairwithall he uttered a number of revyling and despitefull speeches als weill aganis the compleaner as aganis her special freinds, saying, I have anes gottin the to abuse as I would have had the, for I would have givin more than I will speeke of or I had not begyled all the Homes in the Merce and the Laird of Blacader for all his wylie lookes, and it sall be seene that it sall be the fecklessest mariage that ever wes made in Blacader with such ane rottin faiced whoore, with such lyke other reproachefull and disgraicefull speeches not worthie to be heard. Whairupoun the said compleaner haveing desyred her pastour to interceid for her, he taiking aff his hatt held up his faice and hands to the heavens and swore in presence of the minister saying, Lord, lett my soule never inherite the kingdom of heaven if ever she sall have ane better lyfe with me bot ever worse. And when it pleased God that the compleaner drew neere the tyme for the delyverie of her birth, she haveing desired her husband to send for a midwyffe to her he not onelie refused, bot, also so straitlie dischairgit all the servants of the hous to bring ather a midwyffe or anie other nighbours to the compleaner, as nane of thame would go, excusing thameselffes that they durst not for the Laird: Lykeas when the compleaner send for a drinke of aill the tyme of her sicknesse, he would not suffer the same to be givin unto her nor no other thing whairof she stood in neid, through occasioun whairof and want of a midwyffe she susteaned suche harme and evill as she will never be so weill againe; and if she had not beene suppleed be her freinds duiring her sicknesse with necessars, she had undoubtedlie lost her lyffe, whilk wes the thing the said Patrik aimed at.

And so soone as the compleaner in some measure recovered and beganne to ryse and goe up and down, he entered to his wounted abusing and threatning of her, swearing and saying with manie horrible oathes that if she sould not making him quyte of her he sould cast her in the well of his towre and sould make her the blackest sight that ever wes seene of wyffes daughter. And thairafter sax of the compleaners bernis lying sicke in the fever, she haveing gone up to the towre to seeke some wheate bread to make thame some ailberrie, the said Patrick in the meane tyme came running upoun her with a drawin knyffe in his hand thinking to have stobbed and slaine her thairwith, bot thair being a young boy present for the tyme, and being be the small strenth he had stayed thairof, he than with his falded niffes gave her a nomber of cruell straikes on the head and preast to have thrust her over the towre staire, wer not the boy hindered him thairin also; and yitt with the swing he gave her she fell down the halffe of the staire: And duiring this tyme the said Patrik allowed the said compleaner nothing ather to interteane her selfe and her poore sicke bairns nor yitt to putt nather hose nor shoe upoun her, for he kepte suche cloathes as she had frome her and gave her no other to putt on, nor yitt her poore babeis, notwithstanding that she oftin caused freinds deale with him thairanent; but the said compleaner lived onelie by the benevolence of her freinds, seing she can gett nothing upoun credite, becaus she is involved in more debt nor she can pay upoun the said Patrik his thus mischant using of her; and so for the present she is in a worse conditioun both for her apparrelling and abuiyement nor these that goes frome doore to doore. Lykeas at the said compleaners last away comming, she putting on upoun her ane old wylie coat of her awin, not worth twelffe shillings Scotish, he come to her chamber doore in a great rage with a knocking mell in his hand, and dang up the doore, avowing with great oathes I sall anes be thy burrw commoun whoore and thy hangman. And the said Patrik is so maliciouslie myndit toward his said spous and her barnes that he is resolved to wracke his estait in despite of thame, and for this effect neglects his effaires, displenishes his lands, and sellis his oxin and goods, and the last Sommer left his medowes unmawed, takes on great sowmes on his lands, and makes dispositioun thairof to his bastard sonne. Manie moe other cruelteis, wrongs and injureis hes the said Patrik Cranstoun committit aganis the compleaner and her poore bairnes and others for her caus whilks wer tedious to relait," but with the foregoing she has thought good to acquaint their Lordships that they may take such order therewith as is meet. Both pursuer and defender compearing, and witnesses being produced and heard in support of the complaint, the Lords find, "so mucche of this complaint to be cleerelie and sufficientlie verified and provin aganis the said defender as inferres ane verie great and undewtifull misbehaviour in him aganis his said spous

Decreta,
November
1627-January
1630.
Fol. 51, a.

Fol. 51, b.

and great and violent oppressions committit be him aganis her," for which they commit him to ward in the Tolbooth of Edinburgh till they shall release him. Further they judge "it nawayes expedient that the said Marioun Home, his spous, cohabite with him, bot finds it fitt for both thair weales that they sall live apairt for the spaice of ane yeere after the dait heerof to the intent good offices may be used by persons weill affected to thame both for reconciling of thame and uniting of thair hearts and affectiouns in that Christiane harmonie that becometh." For her maintenance meanwhile the Lords ordain the defender to pay her 800 merks for the said year, one half at Whitsunday and the other at Martinmas next, and order him also to deliver to her her "abulyements and cleithing." Further he is to find caution to perform these ordinances, and also for his personal compearance before the Council on the first Council day of March 1629 to underlie their direction in this controversy between him and his wife. Letters are to be directed upon the above if necessary.

Complaint by Sir William Oliphant of Newtoun, knight, and Mr. Thomas Hoip of Craighall, King's Advocates, as follows:—The Privy Council, having taken to consideration the great disproportion between the price of English beer and that of the ale of this kingdom, and finding it noway agreeable with order, policy nor good government that any foreign commodities should be sold at double the price of the native product, especially when the latter is as good, ordained by proclamation and otherwise that no importers of English beer should sell it at a dearer rate than £6 the tun, so that it might be retailed by the vintners at 1s. 6d. the pint, under a penalty of £20 for every tun sold in contravention thereof; yet on 10th April last Alexander Law, younger, in Kirkaldie, imported at Dundee 24 tuns of English beer, and William Young in Kirkaldie imported at Kirkaldie 5 tuns of English beer; on 13th September last William Simsoun in Dysert imported at Dysert 5 tuns; on 9th October James Coilyear in Kirkaldie imported at Kirkaldie 9 tuns; on 10th April John Balcalquall in Kirkaldie imported there 3 tuns; on 9th March John Simsoun in Kirkaldie imported at Anstruther 9 tuns; on December last Robert Justice in Kirkaldie imported at 15 tuns; on January last David Williamsoun in Kirkaldie imported at 20 tuns; and on January James Burrell there imported 12 tuns: all of whom have sold the same at a dearer rate than the Act allowed and so have incurred the said penalty. Charge having been given to these persons, and both pursuers and defenders compearing, and probation being referred to the defenders' oaths, the Lords find that Alexander Law, younger, has transgressed in 8 tuns, William Young in 19 tuns, William Symsoun in 2 tuns, James Coilyear in 9 tuns, John Balcalquall in one tun, John

Holyrood House, 7th March 1628. Fine of £10 imposed on Alexander Law and others for every tun of English beer which they have sold at a dearer rate than the law allowed.

Decreta,
November
1627-January
1630.
Fol. 51, b.

Fol. 52, a.

Fines,
1614-31.
Fol. 118, b.

Fol. 119, a.

Fol. 119, b.

Simsoun in 3 tuns, Robert Justice in 23 tuns, David Williamsoun in 12 tuns, and James Burrell in 12 tuns; but understanding that they "ar bot meane men and not able to pay the paines conteanit in the saids Acts" they modify the fine to £10 for every tun to which they have confessed, and ordain them to have their relief of the merchants, owners of the said beer. They further ordain the defenders to find caution acted in the Books of Secret Council not to transgress in the like again.

Holyrood House, 8th February (sic l. March) 1628. Caution by Duncan Buchanan that John Rutherford and others will appear before the Council in the case of William Bennet against Ragwell Bennet. See ante, p. 251.

Mr. John Scrogie, advocate, as procurator for the principals and cautioner, registers a bond of caution by Duncan Buchanan, stabler and burgess of Edinburgh, in £100 each, for John Rutherford in Rattinraw, William Alesoun, burgess of Jedburgh, and Andrew Bennet in Chesters, that they will compear as witnesses in the action before the Council by William Bennet of Grange against Ragwell Bennet of Chesters for bearing hagbuts and pistols, on 20th March next, and that they will each pay 20 merks to his Majesty's Treasurer, Depute Treasurer, and Receiver of his rents, for their escheat if found liable therein; with clauses of relief and registration. The bond, which is written by Mr. John Callendar, servitor to James Prymrois, Clerk to his Majesty's Secret Council, is dated at Edinburgh, 8th March 1628; witnesses, John Davidsoun and Mr. Patrick Maxwell, servitors to Andrew Nimmo, writer, and Robert Haigie, servitor to Mr. Richard Kene, writer. Signed by Duncan Buchannane with the aid of Alexander Forrest, notary, because he cannot write, Robert Haigie, witnes; J. Davidsone, witnes, M. P. Maxwell, witnes.

Cautions, 1621-28. Fol. 119, b. Fol. 279, b.

Holyrood House, 8th March 1628. Caution by Patrick Cranstoun and John Cranstoun for the said Patrick Cranstoun. See ante, p. 256.

Mr. Robert Craig, advocate, as procurator for principal and cautioner, registers a bond of caution by Patrick Cranstoun of Corsebie and John Cranstoun of Thornedykes as his cautioner, that the said Patrick will pay to Marion Home, his spouse, the sum of 800 merks appointed by their Lordships for her aliment for a year, at Whitsunday and Martinmas ensuing; that within fifteen days he will deliver to her all her clothing in his hands; and that he will compear before the Council on the first Council day in March 1629, under the penalty of 800 merks; with clauses of relief and registration. The bond, which is written by Mr. John Calleudar, servitor to James Prymrois, Clerk of Secret Council, is dated ; witnesses, the said James Prymrois, John Cranstoun and John Wilkie.—(Signed) Patrik Cranstoun of Corsebie; Jo. Cranstoun; J. Prymrois, witnes; John Cranstoun, witnes; John Wilkie, witnes.

Fol. 280, a.

Holyrood House, 11th March 1628.

Sederunt.—Chancellor; Treasurer; Monteith, præses; Nithisdail; Wyntoun; Lauderdaill; Bishop of Rosse; Carnegie; Naper; Master of Jedburgh; Advocates; Clerk of Register; Tracquair.

Acta February 1628-July 1629. Fol. 8, a.

Order inhibiting his "Forsameekle as albeit the ressett of Jesuites, seminarie and messe

Acts February
 1628-July
 1629.
 Fol. 8, a.

preests and excommunicat persouns for professing of the Popish Majesty's
 religioun and for recusancie hes beene verie oft prohibite and dischairgit lieges from
 be the lawes of this kingdome under certane panes mentioned and resetting and
 conteaned in the Acts made thairanent; notwithstanding it is of truthe certain
 that after the processe of excommunicatioun wes laughfullie and specified
 ordourlie led and pronounced aganis the persons particularie underwrittin persons, who
 for thair avowed professioun of Poprie, and for thair refusing to are papists,
 communicat, and thay being thairupoun callit and conveenned before his and rebels, and
 Majesteis Counsell, and to have produced with thame testimonialls from excommuni-
 the presbytereis whair thay dwell that they had satisfied the Kirk and cate.
 relaxt thameselves frome the sentence of excommunicatioun, they, taiking See ante, p. 202.
 the cryme upoun thame, and continewing in thair obdured and Popish
 opiniouns and errorrs they wer for that caus upoun the dayes particu-
 larlie underwrittin denounced his Majesteis rebells and putt to the
 horne, to witt; upoun the tent, twelffe and saxtein dayes of Januar last
 James Maxwell, brother to Harbert Maxwell of Kirkconnell, Mr.
 Charles Browne in New Abbey, Gilbert Browne in Corbells, Fergus
 M^cGill at Clauchane, Barbara Maxwell, Ladie Mabie, elder, Homer
 Maxwell of Trostane, Jeane Browne, his spouse, Agnes Maxwell, daughter
 to the Ladie Conhaith, Ewfame Beatie in Colledge, Barbara Maxwell,
 Johnne M^cBrair, sonne to Robert M^cBrair of Almigill, Dame Barbara
 Johnnestoun, Ladie Gribtoun, Johnne Maxwell of Gribtoun, Marioun
 Maxwell, Ladie Wauchop, Elizabeth Maxwell, relict of umquhill Harbert
 Cuninghame, notar, Elspitt Maitlane, servitrix to the Countesse of
 Nithisdail, Agnes Johnnestoun, spous to Williame Hereis of Madinpalpe,
 Edward Maxwell, brother naturall to Edward Maxwell of Cowhill,
 James Maxwell of Kirkconnell, wer denounced rebells and putt to the
 horne for the caus foresaid: And upoun the penult day of August 1624,
 Johnne Littill, maister houshold to the Erle of Nithisdail, and George
 Warrocke, isher to the Countesse of Nithisdail, were denounced
 rebells and putt to the horne for thair not compeerance before his
 Majesteis Counsell to have ansuered upoun thair Popish opiniouns and
 errorrs and for thair refusing to communicat: And siclyke upoun the
 last day of Julij, 1622, John Browne in Lochhill and Jonet Johnnestoun
 his spous wer denounced rebells and putt to the horne for thair not
 compeerance before his Majesteis Counsell and for not productioun
 before thame of sufficient testimonialls of the presbytereis whair thay
 dwell of thair giving satisfioun to thair kirks and presbytereis: And
 upoun the twentie three day of May 1616 Mr. Harbert Browne and
 Katharine Glendinning, spous to David Maxwell callit of Newwarke, wer
 denounced rebells and putt to the horne for the caus foirsaid, as the
 letters of horning respective used and execute aganis thame and
 proceeding upoun the fearefull sentence of excommunicatioun pronounced
 aganis thame at lenth beares: And siclyke upoun the said tent day of
 Januar last Thomas Patersoun in Auchingry and Margaret Browne his

spous wer denounced rebels and putt to the horne after that they wer excommunicat for thair cohabitatioun in adulterie: And upoun the said twelffe day of Januar last Johne Allane in Kirkgunzeane and Thomas Patersoun thair wer denounced rebels and putt to the horne after the fearefull sentence of excommunicatioun pronouncd aganis thame for abusing of the minister and sessioun of the kirk: And siclyke upoun the said tent day of Januar last Johne Williamessoun in Lochrowtoun, Williame Creirie thair, and Agnes Sinclair thair wer denounced rebels and putt to the horne after they wer excommunicat for adultereis: And Issobel Hereis in Kirkgunzeane wes lykewayes denounced rebell and putt to the horne after the processe of excommunicatioun used aganis her for incest and adulterie, as the letters of horning respective foresaids dewlie execute, indorsat and registrat showne to the Lords of Secreit Counsell, beares: At the processe whair of the persouns excommunicat and rebels foresaids most prouddie and contempnandlie remaines as yitt unrelaxt, taikand no regaird of the said horning, but haunts, frequents and repaires in all publict parts of the countrie as if they wer free and laughfull subjects; and they ar ressett, suppleed and furneist with all things necessar and comfortable unto thame to thair encouragement to continew in thair Popish opiniouns and errours and in thair others detestable and filthie sinnes, so offensive to God, scandalous to the trew religioun, and of so pernicious exemple in a countrie subject to law and justice. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of Dumfreis, Lochmabane, Annand and others plaices needfull, that nane of thame presoom nor take upoun hand to ressett nor supplee the saids excommunicat rebels, nor nane of thame, nor furnishe thame meate, drinke, hous nor harbourie nor no other thing comfortable and necessar unto thame duiring the tyme of thair excommunicatioun and rebellious foresaid under all highest pane that by the lawes of this kingdome can be inflicted upoun offenders in this kynde.”

Acta February
1628-July
1629.

Fol. 9, b.

Fol. 9, a.

Commission to the Sheriff of Dumfries, his deputs, and others, to summon and examine at certain appointed days and places all persons suspected of resetting and entertaining the excommunicated persons specified in the preceding Act.

Preamble as in the preceding Act as far as the words “in a countrie subject to law and justice.” The commission then proceeds—“Whairas if this ressett, supplee and confort wer refused unto thame they might be reclaimed frome thair opiniouns and sinnes to the acknowledgement of thair bypast misdemeanours, Thairfoir his Majestie with advice of the Lords of the Secreit Counsell hes resolved exemplarilie to punish thir ressetters and suppleers of the said excommunicat rebels whairthrow others may be terrified frome doing the lyke in tyme comming, and for this effect hes givin and grantit and be the tennour heerof gives and grants full power and commissioun to the Shireff of Dumfreis and his deputs, and to Alexander, Erle of Galloway, Williame Dowglas of Drumlanrig, Sir Williame Greir of Lag, Sir Johne Charters of Amisfield, and the proveist and bailleis of Dumfreis, conjunctlie and severallie, to direct

Fol. 10 a.

Acta February 1623-July 1624. Fol. 10, a. Fol. 10, b.

thair awin precepts, and to warne all and sindrie persouns inhabiting within the shirefdome of Dumfreis and Stewartreis of Kirkcudbright and Annanderdaill, who ar suspect guiltie of the ressett and supplee of the said excommunicat rebels to compeir before thame at suche dayes and places as they sall appoint, and to try and examine thame upoun thair ressett and supplee and to produce probatioun and witnes aganis thame, and to doe and to performe all and everie laughfull fact whilk may procure a cleere discoverie of the said ressett and supplee; and for this effect to fense and hold courts and to create officiers and members of court needfull; And that they make a formall report of thair proceedings in writt and send the same closed to the saids Lords to the intent that after consideratioun thair of the saids Lords may impose suche fynes and other punishments upoun the offenders as the nature and qualitie of thair offence merites. Firme and stable halding and for to hald all and whatsomever things sall be laughfullie done heerin."

Commissions, 1624-30. Fol. 137, a.

Commission under the Signet to Sir Alexander Nisbit of that Ilk, Sheriff of Berwick, and his deputes as justices, to hold courts within the tolbooth of Duncce and try Jeane Murdo there, who has murdered four or five "barnes borne be her in adulterie to William Quhytlaw in Duncce," for which she has been apprehended and warded in the said tolbooth. The said William, hearing of her apprehension, and conscious of his own guilt in the said murder, immediately fled to England, "quhilk is a verie cleere presumptioun and argument of the said Jeane her guiltines." Signed by Geo. Cancell., Monteith, Nithisdail, Wyntoun, Lauderdaill, Pa. B. of Rosse, Carnegie, and Naper.

Holyrood House, 11th March 1628.

Commission to Sir Alexander Nisbet of that Ilk, shoriff of Berwick, and his deputies, to try Jean Murdo, charged with the murder of her illegitimate children.

Royal Letters 1624-32. Fol. 129, b.

"Most sacred Sovereane, By our letter of the twentie sax of Februar last we represented unto your Majesteis royall consideratioun the humble petition of your Majesteis poore subjects who formerlie tradit in France since which tyme thair hes arryved heere some Fleemish shippes loadned with Frenshe wynes perteaneng to your Majesteis subjects the awners whairof hes made humble sute unto us that thay might be permitted and warranted to sell thair wynes without danger of your Majesteis prohibitioun in regaird (as they affirme) these wynes ar the returne of thair stockes which they had lying partlie in France and partlie in the Low Countreis long before the troubles and which thair factours there hes thus employed before the publishing of your Majesteis last prohibitioun, and they ar confident that this course which out of ane unavoydable necessitie they have beene constrained to follow for recoverie of their estaits in these difficult tymes will out of your Majesteis gracious and tender regaird to the weale of your distressed subjects receive a favourable allowance and that they sall not be made lyable to the danger of your Majesteis proclamatioun whairof they pleade ignorance and quhilk they will dwtiefullie obey in tyme comming. Their petition being heard and your Majesteis prohibitioun considerit be us, we thought good in regaird of the nature and circumstances of the bussines rather to

[Holyrood House, circa 11th March 1628.]

Letter to the King anent the petition of merchants who had bought French wines previous to his Majesty's proclamation anent the importation of the said wines. See ante, p. 242.

acquaint your Majestie with the reasons of thair desire nor to give warrand for selling of the wyne agains the tennour of your Majesteis proclamatioun. The wyne are sellared and inventar made thair of, and if the awners fearing the spoyle of the same by the not tymous vent thair of sall adventure to sell the same upoun thair awin perrell your Majestie can ressave no prejudice thereby seing they ar a number of responsall men and ar answerable and comptable for what they sall doe upoun the significatioun of your Majesteis pleasure thairanent. Attending the quhilk we pray the almightie God to watche over your sacred persoun and to blesse your Majestie with a long and happie raigne and we rest. *Subscibitur*, Dupline, Mar, Monteith, Nithisdail, Bucleuche, Lauderdaill, Pa. B. of Rosse, Carnegie, Naper, Oliphant, Hammiltoun.”

Royal Letters,
1623-32,
Fol. 129, b.

Anent the
Earl of Niths-
dale and a
Popish priest.

“The quhilk day the Earle of Nithisdail promiseist and undertooke to bring and present before the Counsell Johne Maxwell, his base brother, and Williame Maxwell of Monreth, gif he be in the cuntrey, upoun the last Counsell day of this instant to ansuer upoun thair alledgit convoy and bringing of a preist to a sicke man in Drumfreis, and ressaveing of the preist in at the Earle of Nithisdail his posterne yett.”

Sederunts,
1625-29,
Fol. 79, a.

French wines.

“The Lordis ordanis the Franshe wynis brought in to Leethe to be enterit according to the ordour and caution tane for payment of the imposit.”

Holyrood
House, 13th
March 1628.

Sederunt.—Chancellor; Treasurer; Monteith; Morrey; Wyntoun; Bishop of Rosse; Master of Jedburgh; Sir Williame Oliphant; Clerk of Register; Tracquair.

Acta February
1628-July
1629,
Fol. 10, b.

Admission of
Alexander,
Earl of Gallo-
way, into the
Council.

“The whilk day the Lords of Secret Counsell according to ane warrand and directioun in writt signed be the Kings Majestie and this day presented unto thame ressavit and admittit Alexander, Erle of Galloway,¹ to be ane of the ordinar number of his Majesteis Privie Counsell and to enjoy all honours, digniteis and priviledges proper to that plaice, lykeas the said Erle being personallie present and acknowledging with most humble and dewtifull respect his Majesteis gracious favour showne unto him in preferring of him to this high plaice of honnour and dignitie, he with most submissive reverence on his knees, his hand lying upoun the halie evangell, made and gave his solemne oath of allegeance, and the oath of a privie counsellour. Followes his Majesteis missive for warrand of the act abonewrittin.—CHARLES R.,—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Being informed of the sufficiencie of our right trustie and weilbelovit cousine the Erle of Galloway and of his affectioun to our service, we ar weill pleased in regaird thair of and for his further

¹ Alexander, Lord Garlies, had been created Earl of Galloway in 1623.—See Vol. XIII., p. 383.

encouragement and inhabling him for our said service to advance him to be one of our Privie Counsell in that our kingdome. Thairfoir it is our pleasure and we doe heereby require yow that, haveing administered unto him the oath accustomed in the lyke caises, yow admitt him to be one of our Privie Counsell, ressavng him in that place as one of your number; for doing whair of these presents sall be your warrand. Givin at our Court at Theobaldes the twentie one day of Februarie, 1628."

"Forasmeeke as Williame Patersoun in Kilpont having laitlie upon a suddane chaudmelle and not upoun sett purpose nor provision slane umquhill Johne Mowat in Kilpont, the freinds of the said umquhill Johne in regard of the circumstances of the said slauchter wer content to heare of offers and to ressave assythement and satisfioun, bot now by the informatioun and procurement of Thomas Dundas in New Brig end and Henrie Dundas in Mure end, neere kinsmen and freinds to the said unquhill Johne Mowat, thay refuse to embrace anie conditioun of agreement bot ar resolved to seeke thair privat revenge and sua to disturbe the peace of the countrie without remeid be provydit. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct chairging the said Williame Patersoun on the ane pairt and the said Thomas and Henrie Dundasses as neerest of kin to the said Johne Mowat on the other pairt to compeir personallie before the saids Lords upoun the day of to answeere to the premisses and to underly suche ordour as sall be tane with thame for sattling of the said feed and keeping of the peace of the countrie, under the pane of rebelloun, etc., with certifioun, etc."

Anent the slaughter of John Mowat in Kilpont by William Patersoun in Kilpont.

Commission under the Signet to John Burnet of Barnes, Robert Geddes, brother german to James Geddes of Kirkurd, and Alexander Tait of Pirne, jointly and severally, to search for, apprehend and place in sure ward until opportunity offer for their transport to the wars of , John Gowdie in Broomehous of Rutherfoord and James and John Gowdie, his sons, who being put to trial for the slaughter of John Halyday in Smailholme in last May and convicted thereof, were "in regard of the exigence of the tyme," handed over to Captain Borthuick and transported by him to the service, of the King of Sweden. This service, however, they have deserted, and contemptuously returned hither without licence. Signed by Geo. Cancell., Monteith, Wintoun, Galloway, Pa. B. of Rosse, A. Carre, Oliphant, and Hammiltoun.

Holyrood House, 13th March 1628. Commission to John Burnet of Barnes and others to apprehend John Gowdie and others, charged with the murder of John Haliday.

Caution by Adam Scot of Burnefutt in 1000 merks that Adam Scot, son to Walter Scot of Midsheillis, will not molest Thomas Trumbill of Know, and Walter Trumbill there, nor their men, tenants or servants. (Signed) Adame Scot of Burnfut.

Holyrood House, 13th March 1628. Caution by Adam Scott of Burnfoot for Adam Scott.

Laurence Scot, advocate, as procurator for principals and cautioners, registers a bond of caution by the foresaid Adam Scot of Burnfutt and Walter Scot of Midshiels mutually in 1000 merks each to the above effect, with clauses of relief and registration. Dated at Edinburgh, 13th

Bond of caution by the foresaid Adam Scott.

Acta February 1628-July 1629. Fol. 10, b.

Fol. 11, a.

Commissions, 1624-30. Fol. 157, b.

Cautioners, 1621-28. Fol. 290, a. Fol. 280, b.

March 1628: witnesses Adam Scot, messenger, indweller in Edinburgh; John Richartsoun, writer, burges of Edinburgh; Adam Scot, son to Walter Scot of Midshiels; Thomas Lowrie, notary, and David Nicolsoun, burges of Edinburgh. (Signed) Adame Scot of Burnfut, Walter Scot of Midshiels (signs by the aid of James Scot and Thomas Lawrie, notaries); Adame Scot, witnes; Adame Scot, witnes; Johne Richartsone, witnes; David Nicolsoun, witnes.

Cautions,
1621-28.
Fol 280, b.

Caution by
Thomas
Turnbull for
Andrew
Turnbull.

Caution by Thomas Trumbill of the Know for Androw¹ Trumbill, and the said Andrew Trumbill of Bewlie for the said Thomas in 1000 merks each that they will not molest Adam Scot of Burnefutt, Walter Scot of Midsheills, nor their men, tenants and servants, nor Adam Scot, son to the said Walter. (Signed) Thomas Turbull, Andro Turnbull of Beullie.²

Fol. 281, a.

Holyrood
House, 13th
March 1628.
Charge to
William, Earl
of Menteith,
anent the
buying and
selling of teinds
within the
sheriffdom of
Dumbarton
and the
stewartry and
Earldom of
Menteith.
See ante, p. 245.

"After our verie heartilie commendatiouns to your good lordship, Whairas for the better forderance and advancement of that submissioun drawin up be his Majesteis Advocats and alreadie subscribed be a number of the Lords of Erectiouns and others having interesse in the surrenders and teinds it is thought meete that the whole teind sellers within the kingdome sall subscribe the double of the said writt and submissioun to the intent his Majestie may the more ordourlie proceed in his royall determinatioun in the maters submittit unto his Majestie, and it is lykewayes thought meete for the ease of the subjects and releiving thame of needelesse travell and charges that commissioun sall be givin to some noblemen in everie shirefdome to take the subscriptions of the teind sellers within the shirefdome whair thay dwell, and choise is made of your lordship for the shirefdome of Dumbartane, stewartrie and erledome of Menteith, as by the commissioun and double of the submissioun heerewith sent unto your lordship yow will perceave, and thairfoir these ar to request and desyre your good lordship to have a care of the dew executioun of this commissioun conforme to the tennour thairof in all points. And if the teind buyers of that shirefdome send not a list to your lordship in dew tyme of the names of the teind sellers within the same that then your lordship will be pleased to informe your selffe the best way yow can of the names of the saids teind sellers and conveene thame at such tyme and plaice and with suche convenient diligence as your lordship may, and present the submissioun unto thame and desyre thame to subscribe the same, and if they or anie of thame sall happin to neglect the tyme and plaice of meeting or having nett sall refuse to subscribe the said submissioun that your lordship make report thairof unto his Majesteis Counsell upoun the 22 day of Apryle nixtcome. Quhilk recommending to your lordships speciall care as a point of service highlie concerning his Majestie we committ your lordship to

Royal Letters,
1623-32.
Fol. 129, b.

Fol. 130, a.

¹ "Walter" was first written in this entry, but that name is deleted and "Andrew" substituted for it.

² The Volume of Cautions ends here, and there is a blank in this Register until 1661.

Royal Letters, God. Frome Halyruidhous the threttein of Marche 1628. *Subscritur*,
1623-32. Geo. Cancell., Mar, Monteith, Morrey, Wintoun, Pa. B. of Rosse.”
Vol. 130, a.

“After our verie heartilie commendatiouns, We have discovered of lait most cruell and barbarous murders committit be William Quhytlaw in Dunce upoun foure or fyve of his awin childrein procreat to him in adulterie be Jeane Murdo in Dunce who wes accessorie to the murder and joyned with him thairin, and the said Jeane upoun her awin confessioun being apprehendit and in hands to underly her deserved punishment the said William how soon he heard of her apprehensioun and being conscious to himselfe of his awin guiltines he tooke the cryme upoun him hes fled out of the countrie and made his addresse to some pairt within your charge whair he intends to lurke and stay and sua to impetrat impunitie for thir cruell and barbarous murders to the high displeasure of God, contempt of justice, and scandall of the countrie, and thairfoir we will earnestlie requeist and desyre yow to caus inquiry and searche be made for the said Williame and he being apprehendit that yow delyver him to the shireff of Bervick or others having warrand and commissioun frome him to ressave him who will be readie upoun your advertisement to attend him at the merche and to tak him aff your hand, whairby as yow sall testifie your honnourable and worthie regaird to the punishment of suche detestable and barbarous murders, so yow will doe unto his Majestie most acceptable service and unto us singular pleasure. Quhairof we sall not be unmyndefull if anie such occurents sall be recommendit frome yow to us. And so committing yow to the protectioun of God with the remembrance of our best affectiouns, we rest your verie loving freinds, Geo. Cancell., Mar, Monteth, Wintoun, Pa. B. of Rosse, Dumblane, A. Carre, S. W. Oliphant, Mr. Thomas Hoip. At Halyruidhous the threttein of Marche 1628.”

Holyrood House, 13th March 1628.
Letter desiring the Justices of Peace in Northumberland to apprehend William White-law, accessory to the murder of his illegitimate children by Jean Murdo.
See ante, p. 265.

Acta February
1623-July
1628.
Vol. 11, a.

Sederunt.—Chancellor; Treasurer; Menteith, preses; Nithisdail; Holyrood House, 14th March 1628.
Wyntoun; Lauderdaill; Bishop of Rosse; Bishop of Dumblane; Carnegie; Naper; Master of Jedburgh; Mr. Thomas Hoip, Advocate; Tracquair.

“The Lords of Secreit Counsell having seene and considerit the compts givin in be Captane David Alexander, Captane David Robertsoun, and Captane Andrew Watsoun anent the sowmes acclaimed be thame for the wadges and victualls dew unto thame and unto the companie and equippage of thair shippes duiring the service whairin they wer employed to attend his Majesteis three shippes send out to discover the enemy supposed to be upoun the coast for the tyme; and having heard the report made be the commissioners who wer appointit to sight and examine the saids compts and seene the note givin in be thame thairanent, and having

Allowance of twenty merks to each member of the crews of the ships commanded by Captain David Alexander, Captain David Robertsoun, and Captain Andrew Watson.

alsua scene the three bands made and givin be Archibald Lord Naper, Acta February 1628-July 1629. Deputie Thesaurar, for payment of the wadges of the companeis of the Fol. 11, a. saids shippes, and being weill advised thairwith and with all that was propouned and alledged in this mater, the Lords of Secreit Counsell allowes to everie one of the persouns being in the saids shippes according to the particular nombers conteaned in the Lord Naper his bands the sowme of twentie merkes money of this kingdome for thair wadges and victualls during the space of twentie ane dayes, that is to say, for ane hundreth and fiftie men being in Captane Alexanders shippe Fol. 11, b. and pinnace at twentie merkes the peece, three thowsand merkes; for ane hundreth and ten men being in Captane Watsons shippe at twentie merkes the peece twa thowsand twa hundreth merkes, and for fourescore men being in Captane Robertsouns shippe at twentie merkes the peece ane thowsand sax hundreth merkes. Whilks sowmes respective foresaids the saids Lords ordanis his Majesteis Thesaurar and Deputie Thesaurar and Ressavers of his Majesteis Rents to pay to the saids three captans according as is abone allowed to everie one of thame out of the first and readiest of his Majesteis moneyes being in thair hands, to the intent the saids captans may distribute the saids sowmes amongs the companie and equippage of thair shippes according to thair severall rankes and services; anent the payment of whilks sowmes this Act with the captans acquittances upoun the ressett of the saids sowmes sall be unto the saids Lord Thesaurar, Deputie Thesaurar and Ressavers ane sufficient warrand. And the saids sowmes being payed the Lords ordanis the Lord Naper his bands to be givin up to him."

Offers of William Dick and William Gray for the purchase of the commodities of the Lübeck ship wrecked near Peterhead.

See *ante*, p. 238.

"The quhilk day Williame Dik and Williame Gray, merchants, Sederunt, 1625-29. burgesses of Edinburgh, maid offer to the Lords of Privie Counsell Fol. 80, a. of the sowme of saxtene scoir pundis for the twne of the untentit wynis being in the Lubecque ship drivin upoun the coast near Peterheade, togidder with tuentie pundis for every hundreth weyght of sufficient rasynis being in the said ship; and thay proumeist and undertooke to bring about the tanted wynis, spoylled rasinis, syrope and aneseidis to be tryed and a price sett thairupoun according to the worthe and sufficiencie thairof; and the Lordis declairis that thay salbe satisfied for the fraucht of somutche of the goodis as sall not be sauld unto thame. The Lordis having hard the offer foirsaid thay allow thairof and will advise thairwith till Twisday nixt."

Holyrood House, 18th March 1628.

Sederunt.—Chancellor; Treasurer; Monteith, præses; Nithisdail, Acta February 1628-July 1629. Wyntoun; Linlithgow; Bugcleuche; Lauderdail; Melvill; Fol. 11, b. Carnegie; Naper; Bishop of Dumblane; Bishop of Rosse, Master of Elphinston; Master of Jedburgh; Sir William Oliphant; Mr. Thomas Hoip; Clerk of Register.

Order to Charles Dickie.

"Forsameekle as the Kings Majestie by his letters patent under the

Acts February
1625-July
1629.
Fol. 11, b.

great seale hes made and constitute Sir Williame Alexander, knight, son, to
Admirall of New Scotland, for the better exerceing of which office construct a
necessar it is that thair be a seale of the Admirallie of the said seal for New
kingdome, Thairfoir the Lords of Secreit Counsell ordanis and com- Scotland.
mands Charles Dickiesoun, sinkear of his Majesteis yrnies, to make,
grave and sinke ane seale of the office of Admirallie of New Scot-
land to be the proper seale of the said office, the said seale having
a shippe with all her ornaments and apparrelling, the mayne saile
onelie displayed with the armes of New Scotland, bearing a saltoire
with ane scutcheon of the ancient armes of Scotland, and upoun the
head of the said shippe careing ane unicorne sittand and ane
savage man standing upoun the sterne both bearing St. Androes
croce, and that the said seale have this circumscription, SIGILLUM
GULIELMI ALEXANDRI, MILITIS, MAGNI ADMIRALI NOVI [*sic*] SCOTLÆ ;
anent the making, graving, and sinking of the which seale the extract
of this Act sall be unto the said Charles a warrand."

Fol. 12, a.

"The whilk day compeered personallie before the Lords of Privie
Counsell Johne Belcheis, advocat, as procuratour for Johne Gor- Bond of
doun of Lochinvar, undersubscriving, and gave in the band and of Lochinvar
obligatioun underwrittin, desyring the same to be insert and registrat pledging him
in the bookes of Secreit Counsell, and decerned to have the strenth to pay to his
of ane Act and decretit of the Lords thair of interponed thairto that Majesty and
letters and executorialls might pas thairupoun, quhilke desire the saids the Admiral
Lords finding reasonable, they have thairfoir ordained and ordanes the of Scotland the
same to be insert and registrat in the saids bookes and decernis due proportion
the same to have the strenth of ane decretit of the Lords thair of of the prizes he
interponed thairto in maner and to the effect abone and under- may take on
writtin, of the whilk band the tennour followes—Be it kend till this side of the
all men be thir present letters me Johne Gordoun of Lochinvar equinoctial
to be bound and obleist, lykeas be the tennour heerof I bind and line.
obleis me, my airis, executours and assigneyes, that notwithstanding
of the commissioun grantit and exped unto me for furtherance and
advancement of the Kings Majesteis service aganis the enemye that
all the pryzes that sall be tane be me or be others having warrand
and power frome me on this side of the equinoctiall lyne sall be
judged in no countrie hot in this kingdome be the Admirall of
this kingdome, and that I sall make payment to the Kings
Majestie and the Admirall of the proportioun dew unto thame
out of the pryzes, and that this my band sall stand in force so
long as my commissioun stands, and ay and whill I give up the
same to the Lords of his Majesteis Privie Counsell. And for the
mair securitie I am content and consents thir presents be registrat
in the bookes of Secreit Counsell to have the strenth of ane Act
and decretit of the Lords thair of interponed thairto, with letters
and executorialls to pas thairupoun in forme as affeirs; and for

this effect constituts Johne Belcheis, advocate, etc., my verie laughfull procuratours. In witnes whair of I have subscryved thir presents with my hand at Edinburgh the aughtein day of Marche the yeere of God j^mvj^c and twentie aucht yeeres before thir witnessis: Mr. William Aikman, my servant, Williame Buchannane, servitour to Johne Belcheis, advocat, and Mr. Johne Callendar, servitour to James Prymrois, Clerk to his Majesteis Privie Counsell. *Subscribitur*, Lochinvar, M. Will. Aikman, witnes, W. Buchannane, witnes, M. J. Callendar, witnes.”

Acta February
1628-July
1629.
Fol. 12, a.

[Sederunt as recorded above.]

Holyrood
House, 18th
March 1628.

Denunciation
of James
Johnston in
Rattinraw for
assault on
Andrew
Nimmo, and
for failing to
appear before
the Council to
answer to the
charge.

Complaint by Andrew Nimmo in Overdechmont as follows:—By several Acts the pursuit and invasion of the lieges within the burgh of Edinburgh or within a mile of the residence of his Majesty's Council has been strictly prohibited under certain penalties, yet on Monday last, 10th March instant, while the complainer was walking peaceably on the High Street of the said burgh, towards the West Port, James Johnstoun in Rattinraw, having a private grudge against him, lay in wait for him under cloud and silence of night, and meeting him near the said Port pursued him with a drawn sword and gave him “a deepe and bloodie wound upoun his forehead, and another upoun his scheckell bone whill as he kuist up his arme to eschew the stroke of the sword.” His assailant then fled, thinking the complainer was slain. The chirurgeon presently attending the complainer has taken “out of his forehead the nomber of ten or twelffe bones, and verie hardlie, at least not without great charges and wracke of the compleaner can he be cured.” The pursuer compearing by Peter Yettis, his brother, and the defender not, the Lords ordain the said James Johnstone to be denounced rebel and escheat.

Decreta,
November
1627-January
1630.
Fol. 52, a.

Articles
arranged in the
cause between
Sir Michael
Preston, on the
one part, and
Mr. Alexander
Hay and Mr.
John Hay, on
the other.

In the cause between Sir Michael Prestoun, knight, on the one part, and Mr. Alexander Hay, one of the clerks of Session, for himself and in name of Mr. John Hay of Easter Kennet, his father, on the other part, which has been heard at great length by the Lords, and in which they have found that the said Sir Michael's misbehaviour to the said Mr. John and Mr. Alexander Hay has given them just cause to seek the protection of the law for their safety at his hands, but since Sir Michael has declared his full resolution “to depairt furth of the countrie and to follow his fortouns in the warres for some certane yeeres,” their Lordships are careful to see that before his departure some course shall be taken (1) for the indemnity of the said Mr. John and Mr. Alexander Hay and their children and servants, (2) for some competent provision to the said Sir Michael's wife and children during his absence and their not cohabitation, and (3) for “some outred and furnishing” for the said Sir Michael himself. They have accordingly conferred hereupon with some of Sir Michael's special friends, and between them and the said Mr. Alexander Hay the following articles have been arranged and agreed to,

Fol. 52, b.

Decreta
November
1627-January
1630,
Fol. 53, a

to which also the Lords have interponed their authority, viz. :—As Sir Michael can find no cautioner the Lords admit him, and he hereby, being personally present, enacts himself under the penalty of 3000 merks not to molest the said Mr. John and Mr. Alexander Hay, nor their families, tenants, etc., and in security of this sum they ordain him to hypothecate unto them his whole lands and teinds, it being always lawful for him to intromit with the rents and duties of the same until he be found guilty of violating his bond of caution. The Lords ordain further that he shall take the first ship sailing with any of the companies of the Earl of Nithsdale's regiment for the wars, and go thither and not return for the space of three years thereafter. They appoint as the provision for Dame Marion Hay, wife of the said Sir Michael, and her children, during the said three years, and longer at their pleasure, seven chalders of victual, in security of which they ordain Sir Michael to assign to her the rents and duties of the lands and teinds of Fentonbarnes from Martinmas 1628, and, for their necessities till then, to assign to her the sum of 1000 merks due to him by Sir John Prestoun of Airdrie, his brother. Moreover, seeing the said Dame Marion Hay "out of her loving and tender respect" to her said husband, is willing to burden her conjunct-fee lands provided to her by her contract of marriage with the sum of 4000 merks in order to his release from ward and provision for going abroad, the Lords ordain the said Sir Michael to infest his wife in his whole lands in corroboration of her conjunct-fee lands, and to assign to her the tack of the teinds thereof, even to purchase new tacks thereof, if necessary, because of the expiring of the former, always reserving his own liferent under exception of the provision for his wife's aliment. They further ordain him to assign to his wife such a portion of his plenishing as shall be mutually agreed upon by friends during their separation. For furthering of the above the Lords ordain Mr. John Hay to discharge the interdict he holds against Sir Michael, and that his said wife shall renounce any infestments granted to her of any parts of her husband's lands prior to the date hereof (always excepting her conjunct-fee lands, and without prejudice to the above provision for her and her children); and they enjoin both parties to extend and draw up their writs and securities to follow hereupon "after suche a legall forme and maner as may stand with law and justice." The said persons compearing personally consented to this act.

Fol. 53, b.

The which day Sir Michael Prestoun, knight, compearing personally before the Lords gave his great and solemn oath, and acted and obliged himself not to molest Mr. John Hay of Kennett, Mr. Alexander Hay, his son, clerks of the Session, nor their wives, children, nor servants on any account in future under the pain of perjury, infamy, and "tinsell of honour, credite and estimatioun in tyme comming."

Obligation by
Sir Michael
Preston.

Commissions,
1624-30,
Fol. 157, b.

Commission under the Signet to John Grant, apparent of Ballindal-
lache, Patrick Grant, his brother, Thomas Grant of Devy, James

Holyrood
House, 18th
March 1628.

Commission, with power of fire and sword if necessary, granted to John Grant, apparent of Ballindalloch, and others, to apprehend James Grant in Daltaleis, charged with the slaughter of Patrick Grant in Lettach.

McIntoshe of Downe of Rothmorcus, Patrick Grant of Colquhoyche, and John Grant, brother to James Grant of Rydmoir, jointly and severally, to convocate the lieges in arms, and search for, apprehend, and present before the Council James Grant in Daltaleis, who on 30th January 1618 was put to the horn at the instance of Sir William Oliphant of Newtown, knight, King's Advocate, and Thomas Grant of Cardells for himself and as father, John Grant, apparent of Cardells, as brother, and the remanent kin and friends of the deceased Patrick Grant in Lettache, for not finding caution in the Books of Adjornall to underlie his trial for the slaughter of the said Patrick Grant. After the said slaughter he fled from the country to escape justice, but he has now returned and has associated with himself 40 or 50 broken Highlandmen, some of the Clanrannald, Clangregor and others from Strathspey and Stradoun, and goes up and down with these armed, sorning upon and oppressing the lieges, and in special he sits down on the lands of the said Thomas Grant, makes free with his goods, intending thus to coerce him to agree with him for the said slaughter. Power of fire and sword is given if necessary. Signed by Geo. Cancell., Mar, Monteith, Nithisdail, Wintoun, Pa. B. of Rosse.

Commissions, 1624-30, Fol. 157, b.

Fol. 158, a.

William Dick and William Gray.

"The Lordis continewis the advysing and ansuering of the offer maid be Williame Dik and Williame Gray for the goodis of the Lubecque ship in the same estate wherin it presentlie standis untill Thurisday nixt."

Sederunt, 1625-29, Fol. 80, b.

Border matters.

"Three letters from his Majestie produceit be the Earle of Lynlythqu, one anent the Bordour materis, one anent magistratis within burgh, and one anent the ship of Lubecque."

Holyrood House, 20th March 1628.

Sederunt.—Chancellor; Menteith, prases; Privy Seal; Murrey; Nithisdail; Wyntoun; Linlithgow; Bugleuche; Lauderdaill; Bishop of Rosse; Bishop of Dumblane; Carnegie; Naper; Master of Jedburgh; Sir William Oliphant; Clerk of Register.

Acta February 1628-July 1629, Fol. 12, a.

Order for the sale of the commodities of the Lübeck ship, wrecked near Peterhead, for the payment of William Dick and William Gray, who had advanced money to pay the wages of the mariners of his Majesty's three ships.

"Forsameekle as the Lords of Secreit Counsell being this long time bygane importunned with the greevous complaints of the poore mariners and sailers who served in his Majesteis three shippes for want of thair wadges and allowances dew unto thame, extending to twentie foure thowsand pund, and whairas thair necessiteis wer so urgent as they wer not able to spaire the said sowme, and his Majesteis coffers being so emptyed as they could not gett present satisfioun that way, thairfoir George, Vicount of Dupline, Lord High Chancellour of this kingdome, Johnne, Erle of Mar, Lord Thesaurar, Archibald, Lord Naper, Deputie Thesaurar, and Sir James Bailzie, knight, hes undertane the present payment of the said sowme and hes borrowed the same fra Williame Dick and Williame Gray, merchants, burgesses of Edinburgh,

Fol. 12, b.

Acta February
1628-July
1629.
Fol. 12, b.

to whome they have givin band for repayment thairof, and the Lords of Secretit Counsell, being carefull as becometh thame in honnour and justice to see the said Lord Chancellour and others who joynned with him in this earand releved of thair ingadgement, and understanding that of lait there wes a shippe of Lubick laidned with wynes, raisines, anne-seid, syrope and others commoditeis drivin upoun the coast neere Peterheid, whilk shippe and goods ar presoomed to be laughfull pryzes; and whairas the wynes and goods in the shippe ar not likelie to keepe till by ordinar course of justice they be outhere cleered or declaired laughfull pryze; and the saids Lords, finding it more expedient for the weale of all pairteis having interesse and according to the rules of policie and state that the saids goods sall be sauld and the pryces arysing by the sale thairof applyed to the releefe of the said Lord Chancellour and others who joynned with him in this earand nor that unprofitable they sould ly till they be declaired, thairfoir the saids Lords entered in conference and dealing heeranent with the saids Williame Dick and Williame Gray and hes agreed and conditionned with thame upoun the heeds and articles following; to witt, The saids Lords hes sauld and be the tennour heerof sellis and dispones to the said Williame Dick and Williame Gray the whole wynes being in the said shippe whilks ar fresh and sufficient untainted for three hundreth and twentie pund the twinne, and the whole raisines being in the said shippe whilk ar sufficient and not spoyled for twentie pund for everie hundreth weight thairof, upoun the whilks untainted wynes and sufficient raisines the saids Williame Dick and Williame Gray sall dispone at thair pleasure and to thair best commoditie and profite, and sall byde the hazard of the transport of thame be sea to Leith, pyracie excepted; quhilk conditioun and bargane the saids Williame Dick and Williame Gray, being personallie present hes undertane and accepted, and they promiseist and undertooke to bring about to the harbourie of Leith the whole tainted wynes, spoyled raisines, syrope and anneseid, whilks wer in the said shippe (sea hazard except) to be tryed and a pryce sett thairupoun according to the worth and sufficiencie of the same, for the whilks tainted wynes, spoyled raisines, syrope and anneseid so to be brought about be thame they sall ressave fraught accordinglie for suche pairt and quantitie thairof as sall not be dispouned and sauld unto thame. And if the moneyes arising frome the saile of the sufficient and good wynes and rasines sall exceed the said sowme of twentie foure thowsand pund, in that cause the saids Williame Dick and Williame Gray binds and obleissis thame, thair airis and executours, conjunctlie and severallie, to make the superplus of the said sowme furthcummand and to make delyverie thairof to suche persoun or persons as the saids Lords sall 'appoint, they alwayes reteaning in thair awin hands for releefe of the band givin unto thame be the saids Lord Chancellour, Thesaurar, Deputie

Fol. 13, a.

Thesaurar and Sir James Bailzie, so muche of the pryce of the saids sufficient wyne and raisines as will compense the said sowme of twentie foure thousand punds. And if the goods dispouned to the saids Williame Dick and Williame Gray and pryces thair of will not correspond and answere to the said sowme of twentie foure thousand punds advanced be thame, and for which band and suretie is givin as said is, or which otherwayes they have or shall disburse by warrand and allowance of the Counsell, the saids Lords declairs that what shall be wanting and inlaking of the saids sowmes by the sale of the goods foresaid shall be furnished and payed unto thame out of the first and readiest of his Majesteis rents and casualteis, and that they shall be preferred and answered thairin, before all other payment whatsoever but prejudice of the band unto thame be the Lord Chancellour and others for payment of the said sowme of twentie foure thousand punds and executioun thair of for sa meekill of the same as they shall not ressave satisfioun and payment be thair intromissioun with the saids sufficient wyne and goods to be good laughfull and authorized be thame aganis all and whatsoever pretending interesse thairto for ever. And whairas thair hes beene alreadie advanced to the skipper of the said Lubick shippe towards the interteanement and apparrelling of the mariners of the said shippe and defraying of thair charges in thair returne home sax hundreth pund and to Johne Kinrosse, who formerlie attendit the saids goods, foure hundreth punds, and that the Countesse of Mairshall hes beene at great charges in preserving, collecting and keeping of the saids goods whilks must be repayed unto her be the saids Williame Dick and Williame Gray, the saids Lords declairs that the saids twa sowmes togidder with the charges bestowed be the Countesse of Mairshall shall be allowed be the saids Williame Dick and Williame Gray in the first end of the pryces of the saids sufficient wyne and raisines, and what forder sowmes they shall necessarilie deburse upoun the insufficient wyne, raisines, syrope and anneseids shall be deduced and allowed unto thame upoun compt."

Declaration that if the goods of the Lübeck ship shall be adjudged to belong to his Majesty or any other person, the price of the said goods shall be paid to the said person.

"Forsameekle as albeit by ane act of the Lords of Secreit Counsell of the dait of these presents the wyne and goods being in the Lubick shippe callit the St Marie, whair of Henrick Schult is maister, ar destinat and appointed toward the satisfioun of the wadges dew to the mariners and sailers who served in her Majesteis three shippes extending to the sowme of twentie foure thousand pund Scotch and for releefe of the band made and grantit be the Lord Chancellor, Thesaurar, and Deputie Thesaurar, and Sir James Bailzie to Williame Dick and Williame Gray, merchants, burgesses of Edinburgh, be whome the said sowme was furnished and advanced for the use abonewrittin, and how ever the saids wyne and goods ar be warrand of the Counsell dispouned to the saids Williame Dick and Williame Gray and that the superplus of the pryces thair of which shall extend to more nor will satisfie thair debursements is

Acta February
1628-July
1629.
Fol. 13, a.

Fol. 13, b.

Acta February
1628-July
1629.
Fol. 13, b.

assured to be made furthcummand and delyverie to be made thairof to suche persoun or persons as the Counsell sall appoint; neverthelesse the Lords of Secreit Counsell, being carefull that the course tane be thame in this mater sall not prejudice anie persoun who sall be found to have right to the saids goods or pryces thairof, Thairfoir the saids Lords declairs that if the said shippe and goods and anie part thairof after laughfull tryell sall be adjudged to his Majestie, and that his Majestie sall dispone thairupoun otherwayes nor be the Act and ordour foresaid is appointed; or incaise the said shippe and goods sall be adjudged to belong to anie other, the persoun or persons in whois favours decreit sall be recovered, or to whome his Majestie sall be pleased to dispone the said goods and pryces thairof, sall be satisfied and payed of the same out of the first and readiest of his Majesteis rents and casualiteis, and sall be preferred thairin to the payment of all precepts and pensions whatsomever, the bands grantit be the Lord Naper, Deputie Thesaurar, for payment of the wadges dew to the freebootters who attendit his Majesteis shippis foresaids being first satisfied and allowed."

Fol. 14, a.

"CHARLES R.—Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. We received your letter importing the weake estait of our Exchecker, which becaus of our great and urgent affaires at this tyme can hardlie be otherwayes. Yitt what we have done in burdenning the same hath beene done upoun verie good consideratiouns to deserving persons presentlie in our employments and who could not be supplued otherwayes. Bot now upoun the pressing necessitie for satisfeing these indigent and clamorous persons who wer employed in our shippes, and otherwayes in our service at our Counsells directioun, we thinke it fitt for thair better encourageing to the lyke employment heerafter, when the lyke occasioun sould occurre, that they sould be preferred in thair satisfioun to anie persons whatsoever. And thairfoir seing we have alreadie givin ordour to our Admirall concerning that Lubick shippe, as a purpose properlie belonging to that office, to proceed thairin as justice and equitie doeth require and becaus we will have thame to be satisfied with all the possible dilligence that can be used; our pleasure is that we doe heereby require yow to caus readie payment be made unto the saids persons of what is justlie due unto thame for thair employment in our said service before anie payment be made of anie pensiouns whatsoever. So we bid yow fareweill. Frome our Court at Newmarket the thrid day of Marche 1628."

Letter from his Majesty desiring that the mariners of his three ships should receive payment before the claims of any other persons are satisfied.

[Sederunt as recorded above.]

Holyrood House, 20th March 1628.

Complaint by John Rutherford in Rattinraw, Andrew Bennet in Chesters, and William Alesoun, burgess of Jedburgh, as follows:—They are informed that they have been denounced rebels at the instance of

Suspension of horning against John Rutherford in Rattinraw and others.

Decreta,
November
1627-January
1630.
Fol. 54 a.

William Bennet of Grange for non-compearance as witnesses in his action before their Lordships against Ragwell Bennet of Chesters, but as they never received a charge nor any intimation, they are wrongously put to the horn. They have now found caution each in £100 to appear as witnesses in the case and for payment of 20 merks each as their escheat to the Treasurer or Treasurer Depute if found liable therein, and therefore crave suspension. Charge having been given to the said William Bennet, and he and the pursuers all compearing, the Lords, in respect of the pursuers' compearance, grant suspension as craved.

Decreta
November
1627-January
1630.
Fol. 54, a.

Order for the warding of David Bowman in the Tolbooth of Edinburgh, and for his payment of 100 merks to Margaret Brown, whose life he had threatened.

Complaint by Margaret Brown, sometime servant to David Bowman, merchant burgess of Edinburgh, as follows:—The said David Bowman without any just cause has conceived a deadly malice against her, and has on several occasions endeavoured to take her life. On October last, while she was going about her work in his place of Southhous, and there being none in the house but him and her, "he than (of purpose to have slaine her) steeked the yetts and doores of the plaice that nane sould enter to impede him in this his wicked and inhumane course, and than, after a most cruell maner, he invalidit the compleaner, a poore simple damosell, unable to make any resistance, and with a drawin sword gave her sevin or aucht bloodie wounds in diverse parts of her bodie, and with the same sword he gave her a deidlie straike on the head and cutted her harne panne, out of the whilk John Pringill, chirurgiane, hes tane three bones, sua that the compleaner hes beene under the cure of the said Johne Pringill and others this halffe yeere bygane in exceeding great danger of her lyffe, and to her great hurt and expensses, she being a meane servant woman haveing nothing to live be bot her laughfull service." Likewise still the said David seeks occasion to take her life. Both pursuer and defender compearing and evidence having been led, the Lords find the defender guilty and ordain him to be warded in the tolbooth of Edinburgh until they release him, and to pay to the pursuer the sum of one hundred merks as a fine.

Fol. 54, b.

Fol. 55, a.

Holyrood House, 20th March 1628. Commission, with warrant of fire and sword, to Sir John Grant of Freuchie and others, for the apprehension of Richard McWilliam McCondochie and others, charged with several crimes of theft.

Commission under the Signet to Sir John Grant of Freuchie, Sir William Gordoun of Aberyeldie, John Ferquhar of Endercald, Alexander Robertsoun of Straloch, David Spaldine of Aschingtullie, Alexander Robertsoun of Downie, Andrew Rattray, fiar of Darilzin, James Rattray of Rumagullane, Donald Ferquhar of Manaltrie, Alexander Ferquhar of Ilandchoche, James Ferquhar of Inveray, John Rattray of Corb, John Rattray in West Boreland, and John Grant, brother to James Grant in Rimoir, jointly and severally, to convocate the lieges in arms, and search for, apprehend, and present before the Council for delivery to the Justice and his deutes for trial and punishment, Richard McWilliam McCondochie, braber, sometime in the Mill of Innergald in Braemar, Donald McGregour McNeill, sometime in Ardowinche, Perthshire, and Gregor Donald McGregour, servant to the said Gregour McNeill,

Commissions.
1624-30.
Fol. 160, a.

Commissions,
1624-30.
Fol. 160, a.

who on 18th March instant were put to the horn at the instance of Alaster Brysoun in Drumcarne in the forest of Elicht for failing to find caution in the Books of Adjournall to compear before the Justice and his deputes on 13th June next to underlie the law for several crimes of theft; with warrant to use fire and sword. Signed by Geo. Cancell., Monteith, Hadinton, Morrey, Linlithgow, Lauderdaill, Carnegy, and Naper.

Fines,
1614-31.
Fol. 119, b.

In the complaint by the King's Advocates, and William Bennet of Grange, against Ragwell Bennet of Chesters, the Lords, considering that the said Ragwell has been clearly convicted of violating the laws and Acts of Parliament against wearing hagbutts and pistols, ordain him to pay £30 to his Majesty's Treasurer, Deputy Treasurer, and Receivers of Rents, as a fine for the same.

Holyrood House, 20th March 1628.
Fine of £30 imposed on Ragwell Bennet of Chesters.
See ante, p. 253.

Fol. 120, a.

Royal Letters,
1623-32.
Fol. 130, b.

"Most sacred Sovereane, By our former letter of the 12th of Februar last we certified your Majestie of the rented estate of your exchecker heere and how that the same wes so farre exhausted that thair wes nothing resting thairin for defraying the necessar charges daylie occurring in your Majesteis service, in regard quhairof we have beene constrained for pacifeing of the disordourlie insolenceis of these clamorous and indigent persouns who wer employed in your Majesteis shippes to deale with William Dick and Williame Gray, merchants of Edinburgh, for furnishing of moneyes toward thair satisfioun, who after long tyme and muche instance made thairanent have now at last advanced the sowme of twentie foure thousand pund Scottish upoun suretie and band givin to thame be your Majesteis Chancellour, Thesaurar, Depute Thesaurar, and Sir James Bailzie for repayment thair of at the terme of Witsunday now approaching, and we have assured thame be act of Counsell to be releved of this thair ingadgement out of the first and radiest of the moneyes arysing by the sale of the goods being in the Lubeck shippe quhilk we have destinat to that end, and accordingle have made sale of the goods and dispouned thairupoun to the same effect. And becaus in a letter produced be the Lord Admirall your Majestie hes required us to caus readie payment be made to these poore people and that they be preferred to anie persoun or persouns quhatsoever without designing the meanes from whence thair payment sould arise, and finding no other way to satisfie thame bot by the goods of the said shippe we have thought meete to acquaint your Majestie with this course tane be us hoping that your Majestie will graciouslie allow of our proceedings heerin quhilk in this exigent tyme for so necessar a caus we have beene constrained to follow. Quhairanent attending the significatioun of your royall pleasure quhairunto we sall conforme our selfes, we pray God to watche over your sacred persoun and to grant unto your Majestie a long, happie and blessed raigne. Frome Halyruidhous the twentie day of Marche 1628. *Subscribitur*, George Hay, Monteith,

Holyrood House, 20th March 1628.
Letter to his Majesty stating that no other means can be found of paying the wages of the mariners of his Majesty's ships than by the price of the goods of the Lübeck ship.
See ante, p. 274.

Hadinton, Morrey, Lauderdaill, Pa. B. Rosse, Ad. B. of Dumblane, Carnegy, Naper, A. Carre, S. W. Oliphant, Hammiltoun." Royal Letters,
1623-32.
Fol. 130, b.

"Ane Act anent Sir Michaell Prestoun and Mr. Alexander Hay." Sederunt,
1625-29.

Sir Michael
Preston.

"The quhilk day Sir Michaell Prestoun compeirand personalie befor the Lordis of Secreit Counsell actit him self and promiseit upoun his faith, honour and credite that he sall not trouble nor persew Mr. Johnne Hay and Mr. Alexander Hay, his son, Clerkis of the Sessioun, thair wyffis, bairnis nor servandis, otherwayes nor be ordour of law."

"Ane missive frome his Majestie for apprehending the rebellis for the slaughter of umquhill Johnne Young."

The Viscount
of Stormont.

"The Lordis continewis the entrie of the Vicount of Stormont in warde till the first Counsall day of Junij."

Holyrood
House, 25th
March 1628.

Sederunt.—Chancellor; Monteith, præses; Privy Seal; Nithisdail; Wyntoun; Linlithgow; Bugleuche; Lauderdaill; Bishop of Rosse; Bishop of Dumblane; Melvill; Carnegie; Naper; Master of Jedburgh; Sir William Oliphant; Clerk of Register; Sir Johnne Scot. Acta February
1623-July
1629.
Fol. 14, a.

Order forbid-
ding the
carrying of
ordnance,
munition, and
victuals to the
bounds of the
King of
Denmark,
which had
lately been
taken by his
Majesty's
enemies.

"Forsameekle as some bounds and countreis perteaning to our Soverane Lords darrest uncle, the King of Denmarke, ar laitlie takin by his Majesteis enemeis and ar kepted be thame under strong guardes and garisons,¹ and his Majestie being tyed by the bands of religioun, honnour and saulfetie, to see that the unboundit course of the notour ambitioun of his Majesteis saids enemeis aspyring to encroache upoun his said darrest uncle and upoun his countreis may be prevented and disappointed and all good meanes used whairby they may be disabled fra the forder prosecutioun of thair violent hostiliteis aganis him, and whairas the suppleing and furnishing of thame with ordinance, munitioun or victualls will be a speciall meane to strenthen and confort thame in thair resolutiouns, and his Majestie being assured that all his good and faithfull subjects out of thair trew and dewtifull respect to the honnour and credite of the countrie will forbear all suche unlaughfull supplee and assistance to be givin to his Majesteis saids enemeis, yitt if anie unhappie and wicked persouns preferring thair awin privat and unlaughfull gaine to thair dewtie, his Majesteis contentment, and to the honnour and credite of this kingdome, sall presooome to offend in this kynde, his Majestie is resolved to caus the most exemplar and rigorous punishment be inflicted upoun thame that the lawes and justice of this kingdome will allow. And thairfor his Majestie, with advice of his Privie Counsell, ordanis letters to be direct, to command, charge and Fol. 14, b.

¹ In the course of the Thirty Years' War, Wallenstein, the general of the Imperial armies, had by the close of 1626 possessed himself of Holstein and Schleswig, and driven Christian

IV. of Denmark to take refuge in the island of Fünen. Wallenstein had also taken Wismar and Rostock, and was at this moment laying siege to Stralsund.

Acta February 1628. July 1629. Fol. 14, b.

inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others plaices needfull, that nane of thame presooome nor take upoun hand to carie anie ordinance, munitioun or victualls to anie of the saids bounds perteaning to the said King of Denmarke and now takin and withholdin be his Majesteis enemeis foresaids under all highest pane that by the lawes and justice of this kingdome can be inflicted upoun the suppleers, furnisners and assisters of his Majesteis declaired enemeis; with certificatioun to thame that darre presooome to doe in the contrare that the saids panes and punishments sall be inflicted upoun thame in the highest degree without favour or mercie. Followes his Majesteis missive for warrand of the Act abonewrittin.—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whereas upoun good consideratiouns we have caused restraine the exportatioun frome this our kingdome of all ordinance, munitioun and victualls to anie of these bounds of our uncle the King of Denmarke latelie takin by our enemeis, and being willing upoun the lyke consideratioun that the lyke course sould be takin in that our kingdome, our pleasure is that yow give ordour that nane of our subjects there carie anie ordinance, munitioun or victualls to the saids bounds under suche panes as yow for the better restraining thair of sall thinke fitt; and that yow caus the ordour to be published in maner requisite; and for so doing these presents sall be your warrand. So we bid yow fareweill. From our Court at Whitehall the 13 of Marche 1628.”

“The whilk day the missive letter underwrittin, signed be the Kings Majestie, wes presented to the Lords of Privie Counsell, of the whilk the tennour followes:—CHARLES R.—Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whairas, upoun informatioun made unto us that the power of admirallie in the bounds of Orkney and Zetland wes of late disjoynned frome the office of Admirall of that our kingdome, we wer pleased to writt unto our Advocats to trye frome whence and upoun what grounds that parcell of admirallie become onelie peculiar unto our right of the saids bounds, but finding no report whereby to be resolved heerin we have thought fitt to require yow to call thame before yow and to informe your selfes by them or otherwayes as yow can best doe of the trew estait heerof, and thairafter that with all convenient diligence yow report unto us your opinioun concerning the same to the effect it may be established as yow sall find just caus. So we bid yow fareweill. Frome our Court at Whitehall, the 19 day of Februarie, 1628.—Whilk letter being read, heard and considerit be the said Lords and thay advised thairwith, the

Letter from his Majesty anent the late disjunction of the Admiralty of Orkney and Shetland from the Admiralty of the kingdom.

says Lords ordanis his Majesteis Advocats, for his Majesteis interesse, and his Majesteis Admirall to informe thameselffes of the trew estait of the Admiraltie of Orkney and Zetland unto whome the right of the said admiraltie belonges, and to report their opinions thairanent to his Majesteis Counsell with convenient diligence.”

Acta February
1628-July
1629.
Fol. 15, a.

Commission to
Sir Duncan
Campbell of
Glenorchy for
the apprehension
of
Duncan
McEane Dwy
Phaill.

“ Forsameekle as Sir Duncane Campbell of Glenurquhie and Robert Campbell his sonne, ar burdynned with the entrie and exhibitoun of Duncane M^cEane Dwy Phaill, thair man, before his Majesteis Counsell upoun the twentie third day of Apryle nixtocome for his concurrence to be givin in the sattling of the differences betuix the Laird of Lanze and the Clangregour, and whairas it is lyke enough that the said Duncane sall refuse and make some scruple to keepe this dyet and sua doe what in him lyes to frustrat and disappoint the intendit agreement, whilk imports so neere the peace and quyet of the countrie, Thairfoir the Lords of Secreit Counsell gives and grants full power and commissioun be thir presents to the said Sir Duncane Campbell and Robert Campbell, his sonne, conjunctlie and severallie, to pas, searche, seeke and take the said Duncane whairever he may be apprehendit, and to bring, present and exhibite him before the saids Lords to the effect abonewrittin, and all things necessar for his apprehensioun to doe and use whilks of law or consuetude of this realme ar knowne to perteane. Firme and stable halding and for to hald all and whatsoever things the said Sir Duncane Campbell and Robert Campbell, his sonne, sall laughfullie doe heerin.”

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 55, a.

Holyrood
House, 25th
March 1628.
Order for the
warding of
Thomas Young
and Thomas
Mowat,
messengers,
for permitting
Sir George
Hume, rebel,
to escape.

Complaint by William Wattis, citiner and indweller in London, as follows:—At his instance letters of caption have been raised against Sir George Home, son and heir apparent to Sir James Home of Eckills, who is at the horn for not paying to the complainer the sums of £600 and £120, both English money, contained in bonds by him to the complainer, decree having been obtained against him before the Lords of Council and Session on 7th December 1621. By virtue of the caption Home was apprehended on 24th March instant by Thomas Young and Thomas Mowat, messengers, who instead of keeping him until he made payment, or was released, allowed him to escape. Charge having been given to the said messengers to answer for this neglect of their duty and they and the pursuers compearing, the Lords after hearing parties and witnesses find that, as alleged, the said messengers apprehended the said Sir George Home, who was “ kepted be thume a certane spaice ” and “ that they all dynned togidder and that thairafter they suffered the rebell to escape,” to the hurt and prejudice of the pursuer, and therefore commit the said mesengers to ward within the tolbooth of Edinburgh until they release them, their offence herein being such as deserved “ exemplar punishment.”

Fol. 55, b.

Decreta,
November
1627-January
1630.
Fol. 55, b.

Fol. 56, a.

Complaint by Thomas Sonkey, Englishman, keeper of his Majesty's jail at Durhame, as follows:—Samwell Sayer was committed to ward in the said jail by warrant from the Court of Pleas at Durhame at the instance of some citizens of London and York to whom he was addebted in the sum of £100 sterling, but on 1st January last he made his escape and took with him certain linen clothes pertaining to the complainer. On a warrant from the Justices of Peace there, the complainer pursued him, who thereupon fled from his native country for Ireland, but was overtaken at Portpatrick by three men sent by the complainer "as he wes readie to have boated for Ireland." From these men, however, he was forcibly taken by Patrick Hannay of Kirkdaill, who promised to make him forthcoming. By this the complainer is greatly injured in the loss of the expenses of his pursuit, and he will, moreover, be liable for this man's debt of £100. Charge having been given to the said Patrick Hannay to produce the said Samuel Sayer, or give satisfaction to the complainer otherwise, and the pursuer compearing by _____, his procurator, and the defender personally compearing, the latter explained that this Samuel Sayer had been enlisted by "David Hannay, brother to Captane Alexander Hannay, the defenders brother, to serve under him in the warres of Sweden," but deserted, and the defender hearing that he was in the burgh of Wigton on his way to Ireland, went thither, and at his instance the said Sayer was apprehended and examined before John Fraser, one of the bailies there, who, on Sayer's confession of his desertion, commanded Finlay M^cCrackane, one of the town officers, to keep him in ward. This statement the defender verified by production of a certificate to the same effect signed by James Cant and George Bell, burgesses of Wigton, and the said Finlay M^cCrackane, whereupon the Lords assoilzied the defender.

Fol. 56, b.

Complaint by John Brusoun in Derculliche as follows:—He has been charged at the instancē of Archibald Primrois, clerk to his Majesty's taxations, and Archibald Campbell, brother to the Laird of Lawers, to pay £333 6s. 8d., as his fine for intercommuning with the Clangregour, and they intend, if he fail, to denounce him rebel, and distraint upon him, and most wrongously so, because at the court held at Perth on 3rd September 1614 by James Campbell of Lawers, the late John Grahame of Balgonie, and the late Duncan Menzeis of Comrie, as commissioners for the trial of the resetters of the Clangregour, when the complainer and some others were accused by Neill Stewart of Sheirglas, procurator fiscal, for probation, the matter was referred to their oaths of verity, on which they denied being in any way guilty of such reset. In proof he produces the absolvitor then granted to him, and declares his willingness to give his oath anew to the same effect. He alleges that the defenders are only acting on misinformation supplied to them by his "evilwillers, who thinke heereby if they can not gett him fynned, at least to putt him to great charges and expenses, to the wracke of him and his poore familie, he

Fol. 57, a.

Absolvitor granted to Patrick Hanna of Kirkdale for the arrest of Thomas Sonkey, who deserted the company of Captain Alexander Hanna enlisted for service in the Swedish wars —the said Patrick Hanna being also pursued by Thomas Sonkey, as having broken ward from Durham Jail.

Suspension of horning and distraint granted to John Brusone of Dercullich, who had been charged with intercommuning with the Clan Gregor.

being ane labourer of the ground, and having no meanes to interteanie himselfe and his familie bot his handie labour." However, he has found caution for the payment of the said fine if their Lordships find him liable therein, and therefore craves suspension. Pursuer compearing, and also the said Archibald Prynrois for himself and in name of Archibald Campbell, and parties being heard, the Lords granted suspension as craved.

Decreta,
November
1627-January
1630.
Fol. 57, b.

Holyrood
House, 25th
March 1628.
Commission to
the Sheriff of
Haddington
and his deputes
to try William
Gullane in the
Tolbooth of
that burgh.

Commission under the Signet to the Sheriff of Hadintoun and his deputes as justices to hold courts in the tolbooth of the burgh of Hadintoun and try William Gullane in West Fentoun, who on 23rd March instant cruelly slew Andrew Cockeburne in Hadintoun, was taken "with the bloodie hand," and is now in the said tolbooth. Signed by Geo. Cancell., Monteith, Hadinton, Nithisdall, Wintoun, Linlithgow, Hamiltoun, and J. Scottistartvett.

Commissions,
1624-30.
Fol. 160, b.

Holyrood
House, 25th
March 1628.
Letter to his
Majesty
showing the
injustice of
arresting the
French wines
pertaining to
certain Scottish
merchants.
See ante, p. 265.

"Most sacred Soverane, By our former letter of the instant we acquainted your Majestie of the course tane be us anent the Frenshe wynes brought in to Leith and with the petitioun preferred to us be the awners thairof and the reasouns urged be thame to excuse thair fault and liberat thame frome the danger of your Majesteis proclamatioun, since which tyme the Erle of Linlithgow, your Majesteis Admirall, hes informed us that he hes expresse command and directioun frome your Majestie to putt the wynes under arreistment and to persew thame as goods laughfullie forefaulted to your Majestie, quhilk course if it be followed out will turne to the utter wrack and undoing of a number of your Majesteis poore subjects who had thair stockes in France and in the Low Countreis long before your Majesteis proclamatioun and had no other meanes left to thame for recoverie thairof and securing of the same frome the danger of arreistment bot by the conversioun thairof in Frenshe goods and transporting of the same in Fleemish boddoms, and forder they pleade ignorance of your Majesteis proclamatioun, and in the assurance of your royall favour and bountie quhilk is never wanting to your good and faithfull subjects they have medled with the wynes and sauld the same. The awners ar responsall, bot if the rigour of your Majesteis proclamatioun be inflicted upon thame it will altogidder ruine thame and greatlie discourage and disable the merchand estait, quhilk is a verie considerable member of that politick bodie whairof your Majestie is the soverane heid. Their losses hes beene great abroad and thair trade both inward and outward decayed, and now if they sall suffer at hame for transgressing that Act whilk they could not foresee nor in tyme obey, thair greeves will be redoubled. Whairof most humblie beseeking your Majestie to have a favourable regaird and consideratioun, we pray the almightie God to blesse your Majestie with manie long and happy yeeres. Frome Halyruidhous the xxv day of Marche 1628. *Subscribitur*, Dupline, Monteith, Hadinton, Nithisdail, Linlithgow, Wintoun, Lauderdaill, Carnegy, Naper, Hamiltoun, Sir J. Scottistartvett."

Royal Letters,
1623-32.
Fol. 130, b.

Fol. 131, a.

Sederunts,
1625-29.
Fol. 81, a.

"The Lordis appointis Monunday nixt in the fairnoone to consider the overtouris, ansueris and replyis maid be the toun of Edinburgh anent the fortifyeing of Leethe." The fortification of Leith.

"The Lords continewis the terme appointed to the Laird of Weymiss for reporting a roll of the number of fensible personis within the shirefdome of Fyffe untill the first Counsell day of Junij nixttocome." The Laird of Wemyss.

Royal Letters
1623-32.
Fol. 133, a.

"CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Being informed how that diverse persons in that our kingdome and speciallie these who (for crymes committed be thame) wer lyable to the lawes thereof, having gone in our service under the conduct of our right trustie and weilbelovit cousine and counsellour the Erle of Mortoun, and having for that effect receaved pay have, notwithstanding to the discredite of that natioun in so farre as in them did ly and to the great hurt of our service most shamefullie abandoned thair cullours and fled backe unto that our kingdome: for punishing whair of and for the better preventing of the lyke heereafter our speciall pleasure is that yow caus speedilie apprehend the saids persouns (we having to that effect sent yow heerewith a note of some of thair names) and that suche of them, who after due tryell sall be found guiltie of anie cryme, underly the due course of justice, and as for the others that they be sent backe after suche maner as yow sall thinke fitt and as can be most speedilie and convenientlie used.¹ We bid yow heartilie fareweill. Frome our Court at Whitehall the 26 of Marche 1628." Whitehall, 26th March 1628.
Letter from his Majesty anent fugitive soldiers.

Fol. 133, b.

Aeta February
1628-July
1629.
Fol. 15, a.

Sederunt—Chancellor; Monteith, præses; Privy Seal; Murrey; Holyrood House, 27th March 1628.
Wyntoun; Linlithgow; Lauderdaill; Galloway; Bishop of Rosse; Bishop of Dumblane; Melvill; Carnegie; Naper; Master of Jedburgh; Sir William Oliphant; Sir John Scot.

"Forsameekle as the Lords of Secreit Counsell ar informed of a verie great insolence committit of lait be Katharine Stewart, spous to Mr. Charles Browne, and by a number of other weomen within the parish of New Abbey aganis Mr. Adame Simsoun, minister at New Abbey, and David Whyte, schoolemaister thair, whois wyffes and servants they shamefullie and mischantlie abused and persewed with rungs and casting of stones becaus the Lairds of Lag and Amisfeild be vertew of his Majesteis commissioun direct unto thame had apprehendit Mr. Charles Browne and Gilbert Browne, twa excommunicat rebels for Poprie and recusancie; quhilk being a fact of verie evill exemple that suche base Commission to Sir William Grier of Lag and to Sir John Charteris of Amisfeild to try Katharine Stewart, in the parish of New Abbey, and others for violence done to Mr. Adam Simpson, minister of New Abbey, and others.

¹ During the wars carried on by Charles I. and the Duke of Buckingham, his all-powerful minister, the desertion of soldiers was a grievous source of trouble. The reasons for these

desertions were that the men had been pressed into service, that they were starved wherever they were sent, and that their pay was seldom or never forthcoming.

people durst presume to injure and wrong their minister and schoole-
maister, their wyffes and servants, for a mater whilk so neerelic
concerned his Majesteis service; and whairas the calling and conveening
of suche base people before his Majesteis Counsell will not produce
that good effect whilk the importance of the caus requires, Thairfoir the
Lords of Secreit Counsell hes givin and grantit, and be the tennour
heerof gives and grants full power and commissioun be thir presents to
Sir Williame Greir of Lag and Sir Johne Charters of Amisfeild or either
of thame to call and conveene before thame at the burgh of Dumfreis
upoun suche day or dayes as they sall appoint the said Katharine
Stewart and all other persons within the toun and parish of New
Abbey, committers of the insolence foresaid, and to try and examine
thame thairupoun and to produce and use probatioun and witnes aganis
thame and to putt thame under sufficient cautioun to forbearre suche
insolent and lawlesse proceedings in tyme comming; and to make a
trew and perfyte record of thair proceedings in writt and to report the
same closed and sealed to the saids Lords, to the intent after considera-
tioun thairof they may give suche directiouns for thair punishment as
the nature and qualitie of thair offence deserves. Commanding heereby
Robert, Erle of Nithisdail, to enter and present suche of the persons
offenders before the saids Commissioners to underly thair tryell whois
names sall be givin to him in roll, as he will answeere upon his
obedience.”

Acta February
1628-July
1629.
Fol. 15, b.

Caution by
Robert Dunbar
of Burgie and
others for
Robert
Tulloch, and
relief of the
caution by
Alexander
Brodie for the
said Robert.

“ The quhilk day in presence of the Lords of Secreit Counsell com-
peered personallie Robert Dunbar of Burgie, Dunbar, chantour of
Murrey, and Dunbar of Grangehill, and become actit and obleist
as cautioners and soverteis conjunctlie and severallie for Robert Tulloch,
sonne to umquhill Alexander Tulloch of Tannacheis, that the said Robert
sall remaine within the burgh of Edinburgh ay and quhill he find
sufficient and responsall cautioun actit in the bookes of Secreit Counsell
for the indemnitie of Thomas Urquhart of Bursyairds, his wyffe, bairnes,
men, tennents and servants, and for the said Robert his personal com-
peerance before the saids Lords so oft as he sall be laughfullie chairgit
to that effect and answeere to anie complaints to be made upoun him
under the panes conteaned in the Act whairby Alexander Brodie,
Chamberlane of Kinlosse, at the earnest intreatie of James, Erle of
Murrey, become actit as cautioner and sovertie for the said Robert to
this effect; in the whilk Act the said Erle Murrey and some other per-
sons with him ar bound and obleist to releeve the said Alexander Brodie
of his said cautionerie, as the Act made to this effect, insert and registrat
in the bookes of Privie Counsell upoun the fyft day of November the
yeere of God j^mvj^o twentie fyve yeeres, at lenth beares. Quhilk new
cautioun being found the saids Lords declairs that the said Act whairby
Alexander Brodie, become cautioun as said is, sall have no strenth, force,
effect nor executioun thairafter for anie breake or violatioun to be com-

Fol. 16, a

Acta February 1628-July 1629. Fol. 16, a. mittit be the said Robert after his finding of the said caution bot that the said Alexander shall be freed, exonered and releved thair of."

Fol. 21, b. ¹ " Forsameekle as the three Estaitis of this his Majesteis kingdome of Scotland conveyned in the moneth of October j^mvj^e and tuentie fyve yearis, did voluntarilie grant unto his Majestie ane extraordinar taxatioun of the twentie pennie of all annuel rents which anie persoun or persons within this kingdome hath freelie dew and payable unto thame yeerlie or termlic, thair awin annuelrentis whairin thay ar addebtet unto others being first deduced, as in the Act of the saids Estaitis made thairupoun at mair lenth is conteanit, in whilk Act it is speciallic ordained and commanded that all his Majesteis liegis that have any annuel rent payed unto thame sould compeir within the heid burgh of the shirefdome, stewartrie, baillerie or regalitie or in the heid burgh of any of these jurisdictionis whair the head courts ar haldin and whair the saidis annuel renteris dwelleth or have thair ordinar residence, in anie court day in ane of the twa last weekes immediatlie preceeding and two last weekes immediatlie following Witsunday or Martimes, and thair sould give up inventar to the clerkis of the saidis shirefdomes, stewartreis, baillereis or regaliteis of the whole sowmes of money for which annuell is dew unto thame yeerlie or termlic with the names of thair debtours under the pane of forefaltour of all moneyes omitted and not givin up in inventar: quhilk Act was ordained to be published at the mercat croce of the burgh of Edinburgh and of the whole head burrowes of the shirefdomes, stewartreis, bailleries and regalities within this kingdome, whairby all his Majesteis liegis might have trew notice thair of, aganis quhilk citatioun numbers of his Majesteis liegis taketh exceptiouns, alledging that they ar brought in snair thairby becaus the same come never to their knowledge in regaird that some of thame dwell twentie, some threttie and some fourtie myles frome the head burrowis of the shirefdomes, stewartreis and baillereis whair thay have thair ordinar residence. As alsua the saids Lords of his Majesteis Privie Counsall ar credible informed that becaus the proveist and baillies of the burrowes of Edinburgh, Aberdeene, Stirlin, Glasgow, Linlithgow, Innernes, Culros, and Dumbar have componed and agreed to pay ilk ane of thame a certane sowme of money for the hail foure yeeres extraordinar taxatiouns of the saids burrowes, whairby thay ar not lyable to give up thair lent moneyes in inventar, thair ar numbers of his Majesteis people, who for defalcation of thair lent moneyes addetit to thame and givin up by thame in inventar, take advantage of the said composition with the saids burrowes and borroweth the names of some inhabitants within the same alledging thay ar auchtand to thame great sowmes of money: As alsua thair is certane others persouns inhabitants within the same burrowes and being otherwayes privileged and exemed frome payment of anie part of

Holyrood House, 27th March 1628. Act for the more effectual raising of the twentieth penny on annual rents which had been voted to his Majesty at the Convention of Estates in October 1625.

Fol. 22, a.

¹ Omitted in its proper place in the Register.

the same extraordinar taxatioun, who, for lucre and gaine to thame selfis or pleasure to thair freinds, lend out in thair awin names great sowmes of money perteaning to otheris persouns, by which collusioun betuixt these pairteis his Majestie is greatlie defrauded of his extraordinar taxatioun. For remeid of all which inconvenients it is thought expedient, ordained and commanded that all persons knowne or justlie suspected to offend in this kynde sall be obleist to give thair oathes of veritie upoun moneyes alledgit auchtand to thame or lent out be thame which doe not trewlie perteane to thame selfis with the names of the persouns [to] whome the same moneyes perteaneth and the persons to whome the same ar lent, notwithstanding of any compositioun, privledge or immunitie whiche they can pretend to exeeme thame fra giving of the said oath. As alsua it is ordained that all persouns whatsomever who have lent out thair moneyes upoun the proper wodsett of lands and setteth the same [lands] backe againe to the awner for the annuelrent of thair lent money sall lykewayes be obleist to give thair oath of veritie upoun the truthe thairof and to forefault the annuelrents of ther saids lent moneyes incaise they be not givin up in inventars in the courts of the jurisdictions whair thay dwell. And to the effect that nane pretend ignorance heerof the saids Lords ordanis that the ministers at everie parish kirk within this kingdome shall caus the readers at the saids kirks or some other persouns upoun ane Sunday before noone in tyme of divine service ather immediatlie before or after the sermoun in presence of the whole parochiners being thair for the tyme, read this present Act; and to this effect the saids Lords ordanis the collectour of the taxatioun to caus imprint this present Act and to send unto the moderator of everie presbyterie als manie doubles thairof as thair ar ministers within his presbyterie, quhilk moderatour shalbe obleist to delyver to everie minister within his presbyterie ane printed double of the said Act, and the minister shalbe obleist to returne the same backe agane to the said moderatour with ane certificat upoun the backe thairof writtin and subscribed with his hand that he hes caused publictlye read the samine in maner abonewrittin, and the moderators of the presbytereis sall be than obleist to returne all these Acts to the clerk of his Majesteis taxatiouns to be kepted be him among his Majesteis tax rollis and other writts concerning the taxatioun. And to close the mouthes of all his Majesties lieges that nane of thame heerafter may thinke thame selfes snaired for not giving up of the inventar of thair lent moneyas in dew tyme, the saids Lords be thir presents dispenses thairwith, with this proviso alwayes that thay give up the trew inventar of thair saids lent moneyes to the clerkes appointed to ressave the same be the Act of the said Conventioun in ane of the two weekes immediatlie preceeding or immediatlie following the terme of Witsunday nixtocome, certefeing thame that failyies heerin thair is no favour to be expected be thame heerefter bot his Majesteis lawes to be putt in executioun aganis thame with all rigour."

Acta February
1628-July
1629.
Fol. 22, a.

Fol. 22 b.

[Sederunt as recorded above.]

Holyrood
House, 27th
March 1628.

Complaint by Sir William Oliphant of Newton, knight, and Mr Thomas Hoip of Craighall, King's Advocates, for his Majesty's interest, as follows :—The Lords of Council, considering the great disproportion between the prices of English beer and the ale of this kingdom, and that it was very unadvisable that foreign commodities should be imported and sold at double the rate of the like produced at home, especially when the latter was in no way inferior, enacted and made proclamation that no importers of English beer should sell the same at more than £6 "the bwnne," so that vintners might sell it at eighteen pence the pint, under a penalty of £20 for every "bwnne" sold in contravention hereof. Yet there has been imported at the ports of Dundee and St Andrews by Andrew Gray, skipper of the barque called the Jonas of Dundie, and James Kyle and John Ogilvie, burgesses there, and "merchants of the barke foresaid" at Dundee, twenty-eight tuns of English beer; by James Young, skipper of the bark called the David in Dundie, and Johne Stronchoche and James Annand, burgesses there, owners of the said barque, also at Dundee, eighteen tuns; and by John Leapper, burgess of St Andrews, owner of the barque called _____, at St Andrews, _____ tuns, every one of whom has sold the same at a higher rate than the Act allows. Charge having been given to the said persons to compear and answer, and the pursuers compearing, but of the defenders only the said James Kyle and James Annand, and James Kyle confessing the importing of three tuns, and James Annand the importing of four tuns, all of which was yet unsold, the Lords ordain them to deliver the said beer to such persons as the Deputy Treasurer should appoint at the price of £6 the "bwnne," or otherwise "transport the same out of the countrie and sell no pairt thair of within the same," under the penalty foresaid.

Order to James Kyle and others, charged with importing English beer and selling it at an illegal price, either to deliver the said beer at £6 per bun or to transport it out of the country.
See ante, p. 261.

Another complaint by the said King's Advocates, and by William Hay, brother-german to James Hay of Maynis, and Mark Home, servitor to Alexander, Lord of Spynie, their informers, as follows :—The wearing of hagbuts and pistols and convocation of the lieges in arms for committing of any lawless and violent deed is very strictly prohibited, yet Alexander Cattell *alias* Calder, a common and notorious thief, a strong, idle, and masterless vagabond, and frequently put under caution to leave the country, having been given up as a person who ought to be sent to the wars, and accordingly apprehended and placed in the tolbooth of Forres until opportunity of transport offered, when this was known by Robert Tulloch, son to the deceased Alexander Tulloch of Tannacheis, and James Dunbar of Balnaferric, they with certain others to the number of forty persons, all armed with swords, secrets, platesleeves, gauntlets, staves and other weapons,

Absolvitor granted to Robert Tulloch and James Dunbar, charged with taking Alexander Cattell from the Tolbooth of Forres, because the witnesses produced failed to prove the charge.

and with hagbuts and pistols, went under cloud and silence of night on ^{Decreta, November 1627-January 1630.} to the dwelling-house of Arthur Forbes, provost of ^{Fol. 58, b.} Forres, and "verie imperiouslie commandit him to delyver the keyes of the tolbuith doore unto thame that they might take the said Alexander Cattell furth thairof, threatning him with death if he refused." The provost having "denyed the same," they learning that Thomas Cumming, jailor of the tolbooth, had the keys, went to his house, and commanded him either to give them the keys or deliver the said prisoner. When they could not prevail with him, they went to the said tolbooth, "violentie brasched and strake at the doores thairof, drew ^{Fol. 59, a.} diverse nailes furth of the same, and sua almost brake the doore in peices," and had done so altogether if the said Thomas had not come and opened it. They then took the said Alexander Cattell and carried him away with them, and when the magistrates and others warned them to forbear, seeing that he was taken for his Majesty's service, thay "most prouddie answered that nather his Majestie nor his Majesteis Chancellour sould gett the said Alexander frome thame." Charge having been given to the said Robert Tulloch and James Dunbar to compear and answer in the above, and also to Robert Barclay and Arthur Forbes, burgesses of Forres, and to Thomas Cumming, William Kynnaid, and William Forsyith, as witnesses, and the pursuers compearing by Alexander Hay, indweller in Leith, their procurator, the defenders being personally present, and of the witnesses Robert Barclay and William Forsyith not compearing, the Lords assoilzie the defenders, because the witnesses pro- ^{Fol. 59, b.} duced failed to prove the charge. They also ordain the two witnesses named, who did not appear, to be put to the horn, and that the witnesses present be paid by the producer, 20 merks to every horseman, and 10 to every footman.

Order for the warding of Abraham Stewart, charged with assaulting Robert Mowbray and his spouse in the kirkyard of Cramond.

Complaint by Robert Mowbray in the Brigend of Cramound, and Dick, his spouse, as follows:—Although the raising of frays in kirks and kirkyards is strictly prohibited, yet Abraham Stewart, mariner and indweller in Cramound, his Majesty's rebel, who has often sought opportunity to take the said Robert's life, on 23rd March instant, being Sunday, came to the Kirk of Cramound, 'knowing that the compleaner would be at the kirk according to his accustomed form,' and waiting all the time of the sermon for him, the said Abraham immediately afterwards invaded him in the kirkyard with a drawn sword, and would have slain him unawares if complainer's said wife had not "gripped the said Abrahame and withheld him." For this the ^{Fol. 60, a.} said Abraham turned upon her with his drawn sword and "in his mad furie" would have slain her if the people present had not prevented him. The pursuer compearing but not the defender, the Lords after hearing witnesses find the charge proved as libelled and ordain the defender to enter in ward within the tolbooth of Edinburgh within six days after

Decreta,
November
1627-January
1630.
Fol. 60, a.

being charged and to remain therein till released, and in case of disobedience to be denounced and escheat.

On the petition of Sir David Home of Wedderburne bearing that after long waiting for direction from Court as to what he should do with the company of men he had enlisted for his Majesty's service, he has now received command to transport them with the first opportunity to the "Yle of Wight; that his men being dispersed, he must gather them again together, only he is incapacitated from travelling about by some civil hornings raised against him; and that besides he has still his business to arrange with the Commissioners for the Surrenders, and so craves an extension of his former protection—the Lords extend the same to 23d April next.

Extension of his protection from hornings granted to Sir David Hume of Wedderburn.

Fol. 60, b.

Royal Letters,
1623-32.
Fol. 131, a.

"Most sacred Soverane, The maister awner of the Lubick shippe, which with the goods being thairintill your Majesteis Advocats ar to persew as laughfull pryze, hath made earnest sute unto us that out of the first and readiest of the moneyes arising by the saile of the saids goods he might be satisfied for the fraught of the same, losse of his shippe and of quhat ellis belonged unto him being thairintill, according to that course which as he affirms your Majestie has ever kepted in occurrents of the lyke kynde. In regard the mater concerned the satisfioun of a stranger who is the subject of your Majesteis confederats whome we would use with all courtesie and favour and that we ar not acquainted with your Majesteis proceedings nor knowes not quhat ordour your Majestie hes tane and what measure of favour yow have beene accustomed to vouchesafe in the lyke caises of before, we have forborne to meddle with the same and have referred the petitioun and the justice thairof to your Majesteis owne princelie judgement and determinatioun. And so praying God to blesse your Majestie with a long and happie raigne, we rest. Frome Halyruidhous xxvii Martij 1628. *Subscribitur*, Dupline, Monteith, Hadinton, Murrey, Nithisdaill, Galloway, Pa. B. of Rosse, Melvill, Naper."

Holyrood House, 27th March 1628. Suit of the owner of the Lübeck ship anent the sale of the goods of the said ship.

Sodernts,
1625-29.
Fol. 81, b.

"The quhilk day the Earle of Murray promeist to enter Callum McGregour, his man, befor the Counsell upoun the xxij day of Apryll nixt; and the Lordis ordanis a warrand to be grantit to the said Callum to come and gang notwithstanding of ony hornings used aganis him."

The Earl of Moray and Callum M'Gregor, his servant.

"The quhilk day James Rig, chirurgiane, gaif his grite oathe that he sould cairfullie and trewlie panse George Workman, and to reporte to the Counsell upoun Satterdaye the estait and dangeir of his wounds."

James Rig, chirurgieon.

"Ane missive to his Majestie in favouris of the wyne marcheantis."

Wine merchants.

"Ane missive to the Lairds of Cranstoun and Fantoun for geving in to the Counsell ane roll of the teynd sellars in the shirefdome of Edinburgh."

Teind-sellers of Sheriffdom of Edinburgh.

Royal Letters,
1623-32.
Fol. 132, a.

"CHARLES R., Right trustie and right weilbelovit cousine and coun-

Whitehall, 28th March 1628.

Letter from his Majesty requiring the Commissioners of the tithe-buyers again to come to his Majesty's Court.

sellour, right trustie and weilbelovit cousins and counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Whairas we wer formerlie pleased that some commissioners both for the tithe sellers and buyers sould repaire unto our Court and we being of new meaned that the commissioners for the tithe buyers might come againe to our Court that we might heare them before the pronouncing of our decree upoun the late submissioun, we have beene pleased to permitt them so to doe and signified the same to thame by our letter, Whairfoir our pleasure is also (becaus none as yitt have desired the lyke for the tith-sellers) that yow caus advertise the lait commissioners sent unto us by the said tithsellers that they may acquaint the rest of thair number and that the saids tithsellers, if they thinke good, may ather caus thair said former commissioners or anie others discret and judicious persouns whome they sall thinke fitt and authorize with thair warrant repaire unto our Court that as we sall thinke expedient we may heare them lykewayes before the pronouncing of our said decree. So we bid yow fareweill. Frome our Court at Whitehall, the 28 of Marche, 1628." Royal Letters
1623-32.
Fol. 132, b.

Holyrood House, 29th March 1628. Request to the Earl of Perth that he would take the place of the Lord Chancellor at the convention of teind-sellers, to be held at Perth on the 9th of April next.

" After our verie heartilie commendatiouns to your good lordship, Whairas the Lord High Chancellour of this kingdome was nominat and appointit be his Majesteis Counsell to conveene the teind sellers within the shirefdome of Perth and stewartrie of Stratherne at the burgh of Perth for subscribing of that submissioun quhilk is made to his Majestie be the Lords of Erectiouns and others having interesse in the surrendars and teinds, the said Lord Chancellour for discharging of his dewtie in that charge committit unto him hes givin tymous warning to a number of the said teind sellers to conveene and meete at the said burgh of Perth for the effect foresaid upoun the nynt day of Apryle now approaching, bot upoun sundrie interveeing occasiouns sensyue partlie of his Majesteis urgent and necessar effaires quhilks cannot be neglectit and partlie by the Lord Chancellour his notour and knowne infirmitie and seekenesse he can not without ane evident prejudice to both keepe this dyet, and thairfore we must of necessitie lay this burdein upoun your lordship as one whome we know to be everie way weill disposed to his Majesteis service, requeisting and desyryng your good lordship to keepe this dyet of the nynt of Apryle at Perth for the said Lord Chancellour and present the submissioun to so many of the teind sellers as compeires and desyre thame to subscribe the same and if they or anie of thame sall happin to refuse that your lordship make a roll of thair names and report the same with the submissioun and a record of all your other proceedings to his Majesteis Counsell upoun the 23 day of the said moneth of Apryle quhairanent thir presents sall be unto your lordship ane sufficient warrand and commissioun. All quhilks recommending to your lordships speciall care as a point of service highlie concerning his Majestie, we committ your lordship to God. Fol. 131, a.

Royal Letters, 1623-32, Fol. 131, a. Frome Halyruidhous the 29 of Marche 1628. *Subscritur*, Marr, Monteith, Hadinton, Winton, Linlithgow, Buccleuche, Melvill, Naper, Carnegy, A. Carre, Hamiltoun, S. J. Scottistarvett, Mr. Thomas Hoip."

Acta February 1623-July 1629. Fol. 16, a.

Sederunt.—Chancellor; Monteith, præses; Nithisdaill; Wyntoun; Holyrood House, 31st March 1628.
 Linlithgow; Bugcleuche; Lauderdaill; Bishop of Rosse;
 Bishop of Dumblane; Lord Gordoun; Lord Melvill;
 Carnegie; Naper; Master of Jedburgh; Sir William
 Oliphant; Mr. Thomas Hoip; Clerk of Register; Tracquir;
 Sir John Scot.

"Forsameekle as the Lords of Secreit Counsell hes found it meete and expedient that the Submissioun made unto his Majestie and subscribed be a number of the Lords of Erectiouns and others having interesse in the erectiouns, surrendars and teinds, sall be lykewayes subscribed be the whole teind buyers and teind sellers within this kingdome; and whairas the drawing of suche a number of people to the burgh of Edinburgh to attend the subscribing of the said submissioun would be fashous and troublesome to thame, Thairfoir the saids Lords for thair ease and releefe hes thought meete and ordained that the said submissioun sall be subscribed be the saids teind buyers and teind sellers within the severall shirefdomes, stewartreis and baillereis whair thay dwell; and the saids Lords hes givin commissioun to some noblemen, barons and gentlemen within eache shirefdom, stewartrie and baillerie to take thair subscriptions, who accordingle hes appointed some termes and dyets in the moneth of Apryle now approaching and before the twentie three day thairof whan and whair thay sall convene and meete for subscribing of the said submissioun. And to the intent that this bussines which so highlie concernes his Majestie and the weale of the kingdome may the better goe on and that all suche pairteis whome it concernes may freelie keepe the dayes and plaices of meeting without feare or danger of anie civill hornings or captions raised thairupoun, Thairfoir the saids Lords hes dischairgit and be the tennour heerof discharges all shireffs, stewarts, provests and bailleis within burgh, judges, officers and ministers of his Majesteis lawes of all taking, apprehending, wairding or troubling of anie persoun or persons who ar to keepe the severall dyets appointed for subscribing of the said submissioun within the particular shirefdomes, stewartreis and baillereis whair they dwell and that for the spaice of foure dayes afoir the saids termes and dyets and for the spaice of other foure dayes after the same, sua that within this spaice they may freelie come and gang and attend the subscribing of the said submissioun at thair pleasure. And ordanis letters to be direct making publicatioun heerof at the mercat croces of the heid burrowes of the shirefdomes, stewartreis, and baillereis of this kingdome and others places needfull, whairthrow nane pretend ignorance of the same."

Fol. 16, b.

Order inhibiting all sheriffs and others from troubling in any way the teind-buyers and teind-sellers, for the space of four days before and after the diet fixed for the subscribing of the Submission made to his Majesty.

Commission to
Sir Alexander
Nisbet of that
Ilk to try
William
Whitelaw in
Duns, charged
with the
murder of his
illegitimate
children by
Jean Murdo.
See *ante*, p. 289.

“ Forsameekle as it hes pleased God laitlie to discover some cruell and barbarous murthours committit be Williame Quhytlaw in Duns and Jeane Murdo thair upoun some infants procreat betuix thame in adulterie, upoun the whilk discoverie the said Jeane being apprehendit, and upoun pregnant evidence of her guiltines commissioun being grantit to Sir Alexander Nisbitt of that Ilk, Shireff of Beruick, for putting of her to tryell, how soone the said Williame got knowledge of the apprehensioun of the said Jeane, he takand the cryme upoun him, and being conscious to himselffe of his awin guiltines fled to England and lurked thair till upoun a letter writtin be the Lords of Secreit Counsell to Sir William Mushamp, knight, one of the justices of peace of Northumberland, he wes apprehendit and delyvered upoun the Mairche to the said Shireff of Beruick, be whome he wes committit to waird within the tolbuith of Duncce whair he presentlie remaines. And whairas Fryday the fourt of Apryle now approcheing is appointit for the tryell of the said Jeane conforme to the commission grantit to the Shireff of Beruick for that effect, necessar it is lykewayes that the said Williame be put to tryell that same day or suche other convenient day thairafter as sall be thought fitt; for whilk purpois the saids Lords ordanis ane commissioun to be past under his Majesteis signet, makand and constitutand the said Alexander Nisbitt of that Ilk our Soverane Lords justice in that pairt to the effect underwrittin, givand, grantand and committand unto him full power and commission, expres bidding and charge, court or courts of justiciarie within the tolbuith of Duns to beginne, affixe, hald and continew, sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheats of the saids courts to aske, lift and raise, and for the same if neid beis to poind and distreinzie, and in the same court or courts the said Williame to call, be dittay to accuse and him to the knowledge of ane assise to putt and as he sall happin to be found culpable or innocent of the said cryme to caus justice be ministred upoun him conforme to the lawes of this realme; assysses needful for this effect, ilke persoun under the pane of fourtie punds to sunmound, warne, choose and caus be sworne; clerk, serjants, dempsters and others members of court needfull to make, creat, substitute and ordaine for whome he sall be haldin to answeere; and generallie all and sindrie other things to doe, exerce and use whilks for executioun of this commission ar requisite and necessar. Firme and stable halding and for to hald all and whatsomever things sall be laughfullie done heerin.”

Acta February
1628-July
1629.
Fol. 16, b.

Fol. 17, a.

Nomination of
Archibald,
Lord Napier of
Merchiston, as
assessor with
the Master of
Jedburgh in
the trial of
Robert Dunbar
of Burgie for
incest and
murder.

“ Forsameekle as David, Lord Carnegie, being nominat and appointit be the Lords of Secreit Counsell to be assessour with Androw, Maister of Jedburgh, to his Majesteis Justice, in the criminall dyet appointit to Robert Dumbar of Burgie whairin he is to be persewed before his Majesteis Justice for incest adulterie and for the slaughter of unquhile Johnne Dow, the said Lord of Carnegie upoun some interveening occasions of his Majesteis service, notour and knowne to the saids Lords of

Acts February
1628-July
1629.
Fol. 17, a.

Secreit Counsell, cannot attend this dyet without ane evident prejudice to his Majesteis service, and thairfoir the saids Lords hes nominat and appointit and be the tennour heerof nominats and appoints Archibald, Lord Naper of Merchinstoun, to be assessour with the said Maister of Jedburgh in plaice of the said Lord Carnegie to his Majesteis Justice in the criminall dyet foresaid; with power to the saids Lord Naper and Maister of Jedburgh to assist his Majesteis Justice in the mater foresaid with thair best advice and opinioun in all and everie thing occurring in that processe, and to doe and performe everie other thing whilk to the charge of ane assessour appearteaneth, whairanent thir presents sall be thair warrand."

" Forsameekle as thair hes beene diverse good Acts made be the King's Majesteis predecessours of famous memorie whairby it is statute and ordained that in criminall caussis nane sall come to the bar to persew or defend with moe persons nor is prescrybed and allowed unto thame be the saids Acts, viz. the defendar with sax persons onelie and his advocats, and the persewar onelie with foure freinds, under certane panes mentiouned and conteaned in the said Acts, as the same at lenth beares. And whairas thair is a criminall dyett appointit to be haldin before his Majesteis Justice in the tolbuith of Edinburgh upoun the first of Aprile now approcheing whairin Robert Dumbar of Burgie is to be accused be the relict of umquhill Johne Dow for the slaughter of the said umquhill Johne, and alsua for some others crymes givin in in dittay aganis him, and the Lords of Secreit Council being informed that diverse persons of ranke and qualitie ar to accompanie the said Robert Dumbar of Burgie and the relict of the said umquhill Johne at this dyett, whilk will be a great hinder and impediment to the peaceable course of justice and will draw on forder inconveniences to the breake of his Majesteis peace, Thairfoir the saids Lords ordains letters to be direct to command, charge and inhibite both the saids pairteis that nane of thame presoomer nor take upoun hand to come to the house of justice nor to the barr with moe persons nor the nomber foresaid allowed unto thame be the saids Acts under the panes conteanit in the Acts and constitutions made thairanent, whilks panes sall be severelie inflicted upoun the contraveenners without favour."

" The whilk day the Lords of Secreit Counsell according to ane warrand and directioun in writt signed be the King's Majestie and this day exhibite before thame gives and grants licence, power and commissioun to Sir Donald M^cKy of Stranaver, knight, be himselfe and his captans and lieutenents under him, to levey and take up a regiment of a thousand men in whatsomever pairt of this kingdome whair he may best commodiouslie have the same, and to transport thame for the service of his Majesteis darrest uncle, the King of Denmark, he alwayes giving suche satisfioun to everie one of that nomber as sall be agreed upoun betweene him and thame. With power lykeways to the said Sir

Charge to Robert Dunbar of Burgie and his pursuer to appear at the coming trial of the said Robert, attended by no more than six and four persons respectively.

Commission to Sir Donald M^cKay of Strathnaver to levy a regiment for the service of the King of Denmark.

Fol. 17, b.

Donnald M^cKy to nominat and appoint captans and commanders with all others officiars and members of the said regiment for the better conduct and governement of the same and to caus towke drwmms, display cullours, and to doe and use all and everie other thing which toward the leveying and uplifting of the said regiment is laughfullie necessar. Firme and stable halding and for to hald all and whatsomever things sall be laughfullie done heerin. Commanding hereby all shireffs, stewarts, justices of peace, proveists and bailleis within burgh and others his Majesteis subjects whome it concernes that thay and every ane of thame within thair severall bounds suffer and permitt the said Sir Donnald M^cKy by his captans, lieutenents and officiars, to levey and transport the regiment foresaid without stop, trouble or impediment to be made unto thame. And if anie persoun or persons being conduced or having inrolled thameselfes and ressaved pay sall thairafter eshew and refuse to follow their captans, that the said shireffs, stewarts, justices of peace, proveists and bailleis within burgh, and all others having power and jurisdiction and whome thir presents doe concerne, everie one within thair awin bounds, apprehend such fugitives and backeslyders and committ thame to waird, and otherwayes to doe justice in that cause to the saids captans and commanders according to reasoun, as the saids shireffs, stewarts, justices of peace, proveists and bailleis within burgh and others foresaids will answere upoun the contrair at thair charge and perrell. And ordanis letters to be direct heerupoun in forme as effeirs.”

Acta February
1628-July
1629.
Fol. 17, b.

Fol. 18, a.

Commission to
Colin, Earl of
Seaforth;
George, Lord
Gordon; and
Simon, Lord
Fraser of
Lovat, to
convene all
persons within
certain speci-
fied sheriff-
doms, who
have resettled
soldiers,
charged with
deserting the
regiment of
Colonel
M^cKay.

“ Forsameekle as it is understand to the Lords of Secreit Counsell that diverse persons who wer conduced and tane on be Colonell M^cKy to have beene transported be him for the service of the King of Denmarke did most unworthilie disband and runne away, and wer ressett, kepted and deteaned be some gentlemen and others within the shirefdomes of Innernes, Aberdeene, Caithnes and Sutherland, after proclamatioun made and publeist in his Majesteis name to the contrare, in contempt of his Majesteis auctoritie and to the hinder and prejudice of that important service for which they wer leveyed and whairin they sould have beene employed; and whairas the calling and conveening of the ressetters and deteanners of these fugitive souldiours before his Majesteis Counsell and the bringing in of witnesses for cleering of thair contempt will be chargeable and greevous to the lieges; and the saids Lords considering that the offenders in this kynde may be better and with more ease discovered and tryed at home in the shyres whair thay dwell than if thay sould be brought heere to thair answere before his Majesteis Counsell, Thairfoir the saids Lords hes givin and grantit, and be the tennour heerof gives and grants full power, warrand and commissioun to Coline, Erle of Seafort, George, Lord Gordoun, and Simeoun, Lord Fraser of Lovatt, or anie twa of thame to call and conveene before thame at suche tymes and plaices as they sall appoint all and sindrie persouns within the shirefdomes abonewrittin be whome the saids fugitive

A. to February
1628, July
1629.
Fol. 18, a.

souldiours hes beene ressett, hoordit and keepled backe whois names sall be givin to thame in roll be the said Colonell M^cKy and to take tryell of thair trespasse and disobedience ather by oath of pairtie or by witnesses, and to report thair confessiouns and depositiouns in writt to the saids Lords to the intent they may be censured and punished according to the merite of thair fault and his Majesteis pleasure signified in this behalffe; and for this effect with power to the saids commissioners or anie twa of thame as said is to sett, affixe and hold courts, direct thair awin precepts and summond pairteis and witnesses to compeir before thame, the absents to amerchiat, and all and sindrie other things to doe, exerce and use whilks for the executioun of this thair commissioun ar requisite and laughfull. Follows his Majesteis missive for warrand of the twa Acts abonewritten—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weil. In regard of our resolutioun for supplieing of our uncle the King of Denmarke, and of the readinesse and constant affectioun of our trustie and weilbelovit Colonell M^cKy to our service in that kynde, our pleasure is that yow grant unto him a commissioun with a sufficient warrand for leveying of a thowsand men in that our kingdome and for the transporting of them frome thence, he alwayes giving suche satisfioun to everie one of that number as sall be agreed upoun betweene him and thame, and to that effect that yow authorize him to caus beate drwmmes; and where anie persons have ather ressaved or sall ressave moneyis frome him or his officers or have covenanted or sall covenant with him or thame to goe upoun this service that yow use your best endeavours to caus thame performe accordingle, or otherwayes that they repay the moneyis ressaved be thame togidder with a proportionable satisfioun for the losse he hath thereby susteained. And if anie persouns have deteanned his souldiours after a proclamatioun wes made to the contrarie that yow call thame before yow and exact fynes of thame as yow sall thinke fitt, which we will yow give to the said Colonell as some helpe toward his present losses, and that yow give suche speedie ordour for causing provide shippes for thair transportatioun and upon the lyke conditionsas hes been formerlie givin to anie others. And whair his humble demand is, according to the earnest desire of our said uncle, that he nor his officers sould not be troubled by suites in law duiring thair imployment in our service, though we will not hinder the dew course of justice, yitt we desire yow to give unto him, and unto suche as ar in our service under him, whome he sall name, all the favour that hath beene formerlie granted to anie other persons in the lyke kynde or as yow can convenientlie grant for effecting of this purpose. For doing of all which these presents sall be your warrand. Frome our Court at Whitehall the 19 day of Februarie, 1628."

Fol. 18, b.

His Majesty's
warrant to
Colonel M^cKy
for the raising
of a regiment
of 1000 men for
the service of
the King of
Denmark.

Charge to all persons possessing anything pertaining to the Lübeck ship to deliver the same to the Lord Admiral within three days after receiving this charge.

“Forsameekle as the Kings Majestie by diverse letters writtin and directit to the Lords of his Majesteis Privie Counsell hes signified his royall will and pleasure that the shippe of Lubick with her furnitour, munitioun, ordinance and apparrelling thairof, laitlie drivin upoun the coast near Peterheid in the moneth of last bypast sall be restored and delyvered to Alexander, Erle of Linlithgow, his Majesteis Admirall for the tyme, to the intent the same may be made furthcummand be him after dew tryell to parteis having interesse; and whairas the Lords of Secreit Counsell ar informed that diverse persouns in the north hes without warrand frome the Lord Admirall or others having power frome him medled with the shippe, and with the munitioun, ordinance, ankers, cables and other furniture and apparrelling of the said shippe, and keepes and deteanes the same without purpose and intentioun to make delyverie thairof to the said Lord Admirall, aganis his Majesteis royall intentioun, whilk for diverse good respects is to conserve the whole priviledges of the office of Admiralltie in the full integritie, Thairfoir the Lords of Secreit Counsell ordanis letters to be direct to command and charge all and sindrie persons who hes medled with the said shippe or with anie of the ordinance, cables, ankers, towes, furnitoure and apparrelling of the said shippe and hes the same or anie pairt thairof in thair custodie and keeping, that thay render and delyver the same unto the said Lord Admirall or others having power and commissioun frome him to the intent the said shippe, ordinance, apparrelling and furniture thairof may be kepted be him and suche others as he sall appoint, and after dew tryell be made furthcummand to these who sall be found to have best right thairto, within three dayes nixt after the charge as they will answeare upoun the contrare at thair highest perrell. Followes his Majesteis missive for warrand of the Act abone-writtin—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Seing it hes pleased us to establishe a commissioun whairby the Erle of Linlithgow, our Admirall for the tyme, and his assessours ar onelie to judge and determine of all pryzes which sall happin to be taikin or brought within that our kingdome, having since that tyme particularlie writtin unto him for this effect, and being informed how of lait thair wes a shippe taikin by some of our subjects of S^t Andrewes and Monrose loaden with Malaga wyne and some other commoditeis whairwith (as we ar lykewayes informed) Fol. 19, b. diverse persouns there have medled without being warranted be our said Admirall or others having power from him, aganis our royall intentioun, which for diverse good respects is to conserve the whole priviledges of the office of Admiralltie in the full integritie, Thairfoir our speciall pleasure is that particularlie in all things concerning the said shippe and goods which wer therein none doe take upoun thame anie wayes to meddle; and if anie have taikin that course alreadie ather in the whole

Acta February
1628—July
1629.
Fol. 19, a.

His Majesty's
warrant for
the above Act.

Acta February
1628-July
1629.
Fol. 19, b.

or in anie parcell thairof that yow give present ordour that the samein be fullie restored and be made furthcumming to the effect that the said Erle and his assessours may proceed according to the trew intent of the said commissioun and our pleasure and directioun so signified and givin unto him. So we bid yow fareweill. Frome our Court at Whitehall the penult day of Januar 1628."

(Sederunt as recorded above.)

Holyrood
House, 31st
March 1628.

On the petition of John Stewart of Coldingham bearing that he is to remain in this burgh for ten or twelve days to consult with his advocates "for his better informatioun and disposall of him to subsryve the submissioun sent doun be his Majestie anent the Surrendars and teinds," and craving an extension of his time, the Lords grant the same till 24th April next.

John Stewart
of Coldingham
and his teinds.

Complaint by John Bruntoun, deacon, and David Burne, elder, candlemakers, burgesses of Edinburgh, as follows:—On 7th March instant the provost and bailies of Edinburgh, without respect to the great age, and decrepit and infirm persons of the complainers, as also without any offence committed by them or complaint by others against them, caused their officers apprehend and commit them to ward, in which they still keep them very strictly, although they have presented several petitions desiring to know the cause of their imprisonment and requesting liberty to be heard, all which is against reason and justice. Charge being given to the said provost and bailies to compear and produce the pursuers, they obey, and state that the warding of them proceeded upon a decree of the council of the said burgh upon a complaint by John Hardie, candlemaker, against the pursuers for extorting from him the sum of eighty merks, in addition to twenty spent in drinking, and which they refused to restore. They produce the said decree, dated 7th March instant. The pursuers contended "that the sowme foresaid tane be thame be the said John Hardie wes freelie and willinglie givin be him to thame for thair ressaveing and admitting of him to be a free man of thair craft they haveing the priviledge and freedome of a deacoun by a gift grantit unto thame be the proveist, bailleis and counsell of the burgh of Edinburgh for the tyme under thair seale of caus, whilk wes ratified by our lait Soverane lord of blessed memorie be his patent under the great seale; and that according thairto they have ever beene in use to have a deacoun and to ressave and admitt freemen of thair craft." To which the defenders replied that notwithstanding of any patent granted to the pursuers of old, as to the freedom and privilege of a deacon, they never were in lawful possession of such a privilege, and their pretended deacon, "if they anie had, wes never acknowledged, auctorized nor allowed be the provest, bailleis and counsell of the

Approval of
the warding of
John Bruntoun,
deacon, and
David Burne,
elder, burgesses
of Edinburgh,
by the Provost
and bailies of
the said burgh.

Fol. 61, a.

Fol. 61, b.

said burgh as the remanent deacouns of the said burgh ar, it being a constant forme within the said burgh ever observed without contradic-
 tion that the lytes of the deacouns ar givin in yeerlie be the counsell
 of the said burgh," and the persons elected are admitted by them; "and
 if they have anie suche pretendit deacoun, that thairby they have
 usurped upoun thame that auctoritie whairof they ar not capable be the
 ordour and custome of the said burgh. And forder it was answered
 be the saids defenders that by the decretit and sentence arbitrall givin
 and pronounced be our said lait Soverane lord of blessed memorie
 betuix the merchants and craftsmen of the said burgh his Majestie
 onelie allowed fourtein deacouns to be within the said burgh, and
 designed particularlie the crafts who wer allowed to have the deacouns,
 and of this nomber thair wes no mentioun made of the candlemakers,
 and they wer never acknowledged to have a deacoun, and that they
 never clamed anie suche priviledge sensyne." The Lords therefore find
 the procedure of provost and bailies quite lawful, and ordain the
 pursuers to return to their ward, and there remain until by their humble
 petition to the said provost, bailies, and council they are released.

Decreta,
 November
 1627-January
 1630.
 Fol. 61, b.

Commission to
 Robert, Lord
 Melville, and
 David, Lord
 Carnegie, to
 proceed to
 Cupar anent
 the case of
 certain cord-
 wainers
 warded in the
 Tolbooth of the
 said burgh.
 See ante, p. 177.

Complaint by David Whyte, Andrew Thomsoun, and John and James
 Robertsoun, cordiners, burgesses of Cowper, as follows:—In December
 last the provost and bailies of Cowper warded the complainers in their
 tolbooth for not observing their Acts as to the prices of boots and shoes,
 and not paying a fine of £5, in which each of them was mulcted
 for that cause, and they have kept them in prison since, to the
 complainers' great injury. Now the Justices of Peace of Fifeshire
 summoned the provost and bailies of Cowper before their Lordships
 "for not suffering of thame to take ordour with thair cordonners,
 and to sett down pryces upoun thair worke," and their Lordships
 ordained the said provost and bailies to meet with the Justices of
 Peace at their ordinary quarter sessions upon the first Tuesdays of May
 and November. As yet there has been no meeting, and no prices
 fixed, so that a contravention of any public binding ordinance can-
 not be alleged against the complainers; "and altho thair wer anie
 suche act and ordinance sett down anent the pryces of the com-
 pleaners worke, they cannot be obliged to worke and to serve the
 Kings lieges upoun these pryces bot at thair awin pleasure, seing
 they may betake thame to other callings and industreis whairby
 they may interteane thair poore famileis whilk they ar not able to
 doe by the exercise of thair craft and selling of thair worke at the
 pryces sett down in the Act." Moreover by depriving the complainers
 of their freedom, the defenders have made it impossible for them to use
 their calling, "and it is a rigorous forme of doing to inflict triple
 punishment upoun thame for one caus; to witt, deprivation, wairding,
 and poynding of thair goods for the unlaw." They have frequently
 offered caution to observe the acts made by the magistrates until

Fol. 62, b.

the first meeting of the Justices of Peace on the first Tuesday of June next, but this the magistrates refuse while still "allowing and overseing the remanent cordonnors of the said burgh to sell their worke at what pryces they please. And forder, the saids complainers hes offered to the proveist and bailleis that if twa sufficient men of thair awin choosing ather in burgh or land will buy twa barked hydes and committ the working thairof to whome they please and bestow the charges thairupoun and the hydes being made in perfyte worke and all the charges of the same being reckouned and compted, and thir men being sworn to declair the truthe how the worke of these twa hydes may be sauld and upoun what pryces without losse and some competent gaine, which the law of nature alloweth, the saids compleaners are content accordingle to worke upoun these pryces and to find caution for that effect. And forder, the compleaners are bot meane, simple men, haveing the charge of numerous familieis and of bairnes and servants without meanes to interteane thame bot thair handie labour whairfra they have beene disabled thir ten weekes bygaine by thair wairding, and thair prenteissis and servants have left thame, seing thair bailleis would not suffer thame to worke, but closed up thair booth doores. And last, all this proceeding aganis the compleaners hes beene without the persuite or complaint of a pairtie, and the saids proveist and bailleis ar both judge and pairtie to the compleaners in this caus, and so verie partiall and suspect to have auctoritie and jurisdiction over thame in this caus." The complainers crave that the said provost and bailies may be charged to liberate them upoun caution to compear before their Lordships for hearing of the question between them. The Lords grant commission to Robert, Lord Melvill, and David, Lord Carnegie, or either of them, to go to Cowper, convene both parties before them, and take such order therein as shall continue the complainers in ward or liberate them, or otherwise to summon them before their Lordships the next Council day for decision of the cause.

Commission under the Signet to James, Marquis of Hamiltoun, William, Earl of Angus, John Hamiltoun, younger of Gilkerscleuche, and Thomas Inglis of East Scheill, jointly and severally, to convocate the lieges in arms and search for, apprehend, and present before the Council for delivery to the Justice and his deputes, James Carmichaell dwelling at Carmichaell Bait, and John Kneiland in Thornyehill, who on 5th January 1613 were put to the horn at the instance of Hew Weir, John Weir, and Marion Weir, as bairns, and the remanent kin and friends of the deceased John Weir of Cloburne, and Sir William Oliphant of Newtown, knight, King's Advocate, for his Majesty's interest, for not compearing to underlie their trial for the murder of the said deceased John Weir. Signed by Geo. Cancell., Monteith, Nithisdail, Wynton, Linlithgow, Lauderdaill, and G. Gordoune.

Holyrood
House, 31st
March 1628.

Commission to
James,
Marquis of
Hamilton, and
others, for the
apprehension
of James
Carmichael,
charged with
the slaughter
of John Weir.

Holyrood
House, 31st
March 1628.
Anent the
convention of
teind-sellers in
the Sheriffdom
of Dumfries
and the
Stewartry of
Kirkcudbright.

"After our verie heartilie commendatiouns, Whairas thair wes a ^{Royal Letter,} commissioun givin to the Erle of Nithisdail to conveene the teind sellers ^{1623-32.} within the shirefdome of Dumfreis and stewartrie of Kirkcudbright for subscriyving of the submissioun sent down by his Majestie anent the surrenders and teinds, the said Erle upoun some interveening occasiouns hes excused himselffe that he cannot attend that service, which he moved the Counsell to lay the charge and burdein thair of upoun yow, and thairfoir these ar to will and require yow to supplee the absence of the said Erle of Nithisdail and to keepe the dyet appointed be him for subscriyving of the said submissioun and to present the same to these whome it concernes and to doe thairin according to the tennour and directioun of the said erle his commissioun whiche yow sall heerewith ressave. Quhair of nothing doubting of your carefull executioun, we committ yow to God. Frome Halyruidhous the last of Marche 1628. *Subscribitur*, Geo. Cancell., Monteith, Wintoun, Linlithgow, Buccleuche, Lauderdaill, Pa. B. of Ross."

Holyrood
House, 31st
March 1628.
Anent the
teind-sellers
within the
Sheriffdom of
Dumfries.

"After our verie heartilie commendatiouns to your good lordship, Whairas the erle of Monteith wes formerlie intrusted by the Counsell to ressave the subscriptiouns of the teind sellers within the shirefdome of Dumbartane according to the commissioun granted unto him for that effect, and becaus the said erle is now to repaire to court to attend his Majesteis service sua that he cannot be present nor keepe the dyet appointed be him for subscriyving of the said submissioun we have made choise of your lordship and have layed the charge and burdein of that service upoun yow; and thairfoir these ar to requeist and desyre your good lordship to attend the dyet appointed be the Erle of Monteith to the teind sellers for subscriyving of the said submissioun and to present the samine unto thame and to proceid and doe thairin according to the tennour of the said erle his commissioun which togidder with the submissioun your lordship sall heerewith ressave. And so looking for your lordships cairfull performance of this charge commitit unto yow so highlie importing his Majesteis service we committ your lordship to God. Frome Halyruidhous the last day of Marche 1628. *Subscribitur*, Geo. Cancell., Nithisdail, Wintoun, Linlithgow, Buccleuche, Lauderdaill, G. Gordoune."

Holyrood
House,
March 1628.
Order to
Glenorchy to
produce
Duncan
M'Ean Dwy
Phaill, his man,
at the diet for
settling the
controversy
between the
Laird of Lany
and the Clan
Gregor.

"After our verie heartilie commendatiouns, Whairas some course is ^{Fol. 133, b.} intendit for sattling of the contraverseis betuix the Laird of Lany and the Clangregour it is thought meete for the better facilitating thair of that some of the principalls of the Clan and of thair assisters who may doe good in the bussines sall be present at the sattling of the same and the xxij day of Apryle now approaching is appointit for that earand; and quhairas Duncane M'Ean Dwy Phaill, your man, hes formerlie kythed in thir maters and his presence may greatlie conduce to the furtherance of this agreement we thairfoir desire yow and in his

Royal Letters,
1623-32.
Fol. 133, b.

Majesteis name command yow to bring and exhibite the said Duncane before his Majesteis Counsell the said xxij day of Apryle nixt to the intent he may concurre and joyne with the rest in the ordouring of thir maters, that his absence be not objected as a lett and hinderance thairto; and if he sall refuse or make anie scruple to keepe this dyet we have heerewith sent ane commissioun to your selffe and your sonne for apprehending and exhibitioun of him. The executioun whairof recommending to your speciall cair as a point of service highlie importing the peace of the countrie, and quhairof a particular accompt will be tane of everie mans diligence and notice givin of the samine to his Majestie, we committ yow to God. Frome Halryuidhous the day of Marche 1628."

Sederunts,
1625-29.
Fol. 82, a.

"Ane Act appointing the Lord Previe Seale in absence of the Chancellour and President to preseid in Counsell and to conveene the same as occasioun sall require, and in absence of the Lord Previe Seale, the Earle of Wyntoun."

Fol. 82, b.

"Ane missive to his Majestie in favouris of the capitanes of his Majesteis three shippis."

Acta February
1628-July
1629.
Fol. 19, b.

Sederunt.—Menteith, præses; Nithsdail; Linlithgow; Lord Gordoun; Holyrood House, 3rd April 1628, Patrick, Bishop of Rosse; Bishop of Dumblane; Carnegie; Naper; Master of Jedburgh; Clerk of Register; Sir Johne Scot.

"Forsameekle as it is understand to the Lords of Secreit Counsell that diverse persouns who wer conduced and tane on be Alexander, Lord of Spynie, and Colonell M^cKy, and thair officiaris to have beene transported be thame for the service of the King of Denmarke, did most unworthilie disband and runne away and wer resset, kepted and deteaned be some gentleinen and others within the shirefdomes of Air, Galloway and Nithisdail after proclamatioun made and publeist in his Majesteis name to the contrarie, in contempt of his Majesteis auctoritie, and to the hinder and prejudice of that important service for which they wer leveyed and whairin they sould have been employed; and whairas the calling and conveening of the ressetters and deteaners of these fugitive souldiours before his Majesteis Counsell and the bringing in of witnesses for cleering of their contempt will be chargeable and greevous to the lieges; and the saids Lords considering that the offenders in this kynde may be better and with more ease discovered and tryed at home in the shyres whair thay dwell than if they sould be brought heere to thair answer before his Majesteis Counsell, Thairfoir the saids Lords hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun to the Shireff of Air, with two of the justices of peace of the said shirefdome, the Shireff of Galloway, with anie two justices of peace of the said shirefdome, and the Shireff of Nithis-

Commission to the Sheriffs of Ayr and Galloway to convene all persons within their bounds who have ressetted soldiers deserting the regiments of the Lord of Spynie and Colonel M^cKay.

daill, with anie two justices of peace of the said shirefdome, to call and conveene before thame at suche tymes and plaices as they sall appoint all and sindrie persouns within the shirefdomes respective abonewrittin be whome the saids fugitive souldiours hes beene ressett, hoordit and kepted back, whois names sall be givin in roll to thame be Sir Patrik M^cKie, one of the captans under the regiment of the said Colonell M^cKy, and to take tryell of thair trespasses and dissobedience, ather by oath of pairtie or witnessis; and to report thair confessiouns and depositions in writt to the saids Lords to the intent they may be censured and punished according to the merite of thair fault and his Majesteis pleasure signified in that behalffe. And for this effect with powers to the saids commissiouners to sett, affixe and hold courts, direct thair awin precepts, and to summond pairteis and witnessis to compeir before thame, the absents to amerchiat, and all and sindrie other things to doe, exerce and use which for the executioun of this thair commissioun is requisite and laughfull.”

Acts February
1628-July
1629.
Fol. 19, b.
Fol. 20, a.

Order for the repayment to William Dick of 6800 merks, the sum advanced by him as wages for the freebooters who accompanied his Majesty's three ships.

“ Forsameekle as Williame Dick, merchant, burges of Edinburgh, out of his worthie respect towards the furtherance of his Majesteis service hes undertane to advance the sowme of sax thowsand and aucht hundreth merkes for satisfioun of the wadges dew to the freebootters who accompanied his Majesteis three shippes in thair imployment at that tyme when the enemie wes supposed to have beene upoun the coast, and the Lords of Secreit Counsell finding thame selffes bound in honnour and justice to provyde for the said Williame Dick his releeffe and repayment of the sowmes of money to be advanced be him as said is for so necessar ane use, Thairfoir the saids Lords promises and be the tennour of this present Act declairs that the said Williame Dick sall be thankfullie satisfied and payed of the sowmes of money abonewrittin out of the first and readiest of his Majesteis rents and casualiteis, and the said Williame Dick sall be preferred thairin to all other payments whatsomever. And for this effect the saids Lords ordanis and commands his Majesteis Thesaurar, Deputie Thesaurar and Ressavers of his Majesteis Rents to make payment to the said Williame Dick of the said sowme of sax thowsand and aucht hundreth merkes out of the first and readiest of his Majesteis rents and casualiteis being in thair hands or which sall happin to come thairin. Which sowme sall be allowed unto thame in thair accounts, the extract of this Act with the said Williame Dick his acquittance upoun the receipt of the said sowme being showne and produced upoun compt.”

Order for the delivery of the keys of the House of Conhaith to the Earl of Nithsdale.

“ The whilk day Thomas Dryisdail, Ila Herald, haveing exhibite before the Lords of Privie Counsell the keyes of the hous of Conhaith, the saids Lords ordanis the keyes to be delyvered to the Erle of Nithsdale who being personallie present ressaved the same and acted and obleist him to keepe the said hous of Conhaith conforme to the directioun of the letters and charge direct for delyverie thair of, and that Fol 20, b.

Acta Februar
1628—July
1629.
Fol. 20, b.

he sall deliver the said hous to suche as the saids Lords sall appoint whensoever the said Erle, or in his absence the proveist and bailleis of Dumfreis sall be required to that effect."

Commissions,
1624—30.
Fol. 161, b.

Commission of Justiciary under the Signet to Robert, Earl of Nithisdail, Steward of the Stewartry of Kirkcudbright, and heritable Steward of the waters underwritten, and his deputes, as justices within the bounds of the Waters of Cairgan, Clowdan, Ure, Dee, Ken, Terff, Fleitt and Cree within the said Stewartry for enforcing the laws prohibiting the slaughter of red fish, smolts and fry of fish in forbidden time, as a great number of the heritors and possessors of lands adjacent to these waters are disobedient thereto. They are empowered to apprehend and imprison, try and fine transgressors (provision being made "that the punishment strike nather upoun lyffe nor member"), and account for the said fines in Exchequer, reserving one half for their own use. The commission is to endure for one year, and is signed by Menteith, G. Gordoune, Pa. B. of Rosse, Ad. B. of Dumblane, Naper, A. Carre, Hamiltoun, and S. J. Scottistarvett.

Holyrood House, 3rd April 1628.
Commission to Robert, Earl of Nithsdale, for the protection of red fish within certain specified bounds, to endure for one year.

Royal Letters,
1623—32.
Fol. 133, b.

"After our verie heartilie commendatiouns, It hes beene thought meete be his Majesteis Counsell that the teind sellers within the shirefdome of Edinburgh sall subscrieve that submissioun quhilk is made to his Majestie be the Lords of Erectiouns and others having interesse in the surrendars and teinds in presence of the Counsell upoun the xxij day of Apryle instant. These ar thairfoir to requeist and desyre yow to make your addresse heere to his Majesteis Counsell the said xxij day of Apryle prepared and resolved to subscrieve the said submissioun; quhilk looking assuredlie yow will doe we committ yow to God. Frome Halyruidhous the fyft of Aprile 1628. *Subscribitur*, Monteith, Linlithgow, G. Gordoune, Pa. B. of Ross."

Holyrood House, 5th April 1628.
Order to the teind-sellers within the sheriffdom of Edinburgh.

Acta February
1628—July
1629.
Fol. 20, b.

Sederunt—Menteith, præses; Wyntoun; Linlithgow; Lord Gordoun; Bishop of Ros; Lord Naper; Master of Jedburgh; Mr. Thomas Hoip, Advocate.

Holyrood House, 7th April 1628.

"Forsameekle as the King's Majestie out of his royall and princelie regard of the weale of his subjects and namelie of the merchants of this kingdome who formerlie tradit in France and had thair stocke sattled and lying thair long before his Majesteis proclamatioun restraining the importatioun of Frenche wynes within this kingdome hes beene gratuslie pleased upoun the humble petitioun of the saids merchants to allow and assigne unto thame the first day of Julij now approcheing betuix and which tyme thay may withdraw thair goods out of France by importing of Frenche wynes answerable to thair stockes lying thair and that without danger of his Majesteis proclamatioun direct in the contrare; and his Majestie being unwilling that under pretext of this immunitie

Order assign-
ing the 1st of
July as the
date beyond
which French
wines may not
be lawfully
imported into
the kingdom.
See ante, p. 284.

his royall favour heerin sould be anie wayes abused, it is his Majesteis ^{Acta February} expresse will, pleasure and directioun that the merchants inbringers of ^{1628—July} suche wynes before they give ordour for sending of the same hame make ^{1629.} it first knowne to the Lord Admirall that they have goods lying in France, and that the wynes to be brought hame be thame ar the returne of these goods within France dew unto thame whilks they could not otherwayes procure, and that suche as hes alreadye givin ordour to thair factours for buying and sending hame of wynes unto thame that they notifie the same unto his Majesteis said Admirall and cleere unto him that they have goods in France and the quantitie thair of betuix and the last day of Aprile instant under the pane of confiscatioun of the said wynes if they failye in the premisses. And it is lykewayes his Majesteis expresse will that after the said first day of Julij nixto come that no Frenshe wynes at all upoun no conditioun nor intent whatsoever nor in whatsomever boddoms sall be imported into this kingdome under the panes conteanit in the former Acts and proclamatiouns made to this effect. And the Lords of Secreit Counsell ordanis letters to be direct chairing officers of armes to pas to the mercat croce of Edinburgh and others plaices needfull and thair be opin proclamatioun to make publicatioun of his Majesteis royall favour and bountie showne to his subjects in this caise, and to command and charge all his Majesteis saids subjects whome it concernes that they and everie ane of thame conforme thame selfes to his Majesteis royall will and directioun in the premisses under the panes conteanit in the Acts and proclamatiouns foirsaid made for ^{Fol. 21, a.} restraining the importatioun of Frenshe goods."

Order to his Majesty's customers to receive French wines till the date assigned by his Majesty's proclamation against the importation of the said wines.

" Forsameekle as the Kings Majestie out of his royall and tender care of the weele of the merchants of this kingdome who formerlie tradit in France and had thair stockes settled and lying thair long before his Majesteis proclamatioun dischairing the importatioun of Frenshe waires within this kingdome hes beene gratuslie pleased upoun thair humble demand by his letter direct to the Lords of Privie Counsell to signifie his royall will and pleasure that suche persouns as have of lait brought anie Frenshe wynes within this kingdome sall be fred and releved of all danger that they may incurre for that caus; which letter being this day presented and red in presence of the saids Lords and thay acknowledging with all dewtifull respect his Majesteis gratus favour and princelie indulgence showne to his subjects in this mater, Thairfoir the saids Lords according to his Majesteis speciall warrand and directioun hes fred and releved and be the tennour heerof freethes and releeves all and sindrie persons who at anie tyme before the dait of these presents hes imported anie Frenshe wynes to anie part of this kingdome of all danger and inconvenient that they may incurre thairthrow for ever notwithstanding the proclamatioun foresaid direct in the contrair, whairanent and all panes conteaned thairintill the saids Lords dispenses be these presents; commanding heereby his Majesteis

Acts February
1628—July
1629.
Fol. 21, a

customers and others whome it concernes to ressave the entrie of the saids wynes and to take caution for payment of the impost dew thairfoir conforme to the ordour formerlie observed thairanent. Followes his Majesteis missive for warrand of the twa Acts abonewrittin.

—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, we greeete yow weill. Whereas we have benee informed by yow of the losse which diverse our subjects ar likelie to sustaine if they be not suffered to withdraw their goods frome France which wer sattled thair long before our pleasure wes signified for restraining Frenshe wyne to be brought within that our kingdome, we ar pleased at this tyme upon your representing of thair demand unto us to assigne them frome hencefurth till the first day of Julie nixt ensewing for withdrawing of these wynes and that suche of thame who have of lait brought Frenshe wynes unto anie part of that our kingdome sall be freed from anie danger that come unto thame for that caus. But being unwilling that under pretext of this immunitie our royall favour heerin sould anie wayes be abused, our speciall pleasure is that our Admirall for the tyme sall carefullie provyde and foresee that in the meanetyme no Frenshe wynes be bought of new and brought into that our kingdome unlesse it be for the better obteaning of suche moneyes or other goods within France dew unto thame which they could not otherwayes procure; and that after the tyme prefixed no suche wynes at all upon no condition nor intent whatsoever, nor in whatsoever bottoms sall be imported into that our kingdome under the former censure and fyne prescribed against the contraveenners unlesse our further pleasure be signified to the contrarie. We bid yow fareweill. From our Court at Whitehall the 26 of Marche 1628.”

His Majesty's
warrant for
the aforesaid
order.

Fol. 21, b.

Royal Letters,
1623-32.
Fol. 132, a.

“After our verie heartilie commendatiouns to you good lordship, Thair ar some directiouns come frome court which require your presence and hearing. These ar thairfoir to requeist and desire your good lordship to make your addresse hither agains the nixt Counsell day which is appointed to be upoun the 23 of this instant in the intent your lordship may concurre and joyne with the rest of the Counsell by your best advice tuiching the directiouns foresaids. And so looking for your lordships precise keeping of this dyet we committ yow to God. Frome Halyruidhous the sevint day of Apryle 1628. *Subscritur*, Monteith, Wintoun, Linlithgow, G. Gordoune, Pa. B. of Rosse, Naper, Mr. Thomas Hope.”

Holyrood
House, 7th
April 1628.
Summons of
Councillors to
a diet on the
23rd of April.

Fol. 132, b.

“After our verie heartilie commendatiouns to your good lordship, we have laitlie ressaved ane letter frome his Majestie concerning the repairing of some commissioners for the teindsellers to his Majestie before the pronouncing of his decret in the maters submittit unto his Majestie as by his Majesteis letter whair of we have heerewith send unto your lordship a copie yow will perceave, and by the which yow will understand

Holyrood
House, 7th
April 1628.
Anent the
repairing of
some commis-
sioners for the
teind-sellers to
his Majesty.

his Majesteis pleasure thairanent. And thairfoir these ar to request and desyre your good lordship to doe in this mater as his Majestie hes directit and ordained be his letter so as the teindsellers have no caus of complaint through laike of tymous advertisement. And so we committ your lordship to God. Frome Halyruidhous the sevint of Apryle 1628. *Subscribitur*, Monteith, Wintoun, Linlithgow, Pa. B. of Ros, Naper, Thomas Hope." (On the margin) "To the Lord Balmerino and Laird of Tracquair."

Letter from his Majesty anent Papistry.

"The quhilk day the Earle of Menteth, president, exhibite to the Counsell foure missive letters frome his Majestie; ane anent the childrene of noblemen and others broght up in Popishe seminaryis beyond sea, and for discoverie of persouns popishlie affected. The consideratioun of this letter continewit to the xxij of this instant, and the twa Archiebishops writtin for to keepe this dyet."

Royal Letters, 1623-32. Fol. 132, b. Sederunt, 1625-29. Fol. 82, b.

"The second letter in favouris of the merchantis" given above and the Acts made thereupon.

Letter from his Majesty anent the commissioners of teind-sellers.

"The thrid letter contening a declaratioun of his Majesteis gracious allowance that the teynd sellaris send up thair commissionaris as the teynd buyaris hes done to attend his Majesteis decretit and sentence in the materis submittit to his Majestie. Wherupoun letters wer writtin to the Lord Balmerinocht and Laird of Tracquair, who wer last commissionaris for the teynd sellaris, acquainting thame with his Majesteis gracious will in this mater."

Fol. 83, a.

Letter from his Majesty anent fugitive soldiers.

"The fourte letter anent fugitive souldiouris frome the Earle of Mortoun, and becaus thair names wer not cleirlie designit the mater restis till frome the said Earle his agentis the Counsell be more cleirlie informed in the bussynes."

Whitehall, 11th April 1628.

Letter from his Majesty desiring that the transporting of Colonel Sinclair's men for the service of the King of Denmark may be expedited.

"CHARLES R., Right trustie and right weilbelovit cousine and counselour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greeete yow weil. We have understood by your letter that notwithstanding of the willingnesse of Colonell Sinclair towards the performance of his undertaiking in transporting the number of men appointed to be under his conduct for the service of our uncle the King of Denmarke, yitt diverse impediments have occurred which have hindered the same; thairfoir our pleasure is that yow consider thairof and that yow use all speedie and laughfull meanes how these impediments may be removed and that the moneyes appointed for that service be employed to the intended use whairby our intentioun for our uncles supplee be not anie wise hindered nor the Lords Gray and Kinclavin prejudged by thair suretieship for him, seing (as we conceave) thair releeffe sould onlie proceed frome his said performance; and lykewayes that yow use your best meanes that suche undertakers under him be made to performe thair conditioun for levying of persouns for the said service, or otherwayes that they be made to repay the moneyes ressav'd by thame and to abide what further

Royal Letters, 1623-32. Fol. 135, a.

Fol. 135, b.

Royal Letters,
1623-32.
Fol. 135, a.

censure yow sall be pleased to inflict upoun thame for disappointing the service committed unto thame in maters so highlie concerning us. We bid yow fareweill. Frome our Court at Whitehall the ellevint day of Apryle 1628."

Sederunt.—Menteith, preses; Hadingtoun, Privy Seal; Wyntoun; Holyrood
Linlythqu; Lauderdaill; Lord Naper; Master of Jedburgh; House, 22nd
Clerk of Register; Tracquair. April 1628.

"The whilk day the Earle of Menteth, president, exhibite befor the Counsell tua patentis grantit be his Majestie in favouris of the Laird of Drumlanrig, the one wherby his Majestie hes pleasit to creat him a barone of Parliament and to be callit Lord Drumlanrig, and the other wherby his Majestie creat him Vicount of Drumlanrig."

"The whilk day the Earle of Hadingtoun reportit his diligence and produceit the submissioun subscryved be the teynd sellaris within the constabularie of Hadingtoun."

"The whilk day the Earle of Lauderdaill reportit his diligence for the shirefdomis of Beruick, Roxburgh and Lauderdaill, and produceit the submissioun subscryvit be the teynd sellaris, and declairit that the ministers within the saidis boundis refusit to subscryve till thay wer advisit with thair ordinar."

"The whilk day the Lord of Lorne reportit the submissioun for the teynd sellaris of Argyle and declairit that these who had teynd of erectiouns and laik patronageis had subscryved, and suche as had thair teynd of bishoprikis delayed to subscryve till thay mett and wer advisit with thair ordinaris."

"The whilk day the Earle of Lynlythqu and Thomas Dalzell produceit the submissioun for the teynd buyaris and teynd sellaris within the shirefdome of Lynlythqw."

"The whilk day the Lairdis of Craustoun and Smetoun, commisionaris for the teynd buyaris within the shirefdome of Edinburgh, reportit the submissioun subscryved and a procuratorie."

"The Lairdis of Elphinstoun and Pencaitland reportit the submissioun subscryved be the teynd buyaris of the constabularie of Hadingtoun with a procuratorie."

"The Lairdis of Riddell and Ker of Cavers produceit a submissioun subscryvit be the teynd buyaris within the shirefdome of Roxburgh with a roll of the names of these who subscryved and refusit to subscryve."

"Gallashellis reportit the submissioun for the teynd buyaris of the shirefdome of Selkirk."

"James Nasmith of Posso reportit the submissioun for the teind buyaris of the shirefdome of Peblis."

"The Laird of Lag for the shirefdome of Drumfreis reportit a Dumfries.

Sederunts,
1625-29.
Fol. 83, a.

Fol. 83, b.

commissioun frome the teynd buyaris of that shirefdome, gevand power to him and Robert M^cBrair to subscriyve the commissioun for thame, whilk thay accordinglie did.” Sederunts,
1625-29.
Fol. 83, b.

Lanark.

“The Lairdis of Lee and Lamingtoun produceit a commissioun givin to thame be the teynd buyaris in the shirefdome of Lanerk to subscriyve the commissioun for thame, whilk thay accordinglie did.”

Fife.

“The Laird of Lundie reportit the commissioun for the teynd buyaris of the shirefdome of Fyffe and prameist to give in a roll of the subscriyvaris the morne.” Fol. 84, a.

Ayr.

“The Lairdis of Corshill and Kelburne reportit the commissioun and commissioun for the teynd buyaris of the shirefdome of Air, and according to the commissioun thay subscriyvit the commissioun, and prameist to gif in a roll of the names of the personis that subscriyved the commissioun the morne, for whilk purpose the commissioun wes gevin up to thame.”

Kirkcudbright.

“Foullartoun of Carletoun produceit a commissioun and commissioun for the Stewartrie of Kirkcudbrycht and teynd buyaris thair of, and according to the commissioun he subscriyved the commissioun, and a new procuratorie and commissioun wes givin to him to be subscriyved be the remanent who hes not subscriyved and to be reportit the first Counsell day of Junij.”

Stirling.

“The whilk day Adame Cuninghame, one of the commissioneris for the teynd buyaris of the shirefdome of Stirling, reportit the commissioun and commissioun for that shirefdome, and according to the commissioun he subscriyved the commissioun; quhilk commissioun wes delyverit to Mr. James Grahame, brother to the Laird of Fintrey, the other commissioner for the teynd buyaris in Strivilingshyre, quho prameist to reporte the same subscriyved be the Laird to the clerk betuix and Thurisday at night.”

Clackmannan.

“The young Laird of Clackmannane produceit a commissioun for the teynd buyaris within the shirefdome of Clackmannane subscriyved be thame.”

Forfar.

“The Lairdis of Bonnytoun and Claverhous produceit a subscriyved commissioun for the teynd buyaris within the shirefdome of Forfar. The Lordis assignis to thame Monoday come aucht dayes to use thair forder diligence in procurig mo subscriptionis, and to reporte the same that day to the clerk; and thay declairit that thay knew nane quho wald refuse to subscriyve.”

Dumbarton.

“The quhilk day Naper of Kilmaheu and Johnne Semple, commissioneris for the teind buyaris of the shirefdome of Dunbartane, reportit a commissioun, and according thairunto thay subscriyved the commissioun, and tooke the morne to gif in a roll of the absentis and not subscriyvaris.” Fol. 84, b.

Kyle Stewart
and King's
Kyle.

“The Lord of Lowdoun, commissioner for the teynd sellaris within Kyle Steuart and Kings Kyll, produceit a commissioun subscriyvit be the teynd sellaris within these boundis, with a note of the absentis.”

Sederunts,
1625-29.
Fol. 84 b.

"The Laird of Lawmont produceit a commissioun subscriyved be the Argyle. teynd buyaris within the shirefdome of Argyll."

"That a new commissioun be exped to the Laird of Lawmont and Archibald M^cAllaster of Tarbett for the teynd buyaris and teynd sellaris within the shirefdome of Tarbett, and to reporte the 22 of Julij nixt."

"The Tutour of Bute produceit a commissioun subscriyved be a number of teynd buyaris within the shirefdome of Bute, and a commissioun subscriyved be few, and he, as commissioner, subscriyved the commissioun."

"The Lord Yester produceit a commissioun subscriyved be the sellaris within the shirefdome of Peblis, to witt be him self, be Blackbaronie and Andro Hay. The rest refused, except sa mony as subscriyved the principall commissioun at Courte, and in presence of the Counsell."

"The Lordis ordanis ane maiser to pas and warne the provest and baillies of Edinburgh to compeir befor the Counsell the morne to subscriyve the commissioun as teynd buyaris and teynd sellaris."

"The Lordis ordanis the commissioneris for the teynd buyaris to attend the Counsellis directionis till Fryday at night."

"After our verie heartilie commendatiouns to your good lordships. Whairas the Kings Majestie will now looke for a perfyte report to be made to his Majestie anent the subscriyving of the commissioun for the surrenders and teinds, and, whairas none of your lordships number hes yitt subscriyved the said commissioun, we have thairfoir directed this bearer Mr. James Law, one of the clerks of the commissioun, with a double of the commissioun to be subscriyved be your lordships or otherwayes to report your lordships direct answeire and resolutioun thairanent, to the intent that accordingle we may certifie his Majestie thairof. And so committing your lordships to the protectioun of God, we rest. Frome Halyruidhous the 22 of Apryle 1628. *Subscribitur*, Monteith, Hadinton, Morrey, Perth, Wintoun, Linlithgow, Lauderdaill, Naper, A. Carre, Hammilton, J. S. Traquare."

Royal Letters,
1623-32.
Fol. 134, a.

Holyrood
House, 22nd
April 1628.
Request to the
bishops to
subscribe the
submission for
the surrenders
and teinds.

Acta February
1628—July
1629.
Fol. 22, b.

Sederunt—Monteith, præses; Privy Seal; Hadintoun; Murrey; Wintoun; Perth; Linlithgow; Lauderdaill; Carnegie; Naper; Master of Jedburgh; Sir Archibald Achesoun; Clerk of Register; Tracqaire.

Holyrood
House, 23rd
April 1628.

"Forsameekle as the Lords of Secret Counsell hes found be the reports made be the commissioneris within the shirefdome of Innernes intrusted to procure the subscriptiouns of the teynd buyers within that shirefdome to the writt and commissioun whilk is drawin up be his Majesteis Advocats and alreadie subscriyved be a number of the lords of erectiouns and others haveing interesse in the surrenders and teinds that thair is a great number of persouns within the said shirefdome and within the

Commission to
Sir William
Sinclair of
Catboll and
Thomas Fraser
of Strichen to
procure the
signatures of
the teind-
buyers within
the Sheriffdom
of Inverness.

bounds of Caithnes and Sutherland whilks formerlie wer pairts of the said shirefdome that hes not as yitt subscriyved the said submissioun ; and whairas the drawing of thame to the burgh of Edinburgh for that effect will be fashous and expensive unto thame, his Majestie is thairfoir weill pleased that the said submissioun sall be subscriyved within the bounds of the said shirefdome in presence of the persouns particularie underwritten, commissioners nominat and appointed to that effect. And thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennour heerof gives and grants full power and commissioun be thir presents to Sir Williame Sinclair of Catboll and Thomas Fraser of Streachin or either of thame to conveene all and sindrie teind buyers within the shirefdome of Innernes and within the bounds of Caithnes and Sutherland at suche dayes, tymes and plaices as they sall thinke meete, and to wairne thame to this effect by thair missive letters or otherwayes, and at these meetings to present unto thame the double of the said writt and submissioun whilk sall be marked on the backe be the clerk of his Majesteis Counsell and testified be him to be ane trew and authentick double of the said submissioun, and desire thame to subscriyve the same, and to report the said submissioun to the saids Lords subscriyved as said is upoun the fyftein day of Junij nixtcome ; and ordanis letters to be direct to make publicatioun heerof be opin proclamatioun at the mercat croces of the heid burrowes within the bounds abone-writtin whairthrow nane pretend ignorance of the same, and to wairne all and sindrie teind buyers within the saids bounds to compeir, conveene and meete with the saids commissioners at suche dayes, tymes and plaices as they sall appoint, and subscriyve the said submissioun, with intimatioun as effeirs."

Commission anent the submission for the teinds in Aberdeenshire.

A similar commission, with the like preamble and provisions, is granted on the report of the commissioners within Aberdeenshire for the signing of the commission anent the submission in presence of William Seatoun of Meldrum,¹ whom the Lords empower to convene the whole teind buyers of the said shire at the head burgh thereof or any other place convenient, and at such times as he may appoint. He is to present to them for subscription a double of the first commission already signed by the rest of the teind buyers, and report to the Council on 17th June next. Proclamation hereof is to be made at Aberdeen, etc.

Commission to Sir Coll Lawmont of that ilk and to Archibald M'Alaster of Tarbet to procure the subscriptions to the submission of the teind-buyers and teind-

"Forsameekill as the course tane be the Lords of his Majesteis Privie Counsell anent the procuring of the subscriptiouns of the teind buyers and teind sellers within the severall shirefdomes of this kingdome to the double of that writt and submissioun whilk is drawin up be his Majesteis Advocats, and alreadie subscriyved be a number of the lords of erectiouns and others haveing interesse in the surrendars and teinds, thair wes no mentioun made of the shirefdome of Tarbett, sua that the inhabitants of that shirefdome who hes interesse both to buy and sell thair teinds will

¹ In the *Solerunt* Straloch is conjoined with Meldrum in this commission.

Acta February
1628—July
1629.
Fol. 22, b.

Fol. 23, a.

Fol. 23, b.

Acta February
1628-July
1629.
Fol. 23, b.

be prejudged of the commoun benefite whilk is intendit by his Majestie unto thame; and whairas the drawing of thame to the burgh of Edinburgh to attend the subscrieving of the submission will be fashous and troublesome unto thame, his Majestie is thairfoir weill pleased for thair ease and releefe that the said submission sall be subscribed within the shirefdome whair they dwell in the presence of Sir Coll Lawmont of that Ilk and Archibald M^cAlaster of Tarbett, or either of thame, commissioners nominat be the saids Lords to that effect; unto the whilks commissioners or either of thame the saids Lords gives power and commissioun be thir presents to wairne and conveene the whole teind buyers and teind sellers within the said shirefdome of Tarbett, outhere be thair missive letters or otherwayes to conveene and meete at suche dayes, tymes and plaices as they sall appoint and thair to present the said submission unto thame and desyre thame to subscribe the same; and that they make a report of thair proceedings heerin to his Majesties Counsell with a cleere and perfyte roll of the persouns names who ar teind buyers and who ar teind sellers to the intent they may be knowne in thair severall rankes upoun the twentie twa day of Julij nixtcome; and ordanis letters to be direct to make publicatioun heerof at the mercat croce of Tarbet and others plaices needfull, whairthrow nane pretend ignorance of the same, and to wairne all and sindrie the teind buyers and teind sellers within the said shirefdome to conveene and meete with the saids commissioners or either of thame at suche dayes, tymes and plaices as they sall appoint, and thair subscribe the said submission, with intimatioun as effeirs."

"Forsameekill as it is understand to the Lords of Secreit Counsell that diverse persons who were conduced and tane on be Sir Williame Alexander, knight, and his officers, to have bene transported be thame for the plantatioun of New Scotland have most unworthilie abandoned that service and employment, refusing to performe the conditiouns of thair agreement, to the disappointing of that intendit plantatioun which his Majestie so earnestlie affects, for remedeing of which undewtifull dealing the saids Lords recommends to the shireffs, justices of peace, and proveists and bailleis within burgh and thairwithall gives thame power and commissioun, everie ane of thame within thair awin bounds and jurisdiction, to take tryell of all and sindrie persouns who haveing covenanted with the said Sir Williame Alexander or his officers to go with thame to New Scotland have abandoned that service and runne away, and ather to compell thame to performe the conditiouns of thair agreement or otherwayes to doe justice upoun thame according to the merite of thair trespasse; and that the saids shireffs, justices of peace, proveists and bailleis within burgh concurre, countenance and assist the said Sir Williame Alexander and his officers in all and everie thing that may further and advance the service foresaid. And for this effect that the saids shireffs and others foresaids delyver the saids persouns to the

sellers within
the Sheriffdom
of Tarbet.

Commission to
sheriffs,
justices of the
peace,
provosts, and
bailies, to
deliver to Sir
William
Alexander all
persons who
have taken
money to serve
with him in
New Scotland,
and have
deserted his
service.

Fol. 24, a.

said Sir Williame Alexander and his officers, it being first qualified that they have ressaved money frome the said Sir Williame and his officers, or that they have beene in service and interteanned by thame." Acta February
1628-July
1629.
Fol. 24, a.

Holyrood
House, 23rd
April 1628.
Order to
James Currie
to deliver the
keys of the
house of
Temple to
William
Cockburn.
See ante, p. 17.

Complaint by Mr. William Cockburne, as follows:—Some time since Marion Boyd, spouse to Francis Cockburne, the complainer's brother, was summoned before their Lordships to hear James Currie, pursuivant, keeper of the house of Tempill, ordained to deliver the keys thereof to him, which of reason and equity ought to be done, seeing the said Francis has disponed the lands and place of Tempill to the complainer and he is infest therein "conforme to the said Francis his missive bill writtin and direct to the said Marioun Boyd for that effect. And the said Francis being chairgit to fulfill the said dispositioun to the said compleaner suspendit upoun frivolous reasouns, aganis the whilk suspensioun first obtaned protestatioun and now laitlie ane decretit in foro contradictorio." Parties being cited and pursuer being present, and also the said Marion Boyd with her brother Mr. Robert Boyd as her "preloquotour," the Lords, "in respect of the protestatioun and decretit," ordain James Currie to deliver the said keys to the pursuer, but that the said Marion Boyd, before the delivery of the house, have eight days for transporting the goods therein. They further ordain the pursuer to pay the said James Currie for his keeping of the house, which is to be allowed to him in the first end of the accounts between his said brother and him.

Order to the
Sheriff of
Berwick to
apprehend Sir
James Hume
of Eccles and
Sir George
Hume, his son,
and to seize
their houses,
towards the
payment of
debts due to
William Watts,
merchant-
tailor in
London.

Complaint by William Wats, merchant tailor in London, as follows:—He advanced to Sir James Home of Eckills, Sir George Home, his son and apparent heir, and Alexander Home, also his son, in their great necessity while at London, certain large sums of money, and also engaged his credit for them as cautioner for other sums which they have since suffered him to pay, the whole extending to £1520 sterling, "being the whole stocke which by his carefull paines and travellis in his calling he had acqyred and purchast." He had looked that out of respect to their honour and credit they would have acknowledged his good will to them by thankful repayment, but after patiently awaiting their leisure "a long time and finding nothing in thame bot a probable resolutioun altogidder to misken him, he left his trade and calling in the citie of Londoun and come to this countrie whair he sollicitid and sought his payment be the fairest meanes he could, and after long shifting and putting aff fra tyme to tyme he wes constrained in end to enter in processe aganis thame, be ordour whairin he hes turmoyled and bussied him selfe with extraordinar charges and expensses whilks in end hes procured his wracke and overthrow thir fyve yeeres bygaine, haveing recoverit decretit, used hornings, captiouns, comprysings, and letters of treasoun after suspensioun and protestatioun past in his favour; whilk hes all proved voide and fruitlesse, they haveing thair abode publictlie and avowedlie in the countrie, and thair houses under

Decreta,
November
1627-January
1630.
Fol. 63, a.

Decreta,
November
1627-January
1630.
Fol. 63, b.

culloured titles ar kepted to thair behoove, and they make a plaine scorne and mockage of all the executioun that the compleaner hes used or can use aganis thame. And whairas for a pretendit shew of obedience to the charge of treasoun execute aganis thame they made delyverie of the keyes of thair dwelling houses, the herauld wes no sooner come backe nor they brake up thair yetts and made new keyes to the same." Thus justice is frustrated and the pursuer is reduced to great want and misery. Parties having been cited, and the pursuer compearing but none of the defenders, the Lords ordain charge to be given to the sheriff of Berwick to search for, apprehend, and imprison the said rebels, also to seize their houses, eject their families and servants, make inventory of their goods, and report the same to his Majesty's Treasurer and Deputy Treasurer as escheat, within six days under pain of horning, and also that proclamation be made discharging all reset of the said rebels.

Fol. 64, a.

Another complaint by the same on the same narrative, and adding that the said rebels are reset wherever they come by the lieges as if they were his Majesty's free subjects, and so are encouraged to stand out in their rebellion. Wherefore the Lords ordain charges to be given by open proclamation at the market cross of the head burgh of Berwickshire and other necessary places prohibiting the reset of the said rebels under the penalties contained in the Acts made against resetters of rebels.

Order prohibiting the reset of Sir James Hume and Sir George Hume.

Fol. 65, a.

Complaint by Mr. John Hairt, son and heir to the deceased Mr. John Hairt, sometime bailie and burgess of the Canongate, as follows:—On 16th March last the complainer came from England immediately after his father's death and entered into possession of his father's houses in the Canongate as his lawful heir; and the said houses being in a ruinous condition he set wrights, masons, and other workmen upon them for the repairing of the roofs and walls, etc., but they were stopped from proceeding therewith on 14th April instant by Adam Bothwell, bailie of the Cannogait, at the instigation of Patrick Hairt, burgess there, the complainer's brother. Unless remedy be provided the houses will become unprofitable and the goods in them will be spoiled. Parties being cited and compearing, the said Adam Bothwell acknowledged having stopped the work at the desire of Patrick Hairt, who alleged that he was infest in these houses, to which answer the said Patrick Hairt adhered. Therefore the Lords ordain the said Patrick Hairt to find caution acted in the Books of Secreit Council for payment to Mr. John Hairt of any damage he may sustain through the interruption of this work.

Order to Patrick Hairt to find caution for payment to John Hairt of any damage that the said John Hairt may sustain in the interruption of repairing certain houses in the Canongate of Edinburgh.

Fol. 65, b.

Complaint by the moderator and brethren of the Presbytery of Dumfries as follows:—In the Parliament at Edinburgh, in June 1594, an Act was passed ordaining presbyteries to summon before them all papists and persons suspected of papistry within their bounds in order

John Herries of Mabis, suspected Papist and under sentence of excommunicacion.

tion, denounced rebel and escheat. that they might satisfy the Kirk, and in case of their refusal to send their names to the Privy Council, who should then take order with them. Accordingly John Hereis of Mabie, who has long been suspected "of avowed and profest papistrie, and being for that caus and for his refusall to communicat charged to compeir" before the said presbytery, has contemptuously disobeyed, on which account, "after long patience abyding his conversioun" they were constrained to excommunicate him. Under this "fearefull sentence" he has long contemptuously remained, and repairs openly to all parts of the country, as if he were not under the same, "to the great offence of God, scandall of the Kirk, and His Majesteis government." Charge having been given to the said John Hereis to compear, bringing with him a certificate from the presbytery that he had satisfied the Kirk and been relaxed, under the pain of horning, and the pursuers compearing by Mr. Harbert Gladstanis, minister at Traqueir, their procurator, but the defender not, the Lords ordain the defender to be denounced rebel and escheat.

Decreta,
November
1627-January
1630.
Fol. 65, b.

Order to Thomas Gladstanis to pay forty pence daily for the entertainment of Robert Geddie, detained by the said Thomas Gladstanis in the Tolbooth of Edinburgh.

Complaint by Robert Geddie, merchant burges of Edinburgh, as follows:—The complainer has been kept in the tolbooth of Edinburgh for six weeks past in great distress and misery at the instance of William Stewart, writer there, as assignee to Adam Grant, burges of Perth, and Thomas Gladstains, merchant burges of Edinburgh, to whom, it is alleged, he is due certain sums of money; and as he has no means to supply himself he is like to starve through famine. The incarcerators ought therefore to supply his necessities in ward or else liberate him, but they will do neither. Charge having been given to the said William Stewart and Thomas Gladstains, and they and the pursuer all compearing, the said William Stewart declared he had no direct interest in the matter, but was only desired by the said Adam Grant to put to execution the letters of caption raised against the pursuer for debt to him. The Lords, considering the miserable condition of the pursuer, and as the said Thomas Gladstains "refused in anie cause to putt him to libertie," ordained the said Thomas Gladstains to pay forty pence daily for the pursuer's intertainment in the said tolbooth so long as he detains him therein.

Fol. 66, a.

Extension of protection to Sir Alexander Hamilton of Innerwick.

Supplication by Sir Alexander Hamiltoun, apparent of Innerweik, bearing that the protection granted to him for coming to this country with the soldiers enlisted by him from Ireland for the service of the King of Denmark expires on 1st May next, the whole time of which he has spent in Ireland and in coming hither. He has not yet brought over all his people, as some of them are still awaiting opportunity of transport, and he must wait for them and attend the freighting of ships for them. He therefore craves extension of his protection for other two months, which the Lords grant.

Fol. 66, b.

Absolutor to James Newell in Dumfries,

Complaint by George Schairp, burges of Dumfries, as follows:—James Newell, blacksmith in Dumfries, out of a causeless malice against

Decreta,
November
1627-January
1630.
Fol. 66, b.

the complainer, seeks occasion to take his life. On March instant, charged by George Shairp with seeking to take his life, knowing that the complainer had gone to the town mill on business, he lay in wait for him, and without respect for his great age and infirmity of body, pursued the complainer with a drawn durk or whinger and gave him "a great straike on the head," nor had he failed to kill him if some bystanders had not hindered him. Pursuer and defender both compearing and some witnesses examined, the Lords assoilzie the defender, and ordain the pursuer to pay 10 merks to James Hamiltoun, witness, and five merks to each of the other witnesses produced.

Fol. 67, a.

Commissions,
1624-30.
Fol. 162, a.

Commission under the Signet to the bailie of the Regality of Dunfermline and his deputes, and the provost and bailies of Dunfermline, or any two or three of them, one of the bailie deputes being one, as justices, to hold courts in the tolbooth of Dunfermline and try Jonnet Reany, spouse to Andrew Reany, indweller in Dunfermline, who has been long suspected of witchcraft, as her depositions allowed and shown by John, Archbishop of St. Andrewes, testify. Signed by Monteith, Hadinton, Winton, Linlithgow, Carnegy, Naper, Arch. Acheson, and Hamilton.

Holyrood
House, 23rd
April, 1628.

Commission to
the Bailie of
the Regality
of Dunfermline
and others to
try Janet
Reany, who
has been long
suspected of
witchcraft.

Fol. 162, b.

Commission under the Signet to the Sheriff of Caithnes and his deputes, John Sinclair of Ratter, John Sinclair of Dunbaith, Mr. Robert Monro, Commissary of Caithnes, and Alexander Sutherland of Forse, or any one of them with the said Sheriff, to search for, apprehend, ward and try Donald Beg in Rangoke and Mallie Sutherland, his wife's sister, John Sutherland in Reister and Marion Walter, his wife's sister, Donald Riache in Stramar, and Ewfame Henderson, his mother-in-law, and Alaster M^cErcher in Thurso, who on 3rd March last were put to the horn at the instance of John, Earl of Mar, Lord High Treasurer of Scotland, Archibald, Lord Naper of Merchistoun, Depute Treasurer, and Sir William Oliphant of Newtown, and Mr. Thomas Hoip of Craighall, King's Advocates, for not finding caution to underlie their trial before the Justice and his deputes "for the vyle and abominable incests committit be thame in maner following, viz., the said Donald Beg for incest committit with Mallie Sutherland, sister to Jonnet Sutherland, his laughfull spous; the said Johne Sutherland for incest committit with Marioun Walter, sister to Jonnet Walter, his laughfull spous; the said Donald Riache for incest committit with Ewfame Hendersoun, his mother-in-law; and the said Alaster M^cErchar for incest committit with Anna M^cErchar, his brothers daughter." Signed by Monteith, Hadinton, Winton, Linlithgow, Carnegy, Naper, Arch. Acheson, and Hammilton.

Commission to
the Sheriff of
Caithnes, his
deputes, and
others, to
apprehend
Donald Beg
and others,
charged with
the crime of
incest.

Sederunts,
1625-29.
Fol. 85, a.

"The quhilk day the Earle of Menteth, president, produceit ane patent under his Majesteis grite seale of the dait at Quhythall the first of Aprile instant wherby his Majestie hes creat Sir Johnne Weymis of that ilk ane barone and Lord of Parliament to be callit Lord Weymis of Elcho,"

Sir John
Weymis of
that ilk.

The Provost and Bailies of Edinburgh and the subscription of the submission for teinds. "The quhilk day the provest and baillies of Edinburgh being requirit to subscrieve the submission for suche teyndis as thay haif of other menis landis, thay desirit that thay might haif the nixt Counsall day to be consultit and advysed with the counsall of thair toun thairanent." Sederunt, 1625-29, Fol. 85, a.

Cautioun by William Hering, writer, Edinburgh, for William Henderson in the case of William Watts against Sir George Hume. See *ante*, p. 314. "The quhilk day in presence of the Lordis of Secret Counsall compeirit personallie Williame Hering, wryter in Edinburgh, and become actit and oblist as cautioneer and souirtie for William Hendersoun, officiar, that he sall compeir personalie befor the saidis Lordis upoun the xiiij day of May nixt and ansuer to the complaint to be raised aganis him be Williame Wattis toucheing the suffering and providing for the eschaip of Sir George Hoome, rebell, after that he wes tane be Thomas Young, messinger, under the pane of ane hundreth pundis."

Cautioun by James Brown, saddler, and by William Hering, writer, for Thomas Young and Thomas Mowatt, respectively, that they will apprehend Sir George Hume by the 14th of May next. "The quhilk day in presence of the Lordis of Secret Counsall compeirit personalie James Broun, saidlair, and become actit and oblist as cautioneer and souirtie for Thomas Young, messinger; and siclyke compeirit personalie Williame Hering, wryter, and become actit and oblist as cautioneer and souirtie for Thomas Mowatt, messinger, that thay betuix and the xiiij day of May nixt sall apprehend Sir George Hoome, rebell, and committ him to warde at the instance of Williame Wattis, and failyeing thair of that thay sall compeir personalie befor the saidis Lordis the said day and underly suche forder punishement as the saidis Lordis sall injoyne unto thame for suffering of Sir George Hoome, rebell, to eschaip after thay had takin him, ather of thame under the pane of ane hundreth pundis." Fol. 85, b

Order to Lady Gribtoun to remain three months within the burgh of Edinburgh to be instructed in certain points of religion. "The Lordis ordanis the Lady Gribtoun who wes personalie present to remayne and keepe warde within the burgh of Edinburgh and not to remove furth thair of for the space of three monethis and forder till sho be releved be his Majesteis Counsell, to the intent in the meantyme she may haif the commoditie and occasioun of conference with the ministerie of Edinburgh for hir resolutioun in suche pointis of religioun wherof sho standis in doubt, and ordanis hir to find cautioon to this effect under the pane of ane thousand pundis."

The teindsellers of Stirling and Clackmannan. "The quhilk day Harie Dow in name of the Earle of Mar produceit a subscriyvit submission for the teynd sellaris within the shirefdomis of Striviling and Clackmannane."

The teindbuyers of the Shireffdom of Aberdeen. "The Laird of Meldrum produceit a procuratorie subscriyved be the teynd buyaris within the shirefdom of Abirdene with a roll of the names who subscriyved the same, and he declairit that thair wes numberis who had not yitt subscriyved and wer willing to subscrieve; lyke as he as commissioner for the teynd buyaris subscriyvit the submission produceit for the teynd sellaris inregaird he reportit not the submission for the teynd buyaris."

Of the Sheriff of Perth. "The Earle of Perth produceit a submission subscriyved be the teynd sellaris within the shirefdom of Perth."

Of the Sheriffdom of Renfrew. "The Lairdis of Pollok and Blakhall produceit a commissioun grantit

Sederunts,
1625-29.
Fol. 86, a.

to thame be the teynd buyaris within the shirefdome of Renfrew, and accordinglie thay subscriyved the submissioun, and promiseit to gif in to the Clerk the morne ane roll conteining a particular designatioun of the names of the subscriyvearis; and thay wer requirit to procure the subscriptionis of sa mony ma as thay could and to reporte the same to the Counsaill upoun the thrid of Junij."

Decreta,
November
1627-January
1630.
Fol. 67. a.

Sederunt.—Monteth, præses, Privy Seal; Wyntoun; Perth; Holyrood House, 24th April 1628.
Lauderdail; Carnegie; Lord Naper; Master of Jedburgh;
Secretary; Tracquir.

Fol. 67, b.

Complaint by James Kincaid, lieutenant to Captain James Bannatyne, as follows:—In January last he enlisted Patrick Bryssoun to serve under his charge in the wars of the King of Sweden, giving him four dollars in pay, and the said Patrick, being quite willing to serve, attended on the 21st instant for imbarcking and transportation to the said service, when Leonard Haitlie, ensign to Sir Thomas Kellie, caused him to be apprehended on the High Street of Edinburgh, and having committed him to ward, refuses to deliver him to the complainer. Charge being given to the said Leonard Haitlie to compear and produce the said Patrick Bryssoun, and they with the pursuer compearing, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to deliver the said Patrick Bryssoun to Captain Edward Maxwell in name of the said Leonard Haitlie, he paying to the said James Kincaid three dollars which Patrick Bryssoun had received from him in pay.

Royal Letters,
1623-32.
Fol. 134, a.

"After our verie heartilie commendatiouns to your good lordship. By our former letter we certified your lordship of the course intendit be his Majestie for reclaiming of these that ar Popishlie affected and reduceing of thame to the obedience of the Church, the prosecutioun and ordouring of which bussines dependit upoun your lordships presence and advice, which in regard of your lordships absence is continewed to the nixt Counsell day appointed to be kepted upoun the 14 of May nixt: And becaus thair is sindrie directiouns expected to com down frome his Majestie betuix and that day, the resolutioun and answering whair of will require the meeting of a frequent Counsell, these ar thairfoir to requeist and desyre your good lordship to keepe this dyet preciselie that by your lordships advice and concurrence with the rest of the nomber suche a course may be resolved upoun as the nature of the bussines doeth require; which looking assuredlie your lordship will doe, as yow respect the furtherance of his Majesteis service, we committ your lordship to God. Frome Halyruidhous the 24 of Aprile 1628. *Subscriptur*, Monteith, Naper, Arch. Achesone."

"After our verie heartilie commendatiouns to your good lordship. Whairas thair is diverse important directiouns come down frome his Majestie and others ar daylie expected, the resolutioun and answering

Case of Patrick Bryson, who had enlisted for the service of the wars of the King of Sweden.

Holyrood House, 24th April 1628.

Letter to the Archbishops of Glasgow and St. Andrews, desiring their presence at the next meeting of Council.

Holyrood House, 24th April 1628.

General summons to

the next
meeting of
Council.

whair of requires the meeting of a frequent Counsell which is appointed to be kept upoun the 14 of May nixt, these ar thairfoir to requiest and desire your good lordship to keepe the said dyet preciselie that by your advice and concurrence with the rest of the nomber maters may be so handled and resolved upoun as may give unto his Majestie satisfacioun and contentment. Quhilk looking assuredlie your lordship will doe as yow tender the furtherance of his Majesteis service, we committ your lordship to God. Frome Halyruidhous the 24 of Aprile 1628. *Subscribitur*, Monteith, Naper, Arch. Achesone." Royal Letters.
1623-32.
Fol. 134, a.

Caution by
Sir William
Grier of Lag
for Lady
Gribtoun.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir Williame Greir of Lag and become actit and oblist as cautioner and souirtie for Dame Johnnestoun, Ladye Gribtoun, that sho sall remayne within the burgh of Edinburgh for the space of three monethis after the dait heirof and forder quhill sho be fred and releved be the Lordis of Secreit Counsell under the pane of ane thousand pundis." Sederunta,
1625-29.
Fol. 86, a.

Lady Gribtoun.

"The quhilk day Dame Johnnestoun, Lady Gribtoun, compeirand personalie befor the Lordis of Secreit Counsell promeist that sho being requirit be ony of the ministerie of Edinburgh to confer and reason with thame for hir informatioun in the pointis of hir religioun wherof sho standis in doubt, that sho sall resorte unto thame for that effect."

Caution by
John Maxwell
of Newla for
Maxwell of
Gribtoun.

"The quhilk day Johnne Maxwell of Newla become actit and oblist as cautioner and souirtie for Maxwell of Gribtoun that he sall satisfie the Kirk concerning his religioun and obtene him self relaxt fra the proces of excommunicatioun led and used aganis him betuix and the first day of August nixttocome under the pane of ane thousand pundis."

The teind-
buyers of the
Sheriffdom of
Berwick.

"The Laird of Nesbitt produceit a submissioun subscryved be the teynd buyaris within the shirefdome of Beruick with a roll of thair names, and ordanis him to require these who hes not subscryved to come in and subscryve betuix and the nixt Counsaill day." Fol. 86, b.

The teind-
buyers of the
Sheriffdom of
Kincardine.

"The Laird of Bonnytoun in name of the Laird of Glenbervie produceit a submissioun subscryvit be some teynd buyaris within the shirefdome of Kincardin: Assignis to him the xiiij day of May to reporte the commissioun or procuratorie subscryved be the remanent teynd buyaris who hes not subscryvit; and assignis to him that same day to procure the subscriptionis of the remanent teynd buyaris within the shirefdome of Forfar who hes not subscryved."

The teind-
buyers of the
Sheriffdom of
Perth.

"The quhilk day Campbell of Crunane produceit the submissioun and procuratorie frome the teynd buyaris within the shirefdome of Perth, and promeist to gif in to the Clerk ane roll of the names of these who hes subscryvit; and he and Johnne Oliphant of Bachiltoun, as commissionaris for the teynd buyaris of the said shirefdome, subscryvit the submissioun: And the Lordis ordanis the commissionaris to require the rest who hes not subscryved to subscryve, and to reporte upoun the thrid of Junij."

Sederunte,
1623-29.
Fol. 66, b.

"Mr. George Leslie in Cullane reportit the procuratorie grantit to him be the teynd buyaris within the shirefdome of Banff: Assigns to him the thrid of Junij to procure the subscriptionis of the rest." The teind-buyers of the Sheriffdom of Banff.

"Johnne Gordoun of Enbo and Sir William Sinclair of Catboill produceit a procuratorie grantit to thame and subscriyvit be the teynd buyaris within the shirefdome of Invernes, bot produceit not the submissioun; and thairfoir thay subscriyvit the submissioun send in be the Lord Gordoun of the teind sellaris within that shirefdome of Invernes." The teind-buyers of the Sheriffdom of Inverness.

Fol. 87, a.

" produceit a submissioun subscriyvit be the teynd buyaris within the shirefdome of Elgin." The Sheriffdom of Elgin.

"A new commissioun to Sir William Sinclair of Catboill and Thomas Frasair of Strechin to ressave the subscriptionis of the teynd buyaris within the shirefdomes of Invernes, Caithnes, and Suthirland, and to reporte the xv of Julij." Sheriffdoms of Inverness, Caithness, and Sutherland.

Menteith, preses; Lynlythqw; Bishop of Ros; Lord Naper; Secretary; Clerk of Register; Sir John Scott. Holyrood House, 28th April 1628.

"The quhilk day Sir Johne Steuart of Methven compeirand personalie befor the Lordis of Secreit Counsaill, he actit and oblist himself that he sall remayne within the burgh of Edinburgh and not depairt furth thairof till the xiiij day of Maij nixt and till he be fred and releevd be his Majesteis said Counsell, and that he sall compeir befor his Majesteis Counsaill the said day and ansuer to suche thingis as salbe layed to his charge under the pane of ten thousand merkis." Obligation of Sir John Stewart of Methven to remain in Edinburgh till the 14th of May next.

"That chargeis be direct aganis Sir Johnne Steuart for his compeirance befor the Counsaill the nixt Counsaill daye anent a modificatioun to be gevin to his wyffe." Sir John Stewart.

"That chargeis be direct aganis the undertakariss under Colonell Sinclair to compeir to heir and see thame decernit to performe thair conditioun or els to shaw a caus quhy." Colonel Sinclair.

"The nixt Counsaill day appointit to be upoun the xiiij of May. The commissioneris present ar warnit *apud acta*, and missives ordanit to be direct to the Earlis of Wigtoun, Bugeleugh and Wyntoun, the Lord Melvill, the Bishop of Dunblane, the Maister of Elphinstoun, the Bishopis of S^t Androis and Dunkeld, the Vicount of Stormont, to keepe the said day." Anent the next meeting of Council.

"Ane missive produceit from the Viscount of Airdis toucheing his willingnes to gif over his charge at the portis in the West seas except for Portpatrik." The Viscount of Airdis.

Royal Letters,
1623-52.
Fol. 135, b.

"Illustribus et generosis, sincere nobis grateque nobis dilectis Regni Scotiæ Senatoribus, Copenhagen, 30th April 1628.

CHRISTIANUS QUARTUS Dei gratia Daniae, Norvegiæ, Vandalorum Gothorumque Rex, Dux Slesvigie, Holsatiæ, Stormariæ ac Dithmarsie, Comes in Oldenburg et Delmenhorst. Letter from the King of Denmark to the Council in favour of

Alexander
Chirnside,
captain in the
said King's
service.

"Singulari benevolentia et favore nostro præmissis illustres et generosi sincere grateque nobis dilecti: Quid conquestus sit nobis Alexander Chirnesyde, capitaneus noster, de lite ab Jacobo Sinclaro adversus ipsius fidejussores instituta, istud vestræ illustritati vobisque reliquis ex adjuncto nobis exhibito libello planum erit intelligere. Quando itaque dictus capitaneus rationes acceptorum expensorumque eas nobis reddidit quibus satis nobis factum esse clementer agnoscimus, vestra illustritas vosque reliqui pro vestra prudentia curabitis ne immerito accusatus ejusve fidejussores ex re bene administrata damni aliquid patiantur. Dabantur ex arce nostra Haffniensi 30 Aprilis anno 1628."

Royal Letters,
1623-32.
Fol. 135, b.

The *Minute Book of Processes* gives the following Memoranda collectively for the month of April 1628.

Minute Book,
1604-31.
Fol. 82, b.

Proces: William Watt against Sir James Hoome, &c., rebels, charging the Shireff of Berwik to apprehend them and secure them, &c.

Letters: Captan Maxwell to the magistratts of Jedburgh for not delyverie of tuo sojours.

Act ordaining Thomas Gladstanes to pay Robert Geddie 40d. daylie so long as he reteanes him in prison.

Ryott: Donald against Blakborne.

Supplicatione: Mr. Jon Hart against Patrik Hart to find caution to refund what damnag Mr. John Hart shall sustean throw stopping of his building.

Ryott; Advocatt and Margaret Craw against Alexander Torrie.

Warrand ordaining the keyes of the house of Tempill to be delyvered to Mr. William Cokburn.

Ryott: Georg Sherp against James Newall.

[No record of Sederunt.]

Acta February
1628-July
1629.
Fol. 24, a.

Holyrood
House, 2nd
May 1628.

Charge to
Captain
Andrew
Watson and to
Captain John
Duff, accused
of certain mis-
demeanours, to
appear before
the Council on
the 14th of
May next.

"Forsameekill as it is understand to the Lords of Secreit Counsell that thair is some querrell and contraversie fallin furth betuix Andrew Watsoun, captane of the good shippe callit the on the one pairt, and Johne Duff, maister of the good shippe callit the on the other pairt, which in regaird of thair charge and the number of men under thair commandement may produce forder inconveniences to the breake of his Majesteis peace if remeid be not provydit, Thairfoir the Lords of Secreit Counsell ordanis letters to be direct chargeing the saids Captane Andrew Watsoun and Johne Duff, personallie if they can be apprehendit, and failyeing thairof, at thair dwelling hous, and be opin proclamatioun at the mercat croce of Edinburgh to compeir personallie befor the saids Lords upoun the fourtein day of May instant to answeire upoun thair misdemeanours and to underly suche ordour as sall be tane with thame tuicheing the observatioun of his Majesteis peace, under the pane of rebelliou, etc., with certificatioun, etc. And in the meane tyme

Acta February
1623-July
1629.
Fol. 24, a.

to command, charge and inhibite both the saids pairteis that nane of thame presoomer nor take upoun hand to direct nor accept anie cartalls or challenges the one frome the other nor to make provocation to others be word or deed, under the pane to be callit, persewed and punished thairfoir in thair persouns and goods with all rigour and severitie that the lawes in suche a cause can allow."

Sederunts,
1625-29.
Fol. 87, b.

Hadintoun, Privy Seal; Murray; Lauderdaill; Lord Gordoun; Clerk of Register.

Holyrood
House, 14th
May 1628.

"The Lordis, in respect thay ar not a number, will not proceed in ony Counsell materis."

"The quhilk day the provest and baillies of Edinburgh being demandit yf thay wer now resolvit to subscrieve the submission anent the surrendaris and teyndis thay declairit that his Majestie had reserved and exceptit thame furthe of his Majesteis revocation, and that by a letter come sensyne frome his Majestie, his Majestie hes declairit his royall pleasure in favouris of the burrowis. And forder thay declairit that thay had thair commissionair at Courte, who wald be acquaintit with his Majesteis pleasure in that mater wherunto thay wald conforme thame selffis."

The Provost
and Baillies of
Edinburgh and
the submission
anent the
surrenders and
teinds.

"The quhilk day Sir Johnne Steuart subscrivit a band oblißing him to compeir the nixt Counsaill day and to keepe warde within Edinburgh till he be fred under the pane of x^m merkis."

Sir John
Stewart.

Royal Letters,
1623-32.
Fol. 134, b.

"After our verie heartilie commendatiouns to your good lordship. Quhairas by the absence of the Lord Chancellour and of the Erle of Monteith, president of the Counsell, the charge of attendance and presiding in the commissioun anent the surrendaris and teinds will ly upoun your lordship, these ar thairfoir to request and desyre your good lordship to make your addresse heere aganis the fourt of Junij nixt, quhilk is the first day of meeting upoun the commissioun, to the intent that your lordships absence disappoint not that service. And so committing your lordship to the protection of God, we rest. Frome Halyruidhous the fourtein day of May 1628. *Subscribitur*, Hadintoun, Morrey, Lauderdaill, Gordoun, Hamiltoun."

Holyrood
House, 14th
May 1628.

Letter to the
Archbishop of
St. Andrews
requiring him
to preside in
the Commis-
sion for the
surrenders and
teinds.

"After our verie heartilie commendatiouns to your good lordship. Whairas the fourt of Junij now approcheing is the first day of meeting of the commissioners anent the surrendaris and teinds, these ar thairfoir to request and desyre your good lordship to keepe this dyet preciselie, to the intent your lordships absence procure no hinder or prejudice to this service, the accomplishment whairof his Majestie so earnestlie affects. And so committing your lordship to God, we rest. Frome Halyruidhous the fourtein day of May 1628. *Subscribitur*, Hadintoun, Morrey, Lauderdaill, G. Gordoune, Hamiltoun."

Holyrood
House, 14th
May 1628.

To the
Commissioners
anent the
surrenders.

"Missives of the tennour foresaid directed to the Erles of Rothesse and

Eglintoun, the Lord Burlie, the Bishops of St. Andrews, Dunkelden, Aberdeene, Dumblane and Caithnes, the Laird of Newtoun, and Sir Johne Hammiltoun of Lettrick, the provest of Dundie, the provest or commissar clerk of St. Andrewes, Johne Cowane, burges of Stirling, Gabriel Cuninghame, burges of Glasgow.

Royal Letters,
1623-32.
Fol. 134, b.

Whitehall,
14th May 1628.
Testificate to
the lawful
birth and
progeny of Mr.
William
Davidson,
doctor of
physic at Paris.

“CHARLES R., Right trustie and right weilbelovit cousine and counsel-
lour, we greeete yow weill. Whairas our weilbelovit Mr. William
Davidsoun, doctour of physick at Paris, is desirous to have a testificat
under the great seale of that our kingdome certifeing his lawful birth
and progenie, and seing the said Mr. William is (as we ar informed) a
native borne man in that our kingdome, our pleasure is that yow take
notice of his lawfull and lineall descent; which being so done by yow
our further pleasure is that yow caus append the great seale of the said
kingdome unto the said testificat, for doing quhairof these presents sall
be your warrand. Given at our Court at Whitehall 14 of May 1628.”

Fol. 143, a.

Whitehall,
27th May 1628.
Commission
from his
Majesty, to
last for five
years, to
James,
Marquis of
Hamilton, to
fit out a
number of
ships, not
exceeding five
at one time,
for service
against his
Majesty's
enemies.

Signature for a commission as follows:—The King having taken
special notice of the worthy and noble intention of James, Marquis of
Hamiltoun, Earl of Arran, etc., “to sett out some shippes to sea in these
troublesome tymes, both for the better defence of that his Majesteis
ancient kingdome of Scotland, as lykewayes for the better effectuating
of his generous designes upon his Majesteis enemeis and utherwayes for
the honnour of that kingdome,” therefore and for the encouragement of
others to do the like, he ordains a commission to be exped under the
great seal giving power and authority to the said Marquis of Hamiltoun
and his associates or partners on thair own charges to provide such
ships of all sorts not exceeding five in number at one time and to
furnish the same with men, munition, and mariners, and therewith “in
hostile maner als weill by sea as land, in harbours, ports, touns, villages,
creiks, channells, confynes and territoreis quhairsover, as upoun quhat-
soever place or places this syde or the other syde of the equinoctiall lyne
to assaile and attacque the subjects of all kings, princes or states, being
his Majesteis enemeis, and to seize on all maner of merchandice, goods or
provisiouns quhatsoever,” which they find belonging to the enemies
foresaid, and to bring or send the same and their prisoners home to be
adjudged, and if found lawful prize, to be sold to their profit, only
deducting the duties payable therefrom to his Majesty and the Admiral
of the said kingdom. And because their expenses will be very great
the King ratifies and approves the contracts and agreements entered
into between the Marquis and his associates concerning their shares, &c.,
and allows his intromitting with the said prizes, provided he pay the
duties above mentioned. Further, power is granted to the Marquis to
choose his own commanders and other officers and servants and to use
the help of any of the lieges willing to serve with him, whom his
Majesty hereby commands to give obedience to the said Marquis and

Commissions,
1624-30.
Fol. 177, a.

Fol. 177, b.

Fol. 178, a.

Commissions
1624-30.
Fol. 178, a.

those acting for him, and also to carry themselves to ward each other in all good order and quietness for avoiding of quarrels, dissensions, disorders, and mutinies to the hindrance of this enterprise; and if any such persons commit any capital or other crime, power is given to the said Marquis to cause justice be executed upon such. The King ordains all his officers, ministers, and subjects to be assisting to the said Marquis herein, and not to impede the same by stopping or arresting his ships or servants, as they will answer upon their peril, the exhibition of this commission or a duplicate thereof being to them a sufficient warrant. This commission is to last for five years unless before then peace has been made, when it shall only last till the Marquis or his foresaids have notice thereof. Power is given also for holding councils of war by sea or land, being without his Majesty's dominions, on all necessary occasions, and the said Marquis, or the chief commander in his absence, with six or more other commanders or officers, shall have power to execute martial law upon any offender under their command. Moreover, his Majesty will confirm all lawful contracts, orders, and agreements made during these five years between the Marquis, his partners, and commanders and those serving under them, in respect of naming of officers, &c., so that if the Marquis or chief commander should die, then their nominee, even if chosen by them at the point of death, shall have the same power and authority as themselves, and so forth successively if necessary. It is also still stipulated that if the Marquis and his foresaids happen to find any of his Majesty's subjects' or friends' ships at sea at fight or in any danger, they shall do their best to relieve and assist them. Further, the Marquis and his foresaids shall find reasonable caution that they will not assail any of his Majesty's subjects' or confederates except in the case of illicit trade; and for the encouragement of the Marquis and his foresaids it is provided again that none of his Majesty's officers shall stay his ships, not exceeding five in number, either upon occasion of sending a fleet to sea or any other pretext, save only "upoun eminent danger of invasioun."

Fol. 178, b.

Acta February
1623-July
1629.
Fol. 24, a.

Sederunt.—St. Andrewes, præses; Treasurer; Hadintoun; Stor-
mont; Melvill; Carnegie; Clerk of Register; Sir Johne Holyrood
House, 5th
June 1628.
Scot.

Fol. 24, b.

"Forsameekill as it is understand to the Lords of Privie Counsell that
diverse persons who wer conduced and tane on be Colonell M^cKy and
his officers to have been transported be thame for the service of the
King of Denmarke did most unworthilie disband and runne away, and
wer resset, kepted and deteaned be some gentlemen and others within
the shirefdomes of Aberdein and Kincairdin after proclamatioun made
and publeist in his Majesteis name to the contrarie in contempt of his
Majesteis auctoritie and to the hinder and prejudice of that important ser-
Commission to
the Sheriff of
Aberdeen and
others to
convene all
persons within
the Sheriff-
doms of
Aberdeen and
Kincairdine
who have
resettled
deserters from

the company of
Colonel M'Kay,
and to report
the depositions
of the said
persons to the
Council.
See *ante*, p. 303.

vice for which they wer leveyed and whairin they sould have bene employed ; and whairas the calling and conveening of the ressetters and deteanners of these fugitive souldiours before his Majesteis Counsell, and the bringing in of witnesses for cleering of this contempt, will be chargeable and grevous to the lieges ; and the saids Lords considering that the offenders in this caise may be better and with more ease discovered and tryed at home in the shyres whair they dwell than if they sould be brought heere to thair answeere before his Majesteis Counsell, Thairfoir the saids Lords hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun to the Shireff of Aberdein and Sir Alexander Gordoun of Clunie and the Shireff of Kincairdin and Sir Robert Arbuthnot of that Ilk, to call and conveene before thame at suche tymes and plaices as they sall appoint all and sindrie persouns within the saids shirefdomes of Aberdein and Kincairdin be whome the saids fugitive souldiours hes bene ressett, hoordit and kepted backe whois names sall be givin in roll to thame be Captane Alexander Annand, one of the captans under the regiment of the said Colonell M'cKy, and to take tryell of thair trespasses and disobedience ather by oath of partie or by witnesses, and to report thair confessions and depositions in writt to the saids Lords to the intent they may be censured and punished according to the merite of thair fault and his Majesteis pleasure signified in that behalffe. And for this effect with power to the saids commissioners to sett, affixe and hold courts, direct thair awin precepts and to summound pairteis and witnesses to compeir before thame, the absents to amerchiat, and all and sindrie uthers things to doe and use whilk for the executioun of this thair commissioun is requisite and laughfull."

Acta February
1628-July
1629.
Fol. 24, b.

Warrant to the
Viscount of
Stormont.
See *ante*, p. 280.

"The Lords of Secreit Counsell allowes the Vicount of Stormont to returne home and dispenses with his entrie in waird within the Castell of Edinburgh, becaus he being present actit himselfe to compeir before the saids Lords whenever he sall be laughfullie chairgit or ellis show a reasonable caus in the contrair under the pane of fyve thousand merks."

Holyrood
House, 5th
June 1628.

Absolutor to
Alexander
Wilson in
Spittal and to
James Cuth-
bertson in
Preston, from
the charge of
seeking the
lives of John
Thomson in
Aberlady and
George
Johnston in
Colstoun.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.

Fol. 67, b.
Fol. 68, a.

Complaint by John Thomsoun in Aberledie and George Johnstoun in Colstoun, as follows:—Alexander Wilsoun in Spittell, and James Cuthbertsoun in Prestoun, having accused the complainers of theft and caused search their houses with "sleuth hound dogges" and otherwise, in hope of thereby bringing their lives and estate in danger, though nothing was found to justify the same, yet persisting in their malice and resolving to have their lives, on 20th April last, when they met the complainers on the highway returning peaceably home from the burgh of Hadintoun, they invaded them with drawn swords, and gave the said

Decreta,
November
1627-January
1630.
Fol. 68, a.

George Johnstone a "straike" on the right hand, mutilating it, another "deidlie straike" on the head, and two others on the arm, leaving him for dead. Parties being cited and both pursuers and defenders compearing, the proof was referred to the evidence of certain witnesses produced by pursuers, but they failing to establish the case, the Lords assoilzie the defenders.

Fol. 68, b.

Complaint by Patrick Bryssoun, soldier, as follows:—The complainer was enlisted by Captain Edward Maxwell and committed by him to the tolbooth of Edinburgh, where he remained six weeks in great misery, and then on his petition to their lordships he was released, and express commandment given that, as he had been taken on for his Majesty's service, the complainer should not be arrested nor warded by any creditor. Notwithstanding whereof William Dick has since arrested him for £120, Nicol Udward for 80 merks, Alexander Wood, town officer, on behalf of William Wood for £95 and 20 merks of expenses, Martin Glendinging for £14, and Robert Scot for £6, and they keep the complainer in ward, in contempt of the ordinance made by their Lordships, and he is like to perish for want. Charge being given to the persons named (except the said Alexander Wod) and to Thomas Charteres, one of the bailies, in name of the magistrates of Edinburgh, to produce the complainer, who being brought in custody of some of the town officers, and the said William Dick and Nicol Udward compearing personally, Martine Glendinging by his wife, and the others not, the defenders present declared that the pursuer was lawfully arrested and imprisoned for debt due to them, but the Lords in respect of their Act respecting soldiers enlisted for the King's service ordained the provost and bailies of Edinburgh to liberate the complainer notwithstanding of the arrestments aforesaid.

Fol. 69, a.

Complaint by James, Archbishop of Glasgow, the moderator and brethren of the presbytery of Paisley, for their interest, and by George Ramsay, kirk officer of Paisley, the party aggrieved, as follows:—Claud Algeo, servitor to Claud Hamiltoun, brother to the Earl of Abercorn, having made "shamefull defectioun and apostasie frome the trew religioun, and by his profest avowing of Poprie in reasoning aganis the trew religioun, he being become verie offensive and scandalous within the toun of Paisley," it was resolved to cite him before the said presbytery on 22d May last; and the said George Ramsay, being commanded to serve the citation, went on the 15th of that month to him with the charge, when instead of receiving him with that "reverent and modest behaviour" his errand merited, the said Claud "immediatlle, be the allowance and approbatioun of his said maister, sett upoun the compleaner, and shamefullie and unmercifullie invaidit and persewed him of his lyffe, threw him to the ground under his feete, and with his whole force and strenth punsed him with his hands and feete, birsed his

Order to the
Provost and
Bailies of
Edinburgh to
liberate from
the Tolbooth of
the said burgh
Patrick Bryson,
soldier, who
had been
arrested for
debt by
William Dick
and others, in
contravention
of an Act of
Council.

Order for the
warding of
Claud
Hamilton,
brother to the
Earl of
Abercorn,
charged with
abetting Claud
Algeo, his
servitor, in an
assault on
George
Ramsay, kirk
officer of
Paisley; and
also for the
apprehension
of the said
Claud Algeo.

bowells and intrails, and with his falded niffes dang and dadded him upoun the eyes to the hazard and perrell of his eyes and losse of his sight, and gave him manie blae and bloodie straiques till he fell a swowning." The said Claud, thinking the complainer was dead, then went to his master and told what he had done, "who most kyndelie and cheerefullie ressaved him, allowing and approving all that he did." The complainer, when after a few hours he recovered, and learned that the said Claud had gone to his master, repaired also to him and complained of the treatment of his said servant, who was then with him in the dwelling house of the Laird of Beltreis, when in his said master's presence and with his allowance the said Claud set upon him again and gave him a number of "blae and bloodie straiques." The complainer then betook himself to the bailies of Paisley, who went to Beltreis to apprehend the said Claud Algeo, but so soon as the said Claud Hamiltoun knew they were at the gate and their purpose, "he come unto thame and in a verie boasting and threatning maner he upbraidit thame with manie disgracefull and threatning speeches, calling thame beasts and fooles, how durst they presooome or mint to take ordour with anie of his servants, and with that he and his man come to the streets, walked up and doun a long tyme boasting and threatning these that durst presooome to meddle with thame, sua that the bailleis wer forced for feare of thair lyves to suffer the said Claud Algeo to escape." Charge having been given to the said Claud Hamiltoun and Claud Algeo to compear, of whom the former only was present, and the said Archbishop, and Mr. John Hay, moderator, appearing for themselves and the rest of the presbytery, and also there being present the said George Ramsay, after a number of witnesses were examined, the Lords find that the said Claud Hamiltoun committed a very great wrong in not taking order for punishing his said servant for striking the said officer of the presbytery in his own presence in the Laird of Beltreis' house, and ordains him to be warded in the Castle of Edinburgh on his own charges till they release him. They also ordain officers of arms to pass and denounce the said Claud Algeo his Majesty's rebel and escheat.

Decreta,
November
1627-January
1630.
Fol. 69, b.

Fol. 70, a.

Holyrood
House, 5th
June 1628.
Commission to
Sir John
Charteris of
Amisfield,
Robert
Crichton of
Ryhill, and
others, to try
Janet Ireland
and others,
accused of
witchcraft, in
the Tolbooth
of Dumfries.

Commission under the Signet to Sir John Charteris of Amisfeild and Robert Crichtoun of Ryhill, Sheriff of Dumfries, or either of them, with the provost and bailies of the burgh of Dumfries, as justices, with the concurrence of the minister of Dumfries, to convene before them Janet Ireland, widow of William Bell in Rottinraw, Christian Aikenheid, spouse to Robert Harper there, Helen Blaik, widow in Dumfries, Agnes Dungalsoun, spouse to John Beatie, workman, Agnes Charteris, widow in Dumfries, and Mawsie Stowane, spouse to Robert Span at the Brigend of Dumfries, who have been long suspected of witchcraft and have been apprehended and imprisoned in the jail of Dumfries. After-

Commission-
1624-30.
Fol. 163, a.

wards the said commissioners are to put them or such of them as the results of this examination shall warrant to their trial, holding courts for this purpose in the tolbooth of Dumfreis, and cause justice be ministered upon them. Signed by Mar, S^t Andrewes, Hadinton, Stomont, Melvill, Carnegie, and Hamilton.

Commission under the Signet to the Sheriff of Renfrew and his deutes, the bailie of the Regality of Glasgow and his deutes, Robert, Lord Boyd, James, Lord Rosse, the provost and bailies of Glasgow, the provost and bailies of Renfrew, William Rosse in Quhytfuird, uncle to the Lord Rosse, and Malcolm Crawford of Newtoun, jointly and severally, to search for, apprehend, and present before the Council (1) Hew Stewart in Cloighholls, who on 4th May 1627 was put to the horn at the instance of the moderator and brethren of the presbytery of Paisley for not compearing and producing a certificate from the presbytery where he dwells of having satisfied the Kirk anent his religion; and (2) David Stewart in Darnelie, and Elspitt Stewart his spouse, who on 8th October last were put to the horn by the Lords of Council and Session for a similar cause for which they had been excommunicated. Signed as above.

Commission under the Signet to Colin Campbell, fiar of Glenurquhie, Mungo Campbell, fiar of Lawers, Sir William Stewart of Gairntullie, Robert Stewart of Balliachan, bailie of Atholl, Patrick Campbell of Edinampell, Alaster Robertson of Lewd, and Alaster Robertsoun of Straloche, jointly and severally, to search for, apprehend, and present before the Council for delivery to the Justice and his deutes Robert M^cGowane in Mowlyne and John and Alaster M^cGowane, his two sons, who on 26th April were put to the horn at the instance of Gilbert Robertsoun in Dumfallandres as father, John Robertsoun, as eldest brother, and the rest of the kin and friends of the deceased William Robertsoun, for not finding caution in the Books of Adjournal to underlie their trial before the Justice and his deutes for the murder of the said William Robertsoun. Signed as above.

Complaint by Alexander Wilsoun, servitor to Sir Andrew Hamiltoun of Redhous, one of the ordinary Lords of Session, as follows:—On 26th April the complainer was sent by his said master to the burgh of Hadintoun for some provision for the house when John Thomesoun in Aberlady, George Johnnestoun in Colstoun Mylne, Thomas Johnnestoun and John Johnnestoun in Samwellstoun, followed him as he was riding home, and with swords and great batons assailed the complainer, and pursued him of his life. They gave him a cruel stroke on the hand, and another with a sword on the face, to the great effusion of his blood, and so "birsed and bruised him" that he can scarcely stir. Charge having been given to the persons named, and they and the pursuer compearing and the evidence of witnesses having been heard, the Lords find that John

Commissions,
1624-30.
Fol. 163, a.

Fol. 163, b.

Fol. 163^a, a.

Fines,
1614-31.
Fol. 121, a.

Fol. 121, b.

Commission to the Sheriff of Renfrew, his deutes, and others, to present before the Council Hew Stewart in Cloighalls, David Stewart in Darnelie, and Elspeth Stewart, his spouse, charged with not having satisfied the Kirk anent religion.

Charge to Colin Campbell, fiar of Glenurquhie, and others, to present before the Council Robert M^cGowane in Mowlyne, charged with the murder of William Robertson.

Holyrood House, 5th June 1628. Imposition of fines on John Thomson in Aberlady, George Johnnestoun in Colstoun Mylne, and Thomas Johnnestoun in Samuelston, for assault on Alexander Wilson, servitor to Sir Andrew Hamilton of Redhouse.

Thomsoun, George Johnstoun and Thomas Johnstoun "conspyred to-^{Fines,}
gidder within the toun of Hadintoun to be revenged of the said ^{1614-31.}
Alexander Wilsoun, and that for this effect they lay at await for him ^{Fol. 121, b.}
aff the hie way that leades fra thair dwelling houses and cruellie and
shamefullie invaidit and persewed the said Alexander of his lyffe, and
that the said Johne Thomsoun hurt the said Alexander Wilsoun in the
hand, and that the said George Johnstoun hurt him in the face, and
that the said Thomas Johnstoun persewed and strake at him with a
great kent," and therefore they ordain John Thomsoun and George John-
stoun each to pay 50 merks to the Treasurer, Deputy Treasurer, and
Receivers of his Majesty's Rents, and 100 merks to Wilsoun, and
Thomas Johnstoun 20 merks to the Treasurer etc., and 40 merks to
Wilsoun, as a fine for their said insolence, and to be warded in the Tol-
booth of Edinburgh until they pay the same, and are released by their
Lordships; and the Lords assoilzie John Johnstoun, against whom
nothing was proved by the witnesses.

Relief of
pursuit against
the Clan
Gregor.

"The quhilk day the Lord of Lorne produceit ane letter under the ^{Sederunts,}
hand of the Earle of Perth touching the effect of thair proceedingis for ^{1625-29.}
satling of the differenceis betuix the Buquhannanis and the Clangregour. ^{Fol. 87, b.}
The Lordis ordanis the submissioun and decret following thairupon to be
delyverit to the Clerk to be registrat in the bookes of Counsell, whilk ^{Fol. 88, a.}
being done the Lordis declairis that nane of the Clangregour who hes
found sufficient caution and whose cautionaris ar alyve and resident
within the cuntrey salbe thairafter callit and persewit befor the Counsell
bot upon thair awne proper fact and deid allanerlie."

Sir John
Stewart.

"The Lordis ordanis Sir Johnne Steuart his band touching his remain-
ing within the burgh of Edinburgh to stand in force till he be fred be
the Counsell."

Holyrood
House, 10th
June 1628.

Treasurer; Hadingtoun; Lauderdaill; Bishop of Dunkeld; Clerk
of Register; Sir Johne Scott.

"The Lordis in respect thay ar not a number will not proceid in ony
Counsail materis."

Elizabeth
Maxwell, relict
of Herbert
Cunninghame,
Clerk of
Dumfries,
committed to
the Tolbooth
of Edinburgh
in respect of
her excom-
munication
and rebellion.

"Wheras Elizabeth Maxwell, relict of umquhile Harbert Cuninghame,
Clerk of Drumfreis, being excommunicat for Poprie and denunceit rebel
and putt to the horne for that caus, and being apprehendit be the com-
missionaris nominat be his Majesteis Counsell for that effect sho fand
cautioun to thame that sho sould compeir befor his Majesteis Counsell
this present day under the pane of ane thousand merkis, and sho for
releif of hir cautionaris haveing compeired this day, suche of the Counsell
as wer present in respect of her excommunicatioun and rebelloun send hir
to the tolbuthe of Edinburgh."

Holyrood
House, 10th
June 1628.
Letter to the
Commissioners
anent the

"After our verie heartilie commendatiouns to your good lordship. ^{Royal Letters,}
Whairas at the last meeting and sessioun of the commissioun anent the ^{1623-32.}
surrendars and teinds the fourth of this instant wes appointed for the ^{Fol. 134, b.}

Royal Letters,
1628 July
Fol. 134, b.

nixt meeting, quhilk dyet and meeting hes beene verie evill kepted in so farre as few or nane of the commissioners hes attended the same, quhairthrow thair hes beene a verie greate hinder and stay in the progresse of that commissioun whilk no doubt will be highlie to his Majesteis offence; and least some imputatioun may be objected aganis us for not foreseing and preventing of all forder delayes in this bussines, we have therefore appointed a new meeting of the whole commissioners to be upoun the fourt of July now approcheing, agains whilk tyme we looke that these of the commissioun who ar at court will be returned, and we have writtin to the whole remanent that ar at hame to keepe that dyet preciselie, of the quhilk number your lordship being one we will lykewayes requeist your good lordship to keepe the same dyet, so that your absence be no hinder nor stay to the service, for we will be constrained for our awin exoneratioun to lett his Majestie know fra whome and upoun whois default the stay (if anie sall happin to be) proceeds. Bot looking that your lordship will be more respective to his Majesteis obedience and your awin dewtie in this point, we committ your lordship to God. Frome Halyruidhous the tent day of Junij 1628. *Subscribitur*, Mar, Hadinton, Lauderdaill, Dunkelden, Hamiltoun.”

“Missives of the tennour foresaid directed to the Marqueisses of Hamiltoun and Huntlie, the Erles of Erroll, Eglintoun, Rothesse, Murrey, Wigtoun, Lauderdaill, Lords Stormont, Yester, Colvill, Carnegie, Lowdoun, Burlie, Weymes, Archbishop of Glasgow, Aberdein, Murrey, Dunkelken, Brechin, Dumblane, Caithnes, Sir Johne Hammiltoun of Lettrick, Inchemartine, Clunie Gordoun, Neather Poocke, Leslie of Newtown, Lee, Amisfeild, proveist and commissar clerk of St. Andrewes, proveist of Dundie, provest of Innernes, Johne Cowane, Robert Alexander.”

Acta February
1628 July
1629.
Fol. 24, b.

Sederunt.—Treasurer; Hadintoun; Lauderdaill; Bishop of Dunkeld; Clerk of Register; Sir John Scot.

Holyrood
House, 12th
June, 1628.

“The whilk day the Lords of Secreit Counsell according to ane warrand and directioun in writt signed be the Kings Majestie and this day presented unto thame ressaved and admitted Archibald, Lord of Lorne, to be one of the ordinar number of his Majesteis Privie Counsell, and to enjoy all honnours, digniteis and priviledges proper to that plaice. Lykeas the said Lord being personallie present and acknowledging with most humble and dewtifull respect his Majesteis gracious favour shawin unto him in preferring of him to this high plaice of honour and dignitie, he with most submissive reverence on his knees, his hand lying upoun the halie evangell, made and gave his solemne oath of allegeance and the oath of a privie counsellour. Followes his Majesteis missive for warrant of the Act abonewrittin.—CHARLES R., Right trustie and right

Fol. 25, a.

The Lord of
Lorne
admitted on
Council.

¹ Subsequently the great Presbyterian Marquis.

weilbelovit cousine and counsellour, right trustie and weilbelovit
 cousines and counsellours, and right trustie and weilbelovit counsellours,
 we greete yow weill. Being credible informed of the sufficiencie of our
 right trustie and weilbelovit the Lord of Lorne and of his affectioun to
 our service, we ar moved in regaird thair of, and for the said Lord his
 further encouragement and enabling for our said service to advance and
 promote him to be one of our Privie Counsell of that our kingdome. It
 is thairfore our will and pleasure and we doe heereby require yow that
 haveing adminstred unto him the oath accustomed in the lyke caises,
 yow admitt him to be one of our Privie Counsell, receaveing him in that
 plaice as one of your number, for doing whair of these presents sall be
 your warrand. Givin at our Court at Whitehall the 23 of May 1628.”

Acta February
 1628-July
 1629.
 Fol. 25, a.

Holyrood
 House, 12th
 June 1628.

[Sederunt as recorded above.]

Decreta,
 November
 1627-January
 1630.

Absolvitor to
 William
 Henryson,
 pursued by
 William Watts
 for conniving
 at the escape
 of Sir George
 Hume.
Sesante, p. 318.

Complaint by William Watts, citizen and indweller in London, as
 follows:—On 28th March last Thomas Young, Thomas Mowat, and
 William Henrysone, officers, having by virtue of a caption at the com-
 plainer's instance apprehended Sir George Home of Eckills, colluded
 among themselves to allow their prisoner to escape, and especially the
 said William Henrysoun, who “come furth of the chamber whair the
 said Sir George was kept and past up the turnepycke to the dwelling
 hous of Mr. Robert Learmonth, advocat, and thair shew to the said Mr.
 Robert his servands that thair wes ane gentleman under danger whome
 he would have secretlie convoyed away and thairfoir requested and
 desyred thame to suffer the gentleman to pas throw the said Mr. Robert
 his hous and doun the backe turnepycke that he might go saulfe and
 free away without danger.” Charge having been given to the said
 William Henrysoun, and he and the pursuer both compearing, and wit-
 nesses being produced and examined who failed to prove any point of the
 complaint, the Lords assoilzie the said William Henrysoun.

Fol. 70, a.

Fol. 70, b.

Holyrood
 House, 12th
 June 1628.
 Order for the
 trial of Isobel
 Harcas,
 charged with
 witchcraft and
 child-murder.

Commission under the Signet to the bailies depute of the regality of
 Broughtoun as justices to hold courts and try Isobel Harcas, spouse to
 Magnus Kendelie, sailor in Leith, by whose own depositions it appears
 that she has murdered “her awin bairne borne be her in adulterie to
 umquhill William Edem,” and in which she also confesses several points
 of witchcraft. Signed by Mar, Hadinton, Lauderdaill, Dunkeld,
 Erskyne, Hamiltoun, and S. J. Scottistarvett.

Commissions,
 1624-30.
 Fol. 163^a, b.

[Sederunt as recorded above with the addition of Lord Areskine.]

Sederunts,
 1625-29.
 Fol. 88, b.

Sir John
 Stewart.

“The quhilk day a warrand wes past for transporting of Sir Johnne
 Steuart fra the castell to the tolbuthe of Edinburgh.”

Order that
 John Leir-
 month and

“The quilk day Johnne Leirmonth, chopman, sone to William Leir-
 month in Kelso, Johnne Ramsay in Gilmertoun, Johnne Balfour, sone to

Selerunts,
1624-29.
Fol. 53, a.

Patrik Balfour in the Cannogait, Johnne Miller, sone to William Miller in Jedburgh, and Johnne Craufurde, sone to Craufurde, others, prisoners in the Tolbooth of the Canongate, be delivered to the Colonel Sinclair for service in the wars of Germany.

fleshour, prisounaris in the tolbuthe of the Cannogait, wer ordanit to be delyverit to Colonell Sinclair to be send to the warres of Germanie; and he promiseist to defray thair chargeis in the tolbuith fra this day furthe."

Commissions,
1624-30.
Fol. 172, a.

Signature for a patent as follows:—The King understanding how that Alexander, Earl of Linlithgow, Admiral of Scotland for the time, "hath to his great charge abroad in forane pairts caused diverse of his servants use great panes and industrie in finding out a trew way for making of saltpeter powder and matche never heeretofore practised in exact maner within the said kingdome to the great prejudice of his Majesteis subjects there; and his Majestie being most willing to cherish and incourage all suche workes and noble projects as sall be frome tyme to tyme putt in practise be anie of his loving subjects bot speciallie in the persons of noblemen of his berth and dignitie, as tend to the honnour, saulfetie and good of the said kingdome in these troublesome tymes, and being withall weill pleased that the said Erle his airis and assigneyes, pairtiners, deputs and servants sould be encouraged to goe on and practise the said worke and to injoy the benefite thairof during the tyme after mentioned," therefore, with consent of the Lords of Council and Exchequer, ordains a patent to be made under the great seal granting to the said Earl and his foresaids alone the right of making "salt peter powder and matche" for 21 years from the date hereof, within Scotland or any part thereof; discharging all former patents granted to this effect to any persons whatsoever who have anyway forfeited or resigned the same as not having in due time taken effect: With power to the said Earl and his foresaids to build or lease houses for the said manufacture; also with the advice of the Council "to enter, breake, open, dig, searche and worke for salt peter, als weill within the houses, lands, grounds and possessiouns of his Majestie, his airis or successors that now be or heerafter sall be, as also in the houses, vaults, sellers, towres, castells, stables, dowhouses, grounds or possessiouns of anie of his Majesteis subjects within the said kingdome of Scotland, and there to have, take and use all suche ground, earth and water as sall be thought good for the making of good and serviceable salt peter," with as little prejudice to the owners as may be, and making such satisfaction "for falling of houses, wallis, warkes or timber, by the said worke," as the Council may decide. His Majesty directs the Council to authorise the said Earl and his foresaids with as full power for the furtherance of his work as any former patentee has enjoyed, and to command all sheriffs, justices of peace, provosts and bailies of burghs, and inferior magistrates and officers to assist the patentee herein, especially in obtaining necessaries for the work and carriage of the same at reasonable rates. Moreover, the said patentees are to re-erect, lay and repair all such houses and grounds as they have

Fol. 172, b.

Whitehall,
14th June 1628.
Patent granted to Alexander, Earl of Linlithgow, Admiral of Scotland, for the manufacture of saltpetre.

opened, dug, or defaced as speedily as may be at the direction of the Council. They may import free of custom duty such commodities as they require for the said work, and which are not mentioned in the Book of rates, it being provided that this immunity from custom shall only stand when such goods are converted to the use foresaid and no otherwise. The said "salt peter powder and matche" being made, and his Majesty's stores, castles and subjects in Scotland being sufficiently supplied at reasonable rates, may then be exported and sold in England or Ireland, or to his Majesty's friends abroad, the Earl and his foresaids first giving notice hereof to the Council, and finding caution to report a certificate from the place whither it has been exported within a set time, (the dangers of the sea always excepted), and custom being paid thereupon. Prohibition is therefore made by the Council to all others against making the said saltpetre powder and match within the said space under pain of confiscation and other punishment for their contempt, all sheriffs and magistrates being required to assist herein. Further, if the Earl and his foresaids stand in need of the aid of any strangers experienced in the said work the Council are instructed to "insert heerin a claus of denizatioun if conveinentlie and lawfullie it can be done," whereby such persons, being specially named, shall enjoy all such privileges and liberties usually granted to such. Finally if the Earl fail to commence operations upon the patent within three years the same shall be null and void. Signed by Monteith, Hadintoun, Lauderdaill, Areskine, Melvill, Ad. B. of Dumblane, Hamiltoun, S^r Thomas Hoip, Scottistarvett.

Holyrood
House, 17th
June 1628.

Treasurer; Hadintoun; Lord Lorne; Lord Arskene; Bishop of Dumblane; Advocate; Clerk of Register.

Sederunts,
1625-29.
Fol. 88, b.

Holyrood
House, 17th
June 1628.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 71, a.

Order for the
release of
Claud Hamiltoun,
brother to the Earl of
Abercorn, from his ward in the
Castle of Edinburgh,
and for his
payment of £40 to George
Ramsay, kirk
officer of
Paisley.

On the supplication of Claud Hamiltoun, brother to the Earl of Abercorn, bearing that the Council was pleased to release him from his ward in the Castle of Edinburgh to attend to some of his said brother's affairs in this burgh intrusted to him, that he has made reasonably good progress with the said affairs, but that he has also a great number of matters to deal with in the West country, which concern his said brother's honour and credit no less than the former, and inattention to which will both prejudice the Earl's estate and fortune and reflect upon the petitioner for the neglect thereof, and therefore craving that their Lordships will grant him their release from his warding in the burgh of Edinburgh—the Lords considering that he has now been warded a long time for the offence charged against him (*ante*, p. 327), grant the prayer of his petition, dispensing with the caution granted by him to keep said ward, but ordain him to pay £40 to George Ramsay, kirk officer of Paisley, as a fine.

Decreta,
November
1627-January
1630.
Fol. 71, b.

Complaint by Sir Ludovick Howstoun of that Ilk, as follows:—On 27th July 1626, at the complainer's instance, John Tennent of Cairnes was put to the horn (1) for not removing himself, family, sub-tenants, cotters and goods from the complainer's lands of Wester Cairnes in the shire of Edinburgh and barony of Calder, so that the complainer might occupy the same conform to his infeftment and sasine thereupon, and the Act of Parliament made thereanent; and (2) for not paying the £12 of expenses and collector silver contained in the decree obtained against him before the Lords of Session—he still contemptuously remaining at the horn. Charge being given to the said John Tennent, and the pursuer compearing but the defender not, the Lords ordain charge to be given to the Sheriff of Edinburgh and his deputies to search for, apprehend and imprison the defender, until he fulfil the above obligations.

Charge to the Sheriff of Edinburgh and his deputies to apprehend John Tennent of Cairnes, against whom complaint had been lodged by Sir Ludovick Howstoun of that Ilk.

Fol. 72, a.

Complaint by the provost and bailies of Hadintoun as follows:—John Barns, skinner in the said burgh, being charged by the complainers officer either to pay certain debts for which decrees had been obtained against him or go to prison "conforme to the use of burgh," disobeyed, and acted similarly when afterwards charged to appear before the complainers, by an ordinance of the whole council before the council, and lastly and peremptorily by open proclamation and at his dwelling place to appear within eight days. He was thereupon "verie ordourlie and after great deliberation upoun the day solemnelie deprieved of his burgesship," and ordained to pay to the common officers of the burgh £100, or to be warded until he paid. Accordingly he was apprehended and warded in the tolbooth of the said burgh, when "to crowne these his contempts he brake the said waird and made his addresse to the Cannogait whair he now remaineth, most reproachefullie and contumeliouslie revylling the compleaners at all occasiouns and to all persouns, opinlie avowing that if the compleaners and thair counsell wer all hangit in a tow, and in despite of all thair hearts, he sall be burges and remaine burges in the said burgh." Both parties compearing and witnesses being produced who failed to prove any point of the complaint, the Lords assoilzie the defender.

Absolvitor granted to John Barns, skinner, in the burgh of Haddington, against whom complaint had been lodged by the Provost and Bailies of the said burgh.

Sederunts,
1625-29.
Fol. 88, b.

Treasurer; Hadintoun, Lord Lorne; Lord Arskeene; Bishop of Dunblane; Advocate; Clerk of Register; Sir John Scott.

Holyrood House, 19th June 1628.

Decreta,
November
1627-January
1630.
Fol. 73, a.

[Sederunt as recorded above.]

Holyrood House, 19th June 1628.

Supplication by Sir Alexander Hamiltoun, eldest lawful son to Sir Alexander Hamiltoun, late of Innerweik, bearing that the protection granted to him for attending the soldiers enlisted by him in Ireland and conveying them to Denmark has expired, and he has done all that in him lay to dispatch the business, but that the difficulty of the transport between this kingdom and Ireland has been a very great impediment, so

Extension of protection to Sir Alexander Hamilton, engaged in transporting soldiers to Denmark. See ante, p. 316.

that, though the most part of his company are come over, his lieutenant and a few officers of his company are still in Ireland waiting shipping which he is busy freighting and victualling for them. He therefore craves a further extension of his protection, which the Lords grant until 1st August next.

Decreta,
November
1627-January
1630.
Fol. 73, a.

Holyrood
House, 19th
June 1628.
Commission to
the Sheriff of
Caithness and
his deputies to
try Christian
Irene Tarsiche,
who is accused
of witchcraft.

Commission under the Signet to the Sheriff of Caithnes and his deputies, and Robert Monro of Auldie, Commissary of Caithnes, as justices, to hold courts and try Christian Irene Tarsiche, spouse to John McJoan V^cEall in Trantlemoir in the Strath of Hallowdaill, who has been long suspected of witchcraft, etc., it being necessary "for purging of the land of suche wicked instruments that justice be ministred upon her." Signed by Mar, Hadinton, Lorne, Areskine, Ad. B. of Dumblane, Hamilton, and J. Scottistartvett.

Commissions,
1624-30.
Fol. 164, a.

Holyrood
House, 19th
June 1628.
Petition of
Dame
Margaret
Hamilton for
maintenance
and enter-
tainment,
of which she is
now deprived
by her
husband, Sir
John Stewart,
being in his
Majesty's will
for the crime
of adultery.

"Most sacred Soverane, Thair wes a petitioun preferred unto us be Dame Margaret Hammiltoun, spous to Sir Johne Stewart knight, heavilie regraiting the great trouble and miserie she hes susteanit these diverse yeeres bygane by the unnaturall and inhumane cariage of her said husband towards her, and that now by his becomming in your Majesteis will for the cryme of adulterie committed be him she is depryved of the benefite of the law and of that maintenance and allowance quhilk she would have recovered of him if he had remained in the qualitie of a free persoun, and her humble desyre wes that we would recommend her distressed estait to your Majesteis gracious and royall consideratioun; and whairas the said Sir Johne is now in the qualitie of a convict persoun and that his lyffe and estait is at your Majesteis dispositioun, quhilk will exclude the gentlewoman frome all actioun competent unto her aganis her said husband for her maintenance and interteanement, we ar moved out of ane sattled assurance of your Majesteis bountie and just compassioun of the gentlewomans distresse to send up her petitioun to your Majestie that after consideratioun thair of and of the merite of the caus your Majestie may so provyde for her releeffe as her qualitie doeth require and your Majestie in your princelie judgement holdeth fitting. And so praying God to blesse your Majestie with a long and happie raigne, we rest. Frome Halyruidhous the 19 day of Junij 1628."

Royal Letters,
1623-32.
Fol. 135, a.

Whitehall,
20th June 1628.
Letter from
his Majesty
desiring the
erection of
Stornoway into
a burgh, if no
material
objection to
the said
erection be
raised by the
other burghs of
the kingdom,

"CHARLES R., Right, etc. Whereas we wer humblie moved by our right trustie and weilbelovit cousine, the Erle of Seafort, for erecting of Stornoway in a royall burgh, and having considerit how requisite suche a purpose is for the better civilizing of these remote Islands, the incivilitie of whois inhabitants hes beene in former tymes a great caus of insurrectiouns and troubles in these parts, we have thairupoun beene pleased at the humble sute of the said Erle to signe a Signature of that erectioun, and being most willing (if so be that the same doeth not reallie tend to the ruine or decay of the estait of our saids burghes) that

Fol. 181, b.

Royal Letters,
1623-32.1
Fol. 181, b.

all impediments for hindering the dispatche of these things upon whiche the effects to proceid upon so good ane intention doe depend sould speedilie be removed, and the rather becaus the said Erle is to have a care that the course intendit for the yrne workes and casting of ordinance in these northerne parts (whither he is with all haist to reparaire) sould take effect, our speciall pleasure is and we doe heereby will and require yow that yow call the provest and bailliffes of Edinburgh in name of thameselfes and of the saids burghes or the commissioners of the saids burghes to the eight day of July nixt to propone thair reasons and allegatiouns for limiting or staying the said grant, and if anie thing sall be materiallie objected against it lett the same be stayed till we may be advertised thair of, bot if nothing materiall be found thairin that may tend to the ruine or decay of the estait of the saids burghes in particular or prejudge the estait of that our kingdome in generall our further pleasure is that with all convenient diligence yow pas and exped the said Signature according to the tennour thair of. We bid yow fareweill. Frome our Court at Whitehall the 20 of June 1628."

Fol. 143, b.

"CHARLES R., Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Quhairas we have bene pleased upon consideratioun of the good of that our kingdome to signe a Signatour in favours of our right trustie and weilbelovit cousine and counsellour the Erle of Linlithgow for causing make powlder and salt-peter and matche within the same, therefore our pleasure is and we doe heereby will and require yow to exped the said Signatour under our great seale there, and that by all lawfull wayes and meanes yow contribute to the advancing of so good an intention, and that according to the contents of the said Signatour and in so farre as may stand with the ease of our subjects there; we bid yow heartilie farewell. Frome our Court at Whitehall 20 of June 1628."

Whitehall,
20th June 1628.
Letter from his
Majesty anent
the Earl of
Linlithgow's
patent for
making
powder, salt-
petre, and
match.
See ante, p. 333.

"CHARLES R., Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whairas our burgh of Edinburgh hes by vertue, as we are informed, of our Acts of Parliament other rights, securiteis and customes bruiked and enjoyed past memorie of man sindrie and diverse liberteis and priviledges and in speciall the setting of pryce upoun bread, ale and uther vivers, and thirling of the multour of thair mylnes, quhair of they and their predecessours have bene in long and peaceable possessioun, and we being willing that all their rights, priviledges, customes and liberteis be enjoyed be them as they wer in the tyme of our lait deere father of worthie memorie and others our royall predecessours, our will and pleasure is that yow hencefurth take suche course as the same may still be enjoyed by them and they frome tyme to tyme continued in the possessioun

Whitehall,
20th June 1628.
Letter from his
Majesty con-
firming certain
ancient
privileges of
the burgh of
Edinburgh.

thairof untill the same may be evicted frome them by dew course of law before the competent judge, and siclyke that yow take ordour that the inhabitants of Edinburgh and south side of Leith make their mustours and weapounshawings to the magistrats of the said burgh conforme to the lawes of that our kingdome, and that yow take into your serious consideratioun quhat may be the best meanes to mainteane trading by sea, increase of shipping, and preservatioun of both. So we bid yow fareweill. Frome our Court at Whitehall 20 Junij 1628." Royal Letters,
1623-32.
Fol. 143, b.

Fol. 144, a.

Whitehall,
23rd June 1628.
Patent, to last
for twenty-one
years, granted
to James
Galloway,
Master of
Requests, and
to Nathaniel
Udward, in
Leith, for the
manufacture
of all sorte of
ordnance, with
bullets, and
other furni-
ture, and for
the erection of
works requisite
for the said
manufacture.

Signature for a commission under the great seal, as follows:—The King "out of his princelie and tender regard to the honnour and strenthening of his ancient and native kingdome of Scotland, being graciouslie pleased to advance and further all suche designes as may bring within the same the practise of all profitable and usefull workes not formerlie knowne thair; and understanding how necessar and expedient it is that his castells and strongholds and shipping of the said kingdome be weill furnished and appointed with yrne ordnance and bulletts made within the same, whiche in former tymes in the raynes of his moste noble progenitours wer brought frome beyond sea and hardlie suche store gott as might strenthen and suffice the countrie; and his Majestie knowing the good service done to his hienesse and royall father of happie memorie be Mr. James Galloway, onelie maister of requeists to his sacred Majestie, and Mr. Nathaniel Udward, resident in Leith, and being assured of thair industrie and diligence in prosecuting and bringing of the said yrne warkes for casting and making of yrne ordnance to some trew perfectioun within the said kingdome of Scotland," he with consent of the Lords of Council grants to them and their heirs and assignees for twenty-one years the sole right within any part of Scotland to make and cast all sort of iron ordnance, great or small, with bullets and other furniture, and with power to erect works for making the same. The lieges are warned not to infringe this patent under all highest pain, and confiscation of their material, one half of which is to go the King, and the other to the patentees. The patentees are empowered to sell the same at reasonable rates to the subjects, provided that there is sufficient store at Leith for the service of the country. They may also without payment of custom export the same, but only to those nations which are in league and at peace with the King and whither the English now export theirs. The patentees are to pay to the Crown £200 sterling during the said twenty-one years by equal half-yearly payments, but for five years this payment is postponed, and the first payment is to be made at Martinmas 1633, before which date the patentees are to find caution for this sum for the rest of the period or the patent is to lapse; and it is also to lapse if the patentees fail to

The Commissions,
1624-30.
Fol. 166, a.

Fol. 166, b.

Commissions,
1624-29.
Fol. 166, b.

commence the work within three years. This signature is to be a sufficient warrant to the writer and keeper of the great seal for expediting the same, without passing any other seal. Signed by Mar, S^t Andrews, Wintoun, Lauderdaill, Lorne, Carnegie, Hamiltoun, and S. J. Scottistavvett.

Sederunts,
1624-29.
Fol. 88, b.

Hadintoun, Privy Seal; Wyntoun; Lord Lorne; Lord Arskene; Holyrood House, 24th June 1628.
Lord Melvill; Clerk of Register; Advocate.

Decreta,
November
1627-January
1630.
Fol. 73, b.

[Sederunt as recorded above.]

Holyrood
House, 24th
June 1628.

Complaint by Sir Thomas Hoip of Craighall, knight baronet, King's Advocate, and Captain James Stewart, son to the late Robert Stewart of Culbeg, as the party aggrieved, as follows:—Notwithstanding that the wearing of hagbuts and pistols has been often prohibited, on 6th June 1627 the said Captain Stewart was quietly walking down the High Street of Stirling when he met James Hairt, merchant burges there, who without any cause "most disgracefullie railed upon the compleaner, calling him debosht villane with manie other reproachefull speeches, provoking him to fight with him, and crying unto him Come under this staire for your hanging and I sall give yow the thing that yow ar seeking. And thairafter in ane furious maner the said James ranne in to his merchant buith, brought forth twa charged pistolets and bedit ane of the same of purpose to have shott the compleaner thair-with throw the bodie." Being hindered by some well-disposed neighbours who took the pistol from him, and then being apprehended and taken to the tolbooth, he took a pistol with him; but fearing he would be challenged about it "he privilee convoyed the same over the barre to some of his acquaintance." Both parties compearing and the evidence of witnesses having been heard, the Lords find it proved that the defender presented a pistol at the pursuer as libelled, and ordain him to keep ward in Edinburgh till he compone with his Majesty's Treasurer for the said offence.

Fol. 74, a.

Fol. 74, b.

Complaint by James Dumbar in Hemprigs and Robert, his brother, servitors to the Earl of Murray, as follows:—Robert Tulloch, son to the deceased Alexander Tulloch of Tannachies, and William Hay of Struthers, out of malice have sought to do the complainers "some notable effront and disgraice." Knowing that the complainers had business in Forres on 7th May last, they with their accomplices, armed with "jackes, secrets,¹ steillbonnets, steilhatts and plaitt bonnetts," came thither and "derner² thameselfes within the toun till they understood of the compleaners behaviour what they wer doing. And in end perceaveing the said James Dumbar to be walking upoun the streete peaceable without companie, the said Robert Tulloch kuist himselfe in his way and to forge a querrell aganis him he beganne to

Order for the warding of James Hart, merchant burges in Stirling, in the Tolbooth of Edinburgh, till he compone for the crime of presenting a pistol at Captain James Stewart.

Absolutor to William Hay of Struthers, against whom complaint had been lodged by James Dunbar, servitor to the Earl of Murray for assault.

¹ Coats of mail concealed under the usual dress.

² Hid.

disgrace him with reproachfull calumneis and lees, and with that, er ever the compleaner wes awar of him, he lappe in to the compleaner with a long drawin durke in his hand whairwith he gave him three great straikeis upoun his hand and arme to the effusioun of his blood and appearand mutilatioun; and finding that the compleaner was so deidlie hurt in his hand and arme as he wes not able to defend himselfe, he than most unworthilie drew his sword and persewed the compleaner of his lyffe; and the said William Hay, being on horseback, with a long lance in his hand, he ranne at the compleaner with his lance, thinking to have runne him quyte throw the bodie, bot he being fred and releevd be some of the toun people and forced for his saulfetie to withdraw himselfe to the dwelling hous of Thomas Nicolsoun in Forres for pansing of his wounds, haveing the said Robert Dumbar, his brother, with him," the persons accused with their accomplices surrounded the house, "brasched the doores and yetts thairof," which being so barricadéd "that they could not gett thame brokin up, they than used manie provocatiouns aganis thame to have drawin thame out, objecting unto thame cowardice and want of courage, and swearing and avowing that at the nixt meeting they sould have the compleaners lyffes." Parties being cited and the pursuers and William Hay compearing, and Robert Tulloch "being excused be a testimoniall in writt under the hand of Mr. Williame Falconer, minister at Dyke, Mr. Patrick Tulloch, minister at Forres, Mr. John Hay, minister of Lathord, and some other ministers of the presbyterie of Forres" that he could not travel because of some deadly wounds in his head, arms and other parts of his body, witnesses were produced by the pursuers, but failed to prove any part of the complaint. Therefore the Lords assoilzie the said William Hay, and ordain him and the pursuers both to find caution to each other for their indemnity each in £500.

Decreta,
November
1627-January
1630.
Fol. 74, b.

Fol. 75, a.

Fol. 75, b.

Ordinance
denouncing as
rebels Donald
M'Hectour
M'Rorie, and
others, for
seizing the
ship called
"The Provi-
dence of
Dumbarton,"
which had been
driven on the
Island of Mull,
for plundering
the said ship,
and failing to
appear before
the Council to
answer to the
charge.

Complaint by James Smalrat, merchant burgesse of Dumbartane, master and owner of the ship sometime called *the Providence of Dumbartane*, for himself and his partners in the said ship and cargo, as follows:—They had loaded part of the said ship with herring in the Clyde beside Dumbartane, and then proceeded to Ireland for the rest of her cargo, consisting of cloth, butter, cheese, and such like. Thereupon they set sail for France, but by stress of weather were driven among the western Isles of this kingdom, first at Terie, where they cast anchor. But the storm increasing, they were forced to cut their cables and slip their anchors, and were then driven by the violence of the wind and storm to the Kyle of Alloway in Mull, belonging to Hectour M'Claine of Dowart, where their ship was driven ashore on 22d January 1627; and only with great difficulty did the complainer and his crew reach the land in their boat. When they were attempting to secure the cargo which they would probably have done, Donald M'Hectour V'Rorie in Skallisdilbeg, John M'Achine V'Ewin, captain of Cairnebarrow, and Lachlan, his son, Neill

Decreta,
November
1627-January
1630.
Fol. 75, b.

Roy M^cGorrie in Ardisgrige, Hectour M^cEane Dow V^cLauchane in Borge, Lauchlan M^cEane Dow V^cLauchlane there, John M^cIlwredie in Torsarie, Neill M^cCarren there, Archibald Reoche M^cBea there, Donald M^cIlleweddie there, Charles M^cLauchlane V^cEwin [in] Kyllenynyne, Hectour M^cRorie Voyre in Torlosk, John M^cDonnald Ropiche in Fannoir, Murthie M^cIntailyeour there, Murthie M^cGowne there, John, his son, there, John Dow M^cInnow Catter there, M^cChallome M^cNeill Eir in Kilmichell, John and Ferquhair his sons there, Lachlan M^cOrkill in Cames, Donald M^cLauchlane Roy there, Ewin M^cIllecreist V^cCartna in Oskamull, John M^cDonnald V^cShirie there, Mr. John Campbell in Corkamure, Gilmertein, his man, there, John M^cEane V^cKaldie in Collonsa, Donald M^cEane Dow V^cCaldie there, Finlay Bayne M^cGressiche there, Gillichallum M^cWorthie in Abose, Donald M^cAchine Dow there, Donald M^cDonald Reoche in Culleinische, Gillecillum M^cDonnald V^cEane Veill there, Lachlan M^cDonald V^cGnorie in Balleyartna, John Dow M^cIllereoeche there, Rorie M^cIllereoeche there, John M^cKaldie [in] Kilv^cEwin, Gillicillum, his son, there, Neil M^cDonnald Roy V^cAldie in Craigage, Gnorie M^cNeill V^cDonald there, Neil Dow M^cDonochie V^cCleriche in Ormaige, John M^cWorchie V^cEane Dow there, M^cGnorie of Carmakilliche, Molcallome M^cKaldie there, Neil M^cIllereoeche there, Moldonyt M^cNoheardie there, Lachlan M^cOrkill there, Donald M^cLauchlane Roy there, Neil Keir in Nwa, Lachlan M^cEan Dow V^cKaldie there, John Baine M^cIntailyeour in Dowchoren, Gilpatrik M^cDonnald Oig there, John M^cKinlay Roy there, Rorie Nynidge in Frakadill, Archibald Reoche M^cGillephatrik in Kyllenynyne, John Roy M^cEane Roy V^cWorchie there, Neil M^cDonnald Glasse there, Donald Camb M^cDowall V^cCleriche there, Archibald Nafachie in Torlosk, Rorie M^cEane V^cKynych there, John M^cIllenane there, Donald and Archibald M^cEane V^cKynyts there, John Ouir there, Donald M^cEane Dow V^cAchine in Corkamure, Finlay M^cFinlay Dow in Killurenan, and John Roy M^cKinlay Oig, piper in Killurennane, came with their servants and others, in boats, "skoutes," on horse and otherwise, "and after a most barbarous, lawlesse and maisterfull maner seized upoun the compleaners said shippe, cutted down thair mast, riggings, taicklings, sailes, towes and whole rigging, and caried the same away togidder with certane her munitioun and uther furnitour, extending in worth to the sowme of sax thowsand merkes money, with the particular goods following being within the said shippe, viz.:—fyftein lasts of herring or thairby at two hundreth merkes, extending to thrie thowsand merkes, two thowsand weight of Yreland butter, worth sevin hundreth merkes, mair of cloath and uther small wairis worth fyve hundreth merkes;" and have disposed of the same as they pleased. Charge having been given to the defenders to compear before the Council to have order taken with them anent this spoliation, and for making redress to the complainers, and the pursuer

Fol. 76, a.

Fol. 76, b.

comparing but none of the defenders, the Lords ordain the latter to be denounced rebels.

Decreta,
November
1627-January
1630.
Fol. 76, b.

Holyrood
House, 24th
June 1628.

“Excellentissimo et invictissimo principi Christiano Quarto, Dei gratia Daniæ, Norvegiæ, Vandalorum Gothorumque Regi, Duci Slesvigæ, Holsatiæ, Stormariæ ac Dithmarsia, Comiti in Oldenburg et Delmenhorst.

Royal Letters,
1623-32.
Fol. 135, b.

Answer of
Council to the
letter of the
King of
Denmark
(April 30)
touching the
dispute
between
Alexander
Chirnesyde
and James
Sinclair.
See *ante*, p. 321.

“Serenissime et invictissime princeps, Accepimus Majestatis vestræ literas datas 30 Aprilis, quibus innotuit nobis satis serenissimæ vestræ Majestati factum esse ex rationibus acceptorum expensorumque a capitaneo Alexandro Chirnesyde Majestati vestræ redditis; simulque velle Majestatem vestram nobis curæ esse, ne immerito accusatus ejusve fidejussores ex re bene administrata damni aliquid patiantur. Qua de re Jacobus Sinclarus atque dicti capitanei fidejussor citati, et sese coram nobis sistentes, affirmabat prædictus Jacobus capitaneum Chirnesyde nonaginta duos milites solummodo transmississe et numerum suum succenturiasse adscitis aliis tam propriis ipsius Jacobi quam aliorum militibus sub dicti Jacobi vexillo ibi merentibus; quod certe fidejussorem a tenore obligationis suæ liberare non posse asserebat. Cum itaque inter ipsos ita esset contraversum, nos (eo quem decet serenissime vestræ Majestatis literis respectu habito), nolumus de hac re quicquam statuere quoad plenius Majestatem vestram de eadem consultam haberemus. Qua propter negotium hoc in mensem Novembrem proxime sequentem distulimus, quo facilius et copiosius interea, ab utraque parte de gemino contraversiæ statu, Majestas vestra posset erudiri, atque adeo ulteriorem de hac re voluntatem vestram significare queat. Cui nosmetipsos obsequiosos reddemus nihil ambigentes si Majestati vestræ capitanei operam et diligentiam visum fuerit agnoscere; quin etiam prædictum militum numerum ab ipso transvectum completæ cohortis loco dicto Jacobo Sinclaro annumerare Majestas vestra clementer dignabitur: atque adeo ipsum de tot militibus exonerare quot capitaneus de supradictis tam ipsius Jacobi propriis quam aliorum militibus sub ejus vexillo merentibus facta inquisitione comperietur desumpsisse. Quod quidem ordo justitiæ exigere videtur quandoquidem præfatus Jacobus Sinclarus capitaneo suam præstitit conditionem ipsique numeros ad numerum suum perficiendum tradidit. De quibus serenissimæ vestræ Majestatis voluntatem submissee expectantes Deum immortalem obnixè præcæmur ut Majestatem vestram opibus potentiæ imperioque auctam diu servet incolumem. Dabantur de palatio Sanctæ Crucis 24 Junij 1628.¹ *Subscribitur*, Serenissimæ Majestatis vestræ obsequiosissimi Senatores sanctioris Consilii Regni Scotiæ, Mar, Hadinton, Wintoun, Lorne, Areskine, Ad. B. of Dumblane, Melvill, Hamilton, S. Thomas Hoip.

Fol. 136, a.

¹ This letter, with its extraordinary solecisms, is hardly creditable to the country of George Buchanan.

Acts February
1628-July
1629.
Fol. 25, a.

Sederunt.—Hadintoun; Bugleuche; Bishop of Dumblane; Lord Holyrood House, 26th June 1628.
Areskine; Melvill; Advocate; Clerk of Register; Sir John
Scott.

“The whilk day Thomas Patersoun in Auchingray compeirand personallie before the Lords of Secreit Counsell actit and obleist him that he and Browne, his spouse, sall betuix and this day moneth satisfie the Kirk for the cryme of adulterie committit be thame for the whilk they ar excommunicat and at the horne and that he sall compeir that day before his Majesteis Council and produce a testimoniall that they have satisfied the Kirk in maner foresaid under the pane of fyve hundreth pundis.”

“The whilk day Jonet Johnestoun spous to Lochhill compeirand personallie before his Majesteis Counsell conforme to the caution found be her to that effect, she wes allowed to goe home to remaine till she be delyvered of her birth, she finding caution that in this meane tyme till her delyverie she sall behave her selfe modestlie without offence and scandall to the Kirk, she sall conferre with the ministrie for giving unto thame satisfioun anent her religioun, whilk if she doe not betuix and the tyme of her delyverie, that after her recoverie she sall depairt furth of the kingdome and not returne againe within the same without his Majesteis licence under the pane of ane thowsand merkes.”

Fol. 25, b.

Decreta,
November
1627-January
1630.
Fol. 77, a.

[Sederunt as recorded above.]

Holyrood
House, 26th
June 1628.

Complaint by Sir Thomas Hoip of Craighall, his Majesteis Advocate, and John Browne in Drephane, as follows:—Notwithstanding that the wearing of hagbutts and pistols is strictly forbidden, William Hamiltoun, son to the deceased Mr. James Hamiltoun of Cander, has long sought opportunity to take the complainer's life, merely because, as cautioner for the defender's said father, complainer had pursued him in a legal way for repayment of certain sums he had been obliged to pay. And on April last when they met in the town of Stennos, the defender at unawares shot at complainer with “a bendit pistolet” intending to kill him, though he providentially missed. Complainer compearing but defender not, the Lords ordain the latter to be denounced and escheat.

Fol. 77, b.

Complaint by the moderator and brethren of the presbytery of Paisley as follows:—By Act of the Parliament held at Edinburgh in June 1594, presbyteries are required to summon and deal with papists and suspected papists in their bounds, and in case of such being contumacious to report them to the Council, who were ordained to cite those persons before them with the evidence of their submission to the Kirk on pain of hornings, whereupon, if they still disobeyed, the said Act provided that not only should their movable goods be escheated, but also any liferent

Fol. 78, a.

William
Hamilton
denounced
rebel for
shooting at
John Brown,
and failing to
appear before
the Council to
answer to the
charge.

Complaint of
the Moderator
and Presbytery
of Paisley
against Marion
Boyd, Countess
of Abercorn,
and Thomas
Algeo, her
servant, whom
they charge
with being
Papists and

with defying
the censure of
the Kirk.

rights they possessed. Now Marion Boyd, Countess of Abercorn, and Thomas Aldgeo, her servant, having been long suspected papists, and "for that caus, and for thair refusall to frequent the kirk, heare the word, and to communicat" being charged to compear before the said presbytery "to give confessioun of thair faith, subscrivye the said confessioun and to participat of the sacraments," they contemptuously disobeyed, whereupon, after long waiting for their conversion to the truth and finding nothing in them "bot ane constant and obdured resolutioun to continew in thair erroneous and foolish opinionis," the complainers proceeded against them with censure. Accordingly on 3d September 1627, "being Sunday," the said Thomas Aldgeo was excommunicated in the kirk of Paisley by Mr. John Hay, minister there, in presence of the congregation then convened "to the sermon," who on the 20th also excommunicated the said Marion Boyd, in the same place; but this censure they regard not. The said Mr. John Hay compearing for the said presbytery, and the said Countess compearing by William Hamiltoun, her son, who produced a testimonial signed by Mr. Andrew Hamiltoun, minister at Kilbarchane, Mr. Robert Hamiltoun, Doctor of Medicine, Gavin Hamiltoun, Vicar of Kilbarchane, John Mairshall at Kilbarchane and Ezechiel Montgomerie, elders at the kirk of Kilbarchane, that through weakness and infirmity she was unable to travel "as she declared upoun her conscience," the Lords excuse her absence and assign to her the 17th July next for her compearance before the Council with the certificate of her satisfaction and relaxation, when, if she be still unable to travel, she is to "cleere the same by ane sufficient and laughfull testimoniall frome some of the ministrie testifeing upoun thair oath and conscience" to that effect, and either send the said certificate, or one to the effect, that she has entered into conference for the same, on pain of horning. They also ordain Thomas Aldgeo, who did not compear, to be denounced and escheat.

Decreta,
November
1627-January
1630.
Fol. 78, a.

Fol. 78, b.

[No record of Sederunt.]

Holyrood
House, 30th
June 1628.
Order inhibit-
ing the Earl of
Cassillis and
Sir Patrick
Agnew of
Lochnaw from
holding a court
on land dis-
puted between
them, and
charging them
to appear
before the
Council on the
22nd of July
next, and
meanwhile that
they keep his
Majesty's
peace.

" Forsameekle as the Lords of Secreit Counsell ar informed that thair is great appearance of trouble and unquyetnes lyke to fall out betuix Johne, Erle of Cassills, on the ane pairt, and Sir Patrik Agnew of Lochnaw, knight, Shireff of Wigtoun, on the other pairt, anent the halding of a court upoun some pairts of the lands in Galloway contraverted betuix thame, whilk court is appointed to be haldin upoun the thrid of Julij now approcheing, and both the saids pairteis hes thair kin and freinds under wairning and in readinesse to assist thame in this bussines, the one for holding of the said court and the other for opposing and withstanding of the same, whairupoun great inconveniences are lyke to fall out to the breake of his Majesteis peace and disquyetting of the countrie without remeid be provydit, Thairfoir the Lords of Secreit Counsell ordanis letters to be direct to command, charge and inhibite both the saids pairteis that nane of thame pre-

Acta February
1628-July
1629.
Fol. 25, b.

Acta February
1628-July
1629.
Fol. 25, b.

soome nor take upoun hand to hald the said court nor to make oppositioun or resistance thairto, or to resort and repaire to the bounds whair the court is appointed to be haldin, bot that they suffer the said dyet to desert and no forder to be done thairin ay and whill the saids Lords upoun tryell and cognitioun to be tane in that mater give forder ordour and directioun thairanent as accords, as they and either of thame will answeare upoun the contrarie at thair highest charge and perrell, and under the highest pane that by course of law can be inflicted upoun thame for thair disobedience. As alsua to command, charge and inhibite all his Majesteis lieges and subjects be opin proclamatiou at the mercat croces of Wigtoun and Minnyboill and others plaices needfull that nane of thame presooome nor take upoun hand to ryse in armes nor to accompanie or assist anie of the saids parteis in holding of the said court or opposing thairunto under the pane to be callit, persewed and punished thairfoir with all rigour: and siclyke to commande and charge bothe the saids parteis to compeir personallie before the saids Lords upoun the twentie-twa day of July now approcheing to underly suche ordour as sall be tane with thame tuicheing the observeing of his Majesteis peace and keeping of good rule and quyetnes in the countrie under the pane of rebelliou, etc., with certificatioun, etc. And in the meanetyme that they observe our Soverane Lords peace, keepe good rule and quyetnes in the countrie, and that they nor nane of thame presooome nor take upoun hand to invade or persew ane another, or to make provocatioun, offence or displeasure ane to another for whatsomever deid or occasioun under the panes following, viz., the said Erle under the the paine of ten thowsand pundis, and the said Shireff under the paine of ten thowsand merkes, certifeing thame that does in the contrair that they sall be decerned to have incurred and to incurre the said paine, and letters sall be direct aganis thame for payment thairof in forme as effeirs."

Fol. 26, a.

Fol. 169, b.

Signature for a commission as follows:—The King "haveing taikin into his princelie consideratioun the criminall judgement of his Hienesse kingdome of Scotland whiche consisteth in the high and supreme court of Justiciarie, quhairupon dependeth the defence of the lyffe and saulfetie of innocents and the just and dew punishment of delinquents, and that his Majesteis good subjects living farre from the courts of justice have been forced long to groane under the burdein of manie insolent injureis, crymes, oppressiouns and extortiouns occasiouned ather by neglect of the ordinarie officers of justice, impunitie and power of offenders, or for want of meanes to travell to the seate of our supreme court of justice there to exhibite thair just and lawfull complaints, and quhairas in the ellevinth parliament of his Majesteis lait father of happie memorie haldin in the moneth of July 1587 yeeres it wes statute and ordained that two commissioners out of the Colledge of Justice with ane depute of the Thesaurars and another of the Justice

Commission granted to Sir James Learmonth of Balcomie and Mr. George Halyburton of Foderance, senators of the College of Justice, to travel through the shires of Edinburgh, Linlithgow, Stirling, Lanark, Renfrew, Ayr and Wigton in the months of August, September, and October next, and there to hold Circuit Courts of Justiciary.

Clerkes sould be sent twise everie yeere throw everie ane of the foure ^{Commissions,} severall quarters of the said kingdome for administratioun of justice and ^{1624-30.} reformatioun of abuses," therefore "and to the effect that all his ^{Fol. 169, b.} Majesteis subjects of the said kingdome may taste of his Majesteis governement and royal intentioun for administratioun of justice" his Majesty ordains a commission to be exped under the testimonial of his great seal appointing Sir James Learmonth of Balcolmie, knight, and Mr. George Halyburtoun of Foderance, two of the senators of the Colledge of Justice, as justices, judges, and commissioners in that part for the quarter of the kingdom embracing the shires of Edinborow, Linlithgow, Stirlin, Lanerick, Renfrew, Air and Wigtoun, with powers to ^{Fol. 170, a.} them in the months of August, September and October next to travel through these shires or head burghs thereof "and to make inquisitioun by the oath of good and lawfull men of his Majesteis saids shirefdomes, and by all other wayes, meanes and middesses whiche they best can by quhom the veritie may be best knowne upoun all dittayes to be inquired and taikin up of all persouns criminall contraveeners of anie of his Majesteis Acts of Parliament, lawes and constitutions of the said realme, as they sall thinke expedient and agreable to the lawes and practique of the said kingdome, and that ather at the instances of the parteis or *ex officio judicis*, or at the instance of his Majesteis Advocats or his deputs for his Majesteis interesse" and to hold courts and administer justice upon offenders, summon witnesses, etc.; also with power in cases to be pursued civilly before them upon the contravention of any penal statutes which his Majesty or the Council shall think fit to be put in execution, to compone and agree with such as are convicted ^{Fol. 170, b.} thereof, "and to sett down the compositiouns formallie in a booke in writt under thair hands, writtin by the deputie of the Justice Clerk there present and the same to returne and delyver to his Majesteis Commissioners or Remembrancer of his Exchequer, ane extract thereof to his Majesteis Thesaurar or Thesaurar Depute," that the names of the persons may be known and their compositions and fines brought in by the Treasurer, Treasurer Depute and Receivers of his Majesty's Rents, for his Majesty's use. Further the said commissioners are empowered "to caus repaire and make sufficient waird houses and tolbuithes within everie heed burgh of the shyre, with sufficient and decent benches and barres for judges, justices of peace and prisoners, and to putt his Majesteis Acts of Parliament to dew executioun, and in speciall for making or repairing the said tolbuithes, mending of highwayes, bridges and calseyis in everie shire, and for causing the statuts and commissioun of the peace to be dewlie execute and all offciars belonging thairto to be dewlie established and authorized in executioun of thair severall offices"; also to appoint officers of court, and uplift all casualties, which they shall account for and deliver to the Treasurer and Depute Treasurer, their fees and charges being allowed in the first end thereof or other-

Commissions,
1624-30.
Fol. 170, b.

Fol. 171, a.

wise as his Majesty shall appoint or the Treasurer or Commissioners of Exchequer may modify, conform to the said Act of Parliament. Publication of this commission to be made at the head burghs of all shires, requiring all Dukes, Marquises, Earls, lords spiritual and temporal, lords of regalities, barons, sheriffs, justices of peace, chamberlains, magistrates and ministers of the laws and all other subordinate judges and whole lieges to give due respect to the said commissioners and to assist them as they may be required under all highest pain, the sheriffs being required to "caus sufficient and legall men compeir before his Majesteis saids commissioners at suche dayes, tymes and places as the saids commissioners sall appoint by whome the veritie in the premisses may the better be verified and knowne"; and the sheriffs and wardens of the wardenries with their deputes and the freeholders of the shires (being warned) are required to meet the said judges and commissioners at their entry to their respective shires and convoy them to the head burgh "and ay and quhill they be received by the nixt shereff or his depute into the nixt shyre." This commission to endure only from 1st August to 1st November next. Dated at the day of 1628. Signed by Mar, Menteith, Hadintoun, Wintoun, Linlithgow, Perth, Areskine, and Sir Thomas Hoip.

"Ane commissioun of the dait at Whitehall the last day of June 1628 givin to the Erle of Menteith and Mr. Alexander Seatoun of Kilcreuche, ane of the senatours of the Colledge of Justice, within the shirefdomes of Fyffe, Perth, Kinroscher, Clackmannan, Dumbartane, Bute, Argyle and Tarbert, conforme to the tennour of the commissioun abonewrittin in all points."

Whitehall,
30th June 1628.
Similar
Commission to
the Earl of
Menteith and
Mr. Alexander
Seatoun of
Kilcreuch.

Fol. 171, b.

"Ane other commissioun of the dait at the day of givin to the Maister of Jedburgh and Mr. Thomas Hendersoun of Chesters, two of the senatours of the Colledge of Justice, within the shirefdomes of Hadintoun, Bervick, Roxburgh, Selkirk, Peeblis, Dumfreis, conforme to the tennour of the former two commissiouns in all points."

Similar
Commission to
the Master of
Jedburgh and
Mr. Thomas
Henderson of
Chesters.

"Ane other commissioun of the daite at the day of givin to Sir James Skeene and Sir Androw Fleshour within the shirefdomes of Forfar, Kincairdin, Aberdein, Banff, Elgine and Forres, Narne, Innernes, Cromartie, Caithnes and Sutherland, of the forme and tennour of the former commissiouns in all points."

Similar
Commission to
Sir James
Skeene and Sir
Andrew
Fleshour.

Acta February
1623-July
1629.
Fol. 26, a.

Sederunt.—Treasurer; Hadintoun, Privy Seal; Wyntoun; Lauder-Holyrood House, 1st July 1628.
daill; Bishop of Dumblane; Lord Areskine; Melvill;
Master of Elphinstoun; Advocate; Clerk of Register.

"The Lords of Secreit Counsell ratifeis, allowes and approves the Act Act in favour of the Earl of Mar.
subscrvyed be Johne, Erle of Mar, Lord High Thesaurar of this kingdome, Mar.

See ante, p. 344.

and letters direct thairupoun for chairging of the Erle of Cassills and Shireff of Galloway to desert a court appointed to be haldin be thame, and for thair compeirance before his Majesteis Counsell and keeping of his Majesteis peace, and allowes of the Erles proceedings thairin and inter-pounes thair autoritie thairto.”

Acta Februar
1628-July
1629.
Fol. 26, a.

Proclamation
anent the
feuars and
tacksmen of
St. Cuthbert's
Kirk.

“ Forsameekle as the fourt day of Julij instant is appointed for the nixt meeting of the commissioners anent the surrenders and teinds, and whairas the saids commissioners hes entered upoun the tryell of the valuatiouns of the lands and teinds comprehended under thair treatie and hes begunne thair tryell at the parish of St. Cuthberts whairin they have made some reasounable good progresse; yitt thair is diverse pairts and portiouns of the said parish whairof the valuatioun is not as yitt discussed and cleered, so that the commissioners ar mynded to discusse that parish afoir they beginne with another, Thairfoir the Lords of Secretit Counsell ordanis ane maisser or officiar of armes to pas to the mercat croce of Edinburgh and thair be opin proclamatioun to wairne all and sindrie the fewers, tacksmen and parochiners of St. Cuthberts whois valuatiouns ar not as yitt discussed and cleered that they attend and await upoun the saids commissioners at Halyruidhous upoun Fryday nixt the said fourt day of Julij instant at twa of the clocke in the afternoone to heare and see the valuatioun of thair lands in stocke and teind discussed and cleered, with intimatioun as effeirs.”

Holyrood
House, 1st
July 1628.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 79, a.

Charge to
Alexander
Thomson to
pay 3s. 4d.
daily for the
maintenance of
Robert Pear-
son, whom he
is detaining in
ward.

Complaint by Robert Persoun, flesher, as follows:—The deceased John Young, sheriff clerk of Edinburgh, his brother-in-law, was indebted to Alexander Thomsoun, “culteller,”¹ in 500 merks of principal, with certain expenses, and Isobel Young, his sister, and spouse to the complainer, was “be the draught of his creditors” served heir to him, in order to pay his debts, but without any benefit to herself or the complainer. Yet although there is a process before the Session for payment of all the debts of the said John Young, Thomson maliciously took out decree against the complainer and his wife and has kept the complainer in ward for two years past “in great miserie, he being ane poore old aged man of threescore ten yeeres, haveing nothing to interteane him and his wyffe and sax bairnes.” On a petition by the complainer their Lordships on 23rd August 1626 ordained him to be liberated on making an assignation of his goods to the said Thomson, and if Thomson refused to accept it, then he was to allow a competent maintenance to the complainer. Thomson disobeying, on another petition by the complainer their Lordships on 21st September 1626 fixed the amount of his allowance as 3s. 4d. daily; but still he

¹ Cutler.

refuses either to pay the same or liberate the complainer, whose case is very hard, seeing the debt was not his, but his brother-in-law's. Charge being given to the said Alexander Thomsoun, and also to Alexander Speir, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and both pursuer and defender compearing, the Lords ordain the defender to make payment to the pursuer of the said daily allowance "everie Saturday at night."

Complaint by David Howname and James Howname, his son, in Morbattle, as follows:—On June they were peaceably engaged in building a "faile dyke" on their master's lands of Morbattle when Andrew Ker, son to Sir John Ker called of Jedburgh, and William Davidson in Morbattle, came to them, armed with swords and other weapons, and wounded the said David Hownome upon the head and hand with a drawn sword, and gave the said James a deep stroke on his hand, whereby "he is become mutilat." Moreover, they continually menace the complainers so that they cannot go about their master's work. Complainers compearing by Walter Hownome, also son of David, and the defenders also compearing, the Lords, after hearing the witnesses produced, who failed to prove any point of the complaint, assoilzied the defenders, and ordain the producers to pay 40s. to each of the witnesses, including John Pringill of Tofts.

Absolutor granted to Mr. Andrew Ker, son to Sir John Ker, and to William Davidson in Morebattle, against whom complaint had been lodged by David Howname and James Howname, his son, for violence offered to their persons.

Complaint by John Gibsoun, servitor to Wilkine Johnestoun, merchant burgess of Edinburgh, and by the said Wilkine for his interest, as follows:—On 22d November last the said John Gibsoun at his said master's direction legally charged Alexander Fareis in Sibbalbiesyde, personally apprehended, for cutting some green wood belonging to Johnstone, when the said Alexander, after reading the copy of the charge delivered to him, "maligning that the compleaner durst presooome to give him suche a charge," invaded him "with a long drawin whingear" and gave him three or four great wounds on the head. Pursuers compearing and the defender not, the Lords ordain the latter to be denounced rebel and escheat.

Alexander Fareis in Sibbalbiesyde denounced rebel and escheat for wounding John Gibsoun and for failing to appear before the Council to answer the charge.

Complaint by Thomas Young, messenger, as follows:—Their Lordships committed him to ward in the tolbooth of Edinburgh, at the instance of William Watts, for his alleged conniving at the escape of Sir George Home of Eckills, though he is most innocent thereof. "With the trouble and onwaiting at Counsell dayes about that bussines he hes not onelie spent all that he had and sauld his abuiyement for necessitie, bot also hes runne him selfe so farre in debt that he will never be able to winne out of it," and, having nothing to entertain himself with, will perish of famine. Charge having been given to the said William Watt, and also to Alexander Speir, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and the complainer being present, but the defender not compearing, the Lords ordain the

Order for the liberation of Thomas Young, messenger, from the Tolbooth of Edinburgh, where he had been detained by William Watts.

See ante, p. 332.

Decreta,
November
1827-January
1630.
Fol. 79, b.

Fol. 80, a.

Fol. 80, b.

Fol. 81, a.

provost and bailies of Edinburgh to liberate the complainer, but suspend him from the exercise of his office of messenger for his fault in the above case.

Decreta,
November
1627-January
1630.
Fol. 81, a.
Fol. 81, b.

Order for the liberation of Robert Weir, keeper of his Majesty's Chapel Royal at Holyrood House, from the Tolbooth of Edinburgh, where he has been warded by Robert Erskine for £50 due to the said Robert.

Complaint by Robert Weir, keeper of his Majesty's chapel royal at Halyruidhous, as follows:—He has been warded in the tolbooth of Edinburgh at the instance of Robert Areskine, indweller in the Cannogait, for £50 of house maill alleged due to him; and the said Areskine has also poynded his goods for this debt—a course “contrair to all equitie, both to punish his persoun and poynd his goods.” Complainer affirms that this procedure is “not so muche for the said pittie debt, as for the love and favour he beares to Simoun Areskine, his elder brother, whome he haits most unkyndelie to the death.” Moreover, though he has assigned to the said Robert Areskine his gift of pension as keeper aforesaid to be uplifted by him till the debt is paid, yet he avows he will detain the complainer in ward “till he starve for hunger.” Charge having been given to the defender, and also to Alexander Speir, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and parties compearing, the Lords, with the defender's consent, ordain the provost and bailies of Edinburgh to put the complainer to liberty on his making to the defender a sufficient assignment of the said pension, till the debt is paid, with this declaration that if the complainer do not attend his service in the said chapel, the said pension shall not be allowed to Areskine, who may then pursue him for payment by course of law.

Fol. 82, a.

Order for the liberation of Matthew Elder, who has been warded by Alexander Reid for a debt of £12 due to the said Alexander.

Complaint by Mathow Elder, as follows:—He has been kept in ward for fourteen weeks past at the instance of Alexander Reid, merchant burgess of Edinburgh, for a debt of £12 and expenses, though Reid and his wife both promised, on their great oaths, to wait for the same till Midsummer 1628, and he has thus forestalled the time by ten weeks. The complainer is also like to perish of famine. Charge being given to the said Alexander Reid, and also to Alexander Speir, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and parties compearing, the Lords, with the said Alexander Reid's consent, ordain the provost and bailies of Edinburgh to liberate the complainer on giving his bond to the said defender for payment of the said debt, one half at next Martinmas and the other at Whitsunday following.

Holyrood House, 1st July 1628.

Commission to Forbes of Monymusk and John Forbes of Leslie to try Robert Moreis, charged with the crimes of incest and child-murder.

Commission under the Signet to Forbes of Monymusk, and John Forbes of Leslie, as justices, to hold courts and try Robert Moreis in Inzeane, tenant to Forbes of Monymusk, who “hes committit the foule and detestable crymes of adulterie and incest with Kellie, his wyffes daughter, who hes borne a bairne unto him upon the fyftein day of May last bypast, quihilk bairne after the berth thair of wes cruellie destroyed and mordreist and buried be the said Robert in the inner pairt of his awin hous, and thairafter in presence of the minister

Commissions
1624-30.
Fol. 164, b.

Commissions,
1624-30.
Fol. 164, b.

and elders of the kirk of Monymus the bairne wes raised and caried be the father to the kirk yaird of Monymus and thair buried of new." Signed by Mar, Hadinton, Winton, Lauderdaill, Areskine, Ad. B. of Dumblane, Melvill, and S. Thomas Hoip.

Fol. 174, b.

Commission of Justiciary under the Signet to John, Earl of Mar, and his bailies for enforcing the observance of the Acts of Parliament against the slaughter of the red fish, smolts and fry of fish, in forbidden time in that part of the salmon fishings of the rivers Dee and Don which belongs to the said Earl, a great many of whose vassals and tenants adjacent thereto disobey the same to the great injury of the said fishings. No punishment is to strike upon life or member. The commission is to endure for one year. Signed by Hadintoun, Wintoun, Lauderdaill, Dumblane, Melvill, S^r Thomas Hoip, and Hamiltoun.

Holyrood
House, 1st
July 1628.

Commission
for one year
granted to
John, Earl of
Mar, for the
protection of
red fish in his
fishings on the
Don and the
Dee.

Sederunts,
1625-29.
Fol. 89, b.

St. Andrewis; Mar, Treasurer; Hadintoun, Privy Seal; Wyntoun; Lorne; Arskene; Lord Colvill; Melvill; Bishop of Dumblane; Master of Elphinstoun; Advocate; Clerk of Register; Sir John Scott.

Holyrood
House, 3rd
July 1628.

Decreta,
November
1627-January
1630.
Fol. 82, b.

[Sederunt as recorded above.]

Holyrood
House, 3rd
July 1628.

On the supplication of David Stewart in Dernelie, bearing that he has been apprehended and warded for several weeks past in the tolbooth of Glasgow as one who has been excommunicated and denounced "for his disassenting in some points of his religioun whair of for the present he cannot gett resolutioun." His conduct is "simplie out of conscience, he being trained and brought up in the religioun whilk he professes, and hes not had the occasioun to be instructed and resolved in the contrair. And whairas thair is nothing worldie so precious and deare unto the said supplicant as his relligioun, whairon the health of his soule depends, he will not refuse to heare conference, and without pertinacie or anie conceate of his awin will use all lawfull and ordinar meanes whairby his scruples and doubts may be removed and cleered." This he cannot do while detained in ward, and as he is willing to underly such caution as their lordships may appoint within a reasonable time either to satisfy the Kirk and obtain relaxation, or leave the country, and prays that this may be done, the Lords ordain the provost and bailies of Glasgow to set him at liberty, having taken caution from him in 500 merks to do as he says before the last of July instant, and also obliged his cautioner to compare that day and report where the supplicant dwells and what he has done.

Order to the
Provost and
Bailies of
Glasgow for
the release of
David Stewart
from the
Tolbooth of
the said burgh,
where he had
been warded
in respect of
his religion.

Fol. 83, a.

Complaint by George Burnesyde, lawful son to Alexander Burnesyde of Gandburne, as follows:—James Burnesyde in Braidfield has maliciously sought every opportunity of injuring the complainer, and on

Charge to
James Burn-
side to place
himself in
ward for an
assault made
on George
Burnside.

May last, being Sunday, as the latter was coming home to Low from the kirk of , he was assailed by the said James Burnesyde and others armed with swords, staves and whingers, who gave him many

Fol. 83, b.

“bauche, blae and bloodie straike” upon the head and other parts of his body, “and feld him deid to the ground.” Then with a drawn sword they wounded him in the arm, so that he is likely to lose the arm, “at least he will be mutilat thair of.” Parties being cited, and the pursuer compearing but not the defender, the Lords, after examining of certain witnesses, find the complaint proved, and ordain the defender to be charged to enter himself in ward within six days in the tolbooth of Edinburgh upon pain of rebellion.

Decreta,
November
1627-January
1630.
Fol. 83, b.

Charge to
Robert Lindsay
in Kerse of
Newabbey to
place himself
in ward in the
Tolbooth of
Edinburgh for
an assault on
Walter Newall
in Newabbey.

Complaint by Walter Newall, son of Alexander Newall in Newabbey, as follows:—On 4th May last, “being the Sabboth day,” he was going peaceably home from the kirk of Newabbey, “whair he had beene hearing the sermon,” when Robert Lindsay in Kerse of Newabbey, out of malice and hatred of him, having lain in wait all the time of the sermon, set on him with a great baton, as he was going home to the clachan of Newabbey, gave him sundry strokes therewith and had not failed “to have feld him” if the people returning from the kirk had not come to the rescue. However, he followed the complainer and again at unawares he felled him to the ground with a great stone to the effusion of his blood in great quantity, and while the complainer was “lying upon the ground as deid” he “stoned him with great stones and so birsed and bruised him thairwith,” that he has lain bedfast since in great pain and in hazard of his life. Parties being cited, and the pursuer compearing and the defender not, the Lords, after examination of witnesses, find the complaint proved, and ordain the defender to enter into ward in the tolbooth of Edinburgh within six days under pain of horning: and further they ordain the witnesses to be paid by the producer, every horseman, five merks, and every footman, forty shillings.

Fol. 84, a.

Fol. 84, b.

Denunciation
of Mr.
Alexander
Montgomerie
as rebel and
escheat for
for assault on
Allan Lockhart
of Hindsyewode.

Complaint by Sir Thomas Hoip of Craighall, King’s Advocate, and Allan Lokhart of Hindsyewode, as follows:—Although the wearing of hagbutts and pistols has been strictly prohibited, Mr. Alexander Montgomerie, brother to the Laird of Hesselheid, armed with these weapons, continually lies in wait for the complainer’s life. On 10th April last he and some accomplices came to Paisley thus armed, and “dernel [hid] under dykes and hedges at ane way side whair ordinarlie the compleaner made his repaire frome his awin hous toward the place of Halkheid belonging to the Lord Rosse,” for three days; but the complainer, getting word thereof, went thither by another road and so escaped. Then on the 13th of that month they came by way of hamesucken about midnight to the complainer’s house in Paisley, at whom, as he was “standing before the fyre with his backe to the glasse window, and the said Mr. Alexander perceaving him be reasoun of the light of the fyre whilk shynned throw the glasse, he shott ane pistolet throw the window,” but the bullet being “diverted another way be ane wyre tirlis [lattice] whilk wes without the glasse,” he went to another window “without staunchers, brake doun the same and preassed

Fol. 85, a.

Decreta.
November
1627-January
1630.
Fol. 85, a.

to have entered, whairupoun the compleaner caused putt out all the lights of the hous whairat, he, being affrayed, retired. And at last espying another window whairupoun the fyre in the hall made some glancing, he dischairgit two hacquebutts thairat and brake the glasse window with the bullets. And the compleaner, being thus troubled, and not darring^g goe to bed to take the nights rest, at last he wes forced to send out twa of his servants to waken the magistrats of the toun and nighbours about, bot so soone as the said Mr. Alexander perceaved thame he shott at ane of thame with ane hacquebutt full of cutted leid and shott him throw the lippes [folds] of his bonnett, and at the other with twa bullets" which missed him, and they then retired. Parties being cited, and the pursuer compearing but not the defender, the Lords ordain the latter to be denounced rebel and escheat.

Fol. 85, b.

Commissions.
1624-30.
Fol. 164, b.

Commission under the Signet to Sir John Hammiltoun of Prestoun and Samuel Johnestoun of Elphinstoun, as justices, to hold courts and try Margaret Young in Prestounpannes, Agnes Rankein there, Janet Reid there, and Margaret Ridpeth, her daughter, who have been long suspected of witchcraft. Signed by Mar, St. Andrewes, Hadintoun, Wintoun, Lorne, Areskine, and Melvill.

Holyrood
House, 3rd
July 1628.
Commission to
Sir John
Hamilton of
Preston to try
Margaret
Young and
others in
Prestonpannes
for witchcraft.

Fol. 165, a.

Commission under the Signet to the Sheriff deutes of Stirline, or any of them, and the Lairds of Keir and Powmais, or either of them, with two of the said deutes, as justices, to hold courts and try Stevin Malcolm, sometime in Leckie, and Agnes Hendersoun in the parish of St. Ninians, who are prisoners in the tolbooth of Stirline on a charge of witchcraft, and of whose guilt "there is now ane cleere discoverie," by several confessions and depositions given in against them. Signed by the same Lords.

Commission to
the Sheriff-
deutes of
Stirling to try
Stevin Malcolm
and others for
witchcraft.

Fol. 173, b.

Commission under the Signet to the Sheriff of Renfrew and his deutes to search for, apprehend, imprison and try, Patrick Rae in Birkinhill, Mungo Patrik in Neather Glen, Robert Henrie in Weather-nocke, and William Henrie (Walker written above), alias Crawford there, who on 23d March 1624 were put to the horn at the instance of Thomas Logane, common prosecutor of the sherifffdom of Renfrew, for failing to find caution in the "Sheriffs Bookes" of Renfrew to compear before the sheriff and underlie the law for some points of theft. Signed by Monteith, Hadintoun, Linlithgow, Lauderdale, Areskine, Melvill, and Hamiltoun.

Holyrood
House, 7th
July 1628.
Commission to
the Sheriff of
Renfrew and
his deutes to
try Patrick
Rae and others
for theft.

Acta February
1628-July
1629.
Fol. 26, a.

Sederunt.—St. Andrewes; Mar, Treasurer; Hadintoun; Wintoun; Lord Lorne; Lord Areskine; Bishop of Dunkeld; Bishop of Aberdeen; Bishop of Dumblane; Lord Melvill; Advocate; Clerk Register; Sir John Scot.

Holyrood
House, 8th
July 1628.

Fol. 26, b.

"The whilk day the Lords of Secret Counsell, according to ane warrand

The Earl of
Seaforth
admitted on
Council.

and directioun in writt signed be the Kings Majestie and this day presented unto thame, ressaved and admitted Coline, Erle of Seafort, to be ane of the ordinar number of his Majesteis Privie Counsell and to enjoy all honnours, digniteis and priviledges proper unto that place, lykeas the said Erle being personallie present and acknowledging with most humble and dewtifull respect his Majesteis gratiouſ favour showin unto him in preferring of him to this high plaice of honour and dignitie, he with most submissive reverence on his knees, his hand lying upoun the halie evangell, made and gave his solemne oath of alledgeance, and the oath of a privie counsellour. Follows his Majesteis missive for warrand of the Act abonewrittin :—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greette yow weil. Being credible informed of the sufficiency of our right trustie and weilbelovit cousine the Erle of Seafort, and of his affectioun to our service, we ar moved in regaird thair of and for the said Erle his further encouragement and enabling for our said service to advance and promote him to be one of our Privie Counsell of that our kingdome. It is thairfoir our will and pleasure and we doe heereby require yow that haveing administred unto him the oath accustomed in the lyke caises yow admitt him to be one of our Privie Counsell, receaving him in that plaice as one of your number, for doing whair of these presents sall be your warrand. Givin at our Court at Whitehall, the 24 of May 1628.”

Order to Sir Thomas Hope, his Majesty's advocate, to examine David Whyte for the murder of his daughter.

“The Lords of Secret Counsell ordanis Sir Thomas Hoip of Craighall, knight baronet, his Majesteis Advocate, and his Majesteis Justice Depute, to examine David Whyte in Nenthorne anent the slaughter of unquhill Whyte his daughter, and the forme and maner, caus and occasiouns thair of, and upoun suche presumptiouns and circumstances as they can find out for the better discoverie and cleering of the truthe of that mater, and that they report his depositions to the saids Lords to the intent that after consideratioun thair of they may take farther ordour in this mater as apperteannes.”

Holyrood House, 8th July 1628.

James Weir, tailor, charged with unlawfully practising the barber's craft, is liberated from the Tolbooth of Edinburgh, on condition that he henceforth ceases to practise the said craft.

[Sederunt as recorded above.]

Complaint by James Weir, tailor, indweller in Edinburgh, as follows :—He “is most maliciouslie and wrangouslie apprehendit and tane aff the streit of Edinburgh and committit to waird within the tolbuith of the said burgh be David Pringill, younger, and John Spang, and the remanent chirurgians of Edinburgh, he being his Majesteis free liege, who uses great paines and travellis in his calling within the said toun for interteanement of himselfe and his poore familie, and he haveing committit no cryme nor offence aganis the saids chirurgians.” Parties

Decreta, November 1627-January 1630. Fol. 85, b.

¹ For the previous record of Colin M'Kenzie, Earl of Seafort, formerly Lord Kintail, see Index to Vol. XIII.

Decreta,
November
1627-January
1630.
Fol. 86, a.

being cited, and also David Williamson, bailie of Edinburgh, to produce the complainer, and the pursuer compearing, and also Andrew Scot, Dayid Pringill, Laurence Cockeburne, and Henry Aikman, chirurgians, the latter admitted the warding of the complainer, "he being an unfree-man and useing the barbour craft." Whereupon the Lords, after taking caution of the pursuer "not to exerce the barbours calling nor cutt haire in tyme comming under the pane of ten pundis *toties quoties*," ordain the provost and bailies of Edinburgh to put him to liberty.

Complaint by George Ros, merchant burges of Edinburgh, as follows: Order for the delivery of the writs and evidents of a tenement in Halkerston's Wynd, Edinburgh, to George Ross.
—He is heritably infest in that tenement of land in Halkerstouns Wynde which sometime belonged to the deceased John McCoull, and thereafter to John Storrock, his son-in-law, which John Storrock has made assignation to the complainer of his right to the writs and evidents of the said tenement of the date 22nd March last. These writs were produced before their Lordships and placed in the hands of James Prymrois, their Clerk, and the complainer, having bought the right of the said tenement from the said John Storrock, desired the delivery of these writs, but James Prymrois refuses without the Council's command. Charge having been given to Ewfame McCowgall, relict of the said John McCoull, the Lords ordain the Clerk to deliver the said writs to the pursuer as he has given caution in £100 not to trouble nor molest the said Ewfame McCowgall in her possession of the said land, save by order of law and justice.

Fol. 86, b.

Complaint by Sir Thomas Hoip of Craighall, his Majesty's Advocate, and by Sir James Maxwell of Calderwood, knight, and James Lindsey of Belstane, and their tenants, as follows:—The convocation of the lieges in arms for violent and lawless purposes is very strictly forbidden by the law, yet Sir William Bailzie of Lammington, John Harper of Watstoun, Robert Clyde there, Thomas Bryce there, Troyalus Aittoun in Watschappell, John Cunninghame in Watstoun, William Bailzie there, William Hammiltoun there, James Allane there, John Prenteis in Hinschaw, Archibald Bailzie there, Robert Prenteis, elder, and Robert Prenteis, younger, there, Thomas Patersoun there, John Hairschaw there, John Bailzie there, Alexander Mureheid in Bourig, Robert Frame there, Archibald Haddo there, and Gilbert Morisoun in Hinschaw, with others, to the number of six score persons, all armed with "bandit stalffes, halberts, swords, knapskalls [head-pieces]" and other weapons, and at the command of the said Sir William Bailzie, came on 8th June last, under cloud and silence of night to the lands and muir called Inschamure, where the complainers' cattle with the cattle of others taken in grazing by them were, and gathering the whole herds together into one place, they "shamefullie, cruellie and barbarouslie strake and hurt to the death ane great number of the compleaners goods, drave thame in peatpotts, and hounded the whole rest of the goods aff the mure, and chaist thame so fiercelie that ane number of thame kuist thair calfies,

Fol. 87, a.

avowing with manie oathes that, if the compleaners had beene thair thameselffes, they sould have had thair lyffes." Parties being charged, and the Advocate compearing, also the said Laird of Calderwood for himself and the other pursuers, and likewise the whole of the defenders, the Lords, after hearing certain witnesses, find "that the saids Troyalus Aittoun and remanent defenders foresaids of the Laird of Lamingtoun convocat thameselffes in arnes the day lybellit, and verie uncivillie and unordourlie drave the persewers goods aff the mure," and ordain them to pay £40 to his Majesty's Treasurer Depute, and Receivers of his Majesty's Rents for his Majesty's use, as a fine, and to satisfy the witness, but they assoilzie the defenders from that point of the complaint touching the hurting and wounding to death of the pursuers' oxen, as the witnesses failed to prove the same.

Decreta,
November
1627-January
1630.
Fol. 87, a.

Holyrood
House, 8th
July 1628.
Same order as
above.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, Sir James Maxwell of Calderwod, knight, James Lindsey of Belstaine, and their tenants, as follows:—Though the convocation of the lieges in arms is strictly prohibited by law, yet Sir William Bailzie of Lamingtoun, James Harper in Watstoun, Robert Clyde there, Thomas Bryce there, Troyalus Aittoun in Wattischappell, John Cuninghame in Watsoun, William Bailzie there, William Hamiltoun there, James Allane there, John Prenteis in Hinschaw, Archibald Bailzie there, Robert Prenteis elder and Robert Prenteis younger there, Thomas Patersoun there, John Hairschaw there, John Bailzie there, John Mureheid in Bourig, Robert Fram there, Archibald Haddo there, Gilbert Moresoun in Hinschaw, and others, to the number of six score persons armed with "bandit stalffes, halberts, swords, knapskalls" and other weapons, at the instigation of the said Sir William Bailzie, came on 26th June last, under cloud and silence of night to the lands and muir called Inschamure, where the complainers' cattle, and the cattle of others taken by them for grazing were pasturing, and gathering the whole cattle into one place "strake and hurt to the death" a great number of them, "drave them in peat pots and hounded the rest aff the mure and chaist thame so fiercelie that a number of thame kuist thair calves, avowing with manie oathes that if the compleaners had beene thair thameselffes they sould have had thair lyffes." Charge having been given to the said Sir William Bailzie, Troyalus Aittoun, Robert Clyd, John Cuninghame, William Bailzie, William Hamiltoun, James Allane, John Prenteis, Archibald Bailzie, Robert Prenteis, elder, Robert Prenteis, younger, Thomas Patersoun, John Hairschaw, John Bailzie, Alexander Mureheid, Robert Frame, Archibald Haddo and Gilbert Morisoun, and the King's Advocate compearing, also the said Laird of Calderwod for himself and the other pursuers, and the whole defenders also compearing, and probation being referred to witnesses, the Lords find that "the said Troyalus Aittoun and remanent tennents foresaids of the Laird of Lamingtoun convocat

Fines,
1614-31.
Fol. 122, a.

Fol. 122, b.

Fines,
1614-31.
Fo. 122, b.

thameselfes in arnes the day lybellit and verie uncivillie and unordourlie drave the persewers goods aff the mure," and fine them in £40 to be paid to his Majesty's Treasurer, Treasurer Depute, and Receivers of his Majesty's Rents, and to pay the expenses of the witnesses, but the Lords assoillie them of the charge of "hurting and wounding to the death of the oxin."

Sederunts,
1625-29.
Fol. 89, b.

"The quhilk day Thomas, Earle of Hadintoun, exhibite to the Archibishop of S^t Androis a patent under his Majesteis grite seale daitit at Whythall the xix of Aprile last, quhairby his Majestie wes pleasit to confer upoun Sir Johnne Steuart of Tracquair the honnour and dignitie of a lord of Parliament to be callit Lord Steuart of Tracquair."

Sir John
Stewart of
Tracquair
appointed
a Lord of
Parliament.

Fol. 90, a.

"The quhilk day Coline, Earle of Seafort, exhibite to the said Archibishop of S^t Androis a patent under the grite seale beareing dait at Whythall the 20 of Junij whairby his Majestie wes pleasit to confer upoun Sir Donald M^cKy the title and dignitie of a baroun and Lord of Parliament to be callit in tyme comeing, Lord of Rae."

Sir Donald
M^cKy
appointed a
Lord of Parlia-
ment with the
title of Lord
of Rae.

"The quhilk day a patent wes produceit for erecting of Starnway in the Ilis in a burgh royall, with a letter frome his Majestie for expeding of the same, the burrowis being first hard to propone thair reasonis for limiting or staying of the said grant; whairupoun, the burrowis being callit, a copie of the signatour according to thair desyre wes delyverit unto thame and the xv of this instant assignit unto thame for ansuering the same."

Patent for the
erection of
Stornoway
into a Burgh
Royal.

"The Lords nominatis and appointis the Bishops of Dunkeld and Dunblane, the Clerk of Register and Sir Johnne Scott, to conveene the morne in the Exchequhair House, at eyght of the cloke in the morning, to peruse Colonell Sinclair his accomptis, and to reporte upoun Thurisday."

Colonel
Sinclair's
accounts.

Acts February
1628-July
1629.
Fol. 27, a.

Sederunt.—St. Andrewes; Mar, Treasurer; Hadintoun; Wintoun; Holyrood House, 10th July 1628.
Seafort; Lauderdaill; Bishop of Dunkeld; Bishop of Aberdeen; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Master of Elphinstoun; Advocat; Clerk of Register.

"Forsameekle as in the course tane be the Lords of his Majesteis Privie Counsell anent the procuring of the subscriptionis of the teind buyers and teind sellers within the severall shirefdomes of this kingdome to the double of that writt and submissioun whilk wes drawin up be our Advocats and alreadie subscribed be ane number of the Lords of Erectiouns and others haveing interesse in the surrenders and teinds, thair wes no mentiou made of the shirefdom of Orkney, sua that the inhabitants of that shirefdom who hes interesse both to buy and sell thair teinds will be prejudged of the commoun benefite whilk is intended by his Majestie unto thame. And whairas the drawing of thame to the

Commission
anent the
submission of
the teinds in
Orkney and
Shetland.

burgh of Edinburgh to attend the subscribing of the said submission will be fashous and troublesome unto thame, his Majestie is thairfoir weill pleased for thair ease and releeffe that the said submission shall be subscribed within the shirefdome whair they dwell in the presence of George, Bishop of Orkney, Mr. Johne Dick, ane of the Shireff deputs of Orkney and Zetland, Edward Sinclair of Essinquhe, and Williame Sinclair of Tolquhop, commissioners nominat be the saids Lords to that effect; unto whilk commissioners or anie of thame the saids Lords gives power and commissioun be thir presents to wairne and conveene the whole teind buyers and teind sellers within the shirefdome of Orkney outhir be thair missive letters or otherwayes, and to meete at suche dayes, tymes and plaices as they shall appoint and thair to present the said submission unto thame, and to desire thame to subscribe the same, and that they make ane report of thair proceedings heerin to his Majesteis Counsell with ane cleere and perfyte roll of the persons names who ar teind buyers and who ar teind sellers, to the intent they may be knowin in thair severall rankes upoun the day of nixtocome. And ordains letters to be direct to make publicatioun heerof be opin proclamatioun at the mercat croce of Kirkwall and others plaices needfull whairthrow nane pretend ignorance of the same, and to wairne all and sindrie the teind buyers and teind sellers within the said shirefdome to conveene and meete with the saids commissioners, or anie of thame at suche dayes, tymes and plaices, as they shall appoint and thair subscribe the said submission, with intimatioun as effeirs.”

Charge to Moderators and brethren of Presbyteries to inform themselves of such as are Popishly inclined within their respective parishes, and to send one of their brethren twice in the year to the Council to report the names of all such persons.

“ Forsameekill as informatioun being formerlie made to the Kings Majestie that diverse childrein both of noblemen and others his Majesteis naturall subjects of this kingdome wer send beyond sea into seminareis, colledges and others houses of Popish religioun whair they wer instructed and strenthenned in Poprie and thairby become not onelie corrupted in religioun, but poysoned and infected in thair dewtie and allegiance, his Majestie, takand that mater and the dangerous consequences depending thairon to his royall consideratioun, he wes gratioulsie pleased out of his religious and pious dispositioun towards the advancement of the trew religioun and suppressing of the contrarie to give ordour and directioun by proclamatioun for recalling of all the said childrein of noblemen and others to this thair native countrie betuix and a certane day now of long time bygane, looking that thair recalling and returne sould have beene a terrour to others Popishlie affected to have made thair addresse hither. Bot his Majestie is now informed that the resort and repaire of Jesuits and Seminarie preests to this kingdome is now more common and frequent nor at anie tyme preceeding, and that they not onelie haunt and frequents in all pairts of the countrie whair they presooome of favour or freindship, bot by reasoning and dispersing of bookes does what in thame lyes to corrupt his Majesteis good subjects both in thair religioun and allegiance;

Acta February
1628-July
1629.
Fol. 27. a.

Fol. 27. b.

Acta February
1628-July
1629.
Fol. 27, b.

whairthrow the growth of Poprie and number of Papists daylie increaseth to his Majesteis high offence and disgrace of his government. And his Majestie being cairfull to contribute by all laughfull and faire meanes to the maintenance and propagatioun of the trew religioun and to obviat all contrarie courses that in anie way may derogat from the same, Thairfoir his Majestie with advice of the Lords of Secreit Counsell ordanis letters to be direct to command and charge the moderatours and brethrein of the severall presbytereis within this kingdome that they and everie ane of thame within thair severall parishes informe thameselfes what persouns within thair parishes they know to be Popishlie affected and that the saids presbytereis direct and send one of thair brethrein as commissioners for thame to his Majesteis Counsell twice everie yeere; to witt, upoun the last Counsell day of Junij and the last Counsell day of November yeerelie and thair to declair upoun thair oath whome they assuredlie know within everie parish to be Popishlie affected, and that they give in thair reasouns and evidences for instructing of the same to the end all faire meanes may be used to induce thame to repaire to the Church and to heare the grounds of trew religioun frome suche persouns as sall be appointed by his Majesteis Counsell with advice of the two Archbishops to that effect; certifeing the moderatours and brethrein of the saids presbytereis if they sall be found remisse and negligent heerin that not onelie sall they incurre his Majesteis high displeasure for thair neglect and disobedience, bot sall be otherwayes punished as thair said contempt and neglect requires. Followes his Majesteis missive for warrand of the Act abovementioned:—CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Being willing (according to our pleasure ltelie signified for the religious educatioun of noblemens sonnes in that our kingdome) not onelie to contribute by all laughfull and faire meanes to the maintenance and propagatioun of the trew religioun presentlie professed bot also to obviate all contrarie courses that in anie way may derogate frome the same, and to this effect we have thought fitt to make it knowin to all our subjects that it is our pleasure that all our shireffs, stewarts, bailliffes of regaliteis, justices of peace, proveists and bailliffes within burgh, sould compeir before yow by thamselves and thair commissioners authorized by them (being preachers knowne to be religious and sufficient men) twice everie yeere and thair to declare upoun thair oathes what persons within thair severall jurisdictiones they assuredlie know to be Popishlie affected, to the end all faire meanes may be used to induce thame to repaire to Church and to heare the grounds of trew religioun frome suche persouns as sall be appointed by yow for that effect with advice of the two Archbishops. Bot we have resolved first to acquaint yow heerewith before we sould give absolute ordour to putt

Fol. 28, a.

Letter from
his Majesty
containing the
warrant for
the above Act.

it in executioun. And thairfoir if you doe not know of a more faire and speedie way to effect our desire for maintenance and advancement of the said religioun, we require yow to make use of this course, requiring yow also to call unto yow the two Archbishops or anie one of thame to be present with yow at your meeting for this purpose. So, not doubting bot that yow will proceed in this with all care and diligence as in a purpose of so great consequence, and with all that yow will cause our former pleasure concerning the educatioun of noblemens sonnes be put in executioun (if it be not done alreadie) we bid yow farewell. Frome our Court at Whitehall, the 28 of Marche 1628.”

Acta February
1628-July
1629.
Fol. 28, a.

Warrant to Patrick, bishop of Aberdeen, and to the provost, bailies, and ministers of Aberdeen, within their own bounds and the bounds of Old Aberdeen, to ascertain the persons who hold Popish conventicles within the said bounds, and to detain such persons in ward till further order from the Council.

“ Anent the supplicatioun presented to the Lords of Secreit Counsell be the proveist and bailleis of Aberdein, Doctour Williame Forbes, Doctour Robert Baroun, Mr. James Rosse and Mr. James Sibbald, ministers, makand mentioun that whair the growth of Poprie and the insolenceis of profest and avowed papists within the diocie of Aberdein and speciallie within the burgh of Aberdein daylie increaseth, whois presumptioun and pryde is come to that hight that they not onelie avow thair professioun bot most audaciouslie and contemptuouslie to the offence of God and disgrace of his Majesteis government they have thair ordinarie conventicles and meetings within the burgh of Aberdein, especiallie upoun the Sundayes in tyme of Divine service, being accompanied with preests and Jesuits whair they have the exercise of thair false religioun, and they ar become so hold that in all thair publict meetings they vaunt of thair nombers, credite, freindship and moyen that they have of these about his Majestie, and they ar not afraid of anie course that the saids Lords or the Kirk can take aganis thame, disdaining and contemning the processes of excommunicatioun and horning, professing publictly that this is thair greatest honnour, and that they ar never at ease till these processes be led aganis thame; quhairby they not onelie give ane publict scandall to the Kirk and contemns the ordours and discipline thairof bot they bissie thame selfes by all the meanes they can to infect and corrupt others with thair erroneous opiniouns; and, if thair contempt and insolenceis be not in tyme prevented and suppress, the cure will shortlie become desperat and remedillesse: Humblie desyring thairfore the saids Lords to grant warrand and commissioun in maner and to the effect underwrittin, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard, scene and considerit be the saids Lords and they finding the desire thairof to be reasounable, the Lords of Secreit Counsell hes thairfoir givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun to Patrik, Bishop of Aberdein, and to the proveist, bailleis and ministers of Aberdein within thair awin bounds and bounds of the auld toun of Aberdein, conjunctlie and severallie, to try and informe thame selfes whair, when and be whome thir unlaughfull conventicles and meetings ar kept and holdin within the burgh of

Fol. 28, b.

Acta February
1628-July
1629.
Fol. 28, b.

Aberdein and auld toun thair of, and accordingle to searche, seeke, take and apprehend all suche persons who keeps the saids unlaughfull conventicles and meetings, and the awners and maisters of the houses whair they ar kepted, and to committ thame to waird within the tolbuith of Aberdein and to deteane thame thairin upoun thair awin expenses ay and whill the saids Lords give ordour and directioun concerning thame as apperteannes; with power to the saids commissioners for this effect to convocat the inhabitants of the said burgh and auld toun in armes, to make opin doores and use his Majesteis keyes, whairanent thir presents sall be unto thame ane warrand, commanding and charging all his Majesteis lieges and subjects to concurre and assist the saids commissioners in the executioun of this commissioun as they and everie ane of thame will answeere upoun the contrarie at thair perrell."

[Sederunt as recorded above.]

Holyrood
House, 10th
July 1628.

Decreta,
November
1627-January
1630.
Fol. 87, b.

Complaint by John Thomsoun in Abirledie, and George and Thomas Johnestoun there, as follows:—They were warded by their Lordships in the tolbooth of Edinburgh for wounding Alexander Wilsoun in Fortoun, until they should agree with him, and they have now been six weeks in the said ward upon "verie small interteanement and have lyin in thair cloathes upon the cold stones of the floore of the said wairdhous the whole spaice forsaid," during which they have used all possible diligence for satisfying the said Alexander by the mediation of Andrew Hepburne and John Cocksburne, burgesses of Hadintoun, Patrick Christiesoun in Abirledie, and others, but he altogether refuses "to take anie satisfaction and will not heare honnest men to deale for" them. Charge having been given to the said Alexander Wilsoun, and he compearing and the complainers also compearing by William Mortimer, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to put the said John Thomsoun to liberty, he first paying the defender 100 merks as a fine for his wounding him; but they relieve him of the King's part of the fine imposed upon him in respect of his known poverty.

Order for the
release of John
Thomson from
the Tolbooth
of Edinburgh,
on condition of
his paying 100
marks to
Alexander
Wilson, whom
he had
wounded.

Fol. 88, a.

Complaint by Sir David Lindsey of Balcarrasse, knight, as follows:—Having certain lands in the parish of Carnebie, for the convenience of himself and his household in hearing of the Word at their parish church there, he some years ago bought from David Hunter, eldest son and heir to the deceased Patrick Hunter of Little Carnebie, a little aisle and burial place in the said church, where he "caused erect and sett up upon his great charges ane faire desk and seate both for ane ornament to the kirk and ease of him and his household, as said is," and he has since peaceably used the same until on 10th May last, "being the day of preparatioun before the Communioun, whilk wes to be celebrat upon the Sabbath immediatlie thairafter, Thomas Melvill, sounne to umquhill Sir Melvill, sometyme of Carnebie, knight, ane insolent young

Complaint of
Sir David
Lindsay of
Balcarras
against
Thomas
Melvill and
others for
damage done
to the aisle
and desk of the
said Sir David
within the
church of
Carnebie.

Fol. 88, b.

man, laitlie returned from West Flanders, whair he hes spent his tyme in the service of the King of Spaine, his Majesteis declared enemye, accompanied with James Moreis, his servant, Robert Reid, wright in St. Andrewes, and Robert Reid, his sonne, come earelie in the morning to the said kirk, and without anie respect unto the plaice or tyme, being appointed for so solemne a pairt of Gods worship, as said is, they entered within the kirk, violentlie and forcible brake up the doores of the compleaners yle foresaid, hagged and hewed his desk and seate with axes and uthers instruments, cutted the same in peeces, and thairafter kuist it out to the kirk yaird." Parties being cited and the pursuer compearing, but of the defenders only Robert Rid, elder and younger, being present, the Lords, after examination of witnesses, find it proved that the said Thomas Melvill broke up the door of the aisle, broke the desk therein and cast it out at the kirk door, and ordain him to be charged at the dwelling house of George Scot in Over Carnebie, and by proclamation at the head burgh of the shire where he dwells, to enter in ward in the tolbooth of Edinburgh within six days on pain of horning. And Robert Rid, elder, having confessed that he took down the said desk without acquainting the minister of the parish therewith, the Lords ordain him "to repaire to the kirk of Carnebie upoun the nixt Sunday and thair in presence of the whole congregatioun after the sermoun to acknowledge his offence done to the kirk and the said Laird of Balcarrasse, and to crave the Laird of Balcarrasse and the minister pardoun for the same." They assoilzie Robert Rid, younger, as the witnesses failed to prove anything against him.

Decreta.
November
1627-January
1630.
Fol. 88. b.

Fol. 89. a.

Order for the
release of
Alison
Dempster from
the Tolbooth
of Leith, where
she had been
warded on the
accusation of
Marion
Mitchell, now
abiding trial
for witchcraft.

Complaint by Alesoun Dempstar, wife of James Lecock, flesher in Leith, as follows:—The bailies and ministers of Leith have put her in ward in the tolbooth there, where she has now been for five days, on "the naked and groundlesse" accusation of Marion Mitchell, who, having been apprehended for witchcraft and "maligning the said supplicant in her heart becaus that one day in her passioun she called her a witche," has in revenge untruthfully accused the complainer of being "present with her and the rest of her consorts at sindrie meetings with the devill." The complainer has never had familiarity or dealing with her accuser, but has lived irreproachably with her neighbours "without the least tashe or suspitioun of anie suche abominable wickednesse." Seeing that the trial of the said Marion is postponed by the baron bailie until he consult the Earl of Roxburgh, who is presently at Court, and that the complainer is willing to find caution in the Books of Adjournal or of Secret Council to underly her trial, she craves her release. Charge having been given to Archibald Tod, one of the bailies of Leith, in name of all, and to Mr. John Cranstoun, minister at Leith, to compear and produce the complainer, and all compearing, the Lords ordain the said bailie and minister to put the complainer to liberty on her finding caution acted in the Books of Adjournal, in 300 merks, to appear for trial when so charged.

Fol. 89. b.

Royal Letters
1623-32.
Fol. 136, a.

"After our verie heartilie commendatiouns. Yow remember that at ane meeting of the nobilitie, Counsell, and some commissioners for the barons and burrowes in the moneth of Apryle 1626, it wes thought expedient and ordained that the justices of peace within the severall shirefdomes of this kingdome sould send in to the clerk of Counsell yeerelie afoir the 20 day of August ane trew report in writt under thair hand quhat hes bene the ordinarie pryce of wooll, oxin, cattell and sheepe of all sorts at the particular mercats within the bounds of thair office fra the beginning of May to the day of thair meeting at thair quarter session upon the first Tuisday of August yeerelie to the intent that accordingly ordour may be tane for publishing the rules of restraint or transport of these commoditeis; and quhairas it is verie expedient that this course so resolvedlie agreed upoun at suche ane famous meeting sall be preciselie observed yeerelie, thairfoir these ar to requeist and desyre yow to informe your selffe sufficientlie and tymouslie concerning the premissis and send in your report thairanent in writt under your hand to the said clerk of Counsell betuix and the said 20 day of August nixt. Quhilk looking assuredlie yow will doe, we committ yow to God. Frome Halyruidhous the tent day of July 1628. *Subscribitur*, Mar, S. Andrewes, Hadinton, Dunkeld, Pa. Aberdein, Ad. B. Dumblane, Carnegie."

Holyrood
House, 10th
July 1628.
Letter to the
Justices of
Peace
anent the
price of wool,
oxen, cattle,
and sheep.

Fol. 136, b.

"A missive frome his Majestie in favouris of the Ilanderis designing the placeis in the Ilis quhairat justice courtis ar to be haldin, ordaning that none salbe persewit in these courtis for ony crymes preceeding the dait of the letter."

Justice-courts
in the Islands.

Sederunts,
1625-29.
Fol. 90, a.

"The Lordis ordanis Sir Donald Gorme in name of the Ilandaris to gif in upoun Twisday nixt his ressonis for instructing that the courtis of justiciarie within the Ilis wer onlie accustomat to be haldin at the placeis designit in his Majesteis letter, and quhat thay can propone or alledge for liberating thame frome the danger of the law for crymes committit befor the dait of the said letter; and that the Lord of Lorne, Justiciar in the Ilis, gif in his reasonis in the contrair the day foirsaid."

Order to Sir
Donald Gorme
anent Justice-
courts in the
Islands.

"Ane other letter frome his Majestie in favouris of the Ilismen, a copie wherof ordanit to be deliverit to the Lordis of Session and suche of the Counsell as sall require the same to be advisit thairwith till Twisday nixt."

Letter of his
Majesty in
favour of the
Islesmen.

Fol. 90, b.

"The quhilk day Sir Donald Gorme; Lauchlane M^cClane, sone to Hector M^cClane of Dowart, for himself and his brother Hector; and Johnne M^cCleude of Hereis, compeirit personallie; the rest of the Ilismen absent; Coill excusit be a testimoniall. Decernis aganis the absentis and continewis the outgiving of the decreit till Twisday next, and ordanis the personis present to attend that day."

Sir Donald
Gorme and
others before
the Council.

"The Lords ordanis Lauchlane M^cClayne for his brother and Mr. Martine M^cIlrae to tak ordour for satisfioun of the marcheants of Glasgu for the goodis reft fra thame be the Claneane betuix and Twisday nixt."

Lachlan
M^cLean and
the merchants
of Glasgow.

Anent Sir
George
Hamilton of
Blackburn
and his
burghership in
Dysart.

"The quhilk day Sir George Hamiltoun of Blackburne compeirand personallie befor the Lordis, he judicialle renunceit his libertie and privilege of burghesship in Dysart, upoun whilk renunciatioun David Crystiesoun, baillie of Dysart, tooke instrumentis and protestit that the said Sir George might be declairit to haif lost his right of a burges and libertie to trade be vertew thairof; and that it might be lesome to the burrowis to persew him according to the law yf he sall use ony trade in tyme comeing, and thairupoun askit instrumentis." [On the margin against the above Act—"This Act deleit with consent of pairtyis. (Signed) J. Prymrois."]

Sederunt.
1625-29.
Fol. 90. b.

Whitehall,
11th July 1628.
Appointment
of William,
Earl of
Menteith, as
Justice-
General for
one year.

Signature for a commission as follows:—The King "considering the necessitie of the present establishing of a Justice Generall within the kingdome of Scotland now after the resignatioun of the heretabill title thereof by Archibald, [Lord] of Lorne, for himselfe and taking the burdein upoun him for Archibald, Erle of Argyle, his father; and weill knowing the abiliteis of his right trustie and weilbelovit cousine and counsellour William, Erle of Menteth, and his affectioun to his Majesteis service, and the good of the said kingdome muche depending upoun the sattling of that criminall judicatorie belonging to the said office of Justice Generall for punishing of criminall offenders and others breakers of his Majesteis lawes and statuts punishable by the said office and jurisdiction thairof," ordains a letter to be passed under the great seal of Scotland constituting the said William, Earl of Menteith, Justice General of Scotland for one year from the date hereof, with all dignities, privileges, duties, and casualties thereto belonging, and with as ample powers as were possessed by Archibald, Lord of Lorne, or Archibald, Earl of Argyle, or any other Justice General, either by himself or by the Justice Clerk or some of his deutes to hold courts, &c., but without prejudice to his Majesty and his successors in the appointing of commissioners for keeping justice ayres and circuit courts conform to the Act of Parliament of 1587 or other statutes of the realm, and also without prejudice to the offices of Justice Clerk and Justice Depute already established; with special provision also that on the expiry of the said year this commission shall be as utterly void as if it never had been made. Signed by Mar, Hadintoun, Wintoun, Linlithgow, Perth, Areskine, and Sir Thomas Hoip.

Commissions.
1624-30.
Fol. 168. a.

Whitehall,
11th July 1628.
Letter from
the King
touching the
petition of Mr.
Andrew
Ayton anent
the lands of
Myrecairnie.

"CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whereas we have bene humblie moved in name of Mr. Andro Aittoun, advocat, that we might be pleased to confirme unto him the lands of Myrecairnye, which (as we ar informed) wer changed by our lait deere father from a waird to a blenshe holding, in consideratioun that his predecessour in these lands did accept of that change (proceeding frome our said lait father his owin royall offer and bountie) as a pairt of his wifes portioun

Royal Letters.
1623-32.
Fol. 152. b.
Fol. 153. a.

Royal Letters,
1624-32.
Fol. 153, a.

who come in with our lait royall mother and served her as a gentlewoman of her bedchamber, though we ar altogidder unwilling to hearken unto anie motioun aganis the course intended by us for causing reduce in a legall maner suche lait tenures as ar prejudiciall to our crowne in that kingdome, yitt the caus upoun which this demand is grounded hes suche respect with us that we have thought it worthie of your consideratioun and report unto us how farre we might legallie proceid thairin for the parteis satisfioun without our prejudice; therefore our pleasure is that yow call for the evidents of these lands and having considered the same if yow find that the confirmatioun will neither of itselfe preiudge us in our right nor by the consequence the said intendit course we will yow to acquaint us thairwith to the effect we may give ordour for expeding thereof, otherwise that yow condescend upoun suche another course for giving the said Mr. Andro satisfioun as may best agree with equitie and our royall intentioun; which we seriouslie recommend unto yow and bid yow fareweill. Frome our Court at Whitehall, the ellevent day of July 1629. To our right trustie and weilbelovit cousins and counsellours the Vicount of Dupline our Chancellour, and the Erle of Mar, our Thresaurar, and to the remanent noblemen and others the commissioners for our Exchequer in our kingdome of Scotland."

Commissions,
1624-30.
Fol. 168, b.

Signature for a commission, as follows:—The King "considering that religion and justice ar the two cheefe pillars of all kingdoms and governements, and his Majestie haveing a full resolutioun to establishe within his ancient kingdome of Scotland the seate of justice in that vigour and auctoritie that all his subjects may live under the protectioun of his peaceable governement; and his Majestie haveing already givin ordour for establishing of the Sessioun, Secreit Counsell, and Court of Justiciarie within the said kingdome, and knowing perfytelie that all his Majesteis labouris, paines and travells for establishing and reformatioun of Justice seates sall be unprofitable, except the lawes, statuts and customes, by the which the said Justice seates must be ruled, be cleere, certane and evident; and his Majestie understanding that a great part of the statuts and Acts of Parliament of the said kingdome ar not printed, and that of these which ar printed there ar manie needlesse and superfluous as being past in disuetude and out of use, and that others ar in haill or in pairt abrogat and posteriour lawes and acts made in plaice of the same, and siclyke that the customes and consuetude of the said kingdome ar in manie things so obscure and uncertane that the same hes need to be explained and cleered, and to be confirmed and inacted be his Majestie in forme of law and statute, Therefore his Majestie out of his princelie zeale and affectioun to justice and trew and fatherlie love to his people" ordains a letter to be made under the great seal granting commission to George, Viscount of Dupline, Lord Chancellour; John, Archbishop

Whitehall,
12th July 1628.
Commission granted to the Lord Chancellor, the Archbishop of St. Andrews, the Lord High Treasurer, and others, to examine the laws, statutes, and Acts of Parliament printed and unprinted, together with the customs and consuetudes of the kingdom, and to give their judgment anent the printing of such statutes as are not printed, and anent the omission of such acts as have fallen into desuetude.

Fol. 169, a.

of St. Andrewes ; John, Earl of Mar, Lord High Treasurer ; William, Earl of Monteith, President of the Privy Council ; Thomas, Earl of Had-
 intoun, Lord Privy Seal ; Alexander, Earl of Linlithgow, Lord Admiral ;
 Archibald, Lord Napier, Vice Treasurer ; Adam, Bishop of Dumblane ;
 Patrick, Bishop of Rosse ; Sir James Skeene of Curriehill, knight, Presi-
 dent of the Sessioun ; Sir Andrew Ker of Phairnihirst, knight ; Sir
 Alexander Gibsoun of Durie, knight ; Sir Thomas Hendersoun of
 Chesters, knight ; Sir Andrew Fleshour of Innerpeffer, knight ; Sir
 William Alexander of Menstrie, knight, principal Secretary ; Sir Archi-
 bald Achesoun of Clancarnie, knight, Secretary ; Sir George Elphinstoun
 of Blythiswood, knight, Justice Clerk ; Sir John Hamiltoun of Magdalens,
 knight, Clerk of Register ; Sir Thomas Hoip of Craighall, knight, his
 Majesty's Advocate ; Sir John Scot of Scottistarvett, knight, Director of
 Chancery ; Sir William Scot of Elie, knight, one of the Clerks of Session ;
 Mr. Robert Learmonth, Mr. James Oliphant of Newtoun, Mr. Andrew
 Aittoun of Loge, Mr. Thomas Nicolsoun and Mr. Ludovick Stewart,
 advocates ; John McNaucht, Dean of Guild of Edinburgh ; John Byres,
 merchant burgess there ; and Mr. John Hay, town clerk there, or to any
 five of them with the Chancellor, President of the Council, Lord Privy
 Seal, and President of the Session, or any one of them to meet when and
 where it may be convenient and " to reade, recognosce and consider the
 saids whole lawes, statutes and Acts of Parliament of the said kingdome
 als weill printed as unprinted, togidder with the customes and con-
 suetudes of the said kingdome whiche ar and have beene observed as
 lawes within the same ather in the civill or criminall judicatoreis and
 whiche have beene resaved in practise by decreits of the Lords of Ses-
 sioun or Justice Generall, and to that effect to caus be exhibite before
 them be his Majesteis Clerk of Register and Justice Clerk and thair
 deputs the haille registers and rolls conteaning the lawes and Acts of
 Parliament of the said kingdome als weill unprinted as printed with the
 registers of decreits and interloquitours of the saids Lords of Sessioun
 and Justice Generall, togidder with the booke intituled Regiam Majes-
 tatem whiche conteaneth a record of the ancient lawes and customes
 observed within the said kingdome, and after dew consideratioun thair of
 to sett doun thair advice, opinioun and judgment, under thair hands
 anent the printing of suche lawes and statuts as ar not yitt printed and
 anent the omiission of suche acts and statuts as ar become in desuetude
 and out of use ; and siclyke to collect and sett doun the haille customes
 and generall consuetudes inviolable observed in the said kingdome als
 weill in the civill as criminall judicatoreis to the effect the same may be
 authorized and confirmed be forme of law and statute without prejudice
 alwise of the lawes, acts, statuts and practickes, decreits and inter-
 loquitours conceaved in favours of the Crowne, and that they report thair
 overtures and judgement to his Sacred Majestie heeranent betuix and the
 last day of December the yeere of God 1628 yeeres, or with convenient

Commissions.
 1624-30.
 Fol. 169, a.

Fol. 169, b.

diligence to the effect his Majestie with consent of the Estaits of his Parliament may see to the redresse thair of for the weale of the said kingdome." Signed by Monteith, Hadintoun, Wintoun, Linlithgow, Perth, Lorne, Sr Thomas Hoip, Hamiltoun, and Scottistarvett.

Sederunt.—St. Andrewes, prases; Mar, Treasurer; Hadintoun, Holyrood House, 14th July 1628.
Privy Seal; Dunkelden; Aberdein; Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Master of Elphinstoun; Advocate.

"Forsameekle as the Kings Majestie hes resolved to honour this his native and ancient kingdome with his royall presence and to repaire heere shortly for ressaveing of his crowne and keeping of a Parliament in persoun for the good of all his subjects and for this effect his Majestie hes appointed his soverane and high court of Parliament to be holdin at the burgh of Edinburgh and to beginne God willing upoun the fyftein day of September nixtocome with continewatioun of dayes, Thairfoir ordanis letters to be direct to heraulds, pursevants, maissers and officers of armes, chairging thame to pas to the mercat croce of Edinburgh and others plaices needfull and thair be opin proclamatioun to make publicatioun of the appointing of the said Parliament, and to wairne all and sindrie prelates, noblemen, commissioners for the small barons and Burrowes and all others haveing vote, presence and attendance at the said Parliament, that they compeir and await thairon and doe and performe that quhilk to thair dewtie and places apperteanes, with intimatioun as effeirs. Followes his Majesteis missive for warrand of the Act abonewrittin :—CHARLES R., Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greete yow weil. Whairas we have resolved to repaire verie shortlie (God willing) unto that our ancient and native kingdome for receaveing our crowne and keeping a Parliament in persoun for the good of all our subjects there, our pleasure thairfoir is that yow caus by proclamatioun and otherwayes as accords summound and wairne a Parliament to be held thair in Edinborow upoun the fyftein day of September nixt ensewing, and in the meane tyme that yow give speedie ordour for repairing and furnishing of our houses, spairing of our game, mending of high wayes and for preparing of all other things that yow conceive to be necessarie for our coronatioun and Parliament, and the good of these purposes which ar fitt to be done by us there. So recommending these things unto your serious and speedie directiouns and care as yow may doe unto us verie acceptable service whair of we will never be unmyndefull, we bidde yow heartilie fareweill. Givin at our Court at Whitehall the fyft day of Julij, 1628."¹

¹ In point of fact Charles did not come to Scotland, and the Parliament did not meet, till June 1633.

Act upon a
Missive from
his Majesty
desiring that
the tithes
which have
been led, or in
use to be led,
during the
preceding three
years shall,
in the case of
the crop of
1628, be
sequestered
in the hands of
indifferent
persons.

" Forsameekle as the Kings Majestie being resolved to proceed in the maters referred to his Majestie by the generall submissiouns concerning the few mailles and few fermes of erectiouns, tithes of other mens lands, rate and ease of the same and pryce thairof, and others mentiouned in the saids submissiouns with that equitie, justice and indifferencie to particular persouns and that care and respect to the publict good and ease of the subjects as might manifest his Majesteis fatherlie care and royall affectioun to sattle and establishe the peace and tranquillitie of this his Majesteis ancient kingdome, with commoun and publict applause and congratulatioun of all his good subjects, his Majestie wes pleased to call unto him ane number of his nobilitie, Privie Counsell and others, able, expert and weill affected, to give thair advice to his Majestie in a mater of so great importance; with whome his Majestie haveing at lenth conferred and ressaved thair advice and opiniouns both privatlie and publictlie, his Majestie finds this mater to be of so great weight and consequence and to concerne so neerllie the privat estait of the most part of his subjects in particular, and the publict good of this his ancient kingdome in generall that it deserves and merites his Majesteis serious consideratioun and more leasure and tyme then his other present affairs will permitt. And thairfoir his Majestie has resolved to prorogat, lykeas his Majestie hes prorogat the saids submissiouns and everie ane of thame untill the last day of December 1629 yeeres, and intends in the meane tyme, as God sall give him the occasioun, to give out his royall determinatioun in the saids whole maters referred to his Majestie by the saids submissiouns. Bot becaus his Majestie hes so oft by his generall proclamatiouns intimated his royall pleasure and resolutioun to free his subjects of that rigour and extremitie used in drawing of teinds whairwith manie of the gentrie and uthers wer generallie greeved, and that his Majestie thinkes himselfe bound in honnour not to differre or frustrat the expectatioun of his distressed subjects till the tyme of the giving furth of his determinatioun upoun the rate and pryce of tythes this yeere 1628, which may be a beginning and commencement of that great and generall worke of the universall ease of his Majesteis subjects in leading of tithes which his Majestie is resolved fullie to establishe in all pairts of this his ancient kingdome, and his Majestie haveing in this point heard all these of the nobilitie and Counsell who ar thair with his Majestie with the reasouns of both parteis haveing interesse, and thairwith haveing taikin thair advice anent the course to be observed in the lifting of the general annuitie furth of the tithes of this yeere 1628, and in tyme coming, it wes and is resolved as the fittest and most expedient course for introductioun of the generall ordour intended for the good of the heretours in leading of thair awin tithes that the tithes which have beene led or in use to be led within thir three yeeres bygainne sall be sequestrat this crop, 1628, in the hands of some indifferent

Acta February
1628. July 1628.
Fol. 29, b.

Fol. 30, a.

Acta February
 1628-July
 1629.
 Fol. 30, a.

persouns upoun the desire and petition to be made to the Lords of his Majesteis Privie Counsell by pairteis haveing interesse, als weill heretours as titulars and thair assigneyes to be furthcummand to the pairteis haveing right according to his Majesteis determinatioun to be givin upoun the generall submissioun deduceing alwayes aff the first end thairof his Majesteis annuitie, which by consent of all pairteis and of suche of the nobilitie and Privie Counsell as ar thair present with his Majestie is ordained to have beginning in this present crop, 1628. For his Majesteis principall end in the sequestratioun is that the valuatiouns and his Majesteis annuitie may be the more cleerelie knowne and that the heretours may have the ease of trew and tymous teinding, and that if his Majestie sall happin to determine in the quota or rate, ease and pryce of tithes, before the first day of Januarie 1629, and if the heretours or thair assigneyes sall accordinglie pay or performe before the said first day of Januarie 1629 what his Majestie sall so determine, than the heretours to injoy the said sequestrat tithes of this crop 1628, otherwayes his Majestie declaires that the titulars sall injoy thair tithes untill it sall happin his Majestie to determine in the said quota, ease and pryce of tithes referred to his Majesteis royall judgement and arbitrement, and untill suche tyme as the said titulars sall happin to ressave performance of what his Majestie sall so determine. Thairfoir, the Lords of Secreit Counsell, according to his Majesteis speciall will and pleasure signified unto thame in this mater, ordanis letters to be direct to make publicatioun of the premisses be opin proclamatioun at the mercat croce of Edinburgh and others places needfull to the effect everie persoun greeved and haveing interesse to crave sequestratioun of tithes may petition the same in dew tyme before the saids Lords, to whome his Majestie gives speciall power, warrand and command to proceid in the said sequestratioun, als weill in the nominatioun of the sequestratours as in the forme and whole particular circumstances concerning the same as the saids Lords sall thinke fitt and expedient for the good of his Majesteis service and publict weale of his subjects without prejudice alwayes of his Majesteis commissioun for tithes and acts thairof. Followes his Majesteis missive for warrand of the Act abonewrittin:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Whairas we being resolved to proceed in the maters referred to us be the generall submissiouns concerning the few fermes and few mailles of erectiouns, tithes of other mens lands, rate and ease of the samine and price thairof and others mentiouned in the saids submissiouns, with that equitie, justice and indifferencie to particular persons and that care and respect to the publict good and ease of the subjects as might manifest our royall care and fatherlie affectiouns to settle and establishe the peace and tranquillitie

of that our ancient kingdome with commoun and publict applause and congratulation of all our good subjects we wer pleased to call to us ane number of our nobilitie, Privie Counsell and others, able, expert and weill affected, to give thair advice to us in a mater of so great importance, with whome we haveing at lenth conferred and received thair advice and opiniouns both privatlie and publictie we find the mater to be of so great weight and consequence and to concerne so neerelie the privat estate of the most part of our subjects in particular and the publict good of that our ancient kingdome in generall that it deserves and merites our serious consideration and more leasure and tyme than our other effaires will permitt us. And thairfoir we have resolved to prorogat, lykeas we have prorogat the saids submissiouns and everie one of thame, unto the last day of December 1629, and intends in the meane tyme as God sall give us occasioun to give out our royall determination in the saids whole maters referred to us by the saids submissiouns. But becaus we have so oft by our generall proclamatiouns intimated our royall pleasure and resolutioun to free our subjects of that rigour and extremitie used in drawing of tithes whairwith our gentrie and others wer generallie greeved, and that we thinke us bound in honnour not to differre or frustrat the expectatioun of our distressed subjects till the tyme of the giving furth of our determinatioun upoun the rate and pryce of tithes, but to prevent the same in this point, and to take some course anent leading of tithes this yeere 1628 which may be a beginning and commencement of that great and generall worke of the universall ease of our subjects in leading of tithes which we ar resolved fullie to establishe in all the pairts of that our ancient kingdome; and we haveing in this point heard all these of the nobilitie and Counsell who ar heere, with the reasons of both parteis haveing interesse, and thairwith haveing taikin thair advice anent the course to be observed in the lifting of the generall annuitie furth of the tithes of this yeere 1628 and in tyme comming, it wes and is resolved as the fittest and most expedient course for introduction of the generall ordour intended for the good of the heretours in leiding of thair awin tithes that the tithes which have beene led or in use to be led within thir three yeeres bygane sall be sequestred this crop 1628 in the hands of some indifferent persons upoun the desire and petition to be made to the Lords of our Privie Counsell be parteis haveing interesse als weill heretours as titulars and thair assignes to be furth cumming to the parteis haveing right according to our determinatioun to be givin upoun the generall submissioun, deduceand alwayes aff the first end thairof our annuitie, which by consent of all parteis and of suche of our nobilitie and Privie Counsell as ar here present with us is ordained to have beginning in this present crop, 1628. For our principall end in the sequestratioun is that the valuatioun and our annuitie may be the more cleerelie knowne, and that the heretours may

Acta February
1628-July
1629.
Fol. 30, b.

Fol. 31, a.

Acta February
1628-July
1629.
Fol. 31. a.

have the ease of true and tymous teinding, and that if we sall happin to determine in the quota or rate, ease and pryce of tithes, before the first day of Januarie 1629, and if the heretours or thair assignes sall accordinglie pay or performe before the said first day of Januarie 1629 what we sall so determine, than the heretours sall enjoy the saids sequestred tithes of this crop, 1628; otherwayes we declare that the titulars sall enjoy thair tithes untill it sall happin us to determine in the said quota, ease and pryce of tithes referred to our royall judgement and arbitrement and untill suche tyme as the saids titulars sall happin to receive performance of what we sall happin to determine. And thairfoir it is our speciall will and pleasure that yow caus publicatioun to be made of the premisses at the mercat croce of Edinburgh and others plaices needfull, to the effect everie persoun greeved and haveing interesse to crave sequestratioun of tithes may petition the same in dew tyme before yow, to whome we give speciall power, warrand and command to proceed in the saids sequestratiouns als weill in the nominatioun of the sequestratours as in the forme and whole particular circumstances concerning the same as yow sall thinke fitt and expedient for the good of our service and publict weale of our subjects without the prejudice alwayes of our commissioun for tithes and acts thairrof. Which we recommend unto your care and bid yow fareweill. Frome our Court at Whitehall the last day of June 1628."

"Forsameekill as the generall submissiouns subscribed be the most and greatest number of his Majesteis subjects hes beene delyvered to his Majestie togidder with ane list and roll of the names of those who ather by absence, infirmitie, or some other excuse, have not as yitt subscribed the same, and seing the course which his Majestie intends to take is generall and universall and concerneth the publict good of the kingdome, and that it is fitting that these who have not as yitt subscribed the said submissioun be warned to compeir before the Lords of his Majesteis Privie Counsell for subscriyveing of the same, Thairfoir the saids Lords ordanis letters to be direct to command and charge all and sindrie persouns, sellers and buyers of tithes within this kingdome, who hes not as yitt subscribed the said generall submissioun, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers plaices needfull, to compeir before the saids Lords at Halyruidhous or whair it sall happin thame to be for the tyme upoun anie Counsell day betuix and the tent day of September nixt, and thair in presence of the saids Lords either to subscriyve the said generall submissioun, or ellis to condiscend upoun some reasounable caus of thair refusall, to the intent that, his Majestie being acquainted thairwith, his Majestie may thairafter take suche ordour thairanent as apperteannes for proceeding aganis thame be the dew course of law. Followes his Majesteis missive for warrand of the Act abonewrittin:—CHARLES R., Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines

Charge to the buyers and sellers of tithes to appear before the Council by the 10th of September next, to subscribe the general Submission, or to assign their reasons for refusing to subscribe.

Fol. 31, b.

and counsellours, and trustie and weilbelovit counsellours, we greette yow weill. Whairas our right trustie and weilbelovit cousine and counsellour, the Erle of Monteith, at his repairing to our presence, delyvered unto us the generall submissiouns subscribed by the most and greatest number of our subjects, and thairwith ane roll and list of the names of these who ather by absence, infirmitie or some other excuse, have not as yitt subscribed the same; and seing the course which we intend to take is generall and universall and concerneth the publict good of the kingdome we thinke it fitt that these who have not yitt subscribed be wairned to compeir before yow at suche dyets as yow please appoint that of new they may be required to subscribe the said generall submissioun or ellis condescend upoun some reasounable caus of thair refusall, which we desire yow to acquaint us with that thairafter we may take such ordour thairanent as apperteannes for proceeding aganis thame by the dew course of our lawes. Which purpose we seriouslie recommend unto your care and bid yow fareweill. Frome our Court at Whitehall the last day of June 1628.”

Acta February
1628-July
1629.
Fol. 31, b.

Order for the
preserving of
his Majesty's
game in view
of his Majesty's
forthcoming
visit.

“ Forsameekill as the Kings Majestie intends, God willing, to honour this his ancient and native kingdome with his royall presence verie shortlie for ressavng his crowne, calling of a Parliament, and sattling of his Majesteis effaires of highest moment for the good of his Majesteis subjects; and whairas his Majesteis repaire hither will necessarlie draw with him some numbers of the nobilitie and gentrie of England for whois recreatioun and pastyme necessar it is that his Majesteis gayme be preserved and carefullie hayned, whairthrow the same may be the more abundant for the use and interteanement of his Majesteis Court and credite of the countrie, Thairfoir ordanis letters to be direct to command and charge all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places needfull, to observe and keepe the Acts of Parliament and Secreit Counsell made aganis the slaying of deir, rae, haire, and wyld foule in anie part of this kingdome under the paines conteanit in the saids Acts; and of new to command, charge and inhibite all his Majesteis lieges and subjects of what estait, qualitie or degree so ever they be, to hunt, shoote, or slay anie deir or rae in anie of his Majesteis forrests or parkes or in anie other part of the kingdome, or to hunt haire ather with ratches or grew hounds within aucht myles of his Majesteis palaces of Halyruidhous, Linlithgow, Stirlin, Dunfermlin, Falkland or burrowes of Perth and Brechin, certifeing thame and everie ane of thame that sall doe in the contrair that they sall be punished in thair persouns and goods with all rigour conforme to the Acts and proclamatiouns formerlie made thairanent, and forder as his Majestie sall find the qualitie of their contempt and disobedience to merite. And siclyke to command and charge all and sindrie stewarts, justices of the peace and uthers, bearing anie charge or commandement

Fol. 32, a.

Acta February
1628. July
1629.
Fol. 32, a.

under his Majestie everie ane within thair awin limits, office and jurisdiction, that they have a speciall care and regard to see this proclamatioun to be preciselie observed and kepted within thair bounds. And if anie persoun or persouns sall presooome to violat the same that they notifie thair names to his Majesteis Counsell, to the intent ordour and directioun may be givin for thair punishment as accords, as the saids shireffs, stewarts, justices of peace and others will answeere upon the dewtifull discharge of thair offices."

"The whilk day Sir Thomas Hoip of Craighall, knight baronet, ^{His Majesty's letter anent Justico courts.} Advocat to our Sovereane Lord, produced and exhibite to the Lords of Secreit Counsell the missive letter underwrittin signed be the Kings Majestie and directed to the saids Lords tuicheing the halding of Justice Courts in everie quarter of this kingdome, and desired the said letter to be insert and registrat in the Bookes of Privie Counsell; whilk letter being read, heard and considerit be the saids Lords, and they finding the desyre of his Majesteis Advocat to be reasounable, Thairfoir the saids Lords ordanis the said letter to be insert and registrat in the Bookes of Privie Counsell, of the whilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, and trustie and weilbelovit cousins and counsellours, and trustie and weilbelovit counselours, we greete yow weil. Whairas we have beene pleased to revive the discontinued ancient laudable custome of justice airs and for that effect have directed particular commissiouns of justiciarie to some of our judges, who as representing our persoun in thair severall circuits ar to administer justice in everie quarter of that our ancient kingdome to all our lieges within the shyres whair they dwell, according to the tennour of thair saids severall commissiouns and lawes and practick of the said kingdome, Thairfoir our will and pleasure is that yow caus exped and publishe the saids commissiouns with all possible speed and that yow consult and conclude upoun all suche instructiouns as yow thinke fitting to be givin to the saids severall judges for thair several circuits both in the forme and substance of thair proceedings and concerning the tymes and plaices of sitting in everie shyre, and speciallie concerning suche penall statuts as yow thinke fitting to be putt in executioun at thir nixt Harvest circuits, and that yow write letters unto the shireffs, the lords of regalitie, the Lord of Lorne and Commissioners of the Borders, requiring thame in our name to sitt and concurre with the saids judges in suche places and suche caises as doeth concerne the commissiouns of the Borders or infetments of regalitie or justiciarie, which we ar unwilling anie wayes to prejudice ather in the right or honnour belonging to thair places; as also that yow write in our name to the Justices of Peace of the severall shyres requiring thame als weil severallie as in thair quarter sessionis diligentlie to inquire of offences and offenders and to take up and prepare dittayes aganis the nixt going of the saids judges, and if they can to apprehend, committ or take sureteis of the saids offenders

Fol. 32, b.

See ante, p. 345.

by bond to compeir before the saids judges to answeir thair saids offences according to the nature and qualitie thair of, which we recommend unto your care, and bid yow fareweill. Frome our Court at Whitehall the last day of June, 1628." Acta February
1628-July
1629.
Fol. 32, b.

Order to the
Earle of Home
and others for
the mending
of highways
within bounds
specified for
each of the
persons named.

"That missives be direct for mending of the hie wayes to the personis following; to witt, to the Earle of Hoome and West Nisbit for the boundis betuix Beruik and Hadintoun; to the Earle of Wintoun, Prestoun Grange and Laird of Prestoun betuix Edinburgh and Hadintoun; to the Earle of Linlythqu, and Thomas Dalyell betuix Edinburgh and Linlythqu; to the Earle of Wigtoun and Laird of Keir fra Linlythqu to Striviling; to Clakmannane and Sir Johnne Prestoun fra Striviling to Dunfermyne; to the Vicount of Stormont, Lordis Melvill and Burlie fra Dunfermyne to Falkland; to the Earle of Rothes, Lordis Melvill and Innerteill fra Bruntiland to Falkland; to the Vicount of Stormont, the Earle of Perth and Balmano fra Falkland to Perth; to the Lord Chancellour and Inchemartine fra Perth to Dundee; to the Lord Carnegy and Constable of Dundee fra Dundee to Brechine; to the Earle of Rothes and Lord Melvill fra the ferrie of Dundee to Falkland, and fra St. Androis to Falkland; to the Marques of Hamiltoun and Laird of Minto, fra Glasgu to Hamiltoun; to the Marques of Hamiltoun, the Earle of Angus and Vicount of Air fra Hamiltoun to Drumlangrig; to the Earle of Nithisdail, and Vicount of Drumlangrig and Maister of Hereis fra Drumlangrig to Drumfreis; to the Maister of Hereis, Amisfeild and Cokpoole fra Drumfreis to Carlile." Sederunts,
1625-29.
Fol. 91, a.

Holyrood
House, 15th
July 1628.

Sederunt.—St. Andrewes; Treasurer; Privy Seal; Wyntoun; Seafort; Lauderdaill; Bishop of Dunkeld; Bishop of Aberdeen; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Lord Carnegy; Master of Elphinstoun; Advocate; Clerk Register. Acta February
1628-July
1629.
Fol. 32, b.

Warrant from
his Majesty for
the allowance
of 4000 merks
yearly to Dame
Margaret
Hamilton out
of the lands
and ronts of
Sir John
Stewart, her
husband.

"The whilk day the letter underwrittin signed be the Kings Majestie and directed to the Lords of his Privie Counsell in favours of Dame Margaret Hamiltoun, the ladie of Sir Johnne Stewart, knight, toucheing the modificatioun of foure thowsand merkes out of the said Sir Johnne his estait to be made unto her for her yeerelie maintenance wes presented to the Lords of Privie Counsell and read in thair audience. After consideratioun whair of the saids Lords humbelie acquiescing to his Majesteis gracious will and pleasure in this mater, they according to the directioun of his Majesteis letter have recommendit and be the tennour heerof recommends the drawing up of the said Dame Margaret her securiteis anent the said modificatioun to his Majesteis Advocat and her awin lawyers. Of the whilk letter the tennour follows:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, and trustie and weilbelovit" Fol. 33, a.

Acta February
1628-July
1629.
Fol. 33, a.

counsellours, we greeete yow weill. Your letter in the behalffe of Dame Margaret Hamilton, the ladie of Sir Johne Stewart, knight, togidder with her petition thairin enclosed, by our owne princelie bountie and commiseratioun of her estait, wes so prevented by us as we before the receipt thair of did gratuslie give ordour for allowing unto her foure thowsand merkes by yeere duiring her lyfetye out of the best and readiest of the said Sir Johne Stewart his lands and rents whairsoever the same doeth ly within anie of our dominions, being the just sowme (as we ar informed) which yow did formerlie modifie unto her for her yeerelie maintenance. Our pleasure thairfor is and we doe heereby will and require yow upoun sight heerof to take suche a present course with the said Sir Johne his lands and rents as the said modificatioun of foure thowsand merkes by yeere may be sufficientlie and legallie secured unto the said ladie, and dewlie and tymouslie payed yeerelie, half yeerelie or quarterlie, as she sall thinke most expedient and before all other payments whatsomever, the said modificatioun being alimentary and unfitt to admitt of anie subterfuges in law or delay in the executioun thair of. And our further pleasure is that the said securitie be sufficientlie performed unto her by the advice of our Advocat and her lawyers before anie graunt of the said Sir Johne his escheate or lyferent or custodie of his lands or rents be established in the hands of anie persoun whatsomever, as the Duke of Lennox and Erle of Linlithgow have undertaikin to ws to performe. All which we doe heereby recommend to your speciall care and judgement as our trust is in yow and in doing thair of yow may doe unto us verie acceptable service. And so we bidde yow fareweill. Givin at our Court at Whitehall, the fyft day of Julie 1628."

[The twa acts following wer omitted in the fyftein day.]

" Forsameekle as thair hes beene diverse good acts of Parliament made be our lait Soverane Lord of eternall and blessed memorie whairby all Jesuits, seminarie and messe preests wer found and declaired to be most pernicious and wicked pests in this commoun weale and wer thairfor straitlie charged to depairt and pas furth of this kingdome within a certane spaice mentiouned and conteanned in the saids Acts, as the samine conteaning lykeweyes ane strait prohibitioun that nane of his Majesteis subjects ressett, supplee nor interteane anie of the saids Jesuits and seminarie preests nor no traffiquing Papists against his Majestie and religioun presentlie professed within this kingdome at lenth beares ; Notwithstanding whair of the Lords of Secreit Counsell ar informed that numbers of Jesuits, seminarie and messe preests ar come frome beyond sea to this kingdome and hes made thair addresse towards the north pairts thair of especiallie within the diocie of Aberdein whair they ar ressett, hoordit and interteanned be numbers of his Majesteis subjects whome they have poysouned and corrupted with thair erroneous opinions, quhairthrow the grouth and number of Papists daylie increaseth and they ar come to this hight of presumptioun and pryde that thay not onelie

Commission to Arthur, Lord Forbes, and others, to discover and apprehend all Jesuits, seminarie and mass priests, and all persons who reset them, within the diocese of Aberdeen.
See ante, p. 360.

Fol. 34, a.

make publict avowall of thair profession bot most contemptuouslie and audaciouslie to the high offence of God and disgrace of his Majesteis government they have thair ordinar conventicles and meetings and the exercise of thair false religioun, vaunting of thair nombers, credite and freindship and that they ar not affrayed of anie course that can be tane aganis thame by the Kings Majestie or the Kirk, disdainng and contemning the ordinar censures of the Kirk and professng publictliethat thair greatest honnour is to be callit in questioun for thair religioun sua that they not onelie give a publict scandall to the Kirk and contemnes the ordours and discipline thair of, bot they doe what in thame lyes to infect and corrupt others, both in thair religioun and allegeance, and if thair contempt and insolenceis be not in tyme prevented and suppress the cure will shortlie become remedillesse, and great inconvenients will follow to the trouble and disquet of the estait. Thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun, expresse bidding and charge to Arthure, Lord Forbes, James, Lord Desfuird, Alexander, Maister of Forbes, Sir Alexander Gordoun of Clunie, knight baronet, Sir Thomas Burnet of Leyis, knight baronet, Sir Williame Forbes of Monymusk, knight baronet, Alexander Irwing of Drwm, James Crichtoun of Frendraucht, Forbes of Pitsligo, Sir Johnestoun of Caskieben, knight baronet, Alexander Skeyne of that Ilk, Meinzeis of Pitfoddelis, Androw Fraser of Stanywod, Johne Forbes of Leslie, Sir George Ogilvie of Bamff, John Urquhart of Craigstoun, the Lairds of Lesmore, elder and younger, Urquhart, shireff of Cromartie, Magnus Mowat of Balquhorie, Sir Williame Keith of Ludquharne, Williame Forbes of Tulquhon, Fraser of Streachin, John Kennedie of Carnmuik, Alexander Udny of Ochtirellon, John Gordoun of Buckie, Alexander Abercrombie of Birkinbog, Thomas Crombie of Kenmay, John Forbes of Balnagask, Areskine of Pittodrie, Mr. William Seatoun of Meldrum, Gordoun appearand of Knockaspeck, shireff depute of Aberdein, Alexander Keith of Balmure, Mr. Patrik Maitland of Auchincreeff, and Mr. James Hay of Raunes conjunctlie and severallie to convocat his Majesteis lieges in armes at all tymes and occasiouns, and to pas, searche, seeke and take all and sindrie Jesuits, seminarie and messe preests and excommunicat Papists lying at the horne, haunting, frequentng and repairing within the bounds of the diocie of Aberdein whairever thay may he apprehendit ; as alsua to try and informe thame selffes whair and be whome thir unlaughfull meetings and conventicles ar kepted within the bounds of the said diocie, and accordnglie to searche, seeke, take and apprehend all suche persons who keeps the saids unlaughfull conventicles and meetings and the awners and maisters of the houses whair they ar kepted with all convenient diligence, and to committ thame as alsua the saids Jesuits, seminarie and messe preests to waird within the tolbuith of Aberdein and to deteane

Acta February

1628-July

1629.

Fol. 34, a.

Fol. 34, b.

Acta February
1628-July
1629.
Fol. 35, a.

thame thairin upoun thair awin expenses ay and quhill directioun and ordour be givin concerning thame as apperteanes; with power to the saids commissioners for this effect to make opin doores and to use his Majesteis keyes, and generallie to doe, use and performe everie other thing whilk for execution of thir presents ar requisite and necessar. Firme and stable halding and for to hald all and whatsomever thing sall be laughfullie done heerin, and that letters be direct charging all and sindrie his Majesteis lieges and subjects to reverence, acknowledge and obey, ryse, concurre, fortife and assist the saids commissioners in all and everie thing tending to the executioun of this commissioun and to doe nor attempt nothing to the hinder or prejudice thairof as they and everie ane of thame will answeere upoun the contrarie at thair perrell. And the saids Lords ordanis the saids commissioners after that they have apprehendit and committed to waird anie of the persouns foresaids to send advertisement to his Majesteis Counsell, to the effect the saids Lords may give ordour for thair punishment as accordis."

" Forsameekle as the Commissioners of the burrowes of this kingdome laitie convened at the burgh of Perth upoun the thrid day of July instant has givin licence to the burgh of Dumbartane to impetrate of his Majestie and of his Counsell ane certane impost and dewtie of the commoditeis and wairis that comes to the said burgh for the better interteaning of the water workes of the said burgh and preserveing of the same fra the injurie and violence of the water, and the Lords of Secreit Counsell being cairfull to understand the trew estait of the said burgh and if thair be anie necessitie of granting of the said impost for the better uphalding of the said burgh, Thairfoir the saids Lords gives power and commissioun be thir presents to . . . Lord Rosse, and . . . Cahowne of Lusse to resort and repair to the said burgh at suche tyme as they sall thinke meit and thair to sight and consider the water warkes of the said burgh and other pairts thairof necessar to be repaired for withstanding the violence of the water and if the said burgh be in any hazard to be endangered be water if the saids water warkes and others requisite defences be not interteanned and upholdin, and to report thair opinioun thairanent to the saids Lords betuix and Michaelmes nixt."

Anent the
defences
against the
violence of the
sea at Dum-
barton.

(Sederunt as recorded above.)

Holyrood
House, 15th
July 1628.

Decreta,
November
1627-January
1630.
Fol. 90, a.

Complaint by James Watt, workman in Edinburgh, as follows:—He has been for a long time kept in ward "in great stresse and miserie" by David Andersoun, cordiner in the Cannogait, for an alleged debt of £50, though the complainer has a decree against him, pronounced but not as yet extracted, for £91, and the said David and his wife fearing he would enforce it, caused incarcerate him. He is still in great misery and like to starve. Charge having been given to the said David Andersoun, and also to David Williamesoun, one of the bailies of Edinburgh, in name of

Complaint by
James Watt,
workman in
Edinburgh,
now warded in
the Tolbooth
of the said
burgh, against
David Ander-
soun, cordwainer
in the Canon-
gate.

the magistrates thereof to produce the pursuer, and both pursuer and defender compearing, the Lords, in consideration of the misery and poverty of the said pursuer, and his inability to pay the said debt in one sum, ordain the provost and bailies to liberate him, and further ordain the pursuer to pay to the defender weekly one third of his wages until the said debt is paid.

Decreta,
November
1627-January
1630.
Fol. 90, a.

Complaint by
Duncan
Richardson,
bedesman,
Edinburgh,
against Henry
Aikman,
chirurgion, for
illegal
imprisonment.

Complaint by Duncan Richartsoun, one of the poor beidmen of the Magdalene Chappell in Edinburgh, as follows:—He is in ward in the tolbooth of Edinburgh at the instance of Henry Aikman, chirurgian, for not paying him £24 of principal and two merks of expenses, alleged due to him by the deceased Sarah Richartsoun, the complainer's sister, though he medled with no more of his sister's effects than sufficed to bury her—David Mitchell, bailie of Edinburgh, taking the rest for payment of his rent. She was but a poor woman, not able to sustain herself and her child, so the town took the child from her and gave it to another to be brought up, and gave herself "the town almous." Besides, the said Aikman, knowing the debt to be unjust and the defunct not able to pay it, allowed it to lie over for the past fourteen years and now seeks it from the complainer, "ane poore seeke workeman," who has nothing to live upon but the charitable support of the hammermen of Edinburgh, who have placed him as one of their beidmen in the said chapel. He has a wife and child, and all of them will perish for want if he be not released. Charge having been given to the said Henry Aikman, and also to David Williamesoun, one of the bailies of Edinburgh, in name of the magistrates to produce the complainer, and pursuer and defender both compearing, the Lords, after taking the pursuer's "great and solemne oath that he wes nother able to pay the said sowme, nor to find caution," pitying him as "a poore miserable creature without meanes or possibilitie" to pay the same, or entertain himself in ward, ordain the provost and bailies of Edinburgh to put him to liberty.

Fol. 90, b.

Complaint by
Patrick Bullo,
burgess of
Peebles,
against John
Tweedie, in
Linton, for
assault.

Complaint by Patrick Bullo, burgess of Peebles, "metster,"¹ and Mr. Theodore Hay, parson of Peebles, Mr. John Bennet, minister at Kirkured, Mr. Thomas Hog, parson of Stobo, and Mr. John Hamiltoun, minister at Lyntoun, as follows:—On 17th July instant, by virtue of a commission from James, Archbishop of Glasgow, the said Messrs Hay, Bennet and Hog went to the kirklands of Lyntoun, and there, with the concurrence of some gentlemen of the parish, employed the said Patrick Bullo "to measure and mett foure aikers of the saids lands to be ane gleib to the said Mr. Johne Hamiltoun." Thereupon John Tweedie in Lintoun with some others came to them, "and after sindrie injurious and disgracefull speeches uttered aganis the saids compleaners," prevented the said Patrick Bullo by violence from proceeding, threatening to take his life if he did. When the said Mr. Theodore required the said

Fol. 91, a.

¹ A person legally authorised to measure.

Decreta,
November
1627-January
1630.
Fol. 91, a.

John Twedie, in his Majesty's name, to desist from his lawless interruption, he put "violent hands in the said Patrik Bullo, and shamefullie strake him in sindrie pairts of his bodie, tooke him be the shoulder and violentlie flang him ower ane high and stay brae, whairthrow he hes so bruised and birsed the said Patrik that he is not able to exercise himselfe in his lawfull and ordinarie service; and thairafter in ane imperious and boasteous maner commanded the compleaners to goe away, for they sould not gett leave to mett anie land thair." Charge having been given to the said John Twedie, and he compearing, and of the pursuers the said Patrick Bullo and Messrs. Hay and Hamiltoun being present, the Lords, after hearing witnesses, who failed to prove any part of the said complaint, assoilzie the defender, but order him to find caution acted in the Books of Secret Council that "when the corne is aff the ground, he sall suffer foure aiker of land to be mett to the minister" under the pain of 400 merks.

Fol. 91, b.

Complaint by Sir Henry Wardlaw of Pittrevie, knight, as follows:—
On 5th January 1626, at his instance, George Home of Bassindein, and Alexander Home, his son, were put to the horn for not paying him 3000 merks of principal, 150 merks of interest, and £100 of expenses, as is contained in their bond thereupon, but to which horning they contemptuously pay no heed. Charge having been given to the defenders to compear on pain of caption, and the pursuer compearing by Mr. William Seatoun, son to Mr. Alexander Seatoun of Kilcreuche, but the defenders not, the Lords ordain charge to be given to the Sheriff of Berwick and his deputes to apprehend and imprison the defenders, and imbring their goods as escheat.

Fol. 92, a.

Complaint by
Sir Henry
Wardlaw of
Pittrevie
against George
Home of
Bassendeue
and Alexander
Home, his son,
for non-pay-
ment of debt.

Commissions
1624-30.
Fol. 165, b.

Commission under the Signet to the Lairds of Prestoun and Elphinstoun as justices to hold courts and try Bessie Riddell, Agnes Dempster, Agnes Liddell, Margaret Oliver and Barbara Mathie, indwellers in Prestounpannes, who have been long suspect of witchcraft and whose depositions have been shown to the Council. Signed by Mar, St. Andrewes, Hadinton, Winton, Seafort, Hamilton, and S. Thomas Hoip.

Holyrood
House, 15th
July 1628.
Commission to
the Lairds of
Preston and
Elphinston to
try Bessie
Riddell and
others for
witchcraft.

Sederunts,
1625-29.
Fol. 91, b.

"The submission subscryvit be the teynd buyaris within the shirefdome of Innernes, Caithnes and Suthirland produceit be Mr. Patrik Collace in name of the Laird of May. The submission delyverit to the Lord Privie Seale to be sent to his Majestie."

Anent teind-
buyers.

"The quhilk day Johnne M^cCleud of Hereis, Lauchlane M^cClane, brother to Hectour M^cClane, appearand of Douart, for himself and his brother, declairit that they adherit to the petition preferrit to his Majestie in name of the Ilandaris."

Anent the
petition in the
name of the
Islanders.

"The quhilk day the Burrowis gair in thair ressonis in write aganis the erectioun of Stroneway in a burgh royall; whilkis ressonis wer delyverit to the Earle of Seaforte that he might ansuer thairto upoun Thurisday nixt."

Anent the
erection of
Stornoway into
a royal burgh.
See ante, p. 357.

Anent the sea defences of Dumbarton. See *ante*, p. 379. "The Lordis nominatis and appointis the Lord Ros and Laird of Luss to trye the estate of the toun of Dumbartane, and yf it be in hasard to be indangerit be water and to reporte."

Sederunts,
1625-29,
Fol. 91, b.

Anent the prices of wool, &c. "The Laird of Pourie Fotheringhame to be writtin to in name of the Constable of Dundee to informe anent the pryceis of woll, nolt and sheepe and to reporte the 20 of August."

Holyrood House, 17th July 1628.

Sederunt.—St. Andrewes; Treasurer; Glasgow; Wyntoun; Sea-
fort; Lauderdaill; Bishop of Dunkeld; Bishop of Aberdein;
Bishop of Dumblane; Lord Lorne; Lord Melvill; Lord
Areskine; Lord Carnegie; Master of Elphinstoun; Advocate;
Clerk Register; Sir John Scot.

Acta Februar
1628-July
1629,
Fol. 33, b.

His Majesty's rents appointed to be employed upon the repairing of his Majesty's houses. "Forsameekill as the Kings Majestie haveing by his letter directed to the Lords of his Privie Counsell signified his royall purpose and resolutioun to honnour this his ancient kingdome with his presence, God willing, in the moneth of September now approacheing, and whairas the honnour and credite of the kingdome requires that for his Majesteis contented receptioun his houses be repaired in that comelie and decent ordour as the necessitie and conveniencie of the tyme will permitt; whilks workes will require present and readie monie and daylie and weekelie debursements, Thairfoir the saids Lords hes concluded and ordained and be this present Act concludes and ordains that the first and readiest of his Majesteis moneyes, rents and casualiteis of this kingdome, sall be employed upoun the necessar workes of the repairing of his Majesteis houses and that these workes and the moneyes to be bestowed thairupoun sall be preferred to all others payments whatsomever; commanding heereby his Majesteis Thesaurar, Deputie Thesaurar and Ressavers of his Majesteis Rents that they nor nane of thame answere nor make payment or delyverie of anie moneyes whatsomever to anie persoun or persouns or to anie use till first his Majesteis houses be repaired, toward the reparatioun whairof the saids Lords destinats the first and readiest of his Majesteis rents and casualiteis, notwithstanding of anie warrands or precepts to be directed in the contrare."

English beir for his Majesty's house.

"The Lords of Secreit Counsell allowes his Majesteis Thesaurar to give licences for importing of ane hundreth and fiftie twanne of English beir for furnishing of his Majesteis hous, provyding that the same be imported betuix and the twentie fourt day of August."

Anent his Majesty's fire-vessel and wardrobe.

"The Lords of Secreit Counsell ordains the Clerk Register and Sir Henrie Wardlaw to examine David Thomsoun his compt and charge for his Majesteis fyre vessell and to consider and report what is wanting thairin; as alsua to sight his Majesteis wardrop and to make a note of suche things as ar defective or wanting in the same."

Direction to the Provost and Bailies of Edinburgh.

"The whilk day the proveist and bailleis of Edinburgh compeerand before his Majesteis Counsell they were desired to advise with the

Acta February
1628-July
1629.
Fol. 34, a.

Counsell of thair toun if moneyes might be had and lent upoun good and sufficient securitie for making of provisioun aganis his Majesteis heere comming and to report the nixt Counsell day."

"The whilk day it wes thought meit be the Lords of Privie Counsell that ane missive sould be writtin to his Majestie, and another to suche of the nobilitie and Counsell as ar with his Majestie acquainting his Majestie and thame with the difficulteis and impediments to have all preparatiouns requisite for the honnour and credite of this kingdome in readines aganis the appointed tyme of his Majesteis heere comming, and it was thought meit that Mr. David Foullertoun sould be directed with all diligence to Court with thir letters."

Anent his Majesty's visit.

"The Lords nominats and appoints the Archbishop of St. Andrewes, the Erles of Hadintoun and Lauderdaill, the Lyoun Herauld, and Maister of Warke, with suche others as they sall call unto thame to conveene and meete so oft as they sall thinke good and to conferre and consider upoun the solemniteis requisite to be used at his Majesteis coronatioun."

Warrant anent the solemnities of the coronation.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 92, b.

Complaint by Sir Robert Halket of Pitfirrane, knight, George Bruce, son to the deceased Sir George Bruce of Carnock, knight, and James Aitkine of Middlegrange, as follows:—On 22d August 1627 John Ewin of Cuikispow was denounced at their instance for not fulfilling his share with them in the joint cautionry they undertook that Robert Aitkine and Adam Bennet would pay £5000 to his Majesty's Treasurer, Depute Treasurer, and Receivers of his Rents, but he pays no heed thereto. Charge having been given to him to compear under pain of caption, and the pursuers compearing by Robert Stirk, messenger, their procurator, but the defender not, the Lords ordain charge to be given to the Sheriff of Stirlin and his deutes to apprehend and imprison him and escheat his goods.

Holyrood House, 17th July 1628.

Complaint by Sir Robert Halket of Pitfirrane and others against John Ewin of Cuikispow, for non-fulfillment of his joint-cautionry.

Royal Letters,
1621-32.
Fol. 137, b.

"After our verie heartlie commendatiouns. We ar certanelie informed that twa shippes of Kirkaldie, viz. *The Unicorn*, quhair of James Quhyte is maister, and *The Grace of God*, quhair of Johne Simsoun is maister, with *The Jonet* of Dysert quhair of Andrew Ranye is maister, being laitle upoun thair dew course, The Jonet towards Flanders loadenned with coale and the other twa toward Londoun, loadned with salt perteaning to George Bruce of Carnock, they wer persewed and tane be some Frenshe piratts and within some few hours theairafter were worthilie recovered frome thame be the fleete of Newcastle be whome they ar now kepted and deteanned; and quhairas the bearers heerof Johne Coilyear and Henrie Millar, awners of the twa first shippes, ar to repaire thither sufficientlie instructed to make clayme and sute for the saids shippes and goods, we have thought good upoun thair earnest desyre to accompanie thame with this our letter in thair favours,

Holyrood House, 17th July 1628.

Anent three Scottish ships which had been recovered from French pirates by the fleet of Newcastle.

earnestlie intreating yow to vouchesafe unto thame a favourable hearing and to give present ordour that undelayedlie and without trouble or plea restitutioun may be made unto them of the saids shippes and goods; quhairin as yow sall doe that whiche the course of justice in such ane cause doeth require, so yow sall oblige us in occurrents of the lyke kynde to a readie and thankefull meeting; and so, etc. Frome Halyruidhous 17 July 1628. *Subscritur*, Mar, St. Andrewes, Hadintoun, Wintoun, Seafort, Lauderdaill, Dunkelden, Aberdein, Melvill, Scottistarvett. [Directed] To all and sindrie mayors, bailliffs and judges of Admiraltie and others his Majesteis officers within the Kingdome of England whome these presents doe or may concerne.”

Royal Letters,
1623-32.
Fol. 137, b.

“After our verie heartilie commendatiouns to your good lordship. Quhairas the Kings Majestie is resolved, God willing, to honour this his ancient and native kingdom with his royall presence about the hinder end of August next and for this effect hes recommendit unto us that present ordour and directioun be givin that the hie wayes sall be made faire and passable for coaches and otherwayes as they wer in the tyme that his lait dear father wes in this kingdome, and quhairas the giving of directiouns how this mater sall be followed must be committit to some speciall persouns in eache shirefdome we have thairfoir made choise of your lordship for the bounds betuix, etc., and thairfoir these ar to requiest and desyre your good lordship to appoint suche short day quher and quhen your lordship with your collegue sall meit and that yow conveene with your lordship the shireff of the shyre and the conveenner with some of the justices of peace within the same, and that yow ryde the hieway and bounds foresaids quhair his Majestie is to pas and consider quhat pairts thairof needs ather inlarging or mending, and after consideratioun thairof that yow prescryve the ordour quhilk yow thinke fittest for repairing of the saids wayes be the travells and charges of the inhabitants within the saids bounds and caus the same be perfyte betuix and the xxiiij day of August nixtocome, and that yow injoyne to the shireffs and justices of peace to have a care that your directioun and the ordour to be sett down be yow be performed, and command thame to rander ane accompt of the diligence of the inhabitants within the saids bounds to his Majesteis Counsell upoun the day of that if anie thing be then unperfyte these quho sall be negligent may be censured and punished, and if anie of yow to quhom this charge is committit be absent that suche of yow as ar present doe that quhilk is injoyned to the whole, and we desyre yow to make a report to his Majesteis Counsell upoun the day of of all your proceedings heerin. Quhilk remembring to your speciall care, we committ your lordship to God. Frome Halyruidhous xvij July 1628. *Subscritur*, Mar, St. Andrewes, Wintoun, Seafort.”

Fol. 141, b.

Holyrood
House, 17th
July 1628.
Charge to the
Justices of the
Peace anent
the mending of
the highways.
See *ante*, p. 374.

Sederunt, 1625-29, Fol. 91, b.

“ The quhilk day the provest and baillies of Edinburgh compeirand befor the Counsell declairit that anent the propositioun maid to thame upoun the xv of this instant toucheing the lenning of moneyis upoun good securitie for making of provisioun agane his Majesteis heircomeing, they had imparted to the counsaill of thair towne and fand the estate of the affairis of thair toun to be suche and thair burdynis so grite as thay wer not able of thame selffis to undertak the advancement and furnissing of ony moneyes and that thair awin wantis wer so grite as thay wald be constrayned for performance of quhat concernis the credite of thair towne to borrow moneyis frome otheris.”

Refusal of the Town Council of Edinburgh to lend money in connection with his Majesty's visit.

Fol. 92, a.

“ The quhilk day the Earle of Seaforte gaif in his ansueris to the ressonis gevin in be the burrowis aganis the signatour grantit be his Majestie for erecting Stornway in a free burgh whilkis wer delyvrit to the provest of Edinburgh to be advisit thairwith till Twisday.”

Anent the erection of Stornway into a burgh. See ante, p. 379.

Acta Februry 1628-July 1629, Fol. 35, a.

Sederunt.—St. Andrewes; Mar, Treasurer; Bishop of Glasgow; Bishop of Aberdeen; Bishop of Dunblane; Lord Areskine; Lord Melvill; Lord Carnegie; Master of Elphinstoun; Advocate; Sir John Scot.

Holyrood House, 18th July 1628.

Fol. 35, b.

“ The whilk day the proveist and bailleis of Edinburgh compeirand personallie before the Lords of Privie Counsell and being demandit what answeere they would give to the propositioun made unto thame tuicheing the lenning of moneyis upoun good securitie, they declaired that they had impaired the bussines to the counsell of thair toun and that they found the estait of thair toun to be suche and thair burdein so great as they wer not able of thamselffes to undertake the advancement and furnishing of anie moneyes, and that thair awin wants wer so great as they would be constrained for performance of what concernes the credite of thair toun to borrow moneyes frome others.”

Anent the lending of money by the Council of Edinburgh.

Forsameekle as the soverane and high court of Parliament of this kingdome is proclaimed and appointed to be haldin at the burgh of Edinburgh, God willing, upoun the fyftein day of September nixtcome with continewatioun of dayes, whairunto his Majestie intends to give his royall presence and some few dayes afoir to ressave the crowne of this his native and ancient kingdome whilk from so manie worthie progenitours is now befallin unto his Majestie; and whairas the honnour and majestie of thir solemne actiouns for the credite and reputatioun of the kingdome requires the presence and concurrence of the whole nobilitie of this kingdome who in thair severall rankes will in some measure be partakers of the honnour of suche solemne actiouns, Thairfore the Lords of Secreit Counsell ordanis letters to be direct to command and charge all and sindrie marqueises, erles, vicounts and lords of Parliament within this kingdome be opin proclamation at the mercat croces of the heid burrowes of this kingdome and others plaices needfull, that they and

Proclamation for attending the coronation and Parliament with robes.

everie ane of thame prepare thameselffes and be in readinesse to attend the honnourable solemniteis foresaids of his Majesteis coronatioun and parliament in thair most comelie and orderlie maner, that is to say, the saids marqueises, erles and vicounts to attend the coronatioun with thair robes of crimsoun velvet enermyned, and that they and the other lords of Parliament attend the Parliament with their ordinarie scarlott robes, and that they attend the Parliament the said fyftein day of September and the coronatioun upoun suche a day as they sall be of new advertised be missive letters, certifeing thame that sall absent thameselffes and not assist at thir royall solemniteis that speciall notice sall be taikin of thair absence, and that accordinglie they sall be censured in that measure as thair contempt and neglect of dewtie deserves. Followes his Majesteis missive for warrand of the Act abonewrittin:—

CHARLES R., Right trustie and right weilbelovit cousine and counsellour, and right trustie and weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we greete yow weil. Haveing of lait advertised yow of our resolutioun to see that our ancient kingdom for receaveing our crowne and holding a parliament in persoun to beginne the fyfteen day of September nixt and considering the tyme to be short for so farre a journey and our nobilitie and officers to have but short wairning for so chargeable a worke, our pleasure thairfore is that yow take in to your speedie consideratioun all things fitt and possible to be done there in so short a tyme and especiallie the plaice of our coronatioun whither the Church of St. Giles in Edinborrow, or the Church of Halyruidhous may be the fittest and most conspicuous and convenient plaice for the same; as also that yow give wairning to all our officers thair to appeare before yow and to give thame instructiouns for executing thair particular charges not onelie in our houses bot also at our coronatioun and Parliament and others plaices needfull, and if anie difference be amongst thame that yow for avoiding variance and confusioun doe ordour the same according to equitie and the tyme and service whairby nothing may be neglected in so important a bussines which may prove to be the more easie unto yow becaus of the few number of our intendit traine and companie and the shortnes of our abode there occasiouned by our weightie effaires heere. Yitt we resolve to see our houses of Stirlie and Falkland and doe desire to be mett by our Counsell neere unto Seatoun onelie in our goeing from thence to Edenborrow whair we intend to make our entrie that day. And becaus our coronatioun ceremoneis and roabs may require the advice of our heraulds, Thairfore our pleasure is that yow call before yow the Lyoun King at armes and the most experimented heraulds to delyver the knowledge concerning the formes of the ancient coronatiouns of our royall progenitours, that we being advertised thair of by yow may take the same in to our princelie consideratioun, leaveing alwayes to our nobilitie to be informed by yow concerning the attend-

Acta February
 1628-July
 1629.
 Fol. 35, b.

Fol. 36, a.

Acta February
1628-July
1629.
Fol. 36, a.

ance of our coronatioun in thair creatioun robes of crimson velvett enermyned and our Parliament in thair accustomed scarlett robes, and in suche decent forme as may be most convenientlie performed for the honnour and credite of that our ancient kingdome which is so muche in our good respects as we wish the publict acts thair of not to want thair dew and wounted reputatioun; which most speciallie recommending to your care we bid yow fareweill. Frome our Court at Whitehall the nyynth of Julij 1628."

"The Lords of Secreit Counsell for the better disposing and ordouring of all things concerning his Majesteis hous and equire aganis his heere comming nominats and appoints the Erle of Mar, Lord Thesaurar, the Erle of Hadintoun, Lord Privie Seale, if his health will permitt, the Lord Areskine, the Bishop of Dumblane, the Clerk Register, and Sir Johne Scot, and suche of thame as sall be present for the tyme, with Sir Williame Seatoun, Sir James Dundas, Johne Areskine of Balgonie, Sir Henrie Wardlaw, and James Durhame of Pityarrow, Mr. James Aittoun and Mr. Johne Drummond, to conveene and meet at suche tymes and plaices and sua oft as they sall be wairned be the Lord Thesaurar or be his directioun and at thair meetings to informe thameselfes who served the lait King at his being in this countrie, how manie of thame ar alyve and who ar deid, and to deale with thame who ar alyve to accept that same charge and service upoun thame whairin they served his Majesteis lait father, and if they refuse to place others in thair rowme and to appoint some to supplee the rowme of these who ar deid and to prescrive rules and to give directioun in all and everie thing concerning the provisioun and furnishing of his Majesteis hous."

Anent the ordering of his Majesty's house.

Fol. 36, b.

"The whilk day it is thought meit that the Lord Colvill, the Laird of Lochinvar, Harie Areskine, Sir Williame Seatoun and Sir James Dundas sall be maisters of houshold to his Majestie duiring his abode heere."

Nomination of Masters of Household.

"The Lords ordanis the Lyoun Herauld who wes present to informe himselfe aganis Moonday nixt what hes beene the ancient forme of coronatioun of the kings of this kingdome and to report the said day."

Direction to the Lyon Herald.

Royal Letters,
1623-32.
Fol. 136, b.

"Most sacred Soverane, Your Majesteis three letters, to witt, anent the sequestratiouns of tithes, anent these quho hes not subscrivrit the submissiouns and anent the parliament and preparatiouns for your Majesteis heerecomming, wer presented unto us upoun the fourtein of this instant, quhairby to our exceeding great confort and with most humble and heartie affectiouns we conceave the wishes of all your good subjects to be satisfied by thair happinesse to have this your ancient and native kingdome honnoured with your royall presence. We have caused proclame the parliament, publishe the acts anent the sequestratiouns and submissiouns, givin ordour for repairing of the hiewayes and preserving of your Majesteis gayme, and in everie other thing quhilk may procure your Majesteis royall and honnourabill receptioun in this kingdome thair sall be nothing wanting in us quhilk to the uttermost of

Holyrood House, 18th July 1628.

Letter of Council to his Majesty stating that, owing to the exhaustion of his Majesty's exchequer and other impediments, his Majestys visit will be inopportune.

our endeavoures and to the dewtie and credite of our place apperteanes. Bot haveing entered upoun the tryell and examinatioun of the particulars how everie thing may be disposed and ordoured with that decencie quhilk your Majesteis glorious receptioun and the honnour and credite of the kingdome requires, we have to our great greeffe found so manie weightie difficulteis and impediments thairin as we cannot foresee how the same may be speedilie removed, for your Majesteis coffers ar so emptied and your Majesteis exchecker so exhausted that there is nather moneyes extant in your coffers nor rents to come in quhilks ar able in the meanest measure to beginne these things quhilks ar necessar for repairing of your Majesteis houssis, lett be to make the necessar expensis and charges quhilks your Majesteis abode heere will require; and as some of your Majesteis houssis, whair the necessitie of your Majesteis abode will be, ar so ruinous and decayed as in this short tyme allowed for your Majesteis heerecomming thair is no possibilitie to have thame repaired; and the incommoditie of the seasoun, being in the middes of harvest, is suche that it cannot eschew ane evident danger to the countrie; besides manie uther impediments quhilks we absteane to relate, for our humble and heartie desyre and affectioun is so great to have your sacred Majestie heere in persoun to accept your royall crowne that we ar loath and almost ashamed to expresse all the just reasouns and impediments quhilks occurres in this so short and suddane dyet of your Majesteis comming, being so surpryzed with joy of the one, that we have skarselie mynde or power to thinke of the other, if the credite and honnour of your Majesteis most ancient kingdome, quhilk is deerer to us nor our lyffes, did not peirce us to the heart. And thairfoir we have desyred your Majesteis Chancellour, President of the Counsell, and others of the nobilitie quho ar presentlie with your Majestie to represent the particular reasouns and circumstances of the just and trew impediments and difficulteis unto your Majestie, and quhairof lykewayes your Majestie will have some notice frome this gentleman, your Majesteis owin servant, to whois sufficiencie and relatioun remitting the same and humblie recommending him to your gracious and favourable acceptance with our earnest and humble request to returne him backe with a full declaratioun of your Majesteis resolutioun so soone as the conveniencie of your Majesteis effaires will permitt, we pray, etc. Frome Halyruidhous the 18 day of July 1628. *Subscritur*, S. Andrewes, Mar, Hadintoun, Glasgow, Wintoun, Lauderdaill, Seaforte, Lorne, Areskine, Dunkelden, Aberdein, Dumblane, Melvill, Carnegie, A. M. Elphinstoun, Hamiltoun, Scottistarvet." Royal Letters
1623-32.
Fol. 136, b.

Holyrood
House, 18th
July 1628.
Letter from
the Council to
the Councillors
at Court anent
the difficulteis

"After our verie heartilie commendatiouns to your good lordships. We have laitlie ressaved ane letter frome the Kings Majestie quhairby his Majestie hes appointed his high Court of Parliament to be proclaimed to be haldin at Edinburgh upoun the 15 of September nixt quhair his Majestie intends to be present in persoun to accept his royall

Royal Letters,
1623-32
Fol. 137, a.

crowne, and albeit this is the joyfullest news quhilk could happin unto us in this world to see his sacred Majestie, our maister, invested in the crowne of his kingdome, yitt we cannot conceale our just greef in expostulating with your lordships that yow being thair who knowes the estait of the kingdome and how impossible it is in so short a tyme to make convenient preparatiouns for so great a worke sould have bene so carelesse of the honnour, credite and reputatioun of your native soyle as not to opin your mouth to represent to his sacred Majestie the great and important difficulteis or rather impossibilitie to have preparatiouns for so great and glorious ane worke upoun so short advertisement and warning, for your lordships knowes better nor we that thair is no moneyes in his Majesteis coffers, that his rents and customes ar spent and exhausted be his Majesteis speciall warrands and conmands, and that his Majesteis palaces and houssis ar so ruinous and decayed that albeit we had moneyes yitt they cannot be repaired as the honnour and credite of the kingdome requires, in so short a tyme; and last we wonder that your lordships did not remember the seasoun of the harvest in the middes quhair of his Majesteis dyet is appointed quhilk cannot bot prove ane sensible wracke to the kingdome if the tyme appointed for harvest and the necessiteis thair of sall be transferred and imployed upoun these more necessar services of the extraordinar carrages and suche others services quhilks must be performed if his Majestie come heere by these who otherwayes would be bussie in thair harvest. We have writtin to his Majestie and in that modestie quhilk becomes us have acquainted his Majestie with the most part of thir difficulteis bot hes referred the particular reasons and circumstances thair of to your lordships declaratioun, and we heartilie wishe that your lordships may make his Majestie so sensible of the truthe of thir difficulteis as they are trew in thame-selffes and that you may so work and prevaile with his Majestie that some forder tyme and more commodious may be obtaned for preservatioun of the honnour and credite of the kingdome quhilk cannot bot suffer infinitelie if this dyet hold; and your lordships ar to remember that how ever his Majestie resolves moneyes must be sent down with diligence, without the quhilks little or nothing can be done heere, as more particularlie this gentleman his Majesteis servant will informe your lordships, to whois sufficiencie remitting the same and praying your lordships that he may be returned with diligence to give us a certane informatioun of his Majesteis sattled resolutioun, we committ yow to God. Frome Halyruidhous the 18 of July 1628. *Subscribitur*, St. Andrewes, Mar, Glasgow, Wintoun, Lauderdaill, Seaforte, Lorne, Areskine, Dunkeld, Aberdein, Dumblane, Melvill, Carnegie, M^r of Elphinstoun, Hamiltoun, Scottistarvett."

of making
provision for
his Majesty's
visit.

Fol. 137, b.

Sederunts,
1625-29.
Fol. 92, b.

"That the Lyoun Herauld be adverteist to be heir the morne to gif his advyse anent this mater [the coronation]."

“Ane missive to Sir Williame Setoun and ane other to Sir James Dundas to come heir and accept the charge of Maister Houshald.”

Sederunts
1625-29.
Fol. 92, b.

“That missives be direct to the whole nobilitie for this purpos [the coronation and Parliament.]”

Fol. 93, a.

Holyrood
House, 21st
July 1628.

Sederunt.—St. Andrewes; Treasurer; Wintoun; Seafort; Lord Lorne; Lord Areskine; Lord Melvill; Bishop of Dumblane; Advocate; Clerk of Register; Sir John Scot.

Acta February
1628-July
1629.
Fol. 36, b.

Proclamation
against the
slaughter of
wild fowl.

“Forsameekle as the Kings Majestie hes resolved, God willing, to repara verie shortlie to this his ancient kingdome for some great and important effaires concerning his Majestie in honnour and estait, and whairas the credite and reputatioun of the countrie requires that his Majestie and his trayne be weill and abundantlie furnished with all kynde of wylde foule duiring the tyme of his abode heere, yitt the Lords of Secreit Counsell ar informed that thair is a verie great slaughter and destructioun of the said wylde foule of all sorts both young and old throughout all the pairts of the kingdome, and if some course be not tane for preventing and staying the forder slaying the forder destructioun [*sic*] of the same it is verie lykeliie that few or nane will be had to furnishe his Majesteis hous the tyme of his heere being, Thairfoir the saids Lords ordanis letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others plaices needfull that nane of thame presooome nor take upoun hand to take or slay anie powtes [young partridges] or anie uther kynde of wylde foule untill the tyme of his Majesteis comming in this kingdome under the paine of fourtie pundis to be incurred be everie persoun and persouns contraveening so oft as they sall happin to contraveene; As alsua to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presooome nor take upoun hand in this meane tyme to buy nor eate anie kynde of powtes or wylde foule, bot that they absteane thameselfes thairfra, to the intent the same may be the more abundant and plentifull the tyme of his Majesteis heere being, under the pane of twentie pundis to be incurred be everie persoun or persouns contraveening thir presents so oft as they sall faillyie, certifying thame that sall doe in the contrair of the premisses that the paines respective foresaids sall be inflicted upoun thame without favour: And siclyke to command and charge all and sindrie stewarts, proveists and bailleis within burgh, that they and everie ane of thame within the bounds of thair severall offices and jurisdictionis have a speciall care and regaird to see thir presents observed in everie point, and that they cause attend thair mercats and see that no kynde of wylde foule young nor old be bought nor sauld within the same; and whair they sall happin to discover anie contraveening thir presents that they take speciall notice

Fol. 37, a.

Acta February of thame and punish thame accordingle; and that thay notifie thair
1628-July names to his Majesteis Counsell to the intent the paines foresaids may
1629. be uplifted of thame with rigour.”
Fol. 37, a.

“The Lords haveing at lenth conferred and reasouned upon the most convenient plaice for his Majesteis coronatioun hes with uniforme consent and voices concluded and resolved that the Church of Sanct Giles in Edinburgh is the most conspicuous plaice for that solempnitie, and ordanis ane missive to be writtin to his Majestie for that purpos; and hes appointed to meete after noone in the Counsel hous of Edinburgh and thairfra to goe and sight the Kirk of St. Giles, and ordanis the proveist and bailleis to be wairned to attend.”

The Kirk of St. Giles, in Edinburgh, appointed as the place for the coronation.

“*Apud Edinburgh die predicto* in the afternoone; *Sederunt* as in the forenoone except the Thesaurar.

“The Lords haveing sightit and considerit the kirk of Edinburgh, callit Sanct Giles Kirk, both old and new, they thinke it fitt and expedient for the greater solempnitie of his Majesteis coronatioun and for the credite of the countrie and burgh of Edinburgh that the partitioun wall betuix the great kirk and the east or little kirk sall be tane down and removed, and remitts to the proveist and bailleis of Edinburgh the possibilitie of the doing thair of and ordanis thame to returne to the Lords thair answeere and resolutioun thairanent the morne.”¹

Anent the demolishing of the partition wall in the Kirk of St. Giles.

Commissions,
1624-30,
Fol. 167, a.

“Ane commissioun of the dait the twentie ane day of Julij 1628 grantit to Alexander Gordoun of Dunkintie, James Sutherland, tutor of Duffus, George Gordoun of Dalpersie, and Robert Inneis of Drynnie, against James Grant in Daltaleis, rebell and at the horne for the slaughter of Patrik Grant in Lettache, conforme to the tennour and forme of ane former commissioun grantit to Johne Grant, appearand of Ballindal-lache, Patrik Grant, his brother, Thomas Grant of Devy, James McIntoshe of Downe of Rothimorcus, Patrik Grant of Culquoyche, and John Grant, brother to James Grant of Rydmoir, of the dait the auchtein day of Marche 1628.”

Commission to Alexander Gordon of Dunkintie and others against James Grant in Daltaleis, at the horn for the slaughter of Patrick Grant in Lettache.

Royal Letters,
1624-32,
Fol. 138, a.

“After our verie heartilie commendatiouns. Whairas the Kings Majestie hes intendit at his heere comming, God willing, to visite your toun, we have thought good to certifie yow of the same and thair-withall to requeist and desyre yow for his Majesteis contentment and credite of your toun to prepare yourselfes and to have all things requisite for his Majesteis honnourabill receptioun so ordoured and disposed as may best become the credite of so solemne ane actioun, and that yow present his Majestie with some tokin answerable to your power.

Holyrood House, 21st July 1628.

Letter of Council to the Magistrates of Stirling anent his Majesty's visit to that town.

¹ An account of the different portions into which the Kirk of St. Giles was then divided and the various uses to which they were put will be found in the Appendix to “Our Journall

into Scotland, Anno Domini 1629, 5th November, from C. Lowther, Mr. R. Fallow, and Peter Mauson.” David Douglas, 1894.

Whairin nothing doubting of your sollicitude and care, we committ yow ^{Royal Letters, 1623-32.} to God. From Halyruidhous the xxi of July 1628. *Subscritur*, Mar, ^{Fol. 138, a.} St. Andrewes, Wintoun, Seafort, Lorne, Areskine, Melvill, Hamiltoun, Scottistarvett."

Holyrood House, 21st July 1628.

Letter of Council to the nobility anent the meeting of Parliament and his Majesty's coronation.

"After our verie heartilie commendatiouns to your good lordship. ^{Fol. 140, a.} Whairas the Kings Majestie our most sacred Soverane is resolved verie shortlie to honnour this his ancient kingdome with his royall presence als weill for ressavng of his crowne as for halding of ane Parliament quhilk is proclaimed to be haldin at Edinburgh and to beginne, God willing, upoun the fyftein day of September nixt with continuatioun of dayes, at the quhilks solemniteis his Majestie looks and is assured that the nobilitie of this kingdome out of their dewtifull respect to his Majesteis obedience and to the honnour and credite of their countrie will give thair presence and assistance, and thairfoir, according to his Majesteis directioun sent unto us in this mater, these ar to requeist and desyre your good lordship to prepare your selfe and to be in readines to keepe the appointed tyme of the Parliament in that staitlie and decent forme with your scarlott robs as beseemeth the dignitie of suche ane actioun; and quhairas the day of the coronatioun will be some few dayes afoir the Parliament quhairof yow sall ressave new advertisement by letter, yow sall thairfoir prepare your selfe to assist that honourable actioun quhilk is the first of that kynde quhilk hes occurred in this kingdome within the memorie of man, with your creatioun rob of crimsoun velvet enermyned. And no wayes doubting that yow will be wanting in anie thing quhilk to your dewtie in so important a bussines so neerelie concerning his Majestie in honnour and estait belongeth, we committ your lordship to God. Frome Halyruidhouse the twentie ane day of July 1628. *Subscritur*, Mar, St. Andrewes, Wintoun, Seafort, Lorne, Areskine, Melvill, Hamilton, Scottistarvett."

Holyrood House, 21st July 1628.

Letter of Council to the nobility directing them to appear at his Majesty's coronation in their crimson velvet robes and at the meeting of Parliament in their scarlett robes.

"After our verie heartilie commendatiouns to your good lordship. ^{Fol. 142, a.} Whairas the Kings Majestie our most sacred Soverane is resolved verie shortlie to honnour this his ancient kingdome with his royall presence als weill for receaving of his crowne as for halding of ane Parliament quhilk is proclaimed to be haldin att Edinburgh and to beginne, God willing, upoun the xv day of September nixtcome with continuatioun of dayes, att the quhilks solemniteis his Majestie lookes and is assured that the nobilitie of this kingdome out of thair dewtifull respect to his Majesteis obedience and to the honnour and credite of thair countrie will give thair presence and assistance, and thairfoir according to his Majesties directioun sent unto us in this mater these ar to requeist and desyre your good lordship to prepare your selfe and be in readinesse to keepe the appointed tyme of the Parliament in that stotelie and decent forme with your scarlett robs as beseemeth the dignitie of suche ane actioun; and quhairas the day of the coronatioun will be some few dayes afoir the Parliament quhairof yow sall ressave new advertisement be

Royal Letters,
1623-32.
Fol. 142, a.

letter, yow sall thairfoir prepare your selfe to assist that honourable actioun quhilk is the first of that kynde quhilk hes occurred within this kingdome within the memorie of man, with your creatioun rob of crimsoun velvet enemyned. And no wayes doubting that yow will be wanting in anie thing quhilk to your dewtie in so important a bussines so neerelie concerning his Majestie in honour and state belongeth, we committ your lordship to God. Frome Halyruidhous the xxi day of July 1628. *Subscritur*, Mar, St. Andrewes, Wintoun, Seafort, Lorne, Areskine, Melvill, Hamiltoun, Scottistarvett."

Acta February
1628. July
1629.
Fol. 37, a.

Sederunt.—Mar, Treasurer; Bishop of Glasgow; Wintoun; Seafort; Holyrood House, 22nd July 1628.
Lord Lorne; Lord Areskine; Lord Melvill; Bishop of Dumblane; Master of Elphinstoun; Advocate; Clerk of Register; Sir John Scot.

Fol. 37, b.

"The whilk day in presence of the Lords of Secreit Counsell compeered personallie the provest and bailleis of Edinburgh and declaired that they haveing at lenth considerit of the possibilitie of the taking down of the partitioun wall betuix the east and west kirks of St. Giles and haveing conferred with some men of judgement and experience thairanent they find that it is a worke impossible to be perfyted betuix and the appointed tyme for the Parliament, and that the great kirk is a pairt and place conspicuous enough for suche ane solemnitie."

"The Lords ordanis the Maister of Warke to sight the kirk of Edinburgh callit Sanct Giles Kirk the morne and to consider if there be a necessitie for the greater solemnitie of his Majesteis coronatioun to take down the partitioun wall betuix the old and new kirks."

"The whilk day in presence of the Lords of Secreit Counsell compeered personallie Sir Williame Seatoun and Sir James Dundas and accepted upoun thame the charge to be maisters of houshold to his Majestie duiring his remaining in this kingdome."

"The whilk day Mr. George Lawsoun, servitour to Mr. Lewis Stewart, in name of John, Lord Kinlevin, delyvered to the Erle of Marr in Counsell ane patent under the great Seale whairby his Majestie hes bene pleased to preferre and advance the said Lord Kinlevin to the dignitie of Earle and to be callit Erle of Carrick; whilk patent the said Lord Thesaurar haveing exhibite to his Majesteis Counsell Sir Thomas Hoip, his Majesteis Advocat, out of the dewtie of his office remembered the Counsell that the title and style of Erle of Carrick wes the proper style of the King his eldest sone and Prince of Scotland, whilk style his Majestie and his lait brother Prince Henrie and all the princes of Scotland since the dayes of King Robert the Bruce hes bruiked, and that the said style wes not communicable to anie subject; and he desired the Counsell to consider whither or not it wer expedient to be consulted with his Majestie afoir anie forder wer proceedit heerin. The

Anent the Kirk of St. Giles.

See ante, p. 389.

Direction to the Master of Work anent the Kirk of St. Giles.

Sir William Seton and Sir James Dundas accept the charge of Masters of Household.

Objection to Lord Kinlevin being called Earl of Carrick on the ground that the title pertained only to the King's eldest son.

Counsell haveing advised upoun the propositioun of his Majesteis Advocat they find it expedient that his Majestie sall be acquainted with the bussines and ordanis ane letter to be writtin to his Majestie for this effect. And in the meane tyme ordanis ane note to be made of the productioun of the patent to the intent the said lord be not prejudged in his precedencie."

Acta February
1628-July
1629.
Fol. 37, b.

Holyrood
House, 22nd
July 1628.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 93, a.

Postponement
of escheat of
Dame Marion
Boyd, Countess
of Abercorn,
for fifteen days.

In the case of Dame Marion Boyd, Countess of Abercorne (*ante*, p. 343) Mr. John Hay, minister of Paisley, and one of the members of the presbytery of Paisley, compearing for the presbytery, and the said Countess being also personally present, the Lords, in respect she produced no testimonial of her satisfaction and relaxation, and offered no explanation, ordain her to be denounced and escheat "for her contemptioun"; but still to give her a reasonable time wherein she might be "informed and resolved anent her scruples and doubts in her religioun," they postpone execution for fifteen days to the "intent that in this meanetyme she may repaire to the church and heare preaching, and that she subscribe ane writt obliassing her upoun her conscience, honnour and credite that she sall ordinarilie repaire to the church when her health will permitt her, and that she sall heare conference of the ministrie for her resolutioun and informatioun, and that she sall remove from her hous and service all excommunicat papists, and that she sall not ressett anie Jesuits, seminarie or messe preests."

Fol. 93, b.

Caution by
John, Earl of
Cassillis, and
by Sir Patrick
Agnew, that
they will keep
the peace.

See *ante*, p. 344.

The Lords, having been informed of the probability of some disorder arising between John, Earl of Cassillis, on the one part, and Sir Patrick Agnew, Sheriff of Wigtown, on the other part, about the holding of a Court upon some lands in Galloway in dispute between them on 3rd July [*sic*] now approaching, and having cited parties, and both compearing, they ordain them to find caution acted in the Books of Secret Council each to other to keep the peace, the Earl of Cassillis in £10,000, and the Sheriff of Wigtown in 10,000 merks, and that neither leave Edinburgh until this is done.

Fol. 94, a.

Holyrood
House, 22nd
July 1628.

Letter of
Council to his
Majesty
stating that
the Church of
St. Giles is the
fittest place for
his Majesty's
coronation.

"Most sacred Soverane, Upoun the receipt of your Majesteis letter quhairby your Majestie recommendit to our consideratioun the convenience of the plaice for your Majesteis coronatioun and whether the Church of St. Giles in Edinburgh or the Church of Halyruidhous may be fittest and most conspicuous for suche ane solemne actioun, we conveyed so manie of the Counsell as upoun the suddane could be had and haveing communicat that mater unto thame and at lenth reasouned thairupoun and for our better informatioun haveing sighted the Church of St. Giles and narrowlie remarked the same, we have with uniforme voices found that the said Church of St. Giles is the most proper place for so glorious ane actioun, and we have givin directioun to the provest

Royal Letters,
1628-32.
Fol. 138, a.

Royal Letters,
1623-32.
Fol. 133, a.

and bailleis of Edinburgh to caus prepare the said Church in suche forme as the shortnes of tyme and solemnitie of suche ane actioun requires.

“And tuicheing the solemnitie of the coronatioun of your royall progenitours, we callit before us the Lyoun King-at-Arms fra whome we ressavd this forme and modell heerewith inclosed as the ancient forme of the coronatioun of this kingdome, the expediencie quhairof to be followed in this actioun we remitt to your royall consideratioun; and what your Majestie will have to be altered thairin upoun significatioun of your Majesteis pleasure, it sall be performed.

“We have givin warning als weill by proclamatioun as missive letters to the whole nobilitie to attend your Majesteis coronatioun and Parliament, to witt, the marqueisses, erles and viscounts to attend your coronatioun with thair creatioun robs of crimsoun velvett enemyned and with thair crownes and the lords to attend with thair scarlott robs and the whole to attend the Parliament in thair scarlett robs, and quhat forder may concerne the honnour and credite of these solemniteis sall be carefullie upoun notice of your majesteis pleasure furthered and advanced; and so, etc. Frome Halyruidhous the 22 of July 1628. *Subscribitur*, St. Andrewes, Mar, Ja. Glasgow, Wintoun, Seaforte, Lorne, Areskine, Melvill, M^r of Elphinstoun, Ad. B. of Dumblane, S^r Thomas Hoip, Hamiltoun, Scotistarvet.

Fol. 138, b.

“The forme of the coronatioun of the Kings of Scotland.

“In the morning before the King come in publict there ar to come to him two bishops, two abbots, with twentie foure ither churchemen, with the Marishal and Constable which last have thair battouns in thair hands and foure or sax commissioners of the burrowes.

A description
of the ancient
form of
coronation of
the Kings of
Scotland.

“The King is brought furth led, the Marishal and the Constable on everie side, and is sett under the cloath of estate which is opin to declaire that the King hes not yitt receaved the crowne, and to be closed after the coronatioun. The churchemen, nobilitie and burgesses in ordour, aske of the King if he be lawfull successour to his father and be willing to accept the dignitie of the crowne, which they all offer to his Majestie; they, upoun the Kings grant to accept, the bishops and all the rest tuiche the poill and caus it to be halffe covered, and say, God blesse yow, Sir, and they all sing God blesse him as he did his good forefathers.

“Then the Lyoun King-at-Armes is to be callit in by the Marishal, who with his brethrein come in in thair coats and sitt down before the King, and thair the Marishal is by the mouth of the bishop of St. Andrewes to sweare the Lyoun, who being sworne and crowned with ane opin crowne and having the sword and scepter caried be two of his brethrein heraulds, they come furth to the theater, where the King is to be crowned, the bishops, nobilitie and burrowes commissioners being with him

“The Marishall sayes to the Lyoun, Show the Kings pleasure, and he sayes to the people, The King is willing to accept the crowne, and than the commissioners say, God blesse him who is to be our King, and the people cry, Bring him to us, God blesse him and us for his caus.

Royal Letters,
1623-32,
Fol. 138, b.

“Then the Lyoun is to returne with the bishops, Constable and Marishall, and the bishop showes the King that the people would have him crowned, and calles earnestlie for him.

“Then the Lyoun haveing his crowne on his head, and his two brethrein the sword and scepter, the rest going before cryes, Heere comes the King, and the people answer, God blesse him. The bishops goe on his right hand and left hand at his outcomming.

“The King is in his ordinarie apparrell, onelie haveing his cloaths opin in the bought of his armes and shoulder points, and his cloaks about him. The Marishall and Constable carie the rob, the great seale, and spurres, quhilks ar layed down upoun ane taiffill before the King, and than ane bishop is to preache.

“Thairafter two jugs of oyle ar caried by the Lyoun and the one givin to the Marishall and the other to the Constable, and they give it to the bishops one on the one syde and the other on the other, and oyle him in the boughts of his armes, looffes of his hands, the toppes of his shoulder, and ocksters.

“Then the Marishall and Constable takes up his doublet and putts it on. The bishops hes their owne words to speeke in the tyme of the anoynting.

Fol. 139, a.

“Then the Constable and Marishall takes up the robs and give it to the bishops and they putt it on upoun the King and at everie peece that they putt on they say or pray like to this, *Indue regem tunica justicie*. When the robs ar putt on the Lyoun takes aff his crowne and layes it down neere to the plaice quhair the Kings crowne lyes and comming to the Marishall sayes these words; I surrender, and commands the King to be crowned, repeating sax generatiouns of his descent. Then the crowne is putt on the Kings head, and the bishops cry aloud, God blesse the King, and another cryes, God blesse the people and the King, and over againe, God blesse the King and the people. Whill the crowne is on the Kings head the King promises by oath takin by the bishops to be a loving father to the people in the words that the bishops thinkes good. Bot now the forme of oath is sett down be a speciall act of Parliament made be King James of ever blessed memorie, First Parliament, cap. 8.

“Then the Marishall haveing in his hand the obligatorie oath of the people goes to the foure nuikes of the scaffold, reades it to the Lyoun who cryes it out to the people, who hold up thair hands and say all, Amen. The Constable takes aff the crowne and layes it down before the King, and the bishop putts on the Kings hatt.

“The whole noblemen come and tuiche the crowne on thair knees and say, So mott God helpe me as I sall support the, and when they have

Royal Letters, done they all hold up their hands and say againe, I sweare and hold up my hand.
1623-32.
Fol. 139, a.

“Then ar psalmes sung and the trumpets sound, heraulds, people and all cry, God keepe the King, thrise.

“At the outgoing the King gives to be caried to his Chancellor and the rest of the noblemen the crowne, scepter, sword, and great seale, and so they marche as they come in with the Lyoun and the rest, the Constable and Marishall going behind to carie up the traine of the Kings robs.

“The Marishall with his owne hands putts on the spurres and boots and takes thame off again when the King goes in.”

Fol. 139, b.

“Most sacred Sovereane, Thair wes this day exhibite unto your Majesteis Counsell ane patent under your great seale by the quhilk your Majestie hes beene pleased to preferre and advance the Lord Kincklevin to the honnour and dignitie of ane erle and to conferre upoun him the title and style of Erle of Carrick. The patent being read and considerit be your Counsell they all allowed of anie favour that your Majestie will shew to that nobleman, and your Majesteis Advocat concurring with thame in the same opinioun; yitt out of the dewtie of his place and service quhilks he holds of your Majestie he remembred thame that this style and title wes not communicable to anie subject of the kingdome, it being the proper style of the Kings eldest sonne and prince of Scotland; quhilk style your Majesteis selffe being prince and your brother, Prince Henrie, and all the remanent princes of Scotland since the dayes of King Robert the Bruce hes bruiked and wer styled Erles of Carrick, and thairfoir he desired the Counsell to consider if it wer not expedient that your Majestie sould be acquainted thairwith afoir anie further wer proceedit heerin; quhairwith your Majesteis Counsell being weill advised they thinke it their humble dewtie to represent this mater to your Majestie and hes reteaned the patent for some certane spaice that your Majesteis forder pleasure may be knowin; and in the meane tyme thair is a note made of the productioun of the patent to the intent the nobleman be not prejudged in his precedence. And so, etc. Frome Halyruidhous the xxii day of July 1628. *Subscribitur*, Mar, Glasgow, Seafort, Dumblane, Hamiltoun, Scottistarvett, S^r Thomas Hoip.”

Holyrood House, 22nd July 1628.
Letter of Council to his Majesty anent the Lord Kincklevin's patent.
See ante, p. 391.

Fol. 144, a.

“CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whereas a great pairt of our taxatioun granted unto us in October 1625 and also of the former taxatioun is as yitt behind and unpayed or not brought in by our sheriffes, chamberlans and others chargeable with the same, contrarie to the lawes and wounted custome of that our kingdome, and in regard of our intendit journey to that our ancient kingdome for ressaveing our crowne and holding our first Parliament there, we may have extraordinarie use of present moneyes, our pleasure thairfoir is and

Gilford, 22nd July 1628.
Letter from his Majesty anent the non-payment of the taxation.

we doe heereby will and require yow to call before yow all suche persouns as hes trust of that service under our right trustie and weilbelovit cousins and counsellours, the Lord Viscount of Duppline, our Chancelour, or the Erle of Marr, our Thesaurar, and to inquire of them the caus of the said delay and the names of the delinquents, and if anie have suffered them selffes contemptuousslie to be denounced rebellis for the same our pleasure is that yow caus execute our lawes aganis them upoun thair persouns, lands and goods, and with als great expeditioun and haste as anie wayes hes heeretofore beene practised in the collectioun of anie of the former taxatiouns grantit unto anie of our noble progenitours. So we bid yow heartilie farewell. Frome Gilford the 22 day of July 1628.”

Royal Letter,
1623-32.
Fol. 144, a.

Holyrood
House [122nd]
July 1628.
Letter of
Council
summoning
Councillors
in view of his
Majesty's
approaching
visit.

“After our verie heartilie commendatiouns to your good lordship. Whairas thair will be daylie advertisements and directiouns comming frome the Kings Majestie tuicheing the preparatiouns for his heere comming and the solemniteis to be done at that tyme quhilks will require the presence and resolutioun of a full number of his Counsell, it is thairfoir thought meit that thair sall be a constant attendance of a certane number of the Counsell heere to ressave his Majesteis directiouns and to mak the dispatches thairof accordinglie, and for the first attendance your lordship is named for one; and thairfoir these ar to requeist and desyre your good lordship to make your addresse heere with convenient diligence at the least within a day or two after the receipt heerof provydit to attend some certane spaice with these of your lordships qualitie who ar writtin for to attend with your lordship; and after the tyme prefixt your lordship sall be allowed to goe home and others sall be writtin for to supplee your lordships plaice: and looking that your lordship will not excuse your selffe in this so necessar a tyme quhen his Majesteis directiouns ar so important and the resolutiouns and dispatches following thairfra will be so frequent and materiall (for we will be constrained, if anie defect sall happin to be in the tymous and speedie dispatche of his Majesteis adoes throw want of good advice and deliberatioun, to lett his Majestie know fra quhom and upoun whois default it proceeds), we committ yow to God, etc. Frome Halyruidhous the day of July 1628. *Subscibitur*, Mar, Glasgow, Seafort, Dumblane, S^r Thomas Hoip, Hamiltoun, Scottistarvett.”

Fol. 139, b.

Fol. 140, a.

“The quhilk day Johnne Nicoll, writer, in name of the Laird of Laumont, exhibite the submissioun subscribed be the teynd buyaris and teynd sellaris within the shirefdome of Tarbett.”

Sederunt,
1625-29.
Fol. 93, b.

Anent the
erection of
Stornoway into
a burgh.
See ante, p. 383.

“The quhilk day the provest and bailleis of Edinburgh for thame selffis and in name of the burrowis gaif in thair reply to the ansueris made to the Earle of Seaforte anent the erectioun of Stornway in a free burgh. The Lordis in respect of the importance of the bussynes and of his Majesteis mony grite and weyghtie adois continewis the advyseing of the mater to a more convenient tyme and declairis that the pairtyis

Fol. 94, a.

Sederunts,
1625-29.
Fol. 94, a.

salbe warnit afor the advising of the same; and ordanis the reply to be gevin up to the Earle of Seaforte that he may be advisit thairwith."

"The Lordis findis it meete that some of the Counsell salbe writtin for to come heir to attend his Majesteis directions and to gif thair advise anent the dispatcheis thair of accordinglie; and the counsellouris present ar warnit *apud acta* to attend."

The summoning of certain members of Council.

"Ane missive frome his Majestie in favouris of the burgh of Edinburgh anent thair liberteis."

Edinburgh and its liberties.

Acta February
1628-July
1629.
Fol. 38, a.

Sederunt.—Treasurer; Glasgow; Wintoun; Lord Lorne; Lord Areskine; Lord Melvill; Bishop of Dumblane; Master of Elphinstoun; Advocate; Clerk of Register; Sir John Scot.

Holyrood House, 24th July 1628.

"The Lords of Secreit Counsell, according to ane warrand and directioun in writt signed be the Kings Majestie and this day presented unto thame, gives and grants libertie and licence to Lieutenant Colonell Cuninghame and uthers haveing warrand frome Sir James Spence, knight, to levey and take up three hundreth men for supplee of these regiments whilks his Majestie wes laitle pleased to give warrand to be leveyed in this kingdome be the said Sir James for the service of the King of Sweden, and to transport thame towards Sweden for the said Kings service, and all things necessar for the uplifting of the saids three hundreth men to doe and use whilks in suche caises ar usuall, provyding that they towcke not drwmnes nor display cullours. Firme and stable halding and for to hald all and whatsomever things sall be laughfullie done heerin; chairging heereby all magistrats to burgh and land to give all lawfull concurrence toward the executioun of this commissioun, and to doe justice according to the course of law aganis all fugitives within thair bounds who haveing reassaved pay and inrolled thameselfes under charge sall shamefullie and cowardlie steale away and leave thair charge and service, the said Colonell Cuninghame and uthers haveing warrand to uplift the said three hundreth men giving suche satisfioun to everie ane of thame as sall be agreed upoun betuix thame according to the custome in the lyke caises. Followes his Majesteis missive for warrand of the Act abone-writtin:—CHARLES R.—Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete you weill. Being informed that there wanted three hundreth men to make up these regiments quhilks we wer laitle pleased to licence to be leveyed in that our kingdome by our trustie and weilbelovit Sir James Spence for the service of the King of Sweden, our pleasure is that you grant unto Lieutenant Colonell Cuninghame the bearer heerof a commissioun with a sufficient warrand to levey and transport the said three hundreth men in name of the said Sir James with suche priviledges as uthers have had

Commission to Lieutenant-Colonel Cuninghame for the levy of 300 men for the service of the King of Sweden.

heeretofore in the lyke kynde, he alwayes giving suche satisfioun to everie ane of the said nomber as sall be agreed upoun betuix him and thame according to the custome in the lyke caises, for doing whair of these presents sall be your warrand. Givin at our Court of Whitehall the 25 of June 1628.”

Complaint by Sir John Hamilton, Clerk Register, against Elizabeth Stewart for intrmitting with registers which had been in the possession of her late husband, John Turner, sheriff and town-clerk of Wigton.

Complaint by Sir John Hamilton of Magdalens, knight, Clerk Register, as follows:—He was provided by his Majesty’s late dear father to his office with all its duties and casualties, and by an Act of the Parliament held in June 1617 the registers then appointed for registration “of seaisings, reversiouns and others writts within this kingdome” were annexed and incorporated with the office of Clerk Register. In terms hereof John Turnour, sheriff and town clerk of Wigtown, was, by the gift of Sir George Hay, then styled of Neatherliff, Clerk of his Majesty’s Registers and Rolls, and now Lord High Chancellor of this kingdom, appointed depute within the bounds of Wigtownshire for this register and with his gift, which is dated July 1619, and received several registers duly marked and subscribed. The said John Turnour served in his said office until his death on _____, and during his time several registers were written and filled up by him, but have never been delivered up in terms of his backbond. Yet Elizabeth Stewart, widow of the said John Turnour, has since her husband’s death intromitted with the said registers and without any warrant has received writs for recording and has given extracts, and although the complainer has several times demanded the registers from her, she refuses and delays to deliver them. Charge having been given to the said Elizabeth Stewart to compear and produce the said registers, and pursuer compearing, but the defender not, the Lords ordain her to be denounced and escheat.

Complaint by Thomas, Earl of Haddington, against George Home of Bassinden and others for injuring the green wood in the said Earl’s lands of Sorrolesfield.

Complaint by Thomas, Earl of Hadintoun, Lord Privy Seal of this kingdom, as follows:—Though the cutting and destroying of green wood, policy and planting, is strictly prohibited by the laws, yet in the complainer’s wood of the lands of Sorrolesfeild, which was very plentifully furnished with all sort of trees, young and old, George Home of Bassinden, Andrew Home, portioner of Ridpeth, Nicol Cairnecroce there, Mungo Dick in Ersiltoun, James Thomsoun, John Kyle, James Sheill, Andrew Hassinden and Andrew Stewart, all in Ersiltoun, Thomas Learmonth *alias* Duke, in Coldingknowes, John Andersoun, William Andersoun and William Stewart, in Ridpeth, James Dawsoun in Ersiltoun, John Learmonth of that Ilk, Charles Stevinsoun, Andrew Stevinsoun, James Scheill and James Robsoun in Cruikisfurd, by themselves, their servants and others, daily cut and destroy the green wood and growing trees and numbers of the best and oldest trees, and refuse to forbear unless compelled. Charge having been given to the persons above named to compear before the Council, and the said Earl compearing by Mr Adam Hepburne, his procurator, and also the defenders, excepting George Home of Bassinden, Andrew Home, Nicol Cairnecroce,

Acta February 1628-July 1629. Fol. 38, b.

Decreta, November 1627-January 1630. Fol. 94, a.

Fol. 94, b.

Fol. 96, a.

Decreta,
November
1627-January
1630,
Fol. 95, a.

Mungo Dick, James Thomsoun, John Kyle, James Scheill, Andrew Hassinden, Andrew Stewart and Thomas Learmonth, who did not compare, the Lords ordain the defenders present to find caution acted in the Books of Secret Council each in 100 merks to desist from the practice complained of; and the others they ordain to be put to the horn and escheat.

Fol. 96, b.

Complaint by Sir Thomas Hoip of Craighall, knight baronet, King's Advocate, and Mr Robert Nairne, advocate, proprietor of the barony of Strathuird and lands of Inchetrevie, Katherine Prestoun, his spouse, and Alexander Arthure, William Sprunt, George Fleeming and Henry Gonoquhy, tenants of the said lands, as follows:—Notwithstanding of the laws prohibiting the wearing of hagbuts and pistols and illegal convocation of the lieges in arms, on July 1627 John Crichtoun at the Mill of Segieden, Robert Fyffe in , James Crichtoun in Benchellis, Robert Crichtoun at the Brigend of Tay, James Cruikshanks in Benchellis, Thomas Dowie there, and others to the number of forty persons armed with spears, lances, swords, staves and other weapons, and with hagbuts and pistols, came at the instigation of James Crichtoun of Abercrombie, their master, to the Mures of Inchetrevie, and carried away the most part of the fuel which the complainer and his tenants had there cut for their winter necessities (these mures being the complainer's heritable property, where for many years past he and his tenants have won their fuel), and what they could not carry away they destroyed. They also invaded and pursued the said tenants, wounding some of them with their staves, and chasing them to their houses. Further, on 2d July instant the said James Crichtoun of Abercrombie, George Clerk of Newtown of Fordie, the said John Crichtoun at the Mill of Segieden, the said Robert Crichtoun at the Brigend of Tay, Robert Fyffe, servitor to the said James Crichtoun, John and Peter Clerk, sons to the said George Clerk, Abraham Crichtoun in Lowstoun, John Bissat in Lowstoun of Luncardie, Peter Norwell in Kinull, and the said James Cruikshanks, James Crichtoun and Thomas Dowie in Benchellis, with others armed as said is, came by way of hamesucken to the place of Strathuird, where the said Katherine Prestoun and her family were, when the said James Crichtoun of Abircrombie and Robert Fyffe "most shamefullie with thair feete strake the said Katharine upoun the syde, presented bedit pistolets to her bairnes and servants threatning to kill thame thairwith, hurt and woundit Elspit M^cKeinzie, Jonnet Dow, and Margaret Jamesoun, three of her servands, in diverse pairts of thair bodeis, and the said George Clerk presented ane bedit pistolet to ane young infant, Williame Nairne, sitting upoun the nurise knee, affirming he had done worse turnes nor to have shott his pistolet in the infants wombe for his fathers sake, and avowing if ne had

Complaint by
Mr. Robert
Nairn, pro-
prietor of the
barony of
Strathord,
and others,
against John
Crichton and
others, for
robbery,
assault, and
hamesucken—
charge not
sustained.

Fol. 96, a.

his father in his rowme he would doe no lesse nor shoote him thairwith; and when as the harmlesse infant, seing the cleere pistolet, patt furth his hand to play with the samine, the said George after ane barbarous and despitefull maner strake the infant upoun the hand thairwith, thairby causing the barne and his nureis to cry in suche fearefull maner as the said Katharine wes so affrayed that sho hes ever sensyne been in great sicknesse and pane. And after these and manie other insolenceis committit be thame, they maisterfullie caried away ane great nomber of turfes out of the crosse, the said James Crichtoun in contempt and derisioun of justice crying—Mr. Robert hes beene langsome with his law (meaning of the process whilk the said Mr. Robert hes presentlie depending before the Lords of Counsell and Sessioun aganis him) bot we will show him our law. And the persouns foresaids, haveing divydit thameselfis in three companeis, ane kepted the fore yett, another the backe yett, and the thrid lighted in the crosse, with whome the said James Crichtoun wes, who making thair ane great din and tumult, and the said Prestoun heiring thairof, come out to the crosse whair the said James Crichtoun immediatelie caught her be both the armes and held her, and ane of her servants, named Margaret Nairne, desiring the said James to lett her maistresse goe, the said James for that onelie caus strake the said Margaret on the face with ane battoun to the great effusioun of her blood, and thairafter the said James commandit Robert Fyffe to lay hands on the said Katharine wha at his command shuik her be the armes and strake her on the syde with his feete; and the said James Crichtoun and George Clerk commandit thair complices to breake the weomen's armes and gairdeis. And when as the said Katharine compleaned of this injurie and oppressioun in striking herselfe and bairnes, the said George Clerk avowed with manie oathes that he sould doe her selfe some worse turne be making her selfe some morning ane wedow and all the bairnes fatherlesse; likeas the said James Crichtoun, with manie bloodie oathes, avowed that if he had her husband thair present he sould washe his hands in his hearts blood; and the said Johne Crichtoun at the Milne of Segieden strake the said Margaret Jamesoun on the stott of her breast with the end of ane hacquebutt in his hand, whairthrow she fell aswowne, and hes ever lyin bedfast sensyne in perrell of her lyffe." Charge having been given to the persons complained upon to compear, and the pursuers and also the defenders, with the exception of Thomas Dowie and Robert Fyffe, compearing [in the charge and note of compearance the sons of George Clerk are given as Alexander and John], and the second article of complaint being referred for proof to the oath of the defenders, who denied the same, the Lords assoilzie them from all the points of the complaint, and decern the said Thomas Dowie and Robert Fyffe to be put to the horn.

Decreta,
November
1627-January
1630.
Fol. 96, a.

Fol. 96, b.

Counter complaint by the King's Advocate, and by James Crichtoun of Abircrombie, as tutor and administrator to John Crichtoun of Haltoun, and his men, tenants and servants, as follows:—Notwithstanding the laws against the wearing of hagbuts and pistols and convocation of the lieges in arms, there being an action of molestation depending before the Lords of Session betwixt the said John Crichtoun and the Laird of Fordell on the one part, and Mr. Robert Nairne, advocate, on the other part, respecting the muirs called Kinvaid, Strathuird, and Lowstoun Muirs, for three or four years past, and the said Mr. Robert, "not having patience to abide the legall decisioun of the law, he, at the least, Williame Crichtoun in Ardonache, James Crichtoun in Blalake, Williame Croy, elder in Lethame, Williame Thomsoun in Hoill, officiar, George Clepan, chamberlane to the said Mr. Robert, John Leckman in Balbrogo, James Colt in Woodend, Williame Mitchell in Drumquhen, Androw Alesoun in Pitlandie, Williame Croy, younger in Lethame, Patrik Garvie thair, Williame Andersoun thair, George Leilman in Balbrogo, James Garvie thair, David Tailyeour thair, Williame Bowie thair, James Gibsoun in Looke, Johne Wairthe thair, Johne Thomas in Ardonochie, Patrick Gellatlie thair, Patrik Crichtoun in Pitlandie," and others, to the number of eighty persons or thereby, armed with spears, staves, lances, hagbuts and pistols and other weapons, at the instigation of the said Mr. Robert Nairne, came on June last to the muirs foresaid, which belong heritably to the complainers, and in the use of which they have been without interruption for the past two hundred years, and attempted with violence to carry away the fuel there prepared by the complainers. When Alexander Clerk, apparent of Newtown, and William Bell in Fordell, went to them in complainers' names to make lawful interruption, they pursued them "of thair lyffes with stalffes and stings [poles] and held thame till they after ane maisterfull maner caried away with thame to the plaice of Strathuird to the number of three score loades of fewell or thairby, threatening thame with death if they made anie oppositioun." Further, on 1st July instant they came in a similar warlike manner to the said muirs under cloud and silence of night, threatened and menaced the complainers' tenants, and destroyed about nine score loads of fuel, thus disappointing them of their winter's provision. Charge having been given to the persons named, and the pursuers and whole defenders compearing, excepting William Croy, who was excused on account of sickness, and the defenders alleging that they had only made civil interruption to the pursuers' casting turfs upon lands claimed by the defenders, the Lords, after hearing certain witnesses produced, find that the said interruption was "inordourlie made," and for preventing of the like in future and preservation of the peace they ordain the said James Crichtoun and Mr. Robert Nairne to find caution of lawburrows to each other in 2000 merks acted in the Books of Secret Council.

Sir Patrick Murray, knight, created Earl of Tullibardine. "The quhilk day Johnne, Earle of Mar, produceit befor his Majesteis Councill ane patent under his Majesteis grite seale bearing dait at Quhythall, the penult day of Januar last, quhairby his Majestie hes creat Sir Patrik Murray, knight, Earle of Tullibairdin, to succeid in his brothers place and rank of precedence: quhilk patent wes delyverit to William Murray, servitour to the said Earle, in respect of his absence." Sederunts
1625-26.
Fol. 94, b.

The Captain of Clanranald. "The Capitane of Clanrannald oftymes callit, compeirit not, decernis aganis him and his cautioner, with this provisioun, yf Sir Donald produce the Capitane betuix and the first Councill day of October he salbe free of the penaltie."

The Laird of Lochbuy. "The quhilk day the Laird of Lochbuy gaif his compeirance."

Lauchlan and Hector M'Clane. "The Lordis acceptis the compeirance of Lauchlane M'Clayne for his brother Hector M'Clane for this yeir and ordanis Lauchlane to advertis his brother that he keepe his compeirance better in tyme comeing."

Caution by Mr. Donald Campbell for the Laird of Lochbuy. "The quhilk day Mr. Donald Campbell become cautioner for the Laird of Lochbuy and his oldest sone for thair yeirly compeirance and observing of the remanent articles contenit in the band wherby the Laird of Coill wes bund cautioner for Lochbuye, and Lochbuy and his sone oblist thame to releve Mr. Donald and ather of thame to releve otheris."

Order for the warding of David Whyte, charged with the slaughter of Whyte. "The Lordis haveing seene the letter and reporte maid be Mr. Andro Kynneir, minister at Nenthorne, toucheing the maner of the slaughter of Quhyte, committit be David Quhyte, hir fader, the Lordis ordanis him to be committit to warde and kept in sure firmance till his Majestie be certified of the trewth of the mater, in respect of ane respekt past his Majesteis hand for that caus."

Holyrood House, 25th July 1628. Treasurer; Bishop of Glasgow; Wyntoun; Lord Lorne; Lord Areskene; Lord Melvill; Bishop of Dumblane; Master of Elphinstoun; Advocate; Clerk of Register; Sir John Scot. Fol. 95, a.

Holyrood House, 25th July 1628.

[Sederunt as recorded above.]

Complaint by James and Robert Dunbar against Robert Tulloch and others, for assault, &c. Complaint by Sir Thomas Hoip of Craighall, King's Advocate, and by James and Robert Dunbar, sons of the deceased William Dunbar of Hemprigs, and servitors to the Earl of Murray, as follows:—Notwithstanding the prohibition of the wearing of hagbutts and pistols, Robert Tulloch, son of the deceased Alexander Tulloch of Tannacheis, and William Hay of Struthers, out of malice against the complainers and desire to do them injury, daily wear and carry the said weapons with them wherever they go. On 7th May last, knowing that the complainers would be in Forres on some business, the said Robert Tulloch chose that opportunity "in respect of his freindship within the toun" to effect his purpose, and so came thither with some accomplices armed with "jackes, secreits, steilhatts, and plaitt bonnetts and with hacquebutts and pisto-

Decreta,
November
1627-January
1630.
Fol. 98, a.

hands threatning the magistrats and the inhabitants of the toun." Decreta, November 1627-January 1630.
 Charge having been given for the compearance of parties, and both pursuers and defenders (except James Dumbar called Quartermaister) Fol. 99, b.
 being present, and witnesses having been produced and examined, the Fol. 100, a.
 Lords find that James and Robert Dumbar and also James Dumbar called Quartermaister had each of them "ane bendit pistolet in thair hands the tyme lybellit," for which they commit them to ward in the tolbooth of Edinburgh till they exped through the Register and Seals a remission for the same, and produce it before their lordships, and ordain the said "Quartermaister" to be charged hereto within fifteen days on pain of rebellion. They assoilzie the other two defenders, against whom nothing has been proved, and ordain Robert and James Dumbar to find caution for the indemnity (1) of Robert Milne, a witness produced in the cause, in 500 merks, (2) of Robert Tulloch, in a like sum, and also in the same amount not to wear firearms in future. Robert Milne and Robert Tulloch are to find similar caution for the indemnity of the Fol. 100, b.
 Dumbars, and all to be acted in the books of Secret Council.

Complaint by Mr. Gavin Dunbar, Chanter of Moray, against Robert and James Dunbar, for wearing hagbutts and pistols, and for violent and disgraceful conduct in the kirk and kirk-yard of Alves.

Another complaint by the King's Advocate and Mr. Gavin Dunbar, chanter of Murray, against the said Robert and James Dunbar of wearing the forbidden hagbutts and pistols, and particularly that on 11th May last, "being the Sabbath day, the said Robert, haveing spent all the former night and so much as was past of the day in drinking, he come to the kirk of Alves accompanied with James Dumbar called Quartermaister, James and Ninian Dumbars, his brether, the said Mr. Gawin being preaching for the tyme, and the said Robert behaved himselfe most profaneie and scandalouslie within the kirk all the tyme of the sermon, sporting and talking with his companiouns till the sermon wes endit and thairby impeding and staying others from hearing; and after sermon he and his complices went to the kirk-yaird whair the said Robert, blaspheming the name of God in the most fearefull maner, revylled the compleaner and the whole elders, calling thame beggers and beggers gettis, and that it become the best of thame to honnour his fathers sonne, saying that the said compleaner might have come out of the pulpit and tane him be the hand. And he preast to have come in to the kirk againe whair the said compleaner and the elders wer sitting, resolved to have done thame some notable wrong with thair hacquebutts and pistolets, threatning to cutt some of thair heads in two. And at that same tyme he shamefullie and dishonestlie strake and dang Ursilla Tulloch, spous to Patrik Kynnaird, one of the parochiners, becaus she refused to kisse him." Charge having been given to the defenders, Fol. 101, a.
 and they and the pursuer being personally present, and the truth of the complaint being referred simply to the oath of the defenders, who denied all save the wearing of pistols, for which they alleged they had his majesty's remission, the Lords assoilzie the defenders.

Commission under the Signet to George, Lord Gordoun, Archibald, Lord Lorne, Hector M^cClaine, younger of Dowart, Lachlan M^cClaine of Morverne, his brother, Allan M^cClaine of Artormess and Hector M^cClaine of Kendlochallin, jointly and severally, to convocate the lieges in arms and search for, apprehend and present before the Council for delivery to the Justice and his deputes Ewin M^cAllane V^cEwin V^cEane of Tuicharriche in Lochaber, Donald Dow M^cAllane V^cEwin V^cEane; Ewin M^cEanache and Ewin Over, his brother, indwellers in Sownord, John M^cClaine, and Donald M^cCoull M^cFersoun in Sownord, servitors and tenants to Mr. Donald Campbell of Parbrek, Lochow, who on the 14th November last were put to the horn at the instance of Sir William Oliphant of Newtoun and Sir Thomas Hoip of Craighall, King's Advocates, Florence M^cClaine, daughter to Angus M^cClaine, parson of Morverne, the said Angus, as father and administrator to her, and Lachlan M^cClaine in Lawdill in Morverne, as her near kinsman, for failing to find caution to underlie the law "for the violent rapt and ravishing of the said Florence," with power to use fire and sword. Signed by Mar, Wintoun, Lorne, Areskine, Melvill, M^r of Elphinstoun and Hamiltoun.

Holyrood House, 25th July 1628.
Commission to George, Lord Gordon, and others, to apprehend and present before the Council Ewin M^cAllane V^cEwin V^cEane, and others.

Royal Letters, 1623-32, Fol. 140, a.

"After our verie heartilie commendatiouns to your good lordship. Haveing designed the church of St. Gyles in Edinburgh as the fittest and most conspicuous plaice for his Majesteis coronatioun we have caused sight the same sensyne and considerit in quhat pairt thair of his Majesteis throne and stage may be most convenientlie erected, bot our resolutioun concerning that point hes beene differd upoun a commoun receaved opinioun that thair is a necessitie that his Majesteis face induiring the solemniteis of that actioun must be directed towards the east, which if it be a formall and unchangeable ceremonie we sall rule our proceedings thairin accordinglie, bot if his Majestie may indifferentlie looke to the south (quhilk we wish may be) it will greatumlye import the credite and beutie of the actioun which cannot be so commodiouslie and with so great a show and luster performed if the throne sall be plaiced with a reference to the east in regaird of the situatioun of the church and disposall of the lights within the same. Quhairwith desyring your lordship to acquaint his Majestie at some fitt opportunitie and to certifie backe with all possible diligence his Majesteis pleasure and resolutioun thairanent whairunto we sall conforme our selfes, we rest, etc. Frome Halyruidhous the 25 of July 1628. *Subscritur*, Mar, Wintoun, Lorne, Areskine, Melvill, A. M. Elphinstoun, S^r Thomas Hoip, Hamiltoun, Scottistarvett."

Holyrood House, 25th July 1628.
Letter of Council to Sir William Alexander anent the arrangements in the church of St. Giles for his Majesty's coronation.

Fol. 140, b.

"After our verie heartilie commendatiouns to your good lordship. Quhairas Johne Gordoun of Ardlogie haveing undertane a charge in his Majesteis service under the regiment of Colonell Sinclair for assisting his Majesteis darrest brother the King of Denmarke in the warres quhairin he is now ingadged, and the said Johne for the better forder-

Holyrood House, 25th July 1628.
Letter to the Marquis of Huntly for the apprehension of John Gordon

of Ardlogie, who has failed in his duty of raising 200 men for the service of the King of Denmark.

ance in that service haveing ressav'd his Majesteis moneyes and givin his band for lifting of twa hundreth men and transporting of thame toward Germanie, he hes most undewtifullie and unworthilie failyied in performing his conditioun, sua that after ane yeeres patience and attending his discharge of dewtie he is at last for that caus denounced his Majesteis rebell and put to the horne, quhairat he hes remained this long tyme as he does yitt unrelaxt to the high and proud contempt of his Majesteis auctoritie and disappointing and hindering of his Majesteis service; and quhairas thair is letters of captioun direct aganis him we must recommend the executioun of the same letters unto your lordship requeisting and desyring your good lordship to have a speciall care to see thir letters ressave speedie executioun and the rather becaus the mater it selffe concernes his Majestie in so high a point of service, for we know verie weill if your lordship kythe in this earand (as we perswade our selffes yow will) thair is no possibilitie that the said Johne can escape your lordships hands; and looking that the respect of his Majesteis interesse in this mater will be forcible enough with your lordship to doe that quhilk to the charge and credite of your plaice apperteanes, we committ, etc. Halyruidhous 25 July 1628. *Sub-scribitur*, Mar, Wintoun, Lorne, Areskine, Melvill, A. M. Elphinston, S^r Thomas Hoip, Hamiltoun, Scottistarvett."

Royal Letters, 1623-32. Fol. 140, b.

Holyrood House, 29th July 1628.

Treasurer; Hadintoun; Wintoun; Lynlythqu; Wigtoun; Lauder-Sederunt, daill; Lord Lorne; Lord Arskene; Lord Melvill; Master of Elphinstoun; Advocate; Clerk of Register; Sir John Scot.

Sederunts, 1625-29. Fol. 95, a.

"The first Counsall day of the vacance appointit to be upoun the xxvij day of August."

[Sederunt as recorded above.]

Holyrood House, 29th July 1628. Complaint by William Johnston and Archibald Corrie, his servant, against John Maxwell and Rany Wood, his servant, for assault, &c., on the said Archibald Corrie.

Complaint by William Johnstoun of Gimmenby and Archibald Corrie his servant, as follows:—On July instant Johnstone sent his said servant to Edinburgh with letters to Adam Cunninghame and Mr. James Oliphant, advocates, which having delivered, the said Archibald was returning with their answer when John Maxwell of Castelmilk and Rany Wood, his servant, meeting the said Archibald on the King's highway above Drummallyear, "patt violent hands in his persoun, bereft thame (*sic*) of his maister and his sonnes sword whilks he wes careing, and than caried him perforce with thame to the toun of Broughtoun, fyve or sax myles out of the way, and thair kepted and deteaned him all that night," he being his Majesty's free liege and guilty of no crime. Charge having been given to the said John Maxwell, who compeared along with the pursuers, and alleged that he apprehended Corrie because he had taken some sheep off his ground and kept him a night till they might

Decreta, November 1627-January 1630. Fol. 101, a.

Fol. 101, b.

agree, Corrie denied the accusation, whereupon the Lords found that Maxwell had done wrong in taking Corrie, he not being a declared fugitive or at the horn for theft, and ordain him to be warded in the tolbooth of Edinburgh till released by them.

Complaint by William Jaffray in Garloche, as follows:—On February last, "being Sunday," he was peaceably in the house of Matthew Thomsoun in Ruchecraig and "interteanned ane freindlie and familiar discourse with the said Mathow, James Thomsoun in Crumlett, his brother, and John Hoge in Burnefute, a long spaice, and than taking his leave of thame to have depairted, they after ane courteous and freindlie maner, as appeared unto the compleaner, invited him to stay with thame that night," which at their earnest entreaty he consented to do, fearing no harm, yet the said John Hog with the allowance of the others struck him at unawares "with ane long Hieland durke in his right syde." Thinking the complainer dead, the Thomsons conveyed the said John Hog privily out of the house. Through his wound the complainer has become so weak that he cannot work and sustain himself and his family, "being bot ane meane labourer of the ground." Charge having been given to the said Matthew and James Thomson and John Hog, and they and the pursuer compearing, the defenders pleaded that the matter had already been tried before the Sheriff of Lanark and his deputes, who fined the said John Hog £50 to the Sheriff "for the blood," and put him under caution to satisfy the pursuer at the sight of the Sheriff, in proof whereof the "act and rolment" of court was produced. To this the pursuer replied that the trial by the Sheriff could not prejudice him of this pursuit before the Council. The Lords, however, remit the redress of the matter to the said Sheriff and his deputes, desiring them to modify the satisfaction to be made at their discretion, and recommending them to have a special care that the pursuer be "weill cured of his wound" at the expense of the said John Hog. They find no case against the Thomsons, in respect of John Hog's appearances for trial, but ordain all parties to find law surety, each to other in 200 merks, acted in the Books of Secret Council, and not to leave Edinburgh till this be done.

On the supplication of Sir Alexander Hamiltoun, sometime apparent of Innerweik, bearing that since the last extension of his protection (*ante*, p. 335) he has been very diligent in getting his company full and complete, that they are now "in a reasounable readnesse for imbarcking," but that he has received advertisement from the Earl of Nithsdale, under whom he is to serve, that he is coming here with his Majesty's directions about the service and requiring the supplicant to stay for dispatches and directions. "Yitt be reasoun of some few civill hornings he underlyes he darre not attend, and if he be not alwayes over his companeis head, whilks with great turmoyle and cummer and with exceeding great charges and expensis he hes drawin togidder, they will

Decreta,
November
1627-January
1630.
Fol. 101, b.

Complaint by
William
Jaffray in
Gairloch
against John
Hog for
assault.

Fol. 102, a.

Fol. 102, b.

Extension of
protection
granted to Sir
Alexander
Hamilton.

all disband to his utter wracke and disappointing of his Majesteis service." He therefore craves a further extension, which the Lords grant to the last day of September next.

Decreta,
November
1627-January
1630.
Fol. 102, b.
Fol. 103, a.

Complaint by
John Hiddle-
ston against
John Maxwell
for hames-
sucken.

Complaint by John Hiddlestoun at the Milne of Templeland, as follows:—On October last John Maxwell of Schawes, in company with others, armed with batons, rungs [heavy staves] and other weapons, came by way of hamesucken to his dwelling house, and fiercely assaulted him, having no respect to "his old and weake age, he being past fourescore threttein yeeres," "strake and dang him" with their said batons and rungs, "feld him to the ground," when the said John Maxwell "powt and bruised the said compleaner with his knees upoun the breast, bellie and uthers pairts of his bodie" and struck him through the left arm above the elbow with a whinger to his great loss of blood and peril of his life. When Janet Kirkpatrik, "his poore, aiged, harmeless wyffe of threescore ten yeeres or thairby, preast by the small strenth she had to have rescued him frome the said John Maxwell," he so cruelly assaulted and bruised her that she lay bedfast for fifteen days afterwards; and neither of them will "be ever able heerafter to worke for winning of thair living bot be as decrepit persouns all thair dayes." Moreover the said John Maxwell and his companions took the complainer as a captive, carried him to the burgh of Dumfries, and kept him in ward there for five weeks, he being his Majesty's free liege and guiltless of any crime, and the said John Maxwell having no warrant so to do. Charge having been given to the said John Maxwell, and both he and the pursuer being present, the Lords, after hearing the pursuer's witnesses, who failed to prove any point of the said complaint, assoilzie the defender.

Complaint of
David Murray
and others
that the
caution
required of
them by John,
Lord Hay of
Yester, is in
excess of their
quality and
means.

Complaint at the instance of David Murrey of Halmyre, Thomas Chisholme, elder, in Scandhoip, Thomas Chisholme, younger, his son, Andrew Chisholme there, and Thomas Greinster there, as follows:—They are charged at the instance of John, Lord Hay of Yester, Normand Hunter of Polmuid, and Walter, James and George Hunter, tenants of the lands of Polmuid, to find caution to them for the safety of them and their families, etc., the said David Murrey in £1000, and the others each in £500, under pain of horning. But the said sums are far above the caution prescribed by the Act of Parliament anent lawburrows, seeing that the said David Murrey is but a feuar, and only liable in 500 merks, while the others are only of the quality of yeomen and labourers of the ground, whose caution is fixed at £40; their cautions should therefore be modified, and horning suspended. Charge having been given to the parties, and David Murrey compearing for himself and the other suspenders, and the defenders compearing by Andrew Hay, writer to the Signet, the Lords, after hearing both, suspend the horning as craved, and modify the caution to be found to £500 in the case of the said David Murrey, and £100 each in the case of the others.

Fol. 104, a.

Decreta,
November
1627-January
1639,
Fol. 104, a.

On a supplication by the gentlemen parishioners and other inhabitants of the parish of Logydurnoch, bearing that, because they are sixteen miles distant from any burgh or public markets or fairs, they cannot provide themselves with fish, flesh and other necessaries, except at an extraordinary cost, which has so ruined many of them that they can no longer underlie the burden, and praying for the remedy of the same by the following means which they suggest in their petition, the Lords, "knoweing perfytelie the great incommoditie and prejudice that the supplicants susteanes by thair removall and farre distance frome anie mercats, and being willing for thair greater ease and more seasounable furnishing with vivers to grant thame all the lawfull favour that in suche a cause can be allowed," grant them power and warrant "to keepe and hold a publict mercat weekelie at the Chappell of the Garioch, as the most commodious and opportune plaice within the whole bounds of the parochin for suche a purpose untill the term of Martimes nixt come allanerlie. Provyding alwayes, and it is heirby expresselie declaired, that if the burrowes or anie other persouns, finding thameselfes interested by keeping of the said mercat, sall compleane thair of to the Counsell, the saids Lords after consideratioun of thair greivance and reasons of the same will take suche course for discharging of this warrand or shortning of the tyme thairin conteanit as they sall find the merite of the caus to require."

Supplication
by the
parishioners of
Logydurnoch
to hold a
weekly public
market at the
chapel of the
Garioch.

Fol. 104, b.

Complaint by John Thomsoun in Abirledie and George and James Johnestoun there, as follows:—Their "lang and wearisome abiding in waird in the wairdhou of Edinburgh" at the instance of Alexander Wilson is known to their Lordships, as they have given in "sindrie lamentable narratiouns concerning thair estait, miserable handling and great povertie." Last Council day, their Lordships "being wearied with thair lamentable sutes," ordained John Thomsoun to pay 100 merks to the said Alexander Wilsoun, and Wilson desired that the said Johnestouns might be banished. But "throw occasioun of the unhappie trouble for the whilk the saids compleaners ar wairdit, thair hail free goods hes beene exhausted, and they have not so muche as to pay thair jaylour fee, bot lives onelie upoun the almous whilk they beg out at the wairdhou." Charge having been given to Wilson to compear and see the said sum modified or paid in four instalments, on which terms only can Thomsoun find cautioners for payment, and to see the Johnstouns released, they having found caution for his safety, and the complainers compearing by William Mortimer, their procurator, and the defender being personally present, the Lords ordain the provost and bailies of Edinburgh to release the complainers—John Thomsoun, because he has given Wilson a bond for the sum of 100 merks imposed upon him as a fine for his assault on Wilson, and also acted himself in the Books of Secret Council in £100 for Wilson's indemnity; and the Johnstouns, provided that each first pays to Wilson £40, and finds caution in the said books in £100 for his indemnity.

Complaint by
John Thomson
in Aberlady
and others
against
Alexander
Wilson, for
illegal warding
in the Tolbooth
of Edinburgh.

Fol. 105, a.

Thomas Young, messenger, reponed in his office.

Complaint by Thomas Young, messenger, indweller in Edinburgh, as follows:—He was suspended from the exercise of his office by their Lordships for certain causes (*ante*, p. 318), and has now no means to live by, except they reponed him. Charge having been given to William Watts, tailor in London, at whose instance he was suspended, and he and the pursuer both compearing, the Lords, in respect of the notour poverty of the said Thomas Young, reponed him in his office, but without prejudice to the defender to pursue him before the Lords of Session for recovery of his debt.

Decreta, November 1627-January 1630. Fol. 105, a.

Fol. 105, b.

Complaint by James Johnstone and Ninian Halyday against James Scot and others for destroying peats on the lands of the complainers.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, and by James Johnstone of that Ilk, and Niniane Halyday in Beddacolme, as follows:—Though the wearing of hagbutts and pistols and convocation of the lieges in arms is strictly prohibited, yet on 16 June last James Scot called of Newwarke of Craikhauche, Rolland Bailzie in Watcarrick, Hector Cranstoun in Holme, Bertie Glendinning, his servant, Bertie Andersoun,¹ his servant, Edward Achesoun in Blaikesk, Hew Achesoun there, David Achesoun there, John Wilsoun in Twigleis, Patrick Nicoll in Yetbyre, Simon Nicoll in Raeburne, John Baittie in Watcarrick, and David Baittie in Caldkin, all men, tenants and servants to Walter, Earl of Buccleuch, with others, to the number of twelve persons, armed with "swords, stalffes, speads, mattocks," and other weapons, and the prohibited hagbutts and pistols, came to the complainer's lands of Niqkerso and cut and destroyed "saxtein or sevintein dayes darge of peits whilks the said Niniane Halyday had been casting for his winter provisioun." Charge having been given to the said persons to compear, and the pursuers compearing, but of the defenders only the said Hector Cranstoun, James Scot and Rovie Beatie [sic], and the probation as to the wearing of firearms being referred to their oaths of verity, which they denied, the Lords assoilzie them thereof, and as to the other part of the charge remit the trial of it to be pursued before the Judge ordinary. The non-compearing defenders are ordained to be put to the horn.

Fol. 106, a.

Holyrood House, 29th July 1628. Commission to the bailies of the regality of Dalkeith and others to try Margaret Unes and Janet Schitlingtoun for witchcraft.

Commission under the Signet to the bailies of the regality of Dalkeith Sir James Dundas of Arnestoun, Archibald Weddell of Langsyde, Mr. Robert Case, apparent of Fordell, and Thomas Megot of Maistertoun, or any three of them, as justices, to hold courts and try Margaret Unes in Borthwick and Janet Schitlingtoun in Newbottle, who have long been suspected as witches, and have on examination "confest the raising of the devill, the renouncing of thair baptisme and the using of diverse devilish practise" against the lieges. Signed by Mar, Hadintoun, Wintoun, Linlithgow, Wigtoun, Landerdail, Hamiltoun, S^r Thomas Hoip and Scottistarvett.

Commissions, 1624-30. Fol. 167, b.

¹ Probably this name was meant to be struck out, as the preceding one is interlined above it, and it does not afterwards occur.

Commissions,
1624-30.
Fol. 171, b.

Commission under the Signet to Sir Williame Greir of Lag, Sir John Holyrood House, 29th July 1628.
Charters of Amisfeild, and the provost and bailies of Dumfries or any three of them, either the Laird of Lag or Amisfield being present, as Commission to Sir William Grier of Lag and others to try George Irving for the slaughter of Robert Bell.
justices, to hold courts and try George Irving in Mospibill, who on May last slew Robert Bell in Arkinholme, and being apprehended "with the bloodie hand" is now in ward in the tolbooth of Dumfries. Signed by Mar, Wintoun, Lorne, Areskine, Melvill, M^r of Elphinistoun and Hamiltoun.

Royal Letters,
1628-32.
Fol. 142, a.

"After our verie heartilie commendatiouns to your good lordship. Holyrood House, 29th July [1628].
We doubt not bot your lordship hes heard of the lawlesse and insolent proceedings of James Grant, brother to the goodman of Carroun, who Letter of Council to the Earl of Moray anent James Grant and his associates.
being denounced rebell and putt to the horne for the slaughter of umquhill Patrik Grant, sonne to Thomas Grant of Cardellis, and several commissiouns being direct furth for his apprehensioun, he hes notwithstanding thereof, in contempt of his Majesteis auctoritie and for his better enhabling to oppose the same, associat unto him selfe a number of brokin Hieland men all armed with unlaughfull weapouns and with thir rebellious theeves and lymmers he goes sorning athort the countrie committing unsufferable outrages and oppressiouns upoun the poore people and speciallie upoun the tennents of the lands per-teaning to Patrik Grant of Ballindallache and Johne Grant and his sonne who for thair awin securitie ar constrained to sett out nightlie watches and keepe men upoun the feilds; and now laitlie, these rebellis haveing forgathered with Johne Grant of Dalnabo, brother to Ballindallache, they seazed upoun his persoun, tyed his hands behind his backe with bowstrings and cruellie and unmercifullie murdreist him in cold blood everie ane of thame striking him through the bodie with thair durkes; thairafter they cutted aff his hands, eares and nose and caried the same with thame as a trophee of thair victorie; quich barbarous inhumanitie and proud contempt of the soverane auctoritie in a countrie subject to law and justice being no lesse disgracefull to his Majesteis governement than dangerous in the exemple, we have heereby thought good for staying the forder progres of suche mis-cheevous attempts earnestlie to intreate and requeist your good lordship that your lordship would be pleased according to the dewtie of your place and power grantit be his Majestie to your lordship to imploy your best endeavours for apprehending of thir rebellis and making them lyable to the course of justice; as alsua that your lordship would concurre and assist suche gentlemen as ar warrandit with commissioun aganis him and use your best care and diligence for apprehending of thir malefactours; in doing quhairof as your lordship sall testifie your affectioun and zeale for the furtherance of justice, so yow will approve your selfe answerable to that trust and credite quhilk his Majestie hes reposed in yow, quhairof we sall not faile to give his Majestie notice that your lordship may report your (*sic*)

Fol. 142, b.

deserved thankes; and so, etc. From Halyruidhous 29 July. *Sub- Royal Letter, scribitur*, Mar, Hadintoun, Wintoun, Linlithgow, Wigtoun, Lauderdaill, 1623-32. Areskine, Advocat, Hamiltoun, Scottistarvett." Fol. 142. b.

Holyrood House, 29th July 1628. Letter of Council to Sir William Alexander anent David Whyte, accused of murdering his own daughter.

"After our verie heartilie commendatiouns to your good lordship. Thair wes produced in Exchecquer a Signatour under his Majesteis hand quhairby his Majestie hes beene pleased upoun a favourable narrative to graunt a respekt for ane yeere to one David Quhyte for the slaughter of his daughter whiche in regaird of the odiousnes and notorietie of the fact and constant bruite of his inexcusable guiltines of the same we forboore to exped and committit the tryell of the truthe of that matter to his Majesteis Advocat and Justice Depute, who haveing for that effect writtin to Mr. Andro Kynneir, minister at Nenthorne, desiring him to take tryell and informe him selfe be the gentlemen and nighbours about of the maner and circumstances of the slaughter and upoun quhat ground and occasioun the same proceedit, and to certifie backe quhat he sould learne thairin; he returned ane answer to the Advocat whiche wes this day produced and read in Counsell bearing that a young boy haveing without the said David Whyte his privitie tane away his naig and riddin some little journey upoun him, and the said David supposing that his daughter had lent the naig he avowed in his drunken humour to charme her frome playing the lyke, and thairupon coming hame and finding his daughter alone he first kuist her to the ground and with his knees birsed her breast to her backe, thairafter with a tree strake her twise or thrise upoun the head, quhairwith the poore damosell being confounded did stagger in to her next nighbours hous uttering those words onelie, My father hes murdered me, and so presentlie died. This David Whyte is reported be the minister to be of a most insolent and intractable humour haveing so abused his first wyffe with straikes that she pairted with child and never rose againe, and hes compelled his wyffe for feare of her lyffe to divert from his companie and betake her to service. Upoun this informatioun and evidences givin in aganis the said David we have caused committ him to ward, quhairof we have thought good to certifie your lordship, to the intent his Majestie being acquainted be yow with the trew estait of the bussines may signifie his royall pleasure ather for expeding of the respekt or proceeding aganis the said David by course of law, quhairanent attending his Majesteis directioun, we committ your lordship to God. Halyruidhous 29 July. *Subscribitur ut supra.*" Fol. 143. a.

Holyrood House, 31st July 1628. Exhibition of two missives by the Earl of Menteith.

Sederunt.—Monteith, præses; Mar, Treasurer; Hadintoun, Lord Privy Seal; Linlithgow; Wyntoun; Perth; Lauderdaill; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Master of Elphinstoun; Advocate; Clerk of Register: Sir John Scot. Acta February 1628-July 1629. Fol. 38. b.

Acta February
1628-July
1629.
Fol. 38, b.

“The whilk day Williame, Earle of Monteith, president of his Majesteis Counsell, exhibite before the Lords of his Majesteis Privie Counsell the twa missive letters and articles underwrittin, and desired the saids Lords opiniouns and answeere thairanent, of the whilks missives and articles the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greette yow weil. Whereas the commissioneris of the shyres chosin at the last Michaelmes head courts ar to appear by summons for our Parliament appointed to beginne upoun the fyftein day of September nixt, and in regard the said Parliament may continew after Michaelmes nixt whilk is the usuall tyme of the nixt electioun of commissioners for shyres; and we considdering how unfitt it will be that anie change of commissioners sould fall furth duiring the continuance of the said Parliament and how necessar it is that the same commissioners who are to meete in the beginning sould bring thair begunne bussines to a finall end before thay sould be changed our pleasure thairfore is and we doe heereby will and require yow upoun sight heerof to write unto the severall shireffs of the severall shyres for the tyme being to conveene the gentrie of the severall shyres for confirming the former electioun of the former commissioners for this nixt yeere without admissioun of anie alteratioun except it be for suppleing of the plaices of suche as ar dead or preferred unto higher degree of honnour since the last electioun; all which amongst our former directiouns we recommend unto your speciall care and speedie resolutioun, and so we bid yow heartilie fairweill. Frome our Court at Whitehall the twentie ane day of Julij, 1628.

Letter of his Majesty desiring the continuance of the present Commissioners for the Shires.

Fol. 39, a.

CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit cousins and counsellours, we greette yow weil. Haveing considerit how the charges requisite for our going to that our ancient kingdome to receive our crowne and to hold a Parliament there which of necessitie requireth present money, and in regard of our other great affaires seing we cannot convenientlie affoord it at this tyme, we have moved our officiers of estait to borrow the same from tyme to tyme to our use, and to the effect that they nor nane of thame for thair affectioun to our service sould anie wise suffer or be in danger of payment we ar verie willing to graunt thame anie assurance that they can demand or that we can graunt for thair releefe. And thairfoir our pleasure is that for this effect there be graunted unto thame anie securitie that they sall require upoun our rents, casualiteis, taxatiouns and annuiteis to come, in generall or by particular assignements as they for thair releefe sall require by Acts of Counsell or Exchecker or by anie uther suretie requisite for this purpose whairby these our officiers for the present who have ingadged or [are] to ingadge thameselffes for us may be releaved or anie other officiar who may happin to succed in anie of thair offices

Letter from his Majesty desiring that security be given to Officers of Estate who have borrowed money for his Majesty in connection with his approaching visit.

and plaices whome we will and declair by these presents that they shall succed to the burdein of the said debt as in the saids places ay and whill the saids sowmes be payed that nane of the heyres of the present officiars may be troubled for the same heerafter, and that these moneyes shall be payed before all our moneyes whatsomever excepting our moneyes whilk wer dew unto James Bailzie, knight, and our mariners to be payed conforme to our former appointment, etters, warrants or acts made by yow thairanent. And for your so doing these presents shall be unto yow and everie of yow frome tyme to tyme a sufficient warrand, and for that effect we require yow to registrat the same in the Bookes of Counsell and Exchequer, and so we bid yow heartilie fareweill. Frome our Court at Whitehall the 21 day of Julie 1628.”

Acta Februar
1628-July
1629.
Fol. 39, a.

Articles
recommended
to the con-
sideration of
the Council.

“ *Apud Whitehall 24^o die Julij 1628.*

Anent the
prorogation of
Parliament.

“ The which day in presence of the Lord Chancellour, Lord President of the Counsell, the Lord Naper, Sir Williame Alexander and Sir Archibald Achesoun, knights, his Majesteis Secretareis, and upoun thair conference with Sir James Baylie, knight, these propositiouns following wer resolved to be propounded unto the consideratioun of the remanent Lords of his Majesteis Privie Counsell of Scotland by the said Lord President of the said Counsell. *Inprimis.* That the Lords of Counsell in Scotland may be pleased to consider of the fittest way and meanes to prorogat the now summoned Parliament and to returne thair advice thairupoun unto his Sacred Majestie whither the same must be by a particular commissioun under the Great Seale or if his Majesteis owne letter or warrand under his hand will be sufficient authoritie for the purpose that the same may be dispatched from his Majesties awin hand accordingle in dew tyme before the 15 of September, being the tyme appointed whairunto the Parliament is proclaimed.

Fol. 39, b.

The preserva-
tion of wild
fowl.

“ 2. *Item.* That his Majesteis houses and the high wayes may be with all possible speed repaired and the game of wyld foule and deir preserved by a strict restraint of shooting or killing of the same by anie otherwayes.

The purchase
of provisions.

“ 3. *Item.* That moneyes may be tymouslie raised and sent up to Londoun whairwith to buy suche provisious as ar requisite or necesarie to be transported from thence.

The importa-
tion of wine,
&c.

“ 4. *Item.* That licence may be granted to import into Scotland suche a quantitie of wyne, beir, confectiouns, groserie, as may serve his Majesteis hous and the countrie duiring his Majesteis abode there, and that his Majestie may be thairafter certified of the Lords conclusiouns concerning the premisses, whairupoun to give such forder ordour and directiouns as to his princelie judgment may seeme fitting and suteable to his Majesteis royall intentiouns in these or anie other things fitting to be considered of concerning provisioun for the coronatioun and Parliament.

Acta February 1628-July 1629. Fol. 39, b.

Whilks missives and instructions being read, heard and considerit be the Lords and they weill advised thairwith, they ordained missive letters to be writtin to the whole shireffs for confirming the electioun alreadie made be the small barons and freeholders of thair commissioners for this yeere to stand for the yeere to come, and ordained a copie of his Majesteis letter to be sent to everie ane of the said shireffs to be shawin be thame to the meeting for thair better informatioun concerning his Majesteis pleasure in that mater; and tuiching the other letter for lifting of moneyes and instructiouns foresaid they ordained a missive letter to be writtin to his Majestie of the whilk the tennour followes:—

Most Sacred Soverane, We ressaved fra the Erle of Monteith your Majesteis twa letters and we lykewayes heard the instructiouns givin be your Majesteis directioun unto him tuicheing the preparatiouns for your Majesteis heere comming and suche things as necessarilie depends thairon. And according to the directioun of your Majesteis first letter we have writtin to the whole shireffs of this kingdome acquainting thame with your Majesteis royall pleasure for confirming the electioun alreadie made be the small barons and freeholders of thair commissioners for this yeere to stand for the yeere to come, and we have carefullie recommendit unto thame to give unto your Majestie satisfacioun thairin as a service whilk will prove most acceptable to your Majestie. And tuicheing your Majesteis other letter anent the moneyes to be lifted be your officiaris of estait upoun the provisious and securiteis mentiouned in the letter, after that the same wes dewlie considerit at the Counsell table, tae opinioun of suche of the officiaris of state as wer present wes craved, who altho they will be deficient in nothing whairby they may testifie thair humble and dewtifull affectioun to your Majesteis service, yitt with most humble respect they desired the table to represent to your Majestie what hes beene the cause of former occurrents in this kynde, to witt, that the charge and burdein of lifting of moneyes wes ever layed upoun your Majesteis officers of receipt and that it was a noveltie without exemple to burdein the officears of state thairwith, and that notwithstanding if your Majestie would have thame to concurre and joyne in this earand they would willinglie undergoe the same, so it would please your Majestie to caus all the remanent officiaris of state and all suche as hes the use and benefits of your Majesteis rents or anie pairt thairof be precepts, pensious or assignations, to joyne with thame in this earand.

Order for the confirmation of the election of the present Commissioners of the shires.

Letter from the Council to his Majesty anent various matters relating to his Majesty's visit.

“ And whairas it is weill knowne to us that the Erle of Mar, your Majesteis Thesaurar, being left alone and to himselfe at this tyme and notwithstanding out of his dewtifull respect to your Majesteis service he ingadged his credite and lifted moneyes for defraying of the charges necessarilie requisite for reparatioun of your Majesteis houses, thairfor he humbelie desired that he might be releevd of his ingadgements for that caus and preferred in his releefe thairof to all other payments whatsomever. After this motioun wes resolved to be represented unto

your Majestie it wes considerit be your Majesteis letter that the releefe of these who ar to be burdenned must arise out of your Majesteis rents, casualiteis, taxatiouns or annuiteis to come, and that your Majesteis rents as they ar exhausted ar unable to worke thair releefe, and that the most probable and readie way for releefe must arise upoun a taxatioun to be imposed upoun the whole kingdome, thairfoir it wes motiouned to the table that in respect of the great difficulteis that occures in the binding of particular persouns without some releefe, ane Conventioun of the Estaits might be callit be your Majesteis warrand and thairinane taxatioun imposed of suche sowmes of money as ar able to defray the necessar charges that must be imployed upoun your Majesteis comming and abode heere. Whilk being considerit and reasouned be the table they have allowed of the said motioun and thinkes the same most reasounable and necessarie if so it pleas your Majestie that the publict and commoun burdein for so necessar and wished a caus of your Majesteis heere comming sould be undergone be the whole estaits.

Acta February
1628-July
1629.
Fol. 40, a.

“Anent the prorogatioun of your Majesteis Parliament the forme has ever beene by a commissioun under the quarter seale, the commissioun being sent blanke to your Majesteis Counsell with ane warrand to thame to fill the same with suche persouns as wer most ewest and readiest to attend. The forme of the commissioun we have heerewith sent up to your Majestie, and at the returne thairof under your Majesteis hand it sall be exped your quarter seale and all things depending thairon ordourlie dispatched.

“Your Majesteis Thesaurar hes beene cairfull towards the reparatioun of your Majesteis houses with suche conveniencie as the shortnesse of tyme could permitt and nombers of craftsmen of all sorts ar following these workes. Directioun is givin for repairing of the hie wayes and a strait prohibitioun aganis the slauchter of wyld foule and vennisoun.

Fol. 40, b.

“Anent the licences for importing of wynes and banketting stuffe the consideratioun of that article is upoun good respects continewed till the usuall tyme of the home bringing of wynes.

“And tuicheing the tyme of your Majesteis most wished heere comming it is resolved by the voyces of the whole table that the end of Spring will be fittest for that earand. All whilks submitting to your most judicious and royall consideratioun, and humblie beseeking your Majestie to lett us have the significatioun of your Majesteis royall pleasure heere anent with suche diligence as your Majesteis others effaires will permitt, we pray, etc. Halyruidhous, *primo Augusti* 1628. *Subscribitur*, Mar, Monteith, Hadinton, Winton, Perth, Lorne, Areskine, Dumblane, Sr Thomas Hoip, Hamiltoun, Sir Johne Scot.”

Proclamation
against the
slaughter of
wild fowl and
venison.

“Forsameekle as albeit by ane former act and proclamatioun publeist thairupoun the slaying, selling and buying of wyld foule and vennisoun hes beene verie straitlie prohibite and dischairgit under the panes following, to witt, under the pane of fourtie pund to be incurred be

Acts February
1628-July
1629.
Fol. 40, b.

everie persoun taker or slayer of the said wylde foule and under the pane of twentie pund to be incurred be everie persoun buyer and eater of the same besides the paines prescryved in his Majesteis lawes and Acts of Parliament made aganis the slauchter of deir, rae and vennisoun, notwithstanding the Lords of Secreit Counsell ar informed that the slaughter of wylde foule is als frequent and commoun as it wes at anie tyme preceeding the said proclamatioun and that the same ar brought to publict mercats, speciallie to the mercat of Edinburgh, whair numbers of people preferring the delicate feeding of thair belleis to the obedience of the law buyes the said wylde foule at thair pleasure, whairthrow thair is a great probabilitie and likliehood that thair will be ane great skairsetie of wylde foule and lykewayes of vennisoun at his Majesteis comming to this kingdome to the discredite of the countrie and disappointing of the furnishing for his Majesteis Court and hous without remeid be provydit. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging officiars of armes to pas to the mercat croces of the heid burrowes of this kingdome and uthers plaices needfull, and thair be opin proclamatioun to make new publicatioun of the acts and proclamatioun foresaid made anent the slaughter of wylde foule and vennisoun, and accordingle of new to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estait, qualitie or degree soever they be, that nane of thame presooome nor take upoun hand to hunt, slay, sell or buy anie kynde of wylde foule or vennisoun under the paines abonewrittin particularie specified in the saids acts and proclamatiouns, certifeing thame that failyeis and does in the contrair that the saids paines sall be uplifted of thame without favour. And siclyke to command and charge all and sindrie magistrats to burgh and land that they and everie ane of thame within thair several bounds, offices and jurisdictiones, have a special care and regaird to see that this present act be preciselie observed and kepted within thair bounds as they and everie ane of thame will answeere to his Majestie and his Counsell upoun the dewtifull discharge of thair offices."

Fol. 41, a.

"The whilk day Alexander, Erle of Linlithgow, produced and exhibite before the Lords of Secreit Counsell the missive letter underwrittin, signed be the Kings Majestie and directed unto the saids Lords, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whereas the shippe callit the of Lubeck (which was laitlie brought to Broadland sands with some Malaga wynes and others commoditeis) wes thairafter by the Admiral of that our kingdome and by vertew of a warrand frome us unto him judged to be lawful pryze, our pleasure is and we doe heereby will and require yow to be effectualle aiding and assisting unto our said Admirall in the dew executioun of the said decreit and in

Letter from his Majesty anent the Lübeck ship desiring payment to be made to the parties to whom the said ship and its goods have been adjudged. See ante, p. 291.

administring justice aganis the intromettouris with the saids goods, so as the pairteis to whome the said pryze and goods ar thairby adjudged may actuallie receive the same accordingle, and with als little charges and delay as may stand with justice and the course of our lawes and practick there. And whereas we ar informed that yow have caused some of the moneyes and price of the saids goods to be disposed of to our use and for payment of some of the mariners and officers of our shippes there, and that yow have made ane Act of Counsell and Exchecker with consent of our Thesaurar that the Commissioners of Exchecker sould repay the same according to our pleasure formerlie signified to that purpose before anie other payments, by reasoun we did in Marche last writt unto the saids Commissioners to pay the saids officers and mariners before anie others, our further pleasure therefore is that the saids pairteis to whome the said pryze and goods wer adjudged may be repayed of the saids sowmes as formerlie disposed of by our said Exchecker to the saids officers and mariners conforme to the tennour of the saids Acts of Counsell and Exchecker; and for your so doing these our letters sall be unto yow and everie of yow frome tyme to tyme a sufficient warrand and discharge. We bid yow fareweill. Frome our Court at Whitehall the 14 of June 1628. Whilk letter being read, heard and considerit be the saids Lords and they being thairwith weill advised, the Lords of Secreit Counsell ordanis Johne, Erle of Mar, his Majesteis Thesaurar, and Archibald, Lord Naper of Merchinstoun, Deputie Thesaurar, to make payment to the parteis to whome the said pryze and goods wer adjudged of the sowmes of money formerlie disposed upoun be his Majesteis Counsell to the officers and mariners of his Majesteis shippis conforme to the Act made to that effect sua soone as his Majesteis coffers will convenientlie permitt the payment of the said sowme, anent the payment whair of this present Act with the acquittance of the partie sall be unto thame ane warrand.”

Holyrood
House, 31st
July 1628.

Letter from the
Council to the
Sheriffs anent
the Commis-
sioners for the
Shires.

See ante, p. 415.

“ After our verie heartilie commendatiouns. Whairas the Kings Majestie haveing taikin to his royall consideratioun how unfit it will be that anie change of commissioners sould fall furth duiring the tyme of his Majesteis high Court of Parliament whiche is proclaimed to beginne the xv of September nixt and how necessar it is that the same commissioners quho ar to meete in the beginning sould attend the whole tyme of the Parliament and bring thair begunne bussines to a finall end before they be changed; it hes thairfoir pleased his Majestie to wryte a letter to us of his Majesteis Counsell for continuatioun of these commissioners quho ar presentlie for this nixt yeere, of the which letter we have sent yow heere-with a copie that yow may know his Majesteis pleasure, and thairfoir according to his Majesteis directioun sent unto us these ar to requiest and desyre yow to conveyn the small barouns and freeholders within the bounds of your office, and at your meeting that yow impairt unto them his Majesteis rovall will and pleasure in this mater, and accordingle

Acta February
1628-July
1629.
Fol. 41, a.

Fol. 41, b.

Royal Letters
1628-32.
Fol. 141, a.

Royal Letters,
1623-32,
Fol. 141, a.

that yow deale with thame to give his Majestie satisfioun heerin by confirming the electioun alreadie made by them of thair commissioners for this yeere to stand for the yeere to come, and incaise anie oppositioun be made aganis these commissioners or anie of thame that they are not suche freeholders as may be chosin be the Act of Parliament in that cause we live yow to the freedome of electioun according to the warrand and directioun of the Act of Parliament. Whiche recommending to your speciall care and diligence as a point of service whiche will be most acceptable to his Majestie, we committ yow to God. Frome Halyruidhous the last of July 1628. *Subscribitur*, Mar, Monteith, Hadinton, S^r Thomas Hoip."

Sederunt,
1625-29,
Fol. 95, a.

"That missives be direct to the Bishopis of St. Androis, Dunkeld and Caithnes, the Lord Yester and Weymis, the Laird of Newtown, the Commissionaris of Stirlyne, St. Androis, Glasgu, to attend the commissioun for the surrendaris upon Wednesday nixt the saxt of this instant. Suche of the commissionaris as wer present ar warnit *apud acta*."

"The quhilk day his Majesteis Advocat exhibite foure commissiounes toucheing the halding of circuit and justice courtis, the expeding wherof continewit till the morne."

Minute Book,
1604-31,
Fol. 83, a.

The *Minute Book of Processes* gives the following memoranda collectively for the month of July 1628:—

Ryott: Howmanes against Andrew Ker.

Ryott: Gibsone against Fairies.

Bill to be putt to libertie: Robert Weir against Erskine.

Act ordeaneing charmers to be scourged and not to charme aney mor under the payne of death.

Warrand to the magistratis of Glasgow to put David Stewart to libertie.

Ryott: George Burnsyd against James Burnsyd.

Ryott: Walter Newall against Robert Lindsay.

Ryott: Adame Lokhart against Alexander Montgomrie.

Ryott: Creichtoun against King.

Ordour to put James Weir to libertie who wes imprisoned for using chirurgiane traide.

Act to the Clerk to delyver some writts to George Ross.

Letters to be put to libertie: Thomsone against Willsons.

Process: Lindsay of Baccaross against Robert Melvill for demolishing his dask.

Imprisonement: Williame Fairlie against the bailzeis of Dysart.

Ryott: Patrick Mathiesone against Kincaid.

Ryott: Patrick Bulloch against John Tweidie.

Rebellioun: Sir Robert Halkit against John Ewing.

Rebellioun: Sir Henry Wardlaw against Hoome.

Warrand for severall persones to be put to libertie.

Precognitioun against the Earle Cassillis and shireff of Wigtoun.

Ryott: Patrick Nisbet against James Dodis.

Minute Book.
1604-31.
Fol. 83, a.

Ryott and oppressioun: Mr. John Nairne against Crichtoun and utheris.

Ryott *hinc inde*: James and Robert Dumbaris against Tulloches.

Letters for cutting of wood: the Earll Hadingtoun against Hooome of Basingden, &c.

Letters: Clerk Register against the relict of the shireff clerk of Wigtoun for delyverie of the registeris.

Ryott and weiring of pistollis: Mr. Gawin Dumbar against Dumbaris.

Act for setting Thomas Young, messinger, to libertie.

Ryott and imprisonment: William and John Keneachbowies against the Lord Berridail.

Bill: Advocat and Hamiltoun of Quotquott against Murray of Halmyr for weiring pistollis.

Suplicatioun be severall gentlemen for ane mercat to be halden at the Chappell of Garioch.

Oppressioun and ryott: Johne Bell against Maxwell.

Ryott: Johne Hidlstain against John Maxwell.

Suspensioun lawborrowes: David Murray against the Lord Yester.

Complent, oppressioun and wrongous imprisonment: Williame Johnestoun and Currie against Johne Maxwell.

Ordour to the proveist and bailyeis of Edinburgh for puting Johne Thomsone to libertie.

Wrongous imprisonment: Bessie Wricht against the magistratis of Pearth.

Protectione for Sir Alexander Hamiltoun.

Process: Johnstoun against Scott for weiring hagbuttis.

Ryott: Jaffray against Thomsone.

Lawborrowes: Johne Hay against Dumbar.

Holyrood
House, 1st
August, 1628.

Sederunt.—Mar, Treasurer; Monteith, præses; Hadintoun, Privy Seal; Linlithgow; Wintoun; Perth; Lord Lorne; Lord Areskine; Lord Melvill; Bishop of Dumblane; Advocat; Clerk Register; Sir John Scot.

Acta February
1628-July
1629.
Fol. 41, b.

Production of
commissions of
justiciary by
his Majesty's
Advocate.

"The whilk day Sir Thomas Hoip of Craighall, knight baronet, Advocat to our Soverane Lord, produced and exhibite before the Lords of Privie Counsell foure commissiouns past his Majesteis hand and granted to some of the Senatours of the Colledge of Justice for keeping of Circuit and justice courts in the severall quarters and shirefdomes of this kingdome; whilks commissiouns wer past and exped in Counsell and directioun givin to Sir Johne Scot, Directour of the Chancellarie, to expede the same throw the Chancellarie."

Declaration in
favour of the
Lord of Lorne.

"The whilk day the foure commissiouns granted be his Majestie to some of the Senatours of the Colledge of Justice for holding of Justice

Acta February
1628-July
1629.
Fol. 41, b.

airis and circuit courts within the several bounds express in the commissiouns being presented and past in Counsell, the Lords declared that the same nor name of thame sould nawayes prejudice the heretable infettment of justiciarie grantit be his Majestie to the Lord of Lorne over the Iles and other bounds thairin particularlie mentionat, bot that the samine foure commissiouns in sua farre as they or anie of thame comprehends the Yles or anie uther bounds conteanit in the said Lord of Lornes infettment sould be restricted and reuled according to the tennour and provisiouns of the said Lord of Lorne his infettment."

Fol. 42, a.

"The whilk day the commissioun granted be his Majestie to Williame, Erle of Monteith, whairby his Majestie has beene pleased to make choise of the said Erle and to appoint him Justice-generall of the kingdome for the space of ane yeere, being presented and past in Counsell, the Lords with consent of the said Erle declaired that his commissioun foresaid sould no wayes prejudice nor impair the heretable infettment of justiciarie granted to the Lord of Lorne over the Iles and other bounds mentiouned thairintill, bot that the same sould remaine inteir and in full force unprejudged be the said Erle his commissioun notwithstanding the generalitie of the power and termes thair of whairin the same is conceived."

Declaration in
favour of the
Lord of Lorne.

"Forsameekill as thair wer foure commissiouns of justiciarie exhibite this day before the Lords of his Majesteis Privie Counsell by the whilks his Majestie has beene pleased to make choise of some of the Senatours of the Colledge of Justice to be his Majesteis Justices and Commissioners within the severall shirefdomes of this kingdome for administratioun of justice, punishing of offenders and trying and censuring the breake of penall statuts, quhilks commissiouns being read in audience of the saids Lords, and they humbelie acquiescing to his Majesteis gracious will and pleasure thairanent, the said Lords past and exped the same commissiouns and ordanis the Directour of the Chancellarie lykewayes to exped the same at the Chancellarie and to append the quarter seale thairunto with convenient diligence. And to the intent the saids Commissioners might proceed in the executioun of thir commissiouns with suche limitatiouns and ordour as may best stand with his Majesteis honour and the weale of the countrie, Thairfoir the saids Lords declairs and ordanis be thir presents that the saids Commissioners of Justiciarie sall proceed aganis all capitall and odious crymes indifferentlie without exceptioun, and as to the tryell and censuring of penall statuts, that the same sall onelie be extendit to such penall statuts as the saids Lords sall particularlie sett down in the instructiouns to be givin be thame to the saids Commissioners, and that according thereunto the saids Commissioners sall proceed in the executioun of the same commissiouns and sall conforme thameselfes thairunto in everie point. And whairas some questioun wes moved be his Majesteis Thesaurar that the saids commissiouns wer not so cleere in that point thair of concerning the priviledges of the office of

Declaration
and ordinance
anent the Com-
missioners of
Justiciary.
See ante, p. 345.

thesaurarie as hes beene usuall in former commissiouns of this kynde for halding of Justice airis, to witt, that the compositiouns and fynes of the courts wer ever modified and sett down with advice of the Thesaurars for the tyme or some authorized with commissioun from thame, and the same compositiouns and fynes uplifted be thame, and that they wer onelie comptable thairfoir in the Exchequer; and the saids Lords being loath to preudge the said Lord Thesaurar in anie thing whilk is dew to the priviledge of his plaice, Thairfoir the saids Lords ordanis that the saids commissiouns in so farre as concernes the office of thesaurarie and priviledges thairof sall be reuled be the Act of Parliament made in the moneth of Julij 1587 and conforme to the tennour thairof in all points, with this provisioun and conditioun that his Majesteis said Thesaurar nominat and appoint some sufficient persouns to attend for him at the said courts and upoun suche things as concernes his office thairin, whairin if he failyie and that nane be present with warrand frome him that than and in that cause his Majesteis Commissioners and Justices foresaid sall proceed in the executioun of thair commissioun aganis criminalls conforme to the tennour thairof, notwithstanding of the absence of the said Lord Thesaurar and his deputs and as if they wer personallie present. And ordanis intimatioun of this Act and of the instructiouns to follow thairupoun to be made to the saids Commissioners and copeis thairof delyvered to thame to the intent they pretend no ignorance thairof."

Acta February
1628-July
1629.
Fol. 42, b.

Holyrood
House, 1st
August 1628.

[Sederunt as recorded above.]

Decreta.
November
1627-January
1630.
Fol. 106, b.

Complaint by the provost and bailies of Linlithgow, Alexander Neilsoun, Carrick pursuivant, Charles Liverance, and Thomas Duchill, customars and burgesses of Linlithgow, against Edward Little, Robert Hill, bailies of Queensferry, and Thomas Touns, their clerk, and others, for assault on the said Charles Liverance, while discharging his duty in uplifting the customs at the fair and market

Complaint by the provost and bailies of Linlithgow, Alexander Neilsoun, Carrick pursuivant, Charles Liverance and Thomas Duchill, customars and burgesses of Linlithgow, as follows:—The late King in consideration of the many good services of the burgh of Linlithgow granted to them and their successors by charter the whole small customs of all the markets and fairs held within the shire of Linlithgow and in the lands therein although annexed to other shires or regalities, and they have consequently been in peaceable possession of the same for many years past. On 25th July last learning that a fair and market was to be kept that day "in the Quenisferrie," they sent the said Alexander Neilsoun and the two customars, the former to publish the letters and the other to uplift the customs, but when the said pursuivant came to Quenisferrie and went to the market cross about eleven o'clock in the forenoon, Edward Littill and Robert Hill, bailies of the Quenisferrie, and Thomas Touns, their clerk, getting word of his errand, followed at his back with a great number of the townspeople and "maisterfullie and violentlie impeded and hindered him to goe up to the croce to publishe the letters. And the said Alexander intreating libertie onelie to stand at the croce foote to publishe the saids letters,

Decreta,
November
1627-January
1630.
Fol. 106, b.

Fol. 107, a.

and haveing objected unto thame thair oversight and neglect of ^{of Queensferry,} dewtie in debarring of his Majesteis servants frome using of thair ^{due to the} office, they in end gave him leave to publishe the letters at the croce ^{burgh of Lin-} foote. After publicatioun whair of the saids bailleis and clerk haveing ^{lithgow.} inquired of him what he had forder to say, he answered that he come thair with ane sufficient warrand and authoritie to assist the customers of the said burgh to lift the custome of the mercat conforme to thair infeftment. And the saids customers haveing past to ane craimmer [pedlar] and desyred in a modest maner the dew custome of his goods, and haveing layed hand upoun a pairt thair of till the custome had beene payed, they wer not onelie violentlie impeded frome taking of the said custome, bot the saids bailleis and clerk accompanied with Archibald Logie, James Dawline, Daniel Cleghorne, Johne Blair, Williame Bartane, Robert Dawline, Robert Haistie, John Pontoun, James Burne, James Pontoun, James Ramsay, George Logie and David Wilsoun, all inhabitants of the Quenisferrie, with convocatioun of others the inhabitants thair of to the number of fourtie persouns or thairby, all in feare of warre with bandit stalffes, drawin swords and battouns, cruellie sett upoun the poore harmeless customers, dang the said Charles on his backe and by the heid and feete harled him east the street and doun ane wyndé to the sea shore, resolving if the sea had beene in to have flung him in the sea. And perceaving the sea to be out they thought to have slaine him in the shoare, wer not some honest people being present with great difficultie stayed thame, and with that they harled him up the wynde againe by hand and feete like a beast, pulled the haire out of his beard and head and by the haire of his beard and head drew him to the tolbuith, and to his forder disgraice ryped him as a theefe and accused him of thift, committit him to waird and held him thairin a certane spaice without respect to his great age and infirme bodie, he being past threescore auchtein yeeres of age, throw occasioun whair of the aged man is so birsed as he may not stirre, bot lyes bedfast, spitting blood, to the great hazard of his lyffe." Charge having been given to the persons named (except Thomas Touns, Archibald Logie, George Logie and David Wilsoun, a John Cleghorne being added, and James Burne changed to Johne Burne), who all compeared, as also did the provost and bailies of Linlithgow for themselves and the other pursuers, the Lords, after hearing witnesses, find that the said two bailies of the Quenisferrie "invaiddit and persewit the said Charles Liverence, customer of Linlithgow, and strake and dang him, and that the commoun multitude of the toun harled him to the seaside and brought him back againe," and therefore they commit the said bailies to ward in the Tolbooth of Edinburgh till Wednesday next, or further, till they be released.

Fol. 107, b.

Counter complaint by the said Robert Hill and Edward Littill, bailies ^{Counter} of the Quenisferrie, for themselves and in name of the said burgh, as ^{complaint by} Robert Hill and

Edward Little, follows:—In the erection of their burgh, they have the privilege of a yearly fair held on 25th July, and the same being duly proclaimed and held, Alexander Neilsoun, messenger, and Charles Liverence, one of the town officers of the burgh of Linlithgow, accompanied by John Lawrie, younger, and Thomas Duchill, burgesses thereof, and others, came to Quenisferrie and at the market cross there proclaimed some letters which the complainers reverently heard without opposition. But immediately thereafter the said Charles Liverence went to the stand of John Leitche and unlawfully took a piece of stuff from the same. "It being objected unto him that this violence could not be tolerat, and he being desyred to restore the said péece of stuffe to the awner, he not onelie contemptuouslie dissobeyed bot drew ane long dirke" and pursued the bailies to slay them. He was stayed by some of the townspeople, especially David Cleghorne, whom he wounded badly in the hand. Charge having been given to the persons named to compear and the pursuers compearing, and of the defenders Alexander Neilsoun and Thomas Duchill only being present (Charles Liverence being excused on account of sickness, and Lowrie because he had gone to visit his father who was at the point of death), and witnesses being heard, who failed to prove any point of the said complaint, the Lords assoilzie the defenders.

Commission for considering Acts of Parliament.

"Ane commissioun past in Councell to some commissionaris nominat thairin for considdering the Actis of Parliament printed and inprented, and to report thair opinioun to his Majestie that they may be considerit in Parliament."

The Earl of Monteith made Justice-General for a year.

"The quhilk day ane signatour wes gevin in and exped in Councell making the Earle of Monteith Justice-generall for a year, and the Lord of Lorne protestit that the said commissioun sould nawayes prejudge him anent his commissioun of justiciarie over the Ilis."

Mr. Patrick Gray.

"The quhilk day Mr. Patrik Gray compeirand befor the Lordis of Privie Councell actit himself that in tyme comeing he sall behave himself modestlie, that he sall nocht offer injurie nor wrong to ony persone nor speak of his religioun under the pane of v^o merkis."

Holyrood House, 6th August 1628.

Sederunt.—Mar, Treasurer; Monteith, præses; Hadintoun, Privy Seal; Wintoun; Linlithgow; Roxburgh; Lauderdaill; Lord Lorne; Lord Areskine; Lord Melvill; Bishop of Dumblane; Advocate; Clerk of Register; Sir John Scot.

The Earl of Monteith and Culcreuch accept the commission for the Justice Courts. Sir James Skeene's acceptance of the commission.

"The whilk day William, Erle of Monteith, and Maister Alexander Seatoun of Kilcreuche accepted upon thame the commissioun for halding of justice courts within the bounds of thair commissioun and gave thair oath *de fidei administratione*."

"The whilk day Sir James Skeene of Curriehill, president of the Sessioun, compeirand personallie before the Lords of Privie Councell

Decreta, November 1627-January 1630. Fol. 107, b.

Fol. 108, a.

Sederunts, 1628-29, Fol. 95, b.

Fol. 96, a.

Acta February 1628-July 1629. Fol. 42, b.

Acta February 1628-July 1629. Fol. 42, b. accepted upon him the commissioun granted to him and Sir Andrew Fleshour of Innerpeffer for halding of Justice and Circuit courts within the bounds of thair commissioun and gave his oath."

"The whilk day the proveist and bailleis of Edinburgh compeerand personallie before the Lords of Privie Counsell gave in thair answeres in writt aganis the patent granted be his Majestie to the Erle of Linlithgow for making of powder; quhilk answeres being read and considerit be the saids Lords they ordaine the Erle of Linlithgow be himselfe or some othir whom he sall appoint to conferre with the proveist and bailleis of Edinburgh upoun the meanes and wayes how the patent may take effect without prejudice to the countrie or indangering of the houses whairin thair sall be anie search or digging for saltpeter, and that they report thair proceedings the morne to the Counsell."

Edinburgh and the Earl of Linlithgow's patent. See ante, p. 337.

Fol. 43, a.

[Sederunt as recorded above.]

Holyrood House, 6th August 1628.

Decreta, November 1627-January 1630. Fol. 108, a.

"The whilk day in presence of the Lordis of Secreit Counsell compeered personallie Williame Erle of Monteith, President of the said Counsell, and Mr. Alexander Seatoun of Gargunnoch, ane of the senatours of the Colledge of Justice, and accepted upon thame the commissioun of justiciarie grantit be his Majestie unto thame be his patent under the quarter seale of the dait at Whitehall the last of Junij 1628 for keeping of justice and circuite courts within the particular shirefdomes specified and conteand in the said commissioun, and gave thair oath to execute the said commissioun faithfullie according to thair knowledge."

The Earl of Monteith and Lord Kilcreuche accept the commission of justiciary.

Federunts, 1625-29. Fol. 96, a.

"Ane letter frome his Majestie for inbringing the rests of the taxatioun; ordanis these who hes the charge of the taxatiouns to be warnit to the nixt Counsell day."

Letter from his Majesty.

Acta February 1628-July 1629. Fol. 43, a.

Sederunt.—Monteith, præses; Privy Seal; Wintoun; Linlithgow; Roxburgh, Lauderdaill; Lord Lorne; Lord Areskine; Lord Melvill; Bishop of Dunblane; Clerk Register; Advocate; Sir John Scot.

Holyrood House, 7th August 1628.

"The whilk day the patent granted be his Majestie to Alexander, Erle of Linlithgow, for making of powder, salt peter and matche, being presented to the Lords of his Majesteis Secreit Counsell and read in thair audience they past and subscriyved the same upoun the cautious and provisionns underwritin whairunto the said Erle being personallie present consented and agreed and thairwith actit himselfe that in the executioun of his said patent he sould proceid and carie himselfe according to the articles following and ordour thairin prescryved. First, the said Erle sall be answerable for all wrong, dommage and skaith that sall happin to be done be anie of his servants and ministers or be these subordinat persouns under his lordship to whom and in whois

Articles anent the Earl of Linlithgow's patent. See supra.

favour the patent is conceived. That the said Erle shall erect and sett up his workes in convenient plaices and shall satisfie the awners of the ground at the appointment of the Counsell for anie prejudice they shall susteine by erecting of the saids works. That the said Erle his patent and instructiouns to be givin be the Counsell for ordouring thair of shall be reuled and sett down according to the lawes of this kingdome, and whair the same is deficient according to suche customes of other countreis as the Counsell after consideratioun shall allow and find fitting to be received. That the Shireffs and others his Majesteis officers to burgh and land shall not be compelled or commandit as the patent proports bot shall be onelie required to caus further and assist the said Erle and his servants with all things necessar for prosecutioun of the worke upoun reasonable pryces and for present payment to be givin thairfoir. That the Counsell shall modifie and have power to sett down the rates at which the powder shall be sauld to his Majestie and what the pryce the subjects shall give for the same. That the benefite and favour of naturalizatioun shall not be extended nor conferred upoun anie stranger bot be advice of his Majesteis Counsell. That the said Erle shall forbear to practise and putt in executioun the power grantit to him be the patent, to enter and digge in anie hous within the free burrowes of this kingdome without consent of the awner and till the significatioun of his Majesteis pleasure tuicheing the exceptiouns propouned be the burrowes in that behalfe be first returned and that his Lordship be warrandit be the Counsell for that effect."

Acta February
1628-July
1629.
Fol. 43, a.

Fol. 43, b.

A letter from
his Majesty
anent the
taxation.

"The whilk day the letter underwrittin signed be the Kings Majestie wes presented to the Lords of Secreit Counsell, and read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whereas a great pairt of our taxationes granted unto us in October 1625 as also of the former taxatioun is as yitt behind and unpayed or not brought in by our shireffs, chamberlans and others chargeable with the same contrare, to the lawes and wounted custume of that our kingdome, and in regaird of our intendit journey into that our kingdome for receaving our crowne and holding our first parliament there we may have extraordinar use of present moneyes, our pleasure therefore is and we doe heereby will and require yow to call before yow all suche persouns as have trust of that service under our right trustie and weilbelovit cousines and counsellours the Lords Viscount of Dupline, our Chancellour, or the Erle of Mar, our Thesaurer, and to inquire of thame the caus of the said delay and the names of the delinquents, and if anie have contemptouslie suffered thameselfes to be denounced rebels for the same, our pleasure is that yow caus execute our lawes aganis thame upoun thair persouns, lands and goods, and with als great haste and expeditioun as anie wayes hath heeretofore beene practised in the

collectioun of anie of the former taxatiouns granted to anie of our noble progenitours. So we bid yow heartilie fareweill. Frome Gilford the 22 day of July 1628. Whilk letter being read and considerit be the saids Lords they thinke it meit for the better inbringing of the rest of his Majesteis taxatiouns that choise sall be made of sax persouns who sall be employed and authorized in the apprehending of rebels for the taxatioun, unto whilks sax persouns so to be employed the Lords modifeis twa thowsand pund to be payed out of suche moneyes of the taxatioun as sall be recovered and brought in by thair paines and diligence."

Six persons to be appointed for the collection of his Majesty's taxation.

"The Lords of Secreit Counsell ordanis and requeists Alexander, Erle of Linlithgow, Lord Admirall of this kingdome to call unto him suche of his Majesteis Counsell as ar in the toun and to conveene before thame Williame Dick and Williame Gray, merchants burgesses of Edinburgh, and to examine thair accompts of thair intromissioun with the goods and geir of the Lubick shippe, and what charges hes beene bestowed be thame upoun transport thairof to the port of Leith, and to report to the Lords the estait of thair compts the nixt Counsell day."

Anent the Lübeck ship. See ante, p. 417.

"The whilk day in presence of the Lords of Secreit Counsell compeered personallie Sir Androw Fleshour of Innerpeffer and Sir James Learmonth of Balcomie and accepted upoun thame the commission granted to thame respective for halding of justice and circuit courts within the bounds of thair commissiouns and gave thair oathes."

Acceptance of the commission of justiciary by Innerpeffer and Balcomie.

"The Lords of Secreit Counsell in respect of this vacant tyme and that the Counsell ar not ordinarilie to meete gives power and warrant be thir presents to Williame, Erle of Monteith, president of the Counsell, and Sir Thomas Hoip of Craighall, knight baronet, his Majesteis Advocat, conjunctlie and severallie to receive the oathes of the Commissioners nominat and appointed be his Majestie toward the halding of Justice airis and circuit courts within the bounds of thair commissiouns for thair faithful executioun of the same commissiouns according to the power thairin conteaned."

Warrant to the President of the Council and Advocate.

[Sederunt as recorded above.]

Complaint by David Steil, lawful son to the deceased Cuthbert Steil, merchant burges of Edinburgh, as follows:—On 22d July last the complainer, after attending the Magdalene fair in the town of Peitheid, was going quietly from his merchant booth to the dwelling house of Richard Rae there to lodge that night, when Robert Melvill in the Cannogait and William and David Melvill, his brothers, who were lying in wait on the highway for his life about 11 o'clock at night, attacked him suddenly "with drawin swords and rappers," gave him "twa deidlie wounds on the heid and another deip wound on his left arme, and then left him lying for deid." He has since lain bedfast under the care of chirurgians "who have tane two bones out of his heid." Charge having been given

Holyrood House, 7th August 1627.

Complaint by David Steil against Robert Melvill and others for assault.

Acta February 1628-July 1629. Fol. 43, b.

Fol. 44, a.

Decreta, November 1627-January 1630. Fol. 108, b.

to the said Robert, William and David Melvill, and the pursuer com-
 pearing, but not the defenders, the Lords ordain them to be put to the
 horn and escheat.

Decreta,
 November
 1627-January
 1630.

Complaint by
 James Tweedie
 of Drumel-
 zie against
 John, Lord
 Hay of
 Yester, for
 wrongous
 imprisonment.

Complaint by James Tweedie of Drummalyear as follows:—He has
 been kept in the tolbooth of Edinburgh for the past five years and four
 months by John, Lord Hay of Yester, his cousin german, in his own
 name and under pretence of the names of others. Besides this Lord Hay
 has apprised the lands and heritage of the complainer, with the legal rever-
 sion thereof, uplifted all the rents and duties of the same for the time
 stated, which must far exceed any debt the complainer is due to him, and
 stopped the decree of liberty which was ready to be pronounced by the
 Lords of Session, of intention to appropriate the complainer's whole
 estate and keep his person in captivity to his dying day. Further, as Lord
 Yester has all that belongs to the complainer, the latter has only been pre-
 vented from starving by the generosity of the goodman of the tolbooth.
 Charge having been given to the said Lord Yester, and also to Gilbert
 Williamsoun, one of the bailies of Edinburgh, in name of the magistrates
 thereof, to produce the complainer, and pursuer and defender both com-
 pearing, the latter agreed to the pursuer's release in so far as he was
 concerned, in respect either of debt due to him personally or by assigna-
 tion from others, provided that he is freed of all further payment of the
 pursuer's jailor fee, and of the bond made by the pursuer with the
 deceased John Murray of Halmyre, as his cautioner, to Andrew Whyte,
 jailor of the tolbooth of Edinburgh. And the said Andrew Whyte being
 called and the matter proposed to him freely and of his own motive
 agreed to the pursuer's release and discharged the said bond. The
 Lords therefore ordain the provost and bailies of Edinburgh to set the
 pursuer free, Lord Yester paying the said Andrew Whyte all that is due
 by the said bond for bygones to the day and date hereof.

Fol. 109, a.

Fol. 109, b.

Complaint by
 John Maxwell
 of Castlemilk
 against
 William John-
 ston and others
 for injury done
 to his cattle.

Complaint by John Maxwell of Castlemilk, as follows:—He and his
 predecessors past memory of man have had constant and uncontrolled
 liberty of pasturing their goods upon the commonty of Cowdoun till of
 late William Johnstoun in Gimmembie, called Mungoes Willie, "being
 impatient that he should brooke anie suche libertie there and disdaining
 to discusse his right in a legall maner" on _____ last, accompanied by
 Mungo Johnstoun, _____ Johnstone, his son, Walter and Archibald
 Corrie, his servants, and Archibald Johnstoun in Blackfuird, all armed
 with "swords, lances, jackes, steilbonnets" and other weapons, came to
 the said commonty, where the complainer's goods were pasturing, and
 "cruellie and shamefullie strake, dang and stobbit his goods, cutted the
 tailles frome thame, and hes so abused and spoyled thame that they will
 nather be profitable nor anie longer serviceable unto him." Charge
 having been given to these persons, and the pursuer compearing and
 likewise the said William Johnstoun and Archibald Corrie, the Lords
 assoilzie the defenders, because the proof of the matter being referred to
 their oaths of verity they denied the charge.

Fol. 110, a.

Secreta,
November
27-January
630.
fol. 110, a.

Complaint by William Hoip, servitor to Andrew Johnstoun of Turmoir, and the said Andrew for his interest, as follows:—On September last the said William was peaceably attending his master's goods on the lands of Lockerbie when John Maxwell of Castelmilk came, "strake and abused him with his hands and feit and thairafter knitt him in his dogges leische and perforce caried him to his plaice of Castelmilk, and detained him thair," he being his Majesty's free liege and guiltless of any offence. Charge having been given to Maxwell and he and the pursuers compearing, probation was referred to the defender's oath of verity, which being a denial, the Lords assoilzie him.

Complaint by
William Hope,
servitor to
Andrew
Johnston of
Turmoir,
against John
Maxwell of
Castelmilk for
assault.

fol. 110, b.

Complaint by Alexander Johnstoun, messenger, as follows:—On 20th July instant, "being Sunday," he went to the dwelling house of Michael Hamiltoun of the Insche to execute a charge against him at the instance of Alison Nisbitt, when "they denyed him to the compleaner," who was thereupon about to leave a copy of the charge and go away, when Christian Dundas, spouse of the said Michael, came to the door "with ane great caber and ane stalffe accompanied with John King and Hans Mc'Gill, her servants," at the instigation of the said Michael, and "without respect to the Lords day or his Majesteis auctoritie whairby the said compleaner wes warranted in the lawfull executioun of his office, they cruellie and unmercifullie sett upoun him, being ane poore sickelie man, strake him upoun the head and faice and uthers parts of his bodie, so birsed and bruised him with manie bauche and blae straikis that he wes not able to stirre, and thairafter tooke his ganging staulffe frome him and brake the same in peeces upoun him." Charge having been given to the said Michael Hamiltoun, his wife and her servants, and both pursuer and defenders compearing, and the proof being referred to witnesses who failed to prove any point of the complaint, the Lords assoilzie the defenders.

Complaint by
Alexander
Johnston,
messenger,
against
Michael
Hamilton and
others for
assault.

fol. 111, a.

Supplication by John, Earl of Mar, Lord High Treasurer of Scotland, Archibald, Lord Naper, Deputy Treasurer, Sir Thomas Hoip of Craighall, his Majesty's Advocate, and George Foullis, Master Coiner to his Majesty, for his Majesty's interest, as follows:—Mr. John Achesoun of Newtown Leyes "dispouned to our lait soverane of worthie memorie and his successours the cunziehous now possest be the said George Foullis to remaine with our said lait soverane and his successours for ever, and being bound in absolute warrandice thairof; neverthesse Mr. Johne Schairp of Howstoun, advocate, alledging him to have three severall annuelrents extending in the hail to the sowme of fyve hundreth and twentie merks yeerelie to be uplifted furth of the said cunziehous and furth of that loding and tenement of land lying at the foote of Blackefreir Wynde callit the Cardinalls loding contigue, adjacent to the said cunziehous, and the said Mr. John Schairp being in use to receive and uptake the said annuelrent furth of the said loding callit the

Supplication
by John, Earl
of Mar, Lord
High
Treasurer of
Scotland, and
others, anent
the Cunzie-
house.

Cardinalls loodging in all tyme bygane and never furth of the said cunzie-
 hous, and the said Cardinalls loodging now being waist and not poyndable
 nor streinzeable for the saids annuelrents the said Mr. Johne Schairp now
 troubles the possessours of the coinziehous and the goods and geir being
 thairin for payment of the saids annuelrents of certaine termes bygaine
 and intends sua to doe in tyme coming, albeit it be of veritie that (as the
 saids supplicants ar informed) thair wes ane renunciatioun and discharge
 grantit be the said Mr. Johne Schairp to the said Mr. Johne Achesoun,
 annalier to our said lait soverane, of the said cunziehous " of all claim in
 respect of these annual rents as against the said cunziehouse. Further,
 " the said cunziehous wes conquiest duiring the tyme that umquhill Sir
 Gedeoun Murrey was Thesaurar Depute of this kingdome " and the whole
 writs connected with its acquisition were in his custody at the time of
 his death, but cannot for the present be found. It is therefore neces-
 sary that the said Mr. John Achesoun " who hes the double of the
 contract of alienatioun thair of and auld writts made to him and his
 predecessours thairon and on the said Cardinalls loodging, whilks ar all
 conteanit in ane, be heere present to produce the same writts, and to
 cleir the veritie in the said mater, thair being no uther now that knowes
 the perfyte veritie thair of " ; but he is under trouble of debt, and has
 presently an action before the Lords of Session against James Hopper of
 Bourehous, his brother in law, for delivery of a number of discharges of
 these annual rents which were " left be him in a kist with all his uther
 writts in trust with the said James Hopper, togidder with his hail
 estait whairwith to pay his debts, of the whilks the said James most
 obstinatlie and wrangouslie refuseth to make anie compt, reckoning and
 payment, knowing that the said Mr. Johne will nor darre nowayes
 repaire to this kingdome, at the least to this burgh of Edinburgh to insist
 against him " unless he obtain a protection. This, therefore, they crave
 may be granted. The Lords accordingly grant a protection to the said
 Mr. John Achesoun to come to this kingdom and the burgh of
 Edinburgh for the above purposes, until 15th November next.

Decreta.
 November
 1627-Januar,
 1630.
 Fol. 111. a.

Fol. 111. b.

Fol. 112. a.

Complaint by
 Walter, Earl
 of Buccleuch,
 against Gilbert
 Wat in Hawick
 and others for
 cutting and
 stealing the
 trees in the
 said Earl's
 lands.

Complaint by Walter, Earl of Buccleuch, as follows:—Notwith-
 standing the laws enacted against the cutting and destroying of green
 wood, policy and planting, his wood and parks of his lands and barony
 of Branxholme and Trinitie lands of Hawick, which he " caused cairfullie
 preserve and hayne," have been meddled with and depleted by the
 following persons:—On _____, Gilbert Wat in Hawick cut in the said
 wood 20 trees; on _____, Adam Scot, smith in Hawick, cut and took
 away 30 trees; on _____, Allane Deanes in Hawick cut and took away
 50 trees; and on _____, Walter Scot of Todshohauche, John Currie
 there, and James Donaldsoun in Cavers, cut and took away 200 trees.
 Charge having been given to these persons, who all compeared, and the
 pursuer being represented by Thomas Dunlop, servitor to Laurence Scot,
 and the probation being referred to the oaths of verity of the defenders,
 who all denied the charge, the Lords assoilzie them.

Fol. 112. b.

Decreta,
November
1627-January
1630.
Fol. 112, b.

Complaint at the instance of Thomas Kirkpatrick, brother of John Kirkpatrick, sometime of Freircorse, as follows:—On 8th May last he was alone in his dwelling house of Midclachrie when John Maxwell of Logane, Robert Maxwell of Tinuell, Alexander Maxwell of Castelmilk, John Maxwell, brother to the Earl of Nithisdail, John Bell, his servitor, John M^cKeane in Auchinkairne, Robert M^cKeane in Over Clauchrie, Luke Frissell in Mid Clauchrie, Thomas Watsoun there, John Watsoun there, Mark Browne, Matthew Naper and Thomas Scot, servitors to the said Earl, James Cuninghame in Dunfreis, William Cuninghame there, Stephen Young, messenger, Alexander Wallace in Carrizeill, David Wallace, his brother, and others, armed with “swords, bandit stalffes, lances, jackes, plait sleeves, steil bonnets,” and other weapons, came by way of hamesucken to his said dwelling, “violentlie brasched his doores with great stings and others instruments, dang up the same, entered thairin perforce,” severely assaulted the complainer, wounding him in the face and other parts of his body with great effusion of blood, and “maisterfullie shott him furth of his said dwelling hous,” from which they intend to debar him by “opin deid, bangsterie and oppressioun,” threatening that if they find him within the same or any other where they will take his life. Charge having been given to the persons named (Robert M^cKeane being now called “Rodger,” the designation “of Castelmilk” being here added after John Maxwell, and the Maxwells of Logan and Tinuel being both omitted), and the pursuer compearing, and of the defenders Rodger M^cKeane, Luke Frissell, Thomas and John Watson, Stephen Young, Thomas Scot and John M^cKeane being also present and ready to stand their trial, as they declared, and the witnesses failing to compear, and the pursuer declining to refer the probation to the defenders’ oaths of verity, the Lords ordain that if the pursuer again cite the defenders who have compeared, and his witnesses fail in their proof, he will be decerned to pay double expenses to them. They also ordain that William and James Cuninghame, Mark Browne, Matthew Naper, David and Alexander Wallace, John Bell, Alexander and John Maxwell, and Thomas Scot be put to the horn and escheat.

Complaint by
Thomas Kirk-
patrick against
John Maxwell
of Logan
and others for
hamesucken.

Fol. 113, a.

Fol. 113, b.

Complaint by Sir Thomas Hoip of Craighall, King’s Advocate, and Mr. James Raith of Edmestoun, one of the ordinary advocates before the Lords of Session, as follows:—On 9th June 1626 Sir Robert Hepburne of Alderstoun, Knight, became cautioner in 3000 merks that Patrick Edmestoun of Wolmsett would not molest the complainer, nor his tenants and servants, and this was accepted by their Lordships after “manie insolencies” by the said Patrick against the complainer with unlawful weapons, and after he had “preast be way of deid” to intrude himself into the complainer’s aisle in the kirk of Natoun, “whilk wes bigged aff the cold ground be his predicessouris, Lairds of Edmestoun,” and sold by them to the complainer, and of which accordingly he is in possession by heritable right. Yet notwithstanding of this, the said Patrick, ascertain-

Complaint by
Mr. James
Raith of
Edmestoun
against Patrick
Edmestoun for
intended
assault, and
against Anna
Edmestoun,
spouse of the
said Patrick
Edmestoun,
and others for
breaking into
the aisle of the
said James
Raith in the
Kirk of
Natoun.

ing that the complainer would be in Edinburgh on a certain day in June and was to return to his own house at night, he with Alexander Mowbray and Abraham Gray, his servants, lay in wait "under a great bushe of trees in the north syde of his yaird dyke," and as soon as the complainer approached he made towards him on horseback, but "being disappointed of his faird [attempt] that way he lighted aff his hors" to pursue the complainer on foot, but some people who were in the fields hindered him. Now recently, on 27th July last, "being the Sabbath day and the day appointed for the halie communioun," the said Patrick, heedless thereof, and of "the halie actioun that wes in hands that day," directed and hounded out Anna Edmistoun, his spouse, who, accompanied with Ormestoun, Alexander Mowbray, William Hay, Patrick Hewat, and others of her servants came to the kirk of Natoun, and "made thair addresse to the said compleaners yle and with thair whole force preast to have drawin doun the partitioun wall of timber betuix the compleaners yle and the kirk, and after they had strivin a long tyme to that purpose and perceaveing that they could not gett the wall brokin doun, they come to the kirk yaird, callit for Simoun Ako, beddell of the kirk, who had the keeping of the key of the compleaners yle doore, and asked the key of him; and becaus the poore man with reasoun refused to deliver the key, they boasted, minassed aud threatned him with present death, and to breake up the yle doore by violence if he opened not the same, and so compelled him for feare of his lyffe to make the doore patent unto thame, and then she and her servants placed themeselfes in the compleaners desk and debarred him thairfra." With this disgrace the complainer, in respect of the occasion, "comported" and took another seat. These proceedings were repeated on a following occasion when the persons charged, following the instructions of the said Patrick, "by plaine force and violence brake up the doore of the yle whilk passes fra the kirk in to the compleaners yle," and took possession, wherewith the complainer, at the earnest intreaty of the minister and some gentlemen of the parish, "patientlie comported," persuading himself that their Lordships would grant him redress. Charge having been given to the said Patrick Edmistoun, and Sir Robert Hepburn, his cautioner, to compear, and see them decerned in payment of the penalty for breach of the said Act of caution, and the pursuers and defenders both compearing, probation as to the charge of lying in wait was referred to the defender's oath of verity, and as to the other to the evidence of witnesses. These failing to substantiate the charges, and the said Patrick swearing in the negative, the Lords assoilzie the defenders, but meanwhile, until the right of the said aisle be tried and ascertained, they discharge the defender and his wife and servants from occupying it. They further ordain him to find caution in £1000 for himself, wife and servants that the pursuer shall not be molested by them in the possession thereof until it be legally

Decreta,
November
1627-January
1630.
Fol. 113, b.

Fol. 114, a.

Fol. 114, b.

decided by the Archbishop of St. Andrews and the High Commission of the Kirk, to whose judgment both promise to submit; and the said Patrick is taken bound to pursue his claim before them before 1st August next, otherwise his right shall expire. [Here follows Wolmet's Act of caution to the above effect.]

In the cause pursued against Dame Marion Boyd, Countess of Abir-corne (*ante*, pp. 343, 392), in respect that she has neither "haunted the kirk all this tyme that she hes remained within this burgh of Edinburgh, nor yitt hes she subscriyved the writt foresaid whilk wes presented unto her be ane of the Clerkes of Counsell," the Lords ordain her to find caution acted in the Books of Secret Council in 3000 merks that she shall not leave Edinburgh until permitted by them.

Complaint by Dame Barbara Johnstoun, Lady Gribtoun, as follows:—
By their Lordships' direction she has for the past three months remained in Edinburgh, and "hes cairfullie and diligentlie haunted the kirk and heard the preaching and prayers with that modestie that become a Christiane, and seldome wes she absent when her health would permitt," as is well known to the ministry of the burgh, especially to that of the Grey freir kirk "whilk wes the parishe she most frequented."

Her abode has been very expensive, and as the harvest is drawing near, "she having her whole estait, whilk is bot a verie meane portiou in her awin labouring," if she be not at home to attend it, it will be utterly neglected, to her utter wreck and undoing. She is willing "at her hamegoing to continew in her ordinar exercise of haunting the kirk for hearing of sermons, and as occasioun serves to hear conference," and so desires to return home. Charge having been given to Mr. Thomas Ramsay, moderator of the Presbytery of Dumfries, to compear and see her released without risk to herself or the Laird of Lag, her cautioner, and pursuer and defender both compearing, "the said persewer declaired that she wes not resolved to embrace the religioun presentlie profest within this kingdome, and that thairfoir she wes content to withdraw her selfe out of the countrie to some pairt whair she might have the free exercise of her children" [*sic*]. Which declaration being heard, the Lords accept her offer and allow her to go home for settling her affairs, she first finding caution that within a month she will leave Scotland, and within twenty days after that, "the Yle of Brittain," and not return without his Majesty's licence, under the penaltie of 5000 merks, and that meanwhile she will "behave herselfe modestlie without scandall," and "not resset Jesuits, seminarie preests, nor trafficking papists, nor sall not repaire nor travell ahort the countrie bot whair her conjunct-fee lands lyes." [Follows (1) the Act of caution to the above effect by James Johnstoun of that ilk for Dame Barbara Johnstoun, Lady Gribtoun, with clause of relief by her to him; (2) her own personal enactment for her modest behaviour while in the country under the penalty of 5000 merks; and (3) personal Act of caution by John

Dame Marion
Boyd,
Countess of
Abercorn.

Complaint by
Lady Gribton
anent her
detention in
Edinburgh on
account of her
religion, and
her proposal to
leave the
country, which
the Council
approves.

See *ante*, p. 320.

Maxwell of Gribtoun in 2000 merks that he will not reset Jesuits, Decreta, seminary priests, nor trafficking Papists; without prejudice to the bond of November 1627-January 1630. caution for him by Andrew Strudgeoun in £1000 that he will satisfy Fol. 116, a. the Kirk and obtain himself relaxed from the sentence of excommunication before 1st November next.

The Sheriff of Edinburgh.

"That the Shireff of Edinburgh be burdynnit with the repairing of Sederunts, the hie way betuix the Thegate Burne and Halyruidhous." Fol. 97, a.

"*Eodem die* in the afternoone, except Roxburgh.

The Earl of Linlithgow's patent.

See *ante*, p. 425.

"The quhilk day a patent wes past to the Earle of Lynlythgu and his Fol. 97, b. partinaris for making of salt peter, matche and poulder, with some limitations exprest in ane Act maid to that effect; and ane missive ordanit to be writtin to his Majestie concerning this purpose."

Holyrood House, 8th August 1628.

Sederunt.—St. Andrewes; Privy Seal; Linlithgow; Bishop of Acta February 1628-July 1629. Dumblane; Advocate; Clerk of Register; Sir John Scot. Fol. 44, a.

Nomination of Commissioners of the revived Justice-ayres, and the appointment of the time and place for holding the said justice-ayres. See *ante*, p. 421.

"Forsameekill as the Kings Majestie haveing taikin unto his royall consideratioun the criminall judgement of his native and ancient kingdome of Scotland whilk consists in the high and supreme court of justiciarie whairupoun depends the defence of the lyffe and saulfetie of innocents and the just and dew punishment of delinquents, and how that his Majesteis good subjects living farre frome the Courts of Justice have bene forced long to groane under the heavie burdein of manie insolent injureis, crymes, oppressiouns and extortiouns, occasiouned ather by neglect of the ordinar officers of justice, impunitie or power of offenders, or for want of meanes to travell to the seate of the supreme court of justice to exhibite thair just and lawfull complaints; and his Majestie being carefull that all his good subjects of this kingdome may taste of the fruicts of his blessed governement and royall intentioun for administratioun of justice to pairteis greaved, Thairfoir his Majestie hes bene pleased for the releeffe and confort of his distressed subjects to revive the discontinued ancient landable custome of justice airis, and following the course tane be his deere and worthie father of blessed memorie in his Parliament haldin at Edinburgh in the moneth of Julij 1587 hes directed particular commissiouns of justiciarie to some of his Majesteis judges who representing his royall persoun in thair severall circuits ar to administer justice in everie quarter of this kingdome to all his Majesteis subjects within the shyres whair they dwell according to thair severall commissiouns and lawes and practicks of this kingdome: And for this effect the Lords of Privie Counsell hes appointed his Majesteis courts of justiciarie to be haldin and kepted throughout the severall shirefdomes of this kingdome upoun the dayes particularlie underwrittin and by the persouns following, justices and commissioners nominat be his Majestie for keeping and halding of the saids justice courts they ar to say, by Williame, Erle of Monteith, and Mr. Alexander

Fol. 44, b.

Acts February
1629-July
1629.
Vol. 44, b.

Seatoun of Kilcreuche, for halding of justice courts at the burgh of Perth for the shirefdome thairof and stewartreis of Stratherne and Monteith upoun the sevint day of October nixtcome with continuatioun of dayes, and for halding of justice courts at the burgh of Dumbartane for the shirefdome thairof upoun the twentie ane day of October nixtcome with continuatioun of dayes ; and be Sir James Skeene of Curriehill and Sir Androw Fleshour of Innerpeffer for halding of justice courts at the burgh of Forfar for the shirefdome thairof upoun the said sevint day of October nixtcome with continuatioun of dayes, and for halding of justice courts at the burgh of Aberdein for the shirefdome thairof upoun the said twentie ane day of October nixtcome with continuatioun of dayes ; and be Sir James Learmonth of Balcolmie and Mr. George Halyburtoun of Foderance for halding of justice courts at the burgh of Stirling for the shirefdome thairof upoun the fourtein day of October nixtcome with continuatioun of dayes, and for halding of justice courts at the burgh of Lanerk for the shirefdome thairof upoun the twentie twa day of the said moneth of October nixtcome with continuatioun of dayes ; and be Androw, Maister of Jedburgh, and Sir Thomas Henderson of Chesters for halding of justice courts at the burgh of Jedburgh for the shirefdome of Roxburgh upoun the fourtein day of October nixtcome with continuatioun of dayes, and for halding of justice courts at the burgh of Dumfreis for the shirefdome thairof and stewartreis of Kirkcudbright and Annerdail upoun the twentie twa day of the said moneth of October with continuatioun of dayes. In the whilks courts all his Majesteis good subjects haveing just causes of complaint sall have justice ministrat unto thame. And thairfoir ordanis letters to be direct charging officers of armes to pas to the mercat croces of the heid burrowes of this kingdome and uthers plaices needfull and thair be opin proclamatioun to make publicatioun of the saids justice courts to all his Majesteis lieges and subjects whairthrow nane pretend ignorance of the same ; and to command and charge all and sindrie duikes, marqueisses, erles, lords spirituall or temporall, lords of regaliteis, barons, shireffs, justices of peace, bailleis, chamberlans, magistrats and ministers of his Majesteis lawes, and all uthers subordinat judges within the severall shirefdomes of this kingdome and whole lieges of the same that they and everie ane of thame give all dew respect unto his Majesteis commissioners and justices foresaids and suche speciall assistance as to thair office and dewtie apperteannes and as is prescryved and injoynned to be done be thame by the lawes and Acts of Parliament of this kingdome als oft as they sall be required be the saids commissioners to that effect as they and everie ane of thame will answeere upoun the contrarie and under all highest pane and charge that after may follow ; and that the saids shireffs caus sufficient and legall men compeir before the saids commissioners at suche dayes, tymes and plaices as the saids commissioners sall appoint by whome the veritie in maters concerning the executioun of the

Vol. 45, a.

said commissions may be verified and knowne; as also that the saids shireffs and freeholders within the severall shyres of this kingdome meete the saids justices at the[ir] enterie into the shyre and convoy thame to [the] heid burgh of the same and accompany thame during thair remaning there ay and whill they be receaved be the nixt shireff and his depute into the nixt shyre according to the tennour of the said Act of Parliament.”

Acta Februar
1628-July
1629.
Fol. 45, a.

Specification
of crimes
within the
jurisdiction of
the Commis-
sioners of the
new Circuit-
courts.

“The whilk day Williame, Erle of Monteith, President of his Majesteis Counsell, Justice-generall of this kingdome and ane of the commissioners nominat be his Majestie for halding of justice and circuit courts, for himselfe and in name of the remanent commissioners and justices nominat be his Majestie for halding of the saids courts, gave in to the Lords of Secreit Counsell the questiouns underwrittin and desyred the saids Lords thair answeres thairunto, whilks questiouns being read and considerit be the saids Lords they gave thair answeres thairunto in maner following:—

“QUESTION. First to acquaint the Lords of Privie Counsell that the forme of uptaking of dittayes of auld wes be ane precept directed be the Justice-generall to the shireff of ilk shyre commanding him to summond a number of persouns of best fame, qualitie and abilitie within the shyre, to compeir before the Justice Clerk and his deputs to give up the Kings dittayes, and thairfoir to inquire of the Lords if this forme sall be kept as it wer of auld or if it sall be according to the Act of Parliament made in *anno* 1587. ANSWERE. It is voted and agreed be the Lords of Privie Counsell that the auld forme of uptaking of dittayes sall be observed in thir justice courts now appointed to be haldin throughout the kingdome.

Fol. 45, b.

“QUESTION. If the roll of the crymes with that clause whilk is referred to the Justice-generall sall be subscriyved be the Lords of Privie Counsell or givin out be the Clerk of Counsell under forme of Act. ANSWERE. It is voted and agreed that this roll with the claus foresaid sall be givin out be the Clerk under forme of Act.

“QUESTION. If the Treasurer want his deput in everie ane of the criminall courts, sall not ane warrand be granted be the Lords to the Lord Cheefe Justice and to the commissioners of justiciarie in thair severall circuits to proceid in tryell of criminalls, notwithstanding of the absence of the Thesaurar or his deputs. ANSWERE. The Lords ordanis that this article sall be insert in the Act of Counsell made in the Thesaurars favour anent thir courts.

“QUESTION. If Mr. Patrik Browne sall be commandit be the Counsell to direct messingers to proclame the justice courts and to ressave frome the Clerkes the precepts to be delyvered to the shireffs for summonding of persouns to give up dittay. ANSWERE. The desire of this article sall be obeyed.

“QUESTION. Whair thair is no crowners in the severall shyres of

Acta February
1628-July
1629.
Fol. 45, b.

this kingdome to discharge that dewtie and service in thir justice courts whilk is proper to thair place and office, what course sall be tane to supplee this defect and want of crowners. ANSWERE. The Lords gives power and commissioun to the Lord Cheefe Justice or to the Commissioners and Justices in thair severall circuits to make choise of some sufficient persouns in everie shyre to supplee and discharge the office of crowner whair thair is no crowners knowin to be within the shyre."

"Instructionns givin be the Lords of Privie Counsell to the commissioners nominat be the King's Majestie for keeping of justice and circuit courts throughout the severall pairts of this kingdome tuicheing the forme of thair proceeding, and upoun what crymes or breake of penall statuts the saids commissioners sall proceid in the saids courts.

Fol. 46, a.

"The Lords of Seereit Counsell gives power and warrant by thir presents to the saids justices and commissioners within thair severall circuits to sitt, cognosce and proceid aganis persouns guiltie of the crymes particularlie underwrittin, and of the breake and violatioun of the penall statuts following or suche and so manie of thame as the Lord Cheefe Justice of this kingdome sall thinke meit and expedient, to whois discretioun in this point the saids Lords remitts and referres the same, viz.—Aganis the sayers and hearers of messe; aganis abusers of the sacrament; aganis Jesuits and seminarie preests and the resettters and suppleers of thame; aganis witches, sorcerers, necromancers and seekers of answeres or helpes at thame; aganis excommunicat persouns or resettters of thame; aganis incestuous persouns; aganis adulterers; aganis mariers of two wyffes or two husbands; aganis forestallers and regraiters of mercats; aganis resettters, intercommouners and suppleers of tratours; aganis perturbbers of the kirk in tyme of divine service; aganis Papists bearing publict office; aganis Papists, teachers of youth; aganis raisers of fyre and burning of houses; aganis ravishing and rapt of weomen; aganis murderers and committers of slaughter, mutilatioun and dismembring; aganis the hurters and wounders of persouns upon old feid and forethought fellonie; aganis fals notars and witnesses first civillie tryed; aganis fals officiairs of armes, usurping the office thairof, not being laughfullie admitted or users thairof after thair deprivation: aganis theeves, resettters of theeves, outputters of trew mens goods and imbringers of theeves; aganis sorners, vagabounds, maisterfull beggers, fainzied fooles and counterfoote Egyptians; aganis bearers or shootters with hacquebutts or pistolets; aganis slayers or hoghers of oxin or others goods; aganis cutters and destroyers of growing trees, plewes, milnes or cornes; aganis rynders [purifiers], barrellers and melters of talloun and transporters thairof out of the kingdome; aganis transporters of forbiddin goods beyond sea, suche as linnen cloath, victuall and talloun, etc.; aganis ockerers [usurers] and givers out of money for weekelie or yeerelie

profite abone ten of the hundreth in the yeere; aganis havers of Acta February 1628-July 1629.
 uncustomed merchandice out of the kingdome; aganis users of false Fol. 46, a.
 weights, metts or measures; aganis breakers of wairds or prisoun
 houses; aganis fraudfull mixers of wyne; aganis the convoca-
 tioun of the Kings lieges in armes and comming to courts other-
 wayes nor in sober maner; aganis great and maisterfull reavers and Fol. 46, b.
 oppressours; aganis maltmen that exceeds the pryce betuix the beir
 and the malt; aganis deforcers of officers being first civillie discussed;
 aganis slayers of rid fishe or smolts in forbiddin tyme; aganis officers
 using extortiou in taking brybes fra assysours to stay at hame after
 thair summonding; aganis fleshours bringing flesh to the mercat without
 skinne or birne; aganis makers of superfluous bankets and feasts; aganis
 users of confectionours or drogges inordinatlie; aganis keepers of victuall
 to ane dearth; aganis persouns at the horne for capitall crymes;
 aganis assieging of houses with convocatioun; aganis stealers of pyckes
 out of stankes; aganis breakers of dowcats, orchards and yairds; aganis
 stealers of beeskaips; aganis slayers of parked deir, raes and raebuckes
 within other mens woods or schawes; aganis pyckers; aganis takers of
 blacke maill; aganis non-communicants; aganis sitters under assurance
 of theeves; aganis the not rysers to affrayes and following of theeves,
 causers thairof; aganis stealers of hawkes, hounds, pertrickes, dookes
 and coneis, etc.; aganis makers of mureburne in forbiddin tyme; aganis
 the givers or takers of bands of manred; aganis halders of cruces
 or yairs; aganis makers or spreaders of infamous libells or seditious
 speeches; aganis the putters or layers of greene lint in loches or
 running waters; aganis packers, peillers, barrellers or transporters of
 herring furth of the realme before Michaelmes yeerelie; aganis slayers
 of salmound fish in forbiddin tyme or of kipper smolts and blacke fishe
 at anie tyme within the rivers of Tweid and Annand; aganis the
 uplifters or intromettours with calps discharged be Act of Parlia-
 ment; aganis the buyers and blockers of victuall and sellers out thairof
 with a peck to the boll contrare to the law; aganis the takers of
 annuell fra parteis before the terme of payment; aganis herriers of
 hawke nests and hunters in tyme of snow; aganis hawking and hunt-
 ing by suche persouns as hes not in heritage ane pleuche of land;
 aganis the biggers of dowcats contrare to the law. And tuicheing
 persouns delaited of making, printing and outputting of false coince
 the saids justices sall take tryell of the said cryme, committ the
 criminalls if they be found guiltie and report the estait of the processe Fol. 47, a.
 to the Lords of his Majesteis Privie Counsell to the intent they may
 give ordour and directioun anent thair punishment as accords. And
 tuicheing the wilfull ressetters, suppleers and intercommouners with
 rebels ather forefeyted for odious crymes or denounced for slaughter,
 that dittayes be tane up aganis thame and report thairof made to his
 Majesteis Counsell to the intent they may give forder ordour thair-

anent as accords. And tuicheing the makers and counterfooters of false writts and such as ar accessorie thairto that dittayes be tane up aganis thame and the dittayes reported to his Majesteis Counsell. And tuicheing persouns guiltie and convict in the said courts of anie capitall crymes justlie and worthilie deserving death, whilks crymes hes beene formerlie punished be death, that the saids commissioners caus execute the lawes aganis thame and on na wayes fine nor compone with thame. And tuicheing persouns to be convict in the saids courts and fynned for anie crymes whilks hes beene in use to pas remissiouns under the great seale, that the saids justices and commissioners committ thair persouns to waird till they find cautioun for expeding of thair remissiouns throw the great seale."

Acts February
1628-July
1629.
Fol. 47, a.

Commission under the Signet to Sir John Hamiltoun of Prestoun and Sir Samwell Johnestoun of Elphinstoun, knight baronet, as justices to hold courts and try Janet Strauchane, spouse to Walter Finlaysoun in Prestounpannes, Beatrix Cuthbertsoun there, Janet Darling, spouse to David Thomsoun, there, and Janet Boyd there, who have been suspected of witchcraft, and on examination "have confest the renuncing of Christ and thair baptism, thair service of the devill, and sundrie other points of devilrie and witchcraft." Signed by St. Andrewes, Monteith, Hadintoun, Linlithgow, Hamiltoun, S^r Thomas Hoip, and Scottistarevett.

Holyrood
House, 8th
August 1628.
Commission to
Sir John
Hamilton and
Sir Samuel
Johnston to
try Janet
Strauchan and
others in
Prestounpannes
for witchcraft.

Royal Letters
1624-32.
Fol. 141, a.

"Most sacred Soverane, Upoun the receipt of your Majesteis letter and of the patent grantit be your Majestie to the Erle of Linlithgow and his partners for making of saltpeter powlder and matche, quhilk we accompt to be ane worthie and necessar worke for the credite and good of the kingome, some commissioners for the burrowes, quho wer heere for the tyme, getting notice of this patent and apprehending some prejudice thairby, desyred to be heard, whairin being satisfied and inspectioun of the patent grantit unto thame they gave in some reasouns in writt aganis the same especiallie aganis the making of opin doores and digging in vaultes and sellers as by the copie of thair reasouns your Majestie will perceave; quhairupoun both pairteis being at lenth heard the patentee verie instantlie urged the expeding of his patent with the claus foresaid affirming constantlie that the worke cannot take effect without that claus, and the other partie wes als instant to have the patent stayed till thair reasouns wer seene be your Majestie and your royall pleasure thairanent returned; we have for both thair satisfaciouns tane this course that the patent sall be exped upoun the Erles promise and writt givin to us that he sall not enter nor digge in ane hous within the burrowes of this kingdome without consent of the awner till your Majesteis pleasure be returned and he accordinglie warranted be your Majesteis Counsell; we have lykewayes with the said Erles awin consent explained and cleered some other points and heeds of his patent, as by the particulars thairof heerewith sent to your Majestie will appeare; and

Holyrood
House, 8th
August [1628].
Letter to his
Majesty anent
the Earl of
Linlithgow's
patent.
See ante, p. 434.

Fol. 141, b.

so attending the returne of your royall pleasure anent the premissis quhen the conveniencie of your more important effaires will permitt, we pray the almightie God to watche over your sacred persoun and to blesse your Majestie with a long and happie raigne, and we rest. Halyruidhous 8 August. *Subscribitur*, St. Andrewes, Menteith, Hadintoun, Ad. B. of Dumblane, Sr Thomas Hoip, Sr J. Hamilton, Sr Johne Scot. ”

Royal Letters,
1623-32.
Fol. 141, b.

The Earle of
Annandale and
Lord Herries.

“ Ane missive frome his Majestie in favouris of the Earle of Annandaill aganis the Lord Hereis and according thairto the Lordis ordanis intimatioun to be maid to the commissionaris and clerk of the Exchequer that no gift of esheit nor lyfrent nor no infeftment of the Lord and Maister of Hereis landis be past bot in favour of the Earle of Annandaill. ”

Sederunt,
1625-29.
Fol. 97, b.

Colonel
Sinclair.

“ The Lordis ordanis the Clerk to tak caution of Colonell Sinclair for performance of his conditionis anent the Lordis Gray and Kinlevin be advise of ony tua of the Counsell. ”

Edinburgh,
20th August
1628.

Mr. George
Haliburton's
acceptance of
the Commis-
sion of
Justiciary.

“ The whilk day in presence of Sir Thomas Hoip of Craighall, knight baronet, his Majesteis Advocate, compeered personallie Mr. George Halyburtoun of Foderance, ane of the Senatours of the Colledge of Justice, and accepted upoun him the commissioun granted be his Majestie to the Lord Balcolmie and him for halding of justice aires and circuit courts within the bounds of thair commissioun, and gave his oath *de fidei administratione*. ”

Acta February
1628-July
1629.
Fol. 47, a.

Holyrood
House, 28th
August 1628.

Sederunt.—Monteith, præses; Wintoun; Linlithgow; Lauderdaill; Lord Areskine; Lord Melvill; Lord Carnegie; Advocate; Clerk of Register; Justice Clerk; Sir John Scot.

Representa-
tion by his
Majesty's
Advocate
anent the
Commissioners
for the small
barons and
freeholders.

“ The whilk day Sir Thomas Hoip of Craighall, knight baronet, Advocat to our Soverane Lord, represented to the Lords of his Majesteis Privie Counsell that he wes certified frome some of the shireffs of the severall shyres of this kingdome that at the late electioun of the commissioners for the small barons and freeholders of the saids shirefdomes to Parliaments for this yeere thair wes some doubt moved if these who formerlie wer vassalls to the Lords of Erectiouns be now vassalls to his Majestie and if they might be chosin commissioners to Parliaments and Generall Counsellis for the saids small barons and freeholders; and seing be the lait surrenders and resignatiouns made in his Majesteis hands be the Lords of Erectiouns of thair superioriteis of the saids erectiouns his Majestie is now become immediat superiour to all the vassalls and freeholders of the saids erectiouns; Thairfoir the said Lord Advocat humblie craved of the said Lords that they would wryte to the shireffs to cleere thame of this thair doubt and to certifie thame that these who wer formerlie vassalls to the Lords of Erectiouns ar now his Majesteis vassalls, and so may be laughfullie chosin commissioners. The Lords haveing

Fol. 47, b.

Acta February 1628-July 1629. Fol. 47, b. heard the Advocats proposition they thinke that it properlie belongs to himselfe to answer and cleere the doubt foresaid, and advises him to send to the shireffs a copie of the proclamatioun made to that purpose."

Fol. 48, a. "Forsameekill as at the lait dyet kepted be some of the small barons and freeholders of the shirefdome of Edinburgh for confirming the former electioun made be thame of commissioners for the said shirefdome to attend his Majesteis Parliaments and Generall Counsellis for the yeere to come the persouns underwrittin, they ar to say, Sir Robert Fairlie of Braid, Sir Williame Nisbit of the Deane, Prestoun of Quhythill, Mr. Williame Adamesoun of Graycruik, John Cowper of Gogar, and James Duncane of Rathow, compeered and consented to the continewing of the saids commissioners for the yeere to come, and being desired to subscriye the act anent the continewing the saids commissioners to the intent the same might be autentick and accordingleie ressaved in Parliament, they refused to subscriye the said act, sua that the same act wanting the subscriptiouns could be of no force and the commissioners nominat thairin will not be ressaved nor admitted to have vote in Parliament to the disappointing of his Majesteis service without remeid he provydit. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging the persouns particularlie abonewrittin to compeir personallie before the saids Lords upoun the xxiiij day of September nixt to answer upoun thair refusall to subscriye the act whairby they consented to the continewing of the commissioners of the said shirefdome for the yeere to come, and to heare and see thame decerned to subscriye the said act or ellis to shaw a reasounable caus why the same sould not be done; and that they compeir personallie to the effect foresaid under the pane of rebellious, etc. with certificatioun."

(Omitted in its proper place in the Register.)

Charge against some barons of Lothian.

See ante, p. 418.

[Sederunt as recorded above.]

Decreta, November 1627-January 1630. Fol. 116, a.

Fol. 116, b.

Complaint by the moderator and brethren of the Presbytery of Dumfries as follows:—In pursuance of the directions to presbyteries in the Act of Parliament of June 1594, they instituted proceedings against John Maxwell of Middlebie, a professed papist, and as he contemptuously refused to compear, he was excommunicated by them, of which censure, however, he is regardless. Charge having been given to the said John Maxwell to compear with proofs of his obedience under pain of horning, and the pursuers compearing by Mr. Harbert Glaidstains, minister at Traqueir, one of the said presbytery, but the defender not, the Lords ordained him to be put to the horn and escheat.

Holyrood House, 28th August 1628.

Complaint by the moderator and brethren of the Presbytery of Dumfries against John Maxwell of Middlebie, a professed Papist.

Complaint by Thomas Johnestoun, cordiner, burges of Selkirk, as follows:—Being urged by Andrew Ker and Robert Scot, bailies of Selkirk, to allow John Dalgleish, his neighbour, "to carie his materialls" through his house, and because he judged the demand unreasonable and refused, they "caused harle him to thair tolbooth" and keep him in

Complaint by Thomas Johnestoun, cordwainer, burges of Selkirk, against Andrew Ker

and Robert
Scot, bailies of
Selkirk, for
wrongous
imprisonment.

strait prison, suffering none of his friends to have access to supply his necessities. Being "bot a poore craftisman, haveing nothing whairwith to interteane his poore familie bot his handie labour, whairfra he wes debarred by his imprissonment, he caused bring in to the tolbuith of Selkirk a nolt hyde to have shaippin the same and to have givin it to his servants to have beene putt in worke for maintenance of his familie," but the said bailies caused their officers to take it from him. Charge having been given to the said bailies to appear and produce the pursuer, and both parties compearing, the defenders justified their action by producing an act of their burgh dated 18th July last ordaining the pursuer, with his own consent, to allow the said John Dalgleish, burgess of the said burgh, to carry "divvets and other materialls throw the entrie of his hous for beiting and repairing of the said Johnne his backe hous." Upon production of this act the pursuer asked instruments, and the Lords ordered the defenders to put him to liberty, but also ordain the pursuer to obey the said act, "conforme to the use of burgh and good nighbourheid," under pain of warding, and to pay to every one of the witnesses summoned twenty shillings.

Decreta.
November
1627-January
1630.
Fol. 116, b.

Fol. 117, a.

Commission to
Sir Thomas
Hope and
others to
examine Janet
Schitlingtoun
anent the
death of the
late Earl of
Lothian, on
whom she is
accused of
practising
devilish
devices.

Supplication of the brothers and sisters of the late Earl of Lothian, as follows :—Their Lordships had superseded the execution of Meg Unes and Janet Schitlingtoun till they were more narrowly examined. The examination had been undertaken by the ministry of Edinburgh and others, and the depositions show that the said Janet had been accessory "and upoun the foreknowledge of the death of the saids supplicants umquhill brother in so farre as she hes confessed that she caried him at evill will, and that she raised the devill and consulted him anent her revenge, which ar verie pregnant presumptiouns to inferre a probable conclusioun that she had a hand in his death." For the better trial of the truth of this they crave that their lordships will appoint some of their own number to deal with the case, whereupon the lords grant commission to Sir Thomas Hoip of Craighall, knight baronet, his Majesty's Advocate, Sir George Elphinstone of Blythiswod, knight, Justice Clerk, and Sir Johnne Scot of Scottistarvett, Director of Chancery, or any two of them, to call the said Janet Schitlingtoun, prisoner in the tolbooth of Edinburgh, before them, and examine her as to what she knows of the said Earl's death, the manner and circumstances thereof, and who were accessory thereto, and to report next Council day, so that further justice may be done therein.

Fol. 117, b.

The same
Commissioners
to examine
Meg Unes
anent the
death of Lord
Borthwick.

Similar supplication by James Borthuick of Newbyres, as follows :—Their lordships had superseded the execution of Meg Unes till she should more narrowly be tried on a charge of witchcraft; and now there are many "cleere and pregnant presumptiouns that she has beene accessorie to the death of the lait Lord Borthuick, and of the said supplicants wyffe and childrein." The Lords therefore appoint the same three commissioners to investigate this case and report as above.

Fo

Decreta,
November
1627-January
1630.
Fol. 118, a.

Robert Johnstoun in Moffatt and Ninian Halyday in Beddacolme compear and enact themselves, each in £100, not to reset Andrew Davidsoun in Moffatt, while he remains at the horn.

Resetting of
Andrew
Davidson in
Moffat.

Complaint by George Maxwell, apparent of Garrarie, as follows:— He has been arrested and detained for a long time in ward in the tolbooth of Edinburgh by sundry of his creditors, viz. Andrew Millar, tailor in London, for 600 merks of principal, 200 merks of expenses and arrears of interest; Andrew Millar and Andrew Killoch for 400 merks of principal, 60 merks of expenses and arrears of interest, and Mr John Boog, merchant in Edinburgh for 650 merks; and the said Andrew Killoch, and Mr. George Low, servitor to Sir James Skeene, have not only arrested the complainer at their own instance as assignees for the said Andrew Millar but doubled the arrestments at Andrew Millar's own instance, and stopped the complainer's suspension, though he then offered sufficient caution, which now he cannot do, as through his long warding and the great oppression of his friends his rents are lifted, his corn and cattle meddled with, and his lands for the most part cast waste. He has always been willing to assign to the said creditors his ten merk land called the Knock, the yearly rent of which is 600 merks, and another ten merk land called the Craig and Respein, the yearly rent of which is 800 merks, and which lands are no way burdened, till their debts are fully paid. If the Lords take not some course for his relief, he will perish from famine. Charge having been given to the said Mr. John Boig, Mr. George Low and Andrew Kinloch, to see the pursuer released or provide means for his entertainment in ward, and to George Suttie, one of the bailies of Edinburgh, to produce the pursuer, and the pursuer, the said Mr. George Low, and Mr. John Boig compearing personally and Andrew Kinloch by James Gibsoun, his procurator, the Lords ordain the pursuer to deliver his writs of the lands named to the defenders that they may be advised therewith against next Council day, 24th September next, and meanwhile they order five shillings to be paid by the defenders proportionally to the pursuer daily for his entertainment till then.

Complaint by
George Max-
well against
Mr. George
Boig and
others for
wrongous
imprisonment
in the Tolbooth
of Edinburgh.

Fol. 118, b.

Fol. 119, a.

Complaint by Sir Alexander Nisbitt of that Ilk, sheriff principal of Berwick, as follows:—He has lately been charged at the instance of William Watt, merchant tailor in London, to search for, apprehend and imprison Sir James Home of Eckills, and Sir George Home, apparent thereof, and Alexander Home, his sons, and to take their houses and report the inventory of their goods, etc.—thé said Sir James to be denounced rebel in case of disobedience. It is notoriously known to all the country that long before the giving of this charge both Sir George and Alexander Home, his brother, were out of the country, the former "in service with Sir Williame Alexander to Nova Scotia, and the said Alexander with the Erle of Mortoun in his Majesteis service," and that they are still abroad. As for Sir James Home, he also is fugitive and cannot be taken within

Suspension of
horning against
Sir Alexander
Nisbet of that
Ilk, who had
failed to
apprehend Sir
James Home
and others at
the instance of
William Watt.
See ante, p. 314.

the complainer's jurisdiction, though the complainer and his deutes had searched for them "at thair wounted dwelling place of Eckills." He had also caused David Nisbitt, his depute, on 8th July last, search through the whole chambers and office houses thereof, but he could not find him, when he took inventory of the furniture therein "being onlie timber beds and boords; as alsua tooke the keyes and inclosed Andrew Howatsoun, messenger, and closed him within the place of Eckills," as instruments taken thereon and produced slow. Still for obedience and obviating horning, he has found caution for apprehending the said rebels whenever the said William Watt shall show him that they are within his jurisdiction. He therefore craves suspension of the horning. Charge having been given to the said William Watt, and the pursuer compearing by Mr. James Nisbitt, advocate, his procurator, but the defender not, the Lords suspend the horning as craved.

Decreta.
November
1627-January
1630.
Fol. 119, a.

Fol. 119, b.

Holyrood
House, 28th
August 1628.
Commission to
John Burnet of
Barns to try
Patrick Faa,
gipsy, for
the slaughter
of William
Turnbull.

Commission under the Signet to John Burnet of Barns, as justice, to hold courts in the tolbooth of Peebles or elsewhere and try one of the counterfeit thieves and limmers called "Egyptians," who on 19th August instant shot the deceased William Turnbull, "cowper" in Heriot town, through the head with a pistol, and killed him, and being taken "with the bloodie hand," was imprisoned in the place of Traquair, where he now is. Signed by Monteith, Wintoun, Galloway, Carnegie, Hamiltoun, S^r Thomas Hoip and Scottistarvett.

Commissions
1624-30.
Fol. 175, a.

Commission to
Mr. John
Sandilands and
Mr. Hew
Douglas, bailie
of Niddrie, to
try Janet
Wright for
witchcraft.

Commission under the Signet to Mr. John Sandelands, one of the ordinary advocates before the Lords of Council and Session, and Mr. Hew Dowglas, bailie of Nidrie, as justices to hold courts and try Janet Wright, spouse of James Baderstoun in Nidrie, who by her own depositions has been for the last 18 or 19 years "a consulter with the devill, hes ressaved his marke, renounced her baptisme and givin herselfe over to the devill's service." Signed as above.

Fol. 175, b.

Commission to
Sir John
Dundas and
others to try
Isabel Thom-
son and others
for witchcraft.

"The lyke commissioun granted to Sir Johne Dundas of Arnestoun, Mr. Patrik Hamiltoun of Little Prestoun, Mr Patrik Edmistoun of Mr. Robert Case appearand of Fordell, and Adame Walker of Caikmure, for putting of Issobell Thomsoun in , Christian Tailyeour in , and Alesoun Chapman in , to ane assyse for witchcraft of the dait and subscrivit *ut supra*."

Commission to
the Bailie of
Carrick and
his deutes to
try William
Davidson and
others for
notorious
thieving.

Commission under the Signet to the bailie of the bailiary of Carrick and his deutes to search for, apprehend, imprison and try William Davidsoun in Dalincover, Rowie Davidsoun, his father, and David Kippell in Layne, who in the depositions of several honest and famous men living in the bailiary aforesaid are declared to have been for many years notorious and strong thieves and masterfull oppressors of the subjects dwelling near them. The two Davidsouns, having fled to Ireland to escape punishment and followed the same course of life there, have now for the like reason fled back to Scotland and resumed their thievish course. The Commissioners before proceeding to the trial of the said

Fol. 176, a.

Commissions,
1624-30.
Fol. 176, a.

persons are to report their depositions to the Council and receive their further directions. Signed by the same Lords.

Royal Letters,
1623-32.
Fol. 144, n.

"After our verie heartilie commendatiouns to your goode lordship. Whairas the Kings Majestie haveing appointed some circuit and justice courts within this kingdome thair is numbers of persouns, being conscious to themselfes of thair guiltines of some capitall crymes committed be thame, and fearing the event of thair tryell in the courts, they have tane the crymes upoun them and ar seeking occasioun to transport themselfes from thence towards Ireland quhair they intend to lurke and ly till thir courts be endit and then to returne backe; these ar thairfoir to desyre and requeist your good lordship to caus diligent attendance to be givin at Portpatrik and others ports within the bounds of your charge that nocht persouns quhatsomever except knowne gentlemen and undertakers for the Yrish plantatioun be transported without a sufficient testimoniall frome the shireff of the shyre or soome [sic] justice of peace or be thair maisters, being gentlemen of good qualitie, that they ar answerable and lawbyding subjects. Quhairin hoping that yow will have that care quhilk the good of the countrie in suche a caise requires; we committ your lordship to God. From Halyruidhous, 28 August 1628. *Subscribitur*, Monteith, Hamiltoun, S^r G. Elphinstoun, S^r Thomas Hoip."

Holyrood House, 28th August 1628. Letter to the Viscount of Airds anent criminals fleeing to Ireland.

Fol. 144, b.

"After our verie heartilie commendatiouns. Quhairas it is verie likelie that numbers of persouns quho ar arreisted to the justice courts will preasse in the conscience of thair guiltines to transport them selfes out of this kingdome; these ar thairfoir to will and require yow to give diligent attendance and to provyde that within the bounds of your charge no persoun quhatsomever except gentlemen be suffered to be transported to Ireland without a testimoniall frome the shireff of the shyre or some justice of peace or be thair maisters, being gentlemen of good qualitie, that they ar answerable and lawbyding subjects; quhairin resting assured of your diligence and care we committ yow to God. Frome Halyruidhous the 28 of August 1628. *Subscribitur*, Monteith, J. Hamiltoun, S^r Thomas Hoip, S^r George Elphinstoun."

Holyrood House, 28th August 1628. Letter to the provost and bailies of Ayr anent fugitives from the justice courts, who sought refuge in Ireland.

Sederunt,
1625-29.
Fol. 98, n.

"Ane letter frome his Majestie anent the frauchting of strangearis shippis; the consideratioun thairof remittit to the nixt Counsall day, and the proces formarlie led in that bussynes to be produceit that day."

Letter from his Majesty anent fereign ships.

"The whilk day the Lordis admittis the excuse maid be Mr. Walter Quhytefoorde for not reporting a list of the number of fensible personis within Annandail and freethis him of the dangeir of horning."

Mr. Walter Whiteford.

"That missives be direct to the commissioneris for fensing of the Parliament and to the personis nominat be his Majestie to be the shireffis."

Fencing of Parliament.

"A letter to the Vicount of Airds and another to the provest and baillies of Air that no suspect personis have passage to Irland at Portpatrik or Air without a laughfull testimoniall frome thair maister, shireff or justice of peace."

Fugitives to Ireland.

Eodem die post meridiem sederunt ut supra unacum Comite de Galloway.

Sederunt,
1625-29.
Fol. 98, b.

Intimation to
Sir Lewis
Lauder anent
his mending of
the highway.
The next diet
of Council.

“The quhilk day intimatioun wes maid to Sir Lues Lauder, shireff of Edinburgh, to repair the hieway betuix Edgebuckline Bray and the Watter of Almond, whilk he, being personalie present, proumeist to do.”
“The nixt Counsall day appointit to be upoun the xxiiij of September nixt.”

Holyrood
House, 31st
August 1628.
Letter to the
Commissioners
appointed for
fencing the
Parliament.

“After our verie, etc., to your good lordship. Whairas it hes pleased the Kings Majestie to make choise of your lordship with some others to be his Majesteis commissioners for fencing and continewing the high Court of Parliament quhilk wes proclaimed to be halden at Edinburgh and to have begunne upon the fiftein day of September, these ar thairfoir to requeist and desyre your good lordship to make your addresse heere in dew and lafull tyme to the intent your lordship may be readie the said fyftein day of September in the forenoone to conveene and meete with the rest of the commissioners in the Tolbuith of Edinburgh and concurre with them in the fencing and continewing of the said Parliament. Quhilk looking assuredlie your lordship will doe we committ your lordship to God. Frome Halyruidhous the last of August 1627. *Subscritur*, Monjeith, Hadintoun, Galloway, Areskine, S^r Thomas Hoip, S^r George Elphinstoun.”

Royal Letter,
1623-32.
Fol. 144, b.

Holyrood
House, 31st
August [1628].
Letter to
persons
nominated
to be sheriffs
of the king-
dom.

“After our, etc. Wheraas it hes pleased the Kings Majestie to make choise of yow to be shireff principall of the shirefdome of for this nixt yeere, these ar thairfoir to requeist and desyre yow to make your addresse heere to his Majesteis Counsell upoun the 24 of September to give your oath and accept the charge upoun you; whilk looking assuredlie yow will doe we committ yow to God. Frome Halyruidhous the last of August. *Subscritur*, Monteith, Hadinton, Areskine, S^r Thomas Hoip, S^r G. Elphinstoun.”

Holyrood
House, 31st
August [1628].
Letter to Lord
Yester desiring
him to arrest
his kinsman,
Captain James
Hay, who had
challenged
Colonel
Sinclair to the
combat.

“After our verie heartilie commendatiouns to your good lordship. Understanding how that Captane James Hay, your lordships kinsman, aganis his Majesteis lawes did openlie appeale Colonell Sinclair to the combat and that the said Colonell with the lyke contempt of auctoritie accepted the challenge and appointed the place of meeting, we gave present ordour for apprehending the said Colonell and committing of him to the Castell and becaus the course of justice requires that the lyke ordour be tane with the said Captane Hay, these ar thairfoir earnestlie to intreate your good lordship to make diligent searche and inquire for the said captane, and being apprehendit to enter him in the Castell of Edinburgh thairin to remaine quhill some course and ordour be tane for assuring of the peace and reconciling of the pairteis; for doing quhair of these sall be unto your lordship and to the captane and constable of the Castell a sufficient warrand and commissioun. Halyruidhous, the last of August. *Subscritur*, Monteith, Hadintoun, Galloway, Areskine, S^r Thomas Hoip, S^r G. Elphinstoun.”

Fol. 145, a.

Acta February 1628-July 1629. Fol. 47, b. " The whilk day in presence of Williame, Erle of Monteith, President of the Counsell, compeirit personallie Sir Thomas Hendersoun of Chesters and accepted upoun him the commissioun granted be his Majestie to the Maister of Jedburgh and him for halding of Justice Courts within the bounds of thair commissioun and gave his oath. "

Edinburgh, 1st September 1628.

Sir Thomas Hendersoun's acceptance of the Commission of Justiciary.

Royal Letters, 1628-32. Fol. 145, a.

" After, etc. Whairas upoun occasioun of the unhappie slaughter of umquhill Johne Young, lait clerk to the Commissioun of the Middle Shyres, the registers and rolls concerning that service wer delyvered unto yow, and becaus the knowledge and inspectioun thair of will give great light and ground for forming of dittayes aganis persouns guiltie of the contraventioun of his Majesteis lawes and will facilitat thair tryell at the justice courts appointed to be haldin within these bounds ; these ar thairfoir to will and require yow to make the registers and scrollis patent to the Justice Clerk, his deputs and others, haveing warrand frome him, to the intent the transgressours of his Majesteis lawes may be the more easilie discovered and found out and thair guiltines cleered and made knowne to the assyse ; quhairin nothing doubting of your readie obedience in a mater so highlie concerning his Majesteis service and the peace and quyet of the countrie, we committ yow to God. Frome Halyruidhous, the first of September 1628. *Subscribitur*, Monteith, Galloway, S^r Thomas Hoip."

Holyrood House, 1st September 1628.

Letter to the Lairds of Amisfield and Lag anent the slaughter of John Young.

Acta February 1628-July 1629. Fol. 47, b.

" Forsameekill as albeit all singular combats and the directing of challenges be word or message to that effect hes beene straitlie prohibite and dischairgit be the lawes of this kingdome, notwithstanding it is of truthe that Mr. James Hay, callit of Barro, hes of lait in contempt of the law and misregaird of his Majesteis auctoritie challenged Colonell James Sinclair to the singular combat and appointed the tyme and plaice of thair meeting with others circumstances usuall in suche combats. For the whilk his contempt he aucht to be punished in his persoun and goods to the terrour of uthers to committ the lyke. Thairfoir the Lords of Secret Counsell ordanis letters to be direct charging the said Mr James Hay personallie if he can be apprehendit and failyeing thair of at his dwelling plaice, and be opin proclamatioun at the mercat croce of the heid burgh of the shyre whair he dwellis, to compeir personallie before the saids Lords upoun the xxiiij day of September instant and answere to the premisses under the pane of rebellion, etc., with certificatioun etc.; and in the meane tyme whill the said day and forder whill the saids Lords take ordour in this mater to command and charge the said Mr James Hay to observe our Soverane Lords peace and keepe good rule and quyetnes with the said Colonell Sinclair and that he onnawayes presooome nor take upoun hand to direct anie challenge to the said Colonell nor to answere or ressave anie challenge to be sent unto him fra the said Colonell nor keepe no tryst nor meetings for that effect under the pane of a thowsand pund, with certificatioun to him and he

Holyrood House, 3rd September 1628.

Anent the challenge to the combat between Captain John Hay and Colonel Sinclair.

See *ante*, p. 446.

failye, that he sall be decerned to have incurred and to incurre the said pane of a thowsand pund, and letters sall be direct aganis him for payment of the said sowme to his Majesteis Thesaurar and Deputie Thesaurar in his Majesteis name and to his Majesteis use in forme as effeirs.” Acts February
1628-July
1629.
Fol. 47, b.

Holyrood
House, 15th
September
1628.

Warrant from
his Majesty
postponing
the assembling
of Parliament
from Septem-
ber till the
15th April
following in
consequence of
the postpone-
ment of his
Majesty's
visit.

Sederunt.—Monteith, præses; Hadintoun, Privy Seale; Wintoun; Linlithgow; Master of Jedburgh; Sir Archibald Achesoun; Clerk Register; Advocate; Sir John Scot. Fol. 48, a.

“ Forsameekill as the Kings Majestie out of his earnest desire to visite this his ancient kingdome haveing resolved to have repaired heere in persoun in this instant moneth of September for ressaveing of his crowne and halding of a Parliament and bringing of these things to a perfectioun whilks his Majestie hes intendit for the good of his said kingdome, yitt in respect of manie great impediments and difficulteis interveening in this meane tyme his Majestie hes beene moved to delay his comming heere till the nixt Spring, and for this effect his Majestie hes givin ordour and directioun by commissioun for continewing of the said Parliament whilk wes proclamed to have begunne upoun the fyftein day of September instant untill the fyftein day of Apryle nixtcome with continewatioun of dayes, whilk day his Majestie hes made choise of for beginning of the said Parliament and is resolved, God willing, to keepe the said dyet preciselie in persoun; Thairfoir the Lords of Secreit Counsell according to his Majesteis warrand and directioun send unto thame for this purpose ordanis letters to be direct charging heraulds, maissers, and officiairs of armes to pas to the mercat croces of the heid burrowes of this kingdome and thair be opin proclamatioun to make publicatioun and intimatioun of the continewing of the said Parliament until the said fyftein day of Apryle nixtcome with continuatioun of dayes, and to wairne all and sindrie prelats, noblemen, commissioners for the small barons and burrowes and all uthers having plaice, office, service or attendance in the said Parliament, that they and everie aue of thame attend and await upoun the same the day foresaid with continewatioun of dayes and doe and performe that whilk to thair plaices and charges apperteans, with intimatioun as effeirs. Followes his Majesteis missive for warrand of the Act abonewrittin. CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counselours we greete yow weil. Though out of ane earnest desire that we had to see that our ancient kingdome and to bring these things to perfectioun which we have intended for the good thairof we had resolved to have repaired at the tyme formerlie declaired unto yow, yitt after the sight of your letter whairby yow represented unto us not onelie the difficultie bot in a maner the impossibilitie to have things in readnesse for Fol. 48, b.

Acta February
1628-July
1629.
Fol. 48, b.

the receaveing us aganis that tyme, we have yeilded to your desire in delaying the tyme of our conning, haveing givin commissioun to continew the Parliament whilk wes callit till suche dayes as we sould be pleased to appoint which we have beene pleased to doe that yow may be the more carefull to have all things prepared in dew forme and that a convenient tyme might be allowed for repairing our houses and prepariing all things necessarie for our interteanement. And to the end our subjects may be acquainted with the tyme of the continuatioun and tyme appointed for beginning of our said Parliament our pleasure is after the prorogating thairof according to our commissioun sent yow for that effect that yow give wairning to all our subjects in suche maner as yow sall thinke most requisite that we have made choise of the fyfteen day of Apryle nixt for the beginning of our said Parliament which we intend, God willing, to keepe in persoun. So recommending the premisses unto your earnest care, we bid yow fareweill. Frome our Court at Southwick the 28 of August 1628."

Fol. 49, a.

" Forsameekill as the Lords of Secreit Counsell ar informed that Peter Smart, one of the prebendars of Durhame, haveing laitlie in a sermoun made be him at Durhame vented and uttered some scandalous and seditious speeches and heeds of doctrine directlie impugning the canons and ordours of the Church and the established governement and discipline thairof, and haveing assayed to have putt his said sermoun to the presse within England and sua to have disperst the same among the subjects thairof of purpose thairby to have infected and poysoned thame with his scandalous opiniouns, and finding no meanes to gett his sermoun printed in England he hes send the same to this kingdome useing his best credite and freindship to gett the same imprinted heere and sua to furnishe mater and occasioun of some new distractiouns in the Kirk to the great disturbance of the peace thairof without remeid be provydit. Thairfoir the Lords of Secreit Counsell according to the significatioun of his Majesteis pleasure ordanis letters to be direct to command, charge and inhibite all and sindrie printers and others his Majesteis subjects of this kingdome be opin proclamatioun at the mercat croces of the heid burrowes of the same and uthers plaices needfull, that nane of thame presooome nor take upoun hand to putt to the presse, imprint, give out or disperse the said seditious and scandalous sermoun nor anie uther of that nature upoun whatsomever cullour or pretext under the pane of the highest punishment that by course of justice and law can be inflicted upoun thame, besides the incurring of his Majesteis heavie wrathe and indignatioun. And if the said booke be alreadie imprinted outhere in this kingdome or in anie pairt elliswhair and if anie copeis thairof be dispersed and givin out amongs his Majesteis subjects in this kingdome to command and charge all and sindrie his Majesteis saids lieges and subjects that nane of thame presooome nor take upoun hand to keepe, read, or make use of the said booke and pamphlet bot that they with all convenient diligence bring

Anent a ser-
mon preached
at Durham by
Peter Smart,
containing
some
scandalous and
seditious
speeches and
heads of
doctrine.

in and delyver the same to his Majesteis Secretarie to the intent the same may be destroyed under the panes particularlie abonewrittin to be inflicted upoun the contraveeners without favour.”

Acta February
1628-July
1629.
Fol. 49, a.

Holyrood
House, 23rd
September
1628.
Act forbidding
Captain
Douglas and
Arthur
Douglas to
fight a duel
under pain of
horning.

“ Forsameekill as it is understand to the Lords of Secret Counsell that thair is some querrell and contraversie laitlie fallin furth betuix Captane Dowglas, eldest lawfull sone to umquhile Dowglas, brother to the Laird of Whittinghame, on the ane pairt, and Arthour Dowglas, sone to Sir Archibald Dowglas, uncle to the Erle of Mortoun, on the uther pairt, which persouns disdaining to seeke ordour [sic] of thair wrongis by a legall maner they have in contempt of law and justice directed and accepted cartalls the one frome the other and have appointed thair tymes and plaices of meeting, whairupoun will ensew forder inconveniences to the breache of the peace if speedie remeid be not provydit; Thairfoir the saids Lords ordanis letters to be direct chairging both the saids pairteis personallie, if they can be apprehendit, and failyeing thairof at thair dwelling houses and be opin proclamatioun at the mercat croce of Hadinton to compeir before the saids Lords upoun Fryday nixt the twentie saxt of this instant to answeere to the premisses, and to underly suche ordour as sall be tane with thame for observatioun of the peace under the pane of rebelloun and putting of thame to the horne, with certificatioun, etc.; and in the meane tyme to command and charge both the saids pairteis to observe our Soverane Lords peace and to keepe good rule and quyetnes the one with the other, and that they nor nane of thame presooome nor take upoun hand to make provocatioun to others be word nor deid nor to direct nor accept anie cartalls the one frome the other nor to keepe anie tryste nor meetings to that effect, either of thame under the pane of ten thowsand pundis certifeing thame if they failyie that they sall be callit and decerned to have incurred the said pane and letters sall be direct aganis thame for payment thairof to his Majesteis Thesaurar in his Majesteis name and to his Majesteis use in forme as effeirs.”

Fol. 49, b.

Holyrood
House, 24th
September
1628.

Sederunt.—St. Androis; Mar, Treasurer; Menteith, praeses; Hadintoun, Privy Seal; Wyntoun; Lynlythgu; Wigtoun; Roxburgh; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Lord Arskene; Lord Melvill; Carnegie; Master of Jedburgh; Secretary; Advocate; Justice Clerk; Sir John Scott.

Sederunt-
1625-29.
Fol. 98, b.

The giving up
of dittays.

“ The Lordis ordanis letters to be direct chargeing all suche shirettis and steuartis as hes not execute the preceptis for the Justice Courtis anent the geving up of dittayis to putt the same to due executioun and to compeir the nixt Counsell day to ansuer upoun thair bipast refusall and dissobedience.

Fol. 92, a.

Sederunts,
1625-29.
Fol. 99, a.

"That suche personis as hes dischargit thair tennentis to compeir ^{The giving up of dittays.} and gif up dittayes to the clerkis be callit to thair ansuer.

"That the bailleis of Dundee be charged to ansuer upoun thair ^{The Tolbooth of Dundee.} refusall to mak thair tolbuith patent to the clerkis for taking up of dittay.

"That the officiaris and messingeris of armes who haveing charged ^{The giving up of dittays.} personis to gif up dittay hes thairafter componed and transacted with thame to abyde at home sall outhere be persewit befor the Counsell, or that dittay be tane up aganis thame and that thay be criminalie persewit for the same.

"That missives be direct to the Marques of Huntlie and Lord Lovatt ^{Troubles among the Grants.} to use thair best credite and auctoritie for suppressing the troublis amongs the Grants and to report the effect of thair proceedingis with thair advise for pacifeing of these troublis the nixt Counsell day.

"The quhilk day the Laird of Cranstoun acceptit the shirefship of ^{Acceptance of Sheriffships.} Edinburgh: Sir Robert Hepburne the shirefship of Hadintoun: Alexander Hamiltoun of Bynnes the shirefship of Lynlythgu; Hoome of Rentoun the shirefship of Beruick: Naper of Kilmahew the shirefship of Dunbartane; Campbell of Lundee the shirefship of Forfar; the Laird of Moncreif the shirefship of Perth; Maxwell of Cowhill the shirefship of Drumfreis; and Sir James Pringle of Galasheillis the shirefship of Selkirk; and gave thair oathe,

"The quhilk day intinatioun wes made to the Laird of Cranstoun and ^{Repair of the bridge of Linton.} Sir Robert Hepburne to conveene the justiceis of peace, baronis and freeholderis within thair offices and to prescryve reulis and tak some course for repairing the hiewayis and bridgeis within thair offices, especialie the bridge of Lyntoun.

Fol. 99, b.

"The quhilk day Sir Andro Ker acceptit upoun him the commissioun ^{Sir Andrew Ker.} for the justice and circuite courtis within the boundis of his commissioun and gaif his oath."

Decreta,
November
1627-January
1630.
Fol. 119, b.

[Sederunt as reported above.]

Holyrood
House, 24th
September
1628.

Complaint by Alexander, Earl of Linlithgow, Lord High Admiral of this kingdom during the minority of James, Duke of Lennox, and Sir Thomas Hoip of Craighall, King's Advocate, as follows:—It being the King's pleasure that the Earl of Linlithgow should exercise the said office, and a royal patent being granted to him for that effect, their lordships on inspection of the said patent, and for confirming the authority of the said Earl, passed an Act of Council, of which proclamation was duly made at the market cross of Edinburgh, pier and shore of Leith and elsewhere. His Majesty's ship, called the Unicorn and the admiral of his Majesty's fleet, having lately returned to the harbour of Leith from service at sea "the said Erle gave directioun that she sould be caried up to the bridge thair to be sighted; and the said Erle, ^{Complaint by Alexander, Earl of Linlithgow, Lord High Admiral, against Archibald Tod, bailie of Leith, for refusing to allow his Majesty's ship "The Unicorn," to lie at a place on the shore of Leith, which had been chosen by the said Earl.}

Fol. 120, a.

accompanied with men of the best skill and knowledge in Leith, haveing Decreta,
November
1627-January
1630.
Fol. 120, a. two severall dayes caused sight the shippe both within and without, it wes found that she had a great laike in her keill, and that of necessitie she behooved to be layed to the shoare for taking out of her ordinance, cables, taickle, ankers and ballast, whairby she being lighted she might the more easilie be putt upoun the banke and more neerelie sighted and viewed. Whairupoun the said Erle went first to the banke and provydit a place for her to ly in, and comming frome that to the shoare to find out a commodious place for her lighting and finding the James of Anstruther lying in that plaice whilk wes saulfest and most commodious for his Majesteis shippe foresaid, he desyred the maister skipper of the said shippe of Anstruther to make the rowme patent for his Majesteis shippe, seing he wes loadned and readie to louse, who most dewtfullie gave tymous and readie obedience. And thairafter the said Erle haveing past down the shoare with the Erle of Rothesse, who wes going to his boate, perceaveing Thomas Wilsoun, maister of the shippe callit bringing in his shippe to that plaice whilk the said Erle had provydit for his Majesteis shippe, he commandit him in his Majesteis name to forbear and give way to his Majesteis shippe whilk stood in so great necessitie of helpe. And the said Thomas (as appeared to the Erle) being willing to give obedience, in the meane tyme Archibald Tod, baillie of Leith, expresslie contramandit the directioun givin be the said Erle to the said Thomas Wilsoun, and verie prouddie and contemptuouslie commandit him to come in and take the plaice and to lay his shippe to the shoare, whilk accordinglie he did. And the said Erle being returning frome the Erle of Rothesse and perceaving his Majesteis shippe to be disappointed of the rowme, and rancountering with Archibald Tod, baillie, he acquainted him that the plaice foresaid wes appointed for his Majesteis shippe and asked of him upoun what occasioun she was stayed, he returned this answere that the rowme foresaid wes appointed for a merchants shippe to take in her loadning. Unto whome the said Erle haveing replied that the rowme foresaid wes appointed be him for lighting of his Majesteis shippe, seing she wes in great danger of wracke if she lay out anie longer, he answered that she sould not come there; and the Earl haveing demandit of him if he would stay or hinder his Majesteis shippe to come in, he answered that no shippe sould come there bot suche as come by his tollerance Fol. 120, b. and that none had power of the shoare and harbourie bot thame-selffes. And the Erle haveing againe verie soberlie answered him that they wer not come there to discusse rights and that if his Majesteis Admirall had not power to lay to the shoare one of his Majesteis shippes whair ever the sea ebbes or flowes that his power wes verie small and that he would lay his Majesteis shippe thair and hoped that he would not hinder him; he answered

Decreta,
November
1627-January
1630.
Fol. 120, b.

againie verie disdainfullie and prouddie that she sould not come there and that he would not suffer him to lay her thair bot would stay him, quhairupoun the said Erle charged him in his Majesteis name as Admirall and as one of his Majesteis Counsell to give way to the incomming of his Majesteis shippe, he with the lyke disdaine and contempt answered that he would not suffer the said Erle to lay her thair and that he would be answerable for what he did. Whairupoun the Erle required those who wer present to be witnessis, and protested that if his Majesteis shippe sould be in danger that he sould be answerable for it. And so eschewing forder contestatioun and for preventing of anie trouble or disordour that might fall out upoun the miscontentment of numbers of prople who wer greaved to see so notable ane effront and disgraice to be givin to the said Erle in his Majesteis service, he to give exemple of modestie and patience to others retired himselffe to his loodging and dischairgit all his companie and followers to make anie stirre for this caus. And sua his Majesteis said shippe by her lying out and not lighting her hes gottin suche skaith throw the said Archibald Tod his occasion as she is lyke to prove wracke and no more usefull to his Majesteis service. And anent the charge givin to the said Archibald Tod to have compeered personallie before the Lords of Privie Counsell this present xxiiij day of September instant to have answered to this complaint, and to have heard and seene suche ordour tane thairanent as apperteaned, under the pane of rebellious and putting of him to the horne, with certificatioun to him and he failyied, letters sould be direct simpliciter to put him thairto, lykeas at mair lenth is conteanit in the said complaint, executiouns and indorsatiouns thairof; quhilks being called and the saids persewars compeerand personallie, and the said Archibald Tod being lykewayes personallie present with the proveist and bailleis of Edinburgh who desired to be admitted for thair interesse and ane competent tyme assigned to thame to answeere to the complaint, becaus this wes a mater of verie great importance, dipping upoun the liberteis and priviledges of thair burgh, whairwith as yitt they have not had tyme nor leasure to be resolved, the said Archibald Tod haveing onelie ressaved a copie of the said complaint this present day before noone; whilk desire being heard and considerit be the saids Lords, they have admittit and admits the saids proveist and bailleis to be heard for thair interesse. And whairas the saids Lords declaires that they intend not to dispute upoun anie right or priviledge belonging to the burgh of Edinburgh, bot ar onelie to try and censure the personall misbehaviour and cariage of the said Archibald Tod in the maner of the execution of the same without prejudice of the said burgh of Edinburgh and of the liberteis and priviledges thairof, they ordaine the saids proveist and bailleis presentlie to answeere. Whairupoun it wes alledgit be the saids proveist and bailleis and be Mr. Johne Hay thair preloquoutour that no

Fol. 121, a.

processe aucht to be grantit to the said Erle of Linlithgow as Admirall ^{Decreta,} in this mater, becaus since the patent grantit to him of the said office, ^{November} the Duke of Lennox, with consent of the said Erle, hes resigned the said ^{1627-January} office in his Majesteis hands for a new patent to be grantit to the said ^{1630.} Duke thairupoun, and that by this resignatioun the said Erle hes ^{Fol. 121, a.} denudit himselffe of the said office and hes procured no new gift nor patent thairof. Whairunto it wes answered be the saids persewers that the resignatioun foresaid (if anie be) wes onelie maid be the said Duke of Lennox in his awin favours, and that nothing hes followed thairupoun, and that the said Erle consented onelie as curatour to the Duke of Lennox and never resigned his awin right bot stands full thairin and in the peaceable using and exercing of the same conforme to his patent and ane missive letter writtin be his Majestie unto him for that effect. Whilk alledgeance and answer made thairto being heard and considerit be the saids Lords, and they weill advised thairwith, the Lords by thair interloquoutour hes repelled and repellis the alledgeance foresaid and grants processe to the said Erle notwithstanding of the same. Thairafter it wes desired be the saids defenders that they might have inspectioun of the said Erle his patent and of the proclamatioun whairupoun the complaint is foundit; whilk desire the saids Lords in regard of the notorietie of the said Erle his patent and possessioun conforme thairto hes refused and refuses to grant. And than it wes desired be the saids defenders that the said Duke of Lennox his curatours might be removed and not admitted as judges in this mater, because whatsomever sentence the said Earl of Linlithgow as Admirall sall recover thairin the same will accresce and militat in favours of the said Duke of Lennox. Quhilk desire being heard and considerit be the saids Lords, they find that the Duke of Lennox not being a partie his curatours cannot nor aucht not to be declynned, becaus the saids Lords intends not to dippe upoun anie right or priviledge contraverted betuix the Admirall and the saids defenders, and that no sentence to be givin be thame sall be ^{Fol. 121, b.} prejudiciall to the burgh, of Edinburgh anent anie of thair rights, liberteis and priviledges. And last it was propouned and alledgit be the saids defenders and thair said preloquoutour that this complaint in the termes whairin it is conceaved and sett down and the defences and exceptiouns competent to thame and resulting thairupoun will altogidder dippe and must be foundit upoun the heretable liberteis, rights and priviledges of the burgh of Edinburgh whilks in this judgment cannot be handled nor discussed, the saids Lords not being judges competent thairto, and thairfoir they desired that this mater might be remitted to the Lords of Sessioun onelie judges competent thairto, before whome they would answeere as accords of the law. Whairunto it was answered be the saids persewers that the point of right and the liberteis and priviledges of the said burgh wer not to be disputed nor callit in questioun in this judgement, and that they onelie

insisted upon the undewtiffull behaviour and cariage of the said Archibald Tod whilk is onelie proper to be tryed be the saids Lords. Quhilk alledgeance and answeire made thairto being heard and considerit be the saids Lords, and they weill advised thairwith, the saids Lords be thair interloquoutour hes repelled and repellis the alledgeance foresaid, and finds thameselffes judges to the trying and censuring of the said Archibald Tod his behaviour and cariage in the mater foresaid: With this special declaratioun made be the saids Lords,—That nothing to be done, concludit or decerned be thame in this processe sall be extendit nor heerafter drawin in consequence to the hurt, prejudice or derogatioun of the said burgh of Edinburgh, nor to anie of the rights, liberteis nor priviledges thairof nor possessioun of the same, bot that the same ar and sall be reserved free and inteir unto thame unprejudged by thair decret and sentence." Several witnesses having then been examined concerning "the personall cariage and misbehaviour of the said Archibald Tod," the Lords find that he "behaved himselfe verie churlishlie and passionatlie to the said Erle of Linlithgow, and not with suche respect and dewtie as the credite of his plaice and the dignitie of his persoun requires, he being his Majesteis Admirall, one of his Privie Counsell, and a nobleman of goode ranke and qualitie," and for his indiscretioun and neglect they ordain him to be committed to ward in the Castle of Edinburgh during their pleasure, and his warrant for receiving him therein was delivered to him.

"After our verie heartilie commendatiouns to your good lordship. Having understood of the trouble and contraversie laitlie fallin furth betuix the Grants of Ballindallache and of Carroun, whairin some of either side ar killed, and that both the saids pairteis disdainin the ordinar remeid of law intends with convocatioun of thair freinds to repaire thair wronges in ane hostile maner, to the breache of his Majesteis peace and disquyetting of that pairt of the countrie, for preventing whairof we have thought good in respect of the absence of the Erle of Murrey and the Lord Gordoun, to whois charge it belonges, to intreate and desyre your good lordship to have a special care and regaird to the observatioun of his Majesteis peace and reteaning of the pairteis in a dewtiffull obedience, and to provyde and foresee that no new trouble nor disordour fall out betuix thame; and, if thair be anie forces alreadie gathered or appearance of convocatioun on either side, that your lordship use your best power and auctoritie to restraine and dissolve the same, and that your lordship interpone your credite and travells for mediating a forbearance of revenge and induceing the pairteis to persew thair actiouns in a legall maner before the judge ordiner. Whairanent desiring to be certified from your lordship the nixt Counsell day of the estait of your proceedings togidder with your best advice and overtours how the pairteis may be reteaned in obedience and thir differences composed, we committ your lordship, etc. Halyruidhous 24 Septembris 1628. *Subscribitur*, Monteith, Mar, Sr Air^d Achesoun."

Holyrood
House, 24th
September
1628.

Letter to the
Marquis of
Huntly anent
the Grants.

Decreta,
November
1627-January
1630.
Fol. 121, b.

Fol. 122, a.

Royal Letters,
1623-32.
Fol. 146, a.

Holyrood
House, 24th
September
1628.
Letter to the
Lord Lovat
concerning the
Grants.

“After our verie heartlie commendatiouns to your good lordship. Royal Letters, 1623-32. Fol. 146. a.
Haveing understood of the trouble and contraversie laitlie fallin furth betuix the Grants of Ballindallache and Carroun, quhairin some of either side ar killed, and that the pairteis disdaneing the ordinar remeid of law intends with convocatioun of thair freinds to reparaire thair wrongs in ane Fol. 146. b.
hostile maner, quhairupon forder inconvenients will not faile to ensew, to the breache of his Majesteis peace and disquyeting of that part of the countrie, if the same be not in tyme preventit, we have for this purpose heereby thought meet to require and desire your good lordship, in the dewtie of your office as shireff, to have a speciall care and regaird to conteane the saids pairteis in dewtifull obedience to provyde for the keeping of his Majesteis peace and that no trouble or disordour fall out betuix thame; and if thair be anie forces gathered or appearance of convocatioun on either side, that yow use your best credite, power and auctoritie to restraine and dissolve the same, and that your lordship interpone your travells for mediating a forbearance of disordourlie revenge betuix thame till in a legall maner thair caus may be brought to a publict hearing and justice done thairin before the judge ordinar. Quhairanent desiring your lordship to certifie us of the effectis of your proceedings the nixt Counsell day, togidder with your best advice how thir differences may be composed and the pairteis reteaned in a peaceable obedience, we committ, etc. Halyruidhous 24 July 1628. *Subscribitur*, Mar, Monteith, Arch. Achesoun, Sr Thomas Hoip.”

Holyrood
House, 25th
September
1628.

Sederunt.—Treasurer; Monteith, præses; Hadinton, Privy Seal; Acta February 1623-July 1629. Fol. 49. a.
Wyntoun; Linlithgow; Wigtoun; Roxburgh; Lauderdaill;
Bishop of Dumblane; Bishop of Dunkeld; Lord Areskine;
Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair;
Master of Jedburgh; Secretary; Advocate; Justice Clerk;
Sir John Scot.

Commission to
Sir George
Keith for the
levying of 500
men for the
service of the
King of
Denmark.

“The Lords of Secreit Counsell according to ane warrand and direction in writt signed be the Kings Majestie and this day presented unto thame gives and grants licence to Sir George Keith, knight, to levey and take up fyve hundreth men for a supplee to his Majesteis darrest uncle, the King of Denmarke, and to transport thame toward the said King of Deunmark for the forderance and advancement of his effaires and service: over the whilk companie his Majestie hes made and constitute the said Sir George, captane and commander, with power to him to nominat, make and constitute lieutenant, enseinzie, serjants, and all uthers officers and members of his companie needfull and to caus towke drwnmes, displye cullours and to doe and performe all and everie thing whilk toward the leveying, conduct and transporting of the said companie is requisite and necessar. Firme and stable halding and for to hald all and whatsoever things sall be laughfullie done heerin; Fol. 50. a.”

Acta February
1628-July
1629.
Fol. 50, a.

charging heereby all and sindrie his Majesteis judges, officers and magistrats to burgh and land, and uthers his lieges and subjects whatsoever to give unto the said Sir George his lieutenant, enseinzie, officers and serjants all lawfull concurrence towards the forderance and advancement of the executioun of this commissioun and to doe nor attempt nothing to thair hinder nor prejudice; and if anie persoun or persouns within thair bounds sall ressave the said Captans pay and sall thairafter abandoun his service and leave thair cullours that the saids magistrats to burgh and land doe justice in this caise to the said Captane, his lieutenant, enseinzie, officers and serjants according to the law, provyding alwayes that the said Captane give suche satisfioun to everie one of his number as sall be agreed upoun betuix him and thame according to the former custome in the lyke caises. Followes his Majesteis missive for warrand of the Act abonewrittin. CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greeete yow weil. Being willing that a supplee of fyve hundreth men sould be sent to our uncle, the King of Denmarke, and that they sould be leveyed in that our kingdome, our pleasure is that you grant unto Sir George Keith, knight, a commissioun with a sufficient warrand to levey and transport the said fyve hundreth men with als large priviledges as anie other hes had heeretofore in the lyke kynde, he alwayes giving suche satisfioun to everie one of that number as sall be agreed upoun betuix him and thame according to the former custome in the lyke caises; for doing whair of these presents sall be a warrand. Givin at our Court at Whitehall the ellevint day of Julij 1628.”

Decreta,
November
1627-January
1630.
Fol. 122, a.

[Sederunt as recorded above with omission of the Bishop of Dunkeld.]

Holyrood
House, 25th
September
1628.

Complaint by Sir John Murrey of Philliphauche and James Murrey, his son, as follows:—They are heritable proprietors of a £5 land in Cranstoun Riddill, of which the teinds are led by Sir James McGill of Cranstoun Riddill, and seeing it is his Majesty's pleasure that the teinds of the present crop should be sequestrated on the petition of parties interested, the said Sir James ought to be cited to see the same done in some neutral place till by "his Majesty's determinatioun to be givin in the generall submissioun it sall be declared to whome they sall apperteane." Parties being cited and the said James Murrey compearing for himself and his father, and the said Sir James Mackgill being also present, and being heard, the Lords appoint Sir James Richartsoun of Smetoun and Johne Cranstoun of Skaittisbus as sequestrators to ingather the said teinds and stack them in Sir James Mackgill's barnyard of Cranstoun, there to remain unthreshed till 1st January 1629, conform to his Majesty's Act and proclamation anent

Complaint by
Sir James
Murray of
Philipphaugh
against Sir
James McGill
of Cranston
Riddell, anent
the teinds of a
£5 land in
Cranston
Riddell.

Fol. 122, b.

the teinds of this crop of 1628. They further ordain the pursuers to give lawful and timely requisition to the said Laird of Cranstoun, who is to give the same to Sir James Richartsoun, the pursuers also warning John Cranstoun of Skaittisbus, for the said teinding in terms of the Act of Parliament.

Decreta.
November
1627-January
1630.
Fol. 122, b.

Complaint by
Alexander
Reid Fleming
in Ballinriche
and others
against
Alexander
Stewart in
Tuthill and
others for
assault and
robbery.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, and by Alexander Rid Fleming in Ballinriche, Andrew Rid Fleeming M^cThomas V^cEwin there, Duncan Reid Fleeming in Easter Downie, John Gow M^cGeorge there, and John M^cEwin, tenants and servants to David Spalding of Aschintullie, and the said David, as master, for his interest, as follows:—Notwithstanding of the Acts against the wearing of hagbuts and pistols on 27th August last Alexander Stewart in Tuthill, son to William Stewart in Duntealache, Alexander Reid Fleeming, son to the deceased John Fleeming, younger, and servitor to Alexander Robertsoun, Duncan Robertsoun, *alias* M^cPhatrik Oig, Alexander Fentoun, servitor to Sylvester Rattray of Perse, James M^cKillizow, servitor to Alexander Robertsoun of Middledownie, Alexander Rid Fleeming, son to Thomas Rid, and Donald Dow Elachie, with others, armed with hagbuts, pistols, bows, and a number of great batons prepared for the purpose came to the lands of Ballinriche possessed by the said Alexander Fleeming, whom, when they saw him at his work in the fields, they pursued for his life. He having for safety fled to his house they followed him "with all their speid," shooting a great number of hagbuts and pistols at him and also many arrows, and had slain him "wer not he wes releevd within his hous." Disappointed with regard to him and meeting Robertsoun, his wife, in the fields, they assaulted her with batons and rungs so cruelly that she has since lain bedfast in great pain and in peril of her life. They also went to the said Andrew Fleeming and John and David Espicks, tenants of the said lands, and assaulted them "with great squaire battouns," took the said Alexander Rid's horses which were pasturing on his ground, loaded them with the goods upon the ground, "yocked thame in sleddes, and caried thame away with thame, shott the whole tennents out of the houssis and seized upoun thair goods, so that the poore people with thair wyffes and bairnes hes lyin under dyke sydes sensyne exposed to all the misereis that poore people can be afflicted with." On the same day they came to the complainer's "proper bounds whair his goods wer pastouring in the toun of Ballinriche, and thair most barbarouslie with swords and uthers weapouns, gorred, wounded, hoghed and hurt the greatest pairt of his goods, whair of his whole estait and fortouns consisted, and hes thairby reduced him to extreme povertie; and at the same tyme they so cruellie hurt and woundit the said John M^cGeorge that he hes ever lyin bedfast sensyne as he does yitt in great miserie and paine." Further, on the following day they came to the said Alexander's house, and with many horrible oaths threatened his wife with present death if she

Fol. 123, a.

Decreta,
November
1627-January
1630.
Fol. 123, b.

gave them not meat and silver, which she was forced to do through fear of her own and her husband's life. These persons, with 40 or 50 broken Highland men, go through the country armed as above, sorning and oppressing the lieges. On 23rd August last they came to the house of the said John McEwin sorning and oppressing the tenants around, discharged "three or foure score shott" of hagbutts and pistols about his house, and sent him with this message to the said David Spalding that if he complained of them or denounced them rebels "nane of his tennents sould kindle reik on his ground." And finally on 3rd September instant these persons came under cloud and silence of night to the dwelling house of the said Duncan Reid Fleeming and John Gow McGeorge "and treasounable raised fyre and burnt, consumed and destroyed the whole goods whilks they caried not away the day preceeding." Charge having been given to these persons, who compeared not, and the said David Spalding compearing for himself and his said tenants, the Lords ordain the defenders to be denounced rebels and escheat.

Acta February
1628-July
1628.
Fol. 50, b.

Sederunt.—Mar, Treasurer; Monteith, præses; Hadintoun; Privy Seal; Wyntoun; Roxburgh; Lauderdaill; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquir; Master of Jedburgh; Secretary; Advocate; Justice Clerk; Sir John Scot.

Holyrood
House, 26th
of September
1628.

"The whilk day in presence of the Lords of Secreit Counsell compeirit personallie Captane Archibald Dowglas and promiseist, actit and obleist him upoun his faith, honnour and credite that he sall not invade nor trouble Arthure Dowglas, sounne to Sir Archibald Dowglas, knight, nor make provocation of offence and displeasure to him be word, writt, nor other wayes for whatsoever deid caus or occasioun otherwayes nor be ordour of law."

Pledge by
Captain
Archibald
Douglas not to
molest Arthur
Douglas, son of
Sir Archibald
Douglas.

Similar promise by Arthur Dowglas, personally present, with regard to Captain Archibald Dowglas.

Arthur
Douglas.

, Lord Dalkeith, compearing personally, became cautioner for Arthur Dowglas foresaid, not to trouble nor challenge Captain William Dowglas, nor direct cartels to, nor answer cartels from him, nor keep trysts nor meetings for that effect until George, Viscount of Dupline, Chancellor, and William, Earl of Mortoun, either decide or discharge the controversy and differences between them, and for five days thereafter, under the pain of 5000 merks with clause of relief.

Caution for
Arthur
Douglas.

Captain Archibald Dowglas, compearing personally, becomes cautioner for Captain William Dowglas, in similar terms with respect to Arthur Dowglas foresaid, save that instead of five days after the decision or discharge it is eight days.

Caution by
Captain
Archibald
Douglas for
Captain
William
Douglas.

[Sederunt as recorded above].

Holyrood
House, 20th
September
1628.

Complaint by
Alexander
Watson,
merchant
burgess of
Edinburgh,
against George
Fisher for
wrongous
imprisonment.

Complaint by Alexander Watsoun, merchant burgess of Edinburgh, as follows:—He is one of the cautioners in a bond granted to George Fishear, merchant burgess of Edinburgh, for 600 merks and some expenses, and Fishear, on the ground of the weakness of the principal in the bond, moved him to grant a new bond for the said sum, in which the complainer became principal with James Tailyeour as cautioner, whereupon the complainer received back the prior bond together with an assignation thereof against the principal in it. Shortly thereafter the complainer “lost be faire sea venture the nomber of fyve shippes and barkes, whair of the compleaner wes absolute merchant and awner of foure of thame, and of the fyft shippe he wes pairt merchant and pairt awner; and siclyke upoun certane barganes of victuall whilks he had with sindrie noble and gentlemen of this kingdome, he lost and tint his hail meanes and estait, whilk was not small.” Fishear, now fearing his own loss, dealt with the complainer and Margaret Russell, his wife, for payment, and the complainer, for the above reasons not being able to pay all, got 200 merks, and gave this sum in part payment on the express condition that the rest should lie over till Martinmas next. But Fishear forthwith registered the said posterior band and raised letters of horning and caption against the complainer and his cautioner for payment, of which however he obtained suspension before the Lords of Session, Fishear then acknowledging the receipt of the 200 merks, and though the horning was found good in respect of the other 400 merks sentence thereanent was never judicially pronounced. Now if Fishear wished to ward the complainer and his cautioner he should have purchased new letters of caption, but instead of this, he used the old caption, and so “not onelie circumveened the proveist and bailleis of Edinburgh and thair officiais bot likewayes the Kings Majesteis messingers. Moreover, though Fishear had obtained a new caption, yet he ought not to have enforced it, because that on the very day the said James Tailyeour, complainer’s cautioner, was apprehended by virtue of the old caption “whilk wes suspendit and not discust as said is.” The said James Tailyeour delivered to the said George Fisher the sum of 200 merks in part payment of the 400, and for security of the rest at Martinmas 1628 gave him in pledge two fine cloaks “for a man, ane thairof of fyne Spanish cloath new made lynned with blacke velvett, and the other of drap de Berrie, lynned with satine, never worne; ane sute of apparrell of browne figured velvet; ane sute of black figurat taffatie, ane lowse gowne for ane woman of chamlett of silk, two paire of fyne cloakes for a woman” all which were delivered as said is on 2nd January last, “and ar better then the sowme of twelffe hundreth merkes. And so the saids bond, letters of horning and captioun following thairupoun, being deid and extinct in thameselfes for the

Decreta.
November
1627-January
1630.
Fol. 124. a.

Fol. 124. b.

Decreta,
November
1627-January
1630.
Fol. 125, a.

caussis foresaids till the said terme of Martimes nixtocome, the said George committit ane manifest oppressioun and circumvention in causing take and apprehend the compleaner" who ought therefore to be put to liberty. Charge having been given to the said George Fishear, and he compearing and the pursuer being brought by Andrew Quhyte, keeper of the Tolbooth, and some of the officers of the said burgh, the Lords ordain the provost and bailies of Edinburgh to put the pursuer to liberty, because, having certain knowledge of the pursuer's distress and poverty and inability to entertain himself in ward, they modified to him 5s. daily to be paid to him by the defender, and he refused to make any such payment; and because the Lords conceive that if the pursuer were at liberty he would use some lawful means and industry to pay his debt, which he cannot do while in ward. They further ordain the pursuer "how soone it sall please God to blesse him with anie meanes, to preferre the said George in payment to others his creditours."

Another complaint by the said Alexander Watson, as follows:—Being Complaint of the aforesaid Alexander Watson against Patrick Ellis and Thomas Inglis, merchants of Edinburgh, for wrongous imprisonment. warded as above at the instance of George Fisher, Patrick Eleis and Thomas Inglis, merchants of Edinburgh, taking advantage thereof, had him called before the provost and bailies of Edinburgh and obtained two decrees against him, Eleis for £222 and certain expenses, as the price of a tun of French wine purchased by the complainer from him, and Inglis for £200 and expenses for another tun, "he being ane wairdour and not able to compeir." By virtue of these decrees the same day they obtained them they caused arrest the complainer's person within the said ward, though then "lying bedfast in heavy sicknesse," and they keep him still in ward "aganis all equitie, conscience and reasoun, yea expresse contrare the lovable lawes, practick and Acts of Parliament of this kingdome," to the complainer's hurt and postponing of their own payment; "becaus before ane decret can be obtained before anie judge within this kingdome for ane civill debt thair aucht to preceid ane lawfull citatioun of the pairtie," and though two citations were used against him, yet the one was only of 24 hours and the other only of 3 hours notice "farre contrair to the ordour observed before inferiour judges, for the least is three dayes spaice to ilk citatioun." Then as for the arresting him in ward, the same is illegal, unless "thair had beene defect of poyndable goods" and after horning and caption. Yet no search was made for poindable goods, and horning and caption could not follow on the said decree; because in the thirteenth Parliament of the late King James the Sixth, *cap.* 177, "it was decerned that the Lords of Counsell and Sessioun sould direct letters of horning on all decreitts and acts givin be proveists and bailleis of burrowes *inter concives* and all uthers subject to thair jurisdiction upoun the right thair of and executioun of thair officers charging the pairtie to make payment within fyftein dayes, lykeas is grantit upoun commissars precepts, and the said letters of horning proceid upoun ane simple charge of ten dayes allanerlie," which ordinance is since

Fol. 125, b.

ratified in the twenty first Parliament, *cap. 7.*" That the decreits and sentences of all commissars and others judges within this kingdome receave siclyke executioun be horning as the decreits of shireffs, admiralls, stewarts and bailleis of burgh: and that the Lords of Sessioun, upoun the sight of the Acts and decreits or thair precepts lawfullie execute be thair officers bearing the partie to have beene chairgit upoun fyftein dayes, direct letters of horning upoun ane simple chairge of fyftein dayes." Accordingly the complainer claims to be liberated. Charge having been given to the said Thomas Inglis and Patrick Eleis, and also to Gilbert Williamsoun, one of the bailies of Edinburgh, in name of the magistrates thereof to produce the pursuer, and the pursuer being brought by Andrew Quhyte, keeper of the Tolbooth of Edinburgh, but the defenders not compearing, the Lords ordain the provost and bailies of Edinburgh to put the pursuer to liberty, seeing he has no means to sustain himself in ward and may if at liberty be able to pay his debts.

Decreta,
November
1627-January
1630.
Fol. 125. b.

Fol. 125. a.

Fol. 126. b.

Complaint by
Robert
Maxwell in
Arkland and
Marion
Maxwell, his
spouse, against
Homer
Maxwell, their
son, for
assault.

Complaint by Robert Maxwell in Arkland and Marion Maxwell, his spouse, as follows:—Mr. Homer Maxwell, their son, has long "misbehaved himselfe towards his saids parents not onelie by maisterfull and violent reaving and away taking of the meanes whairupoun they and thair famileis sould live bot lykeweyes by threatning and minassing thame, thair bairnes, tenments and servants, sua that nather darre the compleaners tenments peaceable labour nor manure their lands nor yitt they nor thair bairnes come out of thair houssis for feare of thair lyffes." On 14th June last he came to their dwelling house in Arkland about 11 at night when his father was in bed, "and after manie detestable speeches uttered aganis the said Marioun Maxwell, his mother, he bladded [struck] and buffitted her with his hands, tooke her be the cruig and harled her to the fyre of purpose to have brunt out her eyes thairat, and had not failed to have done the same wer not Elizabeth Maxwell, his sister, lappe in to him and hindered him; whairat he grudging thus to be disappointed of his purpose, he tooke up ane chandler standing on the table and thairwith strake the said Elizabeth upoun the head into the harne panne to the effusioun of her blood and perrell of her lyffe." Charge having been given to the said Mr. Homer Maxwell, and Robert Maxwell compearing for himself and his wife, but the defender failing to compear, the Lords ordain him to be denounced.

Complaint by
John Maxwell
of Monreith,
who had been
enlisted for the
service of the
King of Den-
mark, against
Robert
Douglas and
others for
wrongous
imprisonment.

Complaint by John Maxwell of Monrethe, as follows:—By Act of Council dated August 1627 it is appointed that no soldiers enlisted for the service of the King of Denmark, and committed to ward, should be there arrested except they were taken by letters of caption, yet, on 5th July 1627, when the complainer was warded in the tolbooth of Dumfries by Captain Edward Maxwell, by whom he was enlisted for the said service, Robert Dowglas, indweller in Edinburgh, John Smith, merchant there, Patrick M'Dowgall of Crelloche, and William Stermunt in Dum-

Fol. 127. a.

Decreta,
November
1627-January
1630.
Fol. 127, a.

fries, had him arrested in the said ward, and he, being brought before their Lordships on 24th August last, was by them committed to the Tolbooth of Edinburgh, where he presently is, but wrongfully because of the said Act of Council, and his incarcerators will not provide for his sustenance in ward. He is willing to give them all possible satisfaction, and he is thus hindered from the service he has undertaken under the Earl of Nithisdail. Charge having been given to the persons named, and the pursuer compearing, but not the defenders, the Lords ordain the provost and bailies of Edinburgh to put the pursuer to liberty in so far only as he was arrested in ward in the tolbooth of Dumfries and transported to the tolbooth of Edinburgh at the instance of the defenders, and no otherwise.

Fol. 127, b.

Complaint by Mr. Walter Quhytfurde, parson of Moffat, and John Achesoun in Correfraine, as follows:—Andrew Davidson, messenger in Moffat, having been denounced for noncompearance before their Lordships to answer for his breach of the promise made to them that on getting a remission for his crime of adultery he would leave the kingdom in company with Alexander, Lord of Spynie, a commission was granted to the complainer, Whiteford, for his apprehension and production before the Council. Accordingly on he, William Scot, his

Complaint by
Mr. Walter
Whiteford,
parson of
Moffat, and
John Achesoun
in Correfraine,
against
William
French for
opposing the
execution of
the law and for
assault.

Fol. 128, a.

servant, and the said John Achesoun went to the dwelling house of John Davidsoun in Moffat, where they were informed the said Andrew was, and finding his horse and saddle in the stable, took possession of them. Whereupon William Frenche in Quacleuche, and some others "most disgracefullie revylled the compleaner with reproachefull and contumelious speeches, and after the countrie maner most seditiouslie stirred up the people of the toun of Moffat to joyne with him in the persute of the compleaner of his lyffe, who, without respect to his Majesteis commisioun whairwith the compleaner was armed for the tyne, invoidit and persewed him of his lyffe, hurt and woundit the said John Achesoun in diverse pairts of his bodie, brake twa ribs of his side, and so birsed him by throwing of great stones at him, that he hes ever lyin bedfast sensyne in great hazard and perrell of his lyffe, and being lying on the ground as a dead man the said Williame Frenche pulled his whingear out of his scheitli, whairwith he thought to have stobbed him throw the bodie wer not he was stayed by some people present, and with that did what in him lay to have reft the hors out of the hands of the said Williame Scot to whose keeping the said Mr Walter had committit the same." Charge having been given to the said William French, and he and the pursuer both compearing, the Lords, after hearing witnesses find that William French "opposed himselfe aganis the executioun of the commisioun fore-said, and that he violentlie tooke the said Androw Davidsouns hors fra the officiar who medled thairwith, crying out 'Fy for a partie for the lowsie guardes sake,' and that the said Williame thairafter tooke up a stone of foure pund weight and threw the same at the said Johne

Achesoun, and that he hitt him thairwith upoun the side, and that thair-after he lappe in upoun the said John Achesoun, pulled his whingear frome him and preast to have strickin him thairwith if he had not been stayed," and they commit him to ward in the tolbooth of Edinburgh till Monday next.

Decreta,
November
1627-January
1630.
Fol. 128, b.

Petition of
John Gordoun
of Lochinvar
for letters of
caption against
Josias Stewart,
sometime of
Blairquhan,
and others.

Complaint by John Gordoun of Lochinvar as follows:—On 24th June and 1st and 5th August last Josias Stewart, sometime of Blairquhane, with James Kennedie, sometime of Culzeane but now of Blairquhane and John Vans of Longcastell, his cautioners, were put to the horn at the complainer's instance for not paying a sum of 6000 merks and certain penalties and interests contained in a bond by them to William Dick, merchant burges of Edinburgh, and to which he has right by assignation from the said William Dick. They pay no heed to the same and he craves caption against them. Charge being given to the defenders, and the pursuer compearing by William Buchannan, servitor to John Belcheis, advocate, his procurator, but the defenders not compearing, the Lords ordain the sheriff of Wigtown and his deputes, and the bailie of Carrik and his deputes to be charged to search for and apprehend and imprison them till they satisfy the said bond and to report the inventory of their goods to his Majesty's Treasurer as escheat, within six days.

Fol. 129, a.

Petition of
George Browne
of Simprim,
Berwickshire,
and of
Christopher
Browne there,
anent the
teinds of the
lands in the
said town of
Simprim.

Complaint by George Browne in Symprene and Christopher Browne there, tenants to John, Earl of Lauderdale, as follows:—They occupy certain lands in the town of Symprene in Berwickshire, pertaining heritably to the Earl of Lauderdale, of which the teinds have been led by Robert, Earl of Roxburgh, and Sir William Cocksburne of Langtoun. Now his Majesty for the ease of the lieges ordained that the teinds should be sequestrated, and they therefore crave that this may be done. Charge having been given to the Earl of Roxburgh and Laird of Langtoun, and both pursuers and defenders compearing, the Lords with consent of the Earl of Roxburgh appoint Sir George Ramsay, with consent of the Earl of Lauderdale, Thomas Trotter of Cachillaw, and with consent of the Laird of Langtoun, Robert Cocksburne of Butterdane, to ingather and stack the teinds in the barnyard of the Laird of Langtoun, who is to find caution to make the same forthcoming to those having interest according to his Majesty's determination to be given. There follows here the Act of Caution by Robert Cocksburne of Blackismylne that Sir William Cocksburne of Langtoun will make the teinds of the lands of Symprene forthcoming.

Fol. 129, b.

Holyrood
House, 26th
September
1628.

[2 acts omitted
the day fore-
said.]

Complaint by
David Vaus of
Blance against

Complaint by David Vaus of Blance, as follows:—For the past eleven months or thereby he has been detained in ward in the tolbooth of Edinburgh at the instance of some creditors, viz., John Or, burges of Edinburgh, for £112 and expenses, and £40 and expenses; Alexander Reid, goldsmith, for £40 and expenses; Margaret Duff in Stannyhill for 200 merks and expenses; Robert Smith, burges of Edinburgh, for £70;

Fol. 132, b.

Decreta,
November
1627-January
1630.
Fol. 132, b.

Robert Dowglas, indweller in Edinburgh, for £60 and expenses; Andrew Thomsoun, tailor in Edinburgh, for £28 and expenses; and Thomas Lindsay, merchant in Edinburgh, for £80 and expenses; and when he is freed by them Mr. George Butler of Kirkland intends to arrest him in ward for a sum of £200 for which the complainer became cautioner in a suspension for Janet Nicoll in Blance, and in warrandice whereof the said Janet conveyed to the complainer by assignation her whole lands and goods in Blance, with which, in defraud of the complainer, the said Mr. George Butler has intromitted. The complainer has neither means to preserve his life nor satisfy his creditors but he is most willing to make assignation to them of an action of spulzie which he has presently depending before the Lords of the Council and Session for more than 10,000 merks against the said Mr. George, and John Sinclair of Hermitstoun, who wrongfully medled with and spoiled the complainer of his whole corn, cattle, geir and plenishing. These persons have in their hands his whole means extending to more than 1800 merks of yearly rent, and lest he should recover against them they have fraudfully dealt with his said creditors to put and keep him in ward, where he is like to starve. Charge having been given to the persons named, and to Gilbert Williamesoun, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the pursuer, and he being produced by the bailies of Edinburgh, and of the defenders only the said Mr. George Butler and Andrew Thomsoun compearing, the former of whom declared that the pursuer was neither in ward nor arrested in ward at his instance, and the latter signified his willingness that the pursuer should be released on making the promised assignation, the Lords ordain the provost and bailies of Edinburgh to release the pursuer on his making and subscribing the same.

Fol. 133, a.

Fol. 133, b.

Complaint by John Dingwell, burges of Craill, as follows:—He is wrongfully detained in ward in the tolbooth of Edinburgh at the instance of John Mackesoun, his father-in-law, for not paying certain sums of money due to himself and assigned to him by other creditors, and the complainer is thus disabled “fra doing of anie good to himselfe, his wyffe and aucht childrein, being all young infants, who be his incarceration ar in verie hard estait and great distresse.” Yet on the complainer’s resignation the said John Mackesoun was heritably infest in his whole lands and possessions for satisfaction of the said debts, the value of which equals these debts, over and above 1000 merks which the said John Mackesoun owes the complainer by his marriage contract. Moreover he has also received 500 merks from a cautioner of the complainer’s for a discharge of the sums for which the complainer has disposed his lands. The complainer has thus no means to sustain himself and family, and craves either his liberty or that John Mackesoun may be compelled to support them. Charge having been given to the said John Mackesoun, and also to Alexander Speir, one of the bailies

George Butler
and others for
wrongous
imprisonment.

Complaint by
John Dingwall,
burgess of
Craill, against
John Mackie-
son, his
father-in-law,
for wrongous
imprisonment.

of Edinburgh, in name of the magistrates thereof, to produce the pursuer, and both pursuer and defender compearing, the Lords remit the matter to the trial and decision of the Lords of Council and Session.

Anent Justices
of the Peace.

“The quhilk day missives wer ordanit to be writtin to the whole shireffis to reporte to the Secretar and in his absence to the Clerk of Counsell betuix and November ane roll of the whole baronis, free-haldaris and famous gentlemen within thair offices to the intent that oute of these rollis choise may be maid of justiceis of peace.”

Release of Mr.
James Hay.

See *ante*, p. 446.

“The Lordis allowis the Earle of Menteth to putt Mr. James Hay to libertie who wes committit to warde in the Castell of Edinburgh for appeilling Colonell Sinclair to the combatt, the pairtyis being first satled and reconciled.”

Persons cited
to the Justice
Courts.

“The quhilk day ane act and warrand wes past in favouris of the personis who ar arrested or cited to the Justice Courtis.”

Holyrood
House, 27th
September
1628.

Sederunt.—Mar, Treasurer; Monteith, præses; Hadinton, Privy Seal; Wyntoun; Roxburgh; Lauderdale; Bishop of Dumblane; Lord Areskine; Lord Carnegie; Lord Naper; Lord Tracquair; Master of Jedburgh; Secretary; Advocate; Justice Clerk; Sir John Scot.

Renewal for 19
years of the
customs,
duties, and
imposts of
Dumbarton for
the preserva-
tion of the
said burgh
from inunda-
tion by the
sea.

See *ante*, p. 377.

“Forsameekill as the King’s Majestie be his letter under the Privie Seale gave, granted and disponned to the proveist and bailleis of Dumbartane and thair successours the impost and dewtie following for the spaice of sevin yeeres to be employed be thame upoun remeids and helps for the preservatioun and saulfetie of the said burgh fra the inundatioun of waters, that is to say, of ilke kowe, oxe, hors, stot, meir and staig that comes within the libertie and freedome of the said burgh and passes throw the samine to whatsomever mercats be the awners, carriers, and dryvers thairof, aucht penneis; of ilke merchant comming to the two severall faires within the said burgh, the one thairof callit Lambmesse faire and the other thairof callit Patrikmesse faire that keepes buith within the same, twa shillings sax penneis; of ilk cloathman, smith and uthers standing upoun the commoun calsey of the said burgh haveing geir to sell, twelffe penneis; of ilke crame [stall] standing upoun the calsey, sax penneis; of ilke boate that hes timber or barke passing throw thair river to anie mercats or to the mercats of the said burgh at ilk tyme, three shillings foure penneis; of ilk boll of barke sauld in the said mercat, sax penneis; of ilke shippe, bark or crear comming frome anie forrane parts or frome the Yles within the libertie of the said burgh at ilk tyme, the shippe being abone fiftie twanne, the sowme of threttein shillings foure penneis; the barke being abone twentie twanne, sax shillings aucht penneis; the crear being above fyve twanne, three shillings foure penneis, and that to be payed be the

Decreta,
November
1627-January
1630.
Fol. 133, b.
Sederunts,
1625-29.
Fol. 99, b.

Acta February
1628-July
1629.
Fol. 51, a.

Acta February
1625-July
1629.
Fol. 51, b.

awners or maisters of the shippes, crears and vessellis whair of the goods to pay the twa pairt and the vessell the thrid pairt; ilke cowpper boate of hering anes in the yeere three shillings foure penneis; as in his Majesteis gift made thairupon of the dait the tent day of September 1600 yeeres at lenth is contenit; at the expyring of the whilk gift the Lords of Secreit Counsell considering the necessitie of the interteaneing of that worke for the whilk the impost and dewtie foresaid was granted, thairfoir they by ane Act of Counsell bearing dait the threttein day of August 1607 yeeres prorogat his Majesteis said gift for the spaice of nyntein yeeres thairafter following as the Act of prorogatioun made in favours of the said burgh of Dumbartane at lenth beares. And whair as the necessar caus foresaid of interteaneing and upholding the workes and ingynes made for the preservatioun and saulfetie of the said burgh yitt continewes, and that the saids workes requires a daylie supplee and beating, the expense whair of the inhabitants of the said toun ar not able convenientlie to undergoe; and seing the commissioners for the burrowes whome the impost and dewtie foresaid cheefelie concernes hes givin thair allowance to the said burgh of Dumbartane to impetrat and crave a new prorogatioun of the said gift, thairfoir the Lords of Secreit Counsell hes prorogat and continewed the terme specified in the Act of prorogatioun foresaid for the space of nyntein yeeres and hes of new givin, grantit and disponit, and be the tennour heerof gives, grants and dispons to the saids proveist, bailleis and counsell of Dumbartane and thair successours the customes, dewties and impost abonewrittin, to be intrometted with, ressaved and uplifted be thame for the said spaice of nyntein yeeres nixt after the dait heerof; with power to the saids proveist, bailleis and counsell and thair successours and to thair servitours in thair names duiring the spaice foresaid to aske, crave, ressave, intromett with and uplift the impost and custome foresaid, and to raise, use and execute letters and executioun thairupoun in forme as effeirs, and to imploy the said impost and custome upoun remeids and helpes for preservatioun of the said burgh as said is and no otherwayes."

" Forsameekill as by the King's Majesteis speciall warrand, command and directioun justice courts ar appointed to be haldin in some severall shirefdomes of this kingdome for punishing offenders and releeving his Majesteis goode subjects from the insolenceis of suche by whome they have bene formerlie opprest, and whairas the pairties arreisted or cited to thir courts may make some pretext of excuse of thair not repairing thairunto by reasoun of some civill hornings whilk they underly; for removing of whilk excuse the Lords of Secreit Counsell hes declared and be the tennour of this present Act declaires that all and sindrie persouns who ar or sall be arreisted or cited to the saids justice courts sall be free to come to the saids courts to remaine and attend thairat and to depart thairfra, viz. for the spaice of twentie foure houres before thair comming to the saids courts and duiring the tyme of thair attendance thairat and for

Persons cited to the Justice-Courts not to be arrested for the space of 24 hours before their attendance on the said courts, neither during their attendance, nor for 24 hours after their attendance.

Fol. 52, a.

the spaice of twentie foure houres thairafter, and that they sall not be taken, apprehendit, arrestit nor wairdit be virtew of anie civill hornings or captiouns raised thairupoun during the spaice abonewrittin, and ordanis letters to be direct to make publicatioun hereof at the mercat croces of the heid burrowes of this kingdome and uthers plaices needfull, and to discharge all shireffs, stewarts, provests and bailleis within burgh and others officars and magistrats to burgh and land that they nor nane of thame presoom nor take upoun hand to take, apprehend, arrest or waird anie persoun or persouns arreisted or cited to the saids courts during the tyme of thair attendance nor for the spaice of twentie foure houres after thair departing thairfra be vertew of anie civill hornings or captiouns raised thairupoun, dischairging thame thairof and of thair offices in that pairt."

Acta February
1628-July
1629.
Fol. 52, a.

Charge to the electors of the burgh of Craill to conform to the existing Acts of Parliament in their choice of magistrats for the present year.

" Forsameekill as thair hes beene diverse acts of burrowes ratified and allowed in Parliament anent the electioun of magistrats within burgh by the whilks it is ordained that choise sall be made of twelffe persouns, honnest and famous burgesses, to be upoun the counsell of the burgh with the magistrats, deane of gild, and thesaurar, making in the whole the number of auchtein persouns, in the whilk number no victualler is to be comprehended, as the saids acts beares, whilks acts hes beene violat within the burgh of Craill thir yeeres bygane in so farre as thair hes beene chosin twentie foure persouns and abone for the Counsell of the said burgh of Craill, whilk hes bred great confusioun in the said burgh and distrac-tioun among the inhabitants thairof. For remeid thairof in tyme comming the Lords of Secreit Counsell ordanis letters to be direct charging the persouns haveing vote in the electioun of magistrats within the said burgh of Craill this present yeere that they proceed to thair electioun conforme to the saids acts and according to the number and qualitie of persouns prescryved thairin and no otherwayes as they and everie ane of thame will answeere to his Majesteis Counsell upoun thair obedience at thair highest charge and perrell."

Commission to Alexander Veitch in Horsburgh to apprehend Katherine Young on a charge of witchcraft.

" The Lords of Secreit Counsell gives and grants full power, warrand and commissioun to Alexander Veitch in Horsburgh to pas, searche, seeke and take Katharine Young, spouse to Alexander Peacock in , who is suspect and delate guiltie of the cryme of witchcraft, whairever she may be apprehendit, and to putt, hold and deteane her in sure firmance, examine her upoun her guiltines of the said cryme, and to use all laughfull meanes to bring her to a confessioun of the truthe, and that the said Alexander report to the Counsell her depositiouns in writt the nixt Counsell day to the intent ordour may be givin for her tryell and punishment as accords."

Fol. 52, b.

Warrant to the provost and bailies of Edinburgh. See ante, p. 442.

" The Lords of Secreit Counsell ordanis and commands the proveist and bailleis of Edinburgh to delyver Margaret Unes and Jonnet Schitlingtoun to Mr. Patrik Turnour, minister at Borthuick, and Mr. James Robertsoun, minister at Cranstoun, to the intent they may be

Acta February 1623-July 1629. Fol. 52, b. carried to Dalkeith thair to abyde thair tryell conforme to the commissioun granted to that effect whairanent thir presents sall be to thame a warrand."

Decreta, November 1627-January 1630. Fol. 130, a.

[Sederunt as recorded above.]

Holyrood House, 27th September 1628.

Fol. 130, b.

On the supplication of John, Erle of Mar, Lord High Treasurer, Archibald, Lord Naper of Merchinstoun, Deputy Treasurer, Sir Thomas Hoip of Craighall, King's Advocate, and George Foulles, master of his Majesty's Cunzie-house, in the matter of Mr. John Schairp's right to annuities from the said Cunzie-house, in which matter their Lordships had already granted a protection to Mr. John Achesoun, sometime of Newton, to repair to Edinburgh till 15th November next (*ante*, p. 429), but seeing the Session is not now sitting, and that it is necessary that the said Mr. John proceed to Ireland and bring thence some writs for clearing of the business, the Lords extend the protection in his favour till the last day of March next.

Anent the right of Mr. John Schairp to an annuity from the Mint.

On the supplication of Sir Robert Ker of Ancrum bearing that the teinds of Langnewton are in dispute between him and Mr. William Jamesoun, minister at Langnewton, that they have been sequestrated for several years past, and that there is a like necessity for sequestrating those of the present crop, the Lords appoint the Lairds of Bonjedburgh and Riddell, younger, to ingather the same, and stack them in some neutral place, discharging both the disputants from meddling therein.

Anent the teinds of Langnewton.

Fol. 131, a.

On the supplication of the noblemen, gentlemen, and whole inhabitants within the shire of Tweddail, and the provosts, bailies, counsell and community of the sheriffdom of Peebles, bearing that a report has now been made to their Lordships by James Murrey, master of his Majesty's Works, in terms of their remit to him of 28th August last, in which he states that he has "sighted and considerit the bridges of Auchindynine and Billisdaill, lying in the hieway betwixt Peeblis and Edinburgh, and hes found that the saids bridges ar become so ruinous and decayed as if they be not speedilie repaired they will fall down," the Lords grant to them and the collectors to be appointed by them full power to uplift a certain duty "of all noblemen, gentlemen and others his Majesteis subjects to burgh and land inhabiting within the bounds of Lothiane, Tiviotdaill, Tweddail, and shirefdom of Selkirk haunting and passing be the saids bridges," and to erect a "port upoun the southmest bridge of Auchindynnie for the better collecting of the said dewtie;" this liberty to last for one year and the duty to be for a horseman, 8d; for every horse load, 8d; for every head of nolt and horse, 4d; and for every ten sheep, 4d; the proceeds to be expended in repairing the said bridge.

Order anent the repairing of the bridges of Auchindinnie and Billisdale.

Fol. 131, b.

Supplication of the moderator and brethren of the presbytery of Dalkeith, bearing that they have been this long time past "troubled and brethren

Supplication of the moderator and brethren

of the
Presbytery of
Dalkeith that
persons
accused of
witchcraft
should be
obliged, when
they are able,
to support
themselves
during their
imprisonment.

with the discoverie, apprehending, examinatioun, interteaning and executioun of numbers of wretched and miserable persouns guiltie of witchcraft, of whome diverse ar alreadie upoun lawfull tryell execute to the death, and the saids supplicants have others now in hand to underly thair tryell and punishment," in which business they have been at great expense, and have been obliged to take the money "out of the boxe of the poore of thair presbyterie." This will be very hurtfull to their poor, "who ar moe in nomber than all the contributioun of thair box can susteane." Now "it agrees with reasoun and justice that thir persouns be interteaned upoun thair awin geir" during their imprisonment, and that the charges of their trial and execution should also be thus defrayed where they have any goods, and therefore the supplicants crave that an Act of Council be passed in their favour that their expenses aforesaid be defrayed out of the first and readiest of the escheat goods of these persons and that the intromitters therewith be liable to the supplicants therein. The Lords grant the same and pass an act accordingly.

Decreta.
November
1627-January
1630.
Fol. 131, b.

Extension of
protection to
Sir Alexander
Hamilton.

On the supplication of Sir Alexander Hamiltoun, sometime apparent of Innerweik, bearing that his protection for the transport of his company towards Germanie expires on the last of this month, and the business is not yet done, as he is still awaiting instructions from the Earl of Nithsdail, his commander, which he expects shortly, and craving a continuation, the Lords extend the term of his protection till 1st March next.

Fol. 132, a.

Supplication of
John Ker of
Langnewton
for temporary
relief from
horning.

On the supplication of John Ker of Langnewton, bearing that "it hes pleased God to call to his mercie frome this mortall lyffe Sir James Dundas of Arnestoun, knight, his father in law, whois funerall is appointed to be upoun the sevint day of October nixt," that he "is bound in dewtie to assist that actioun of his buriall, and to cleere some particulars whairin the said Sir James wes cautioner" for him, but which he cannot do on account of some civil hornings, and therefore craving their Lordships' protection for a certain space, the Lords grant him the same till 1st November next.

Holyrood
House, 27th
September
1628.

Commission
for the trial of
Margaret
Cowan for
witchcraft.

Commission under the Signet to the bailie of the regality of Brouchtoun and Mr. David Prymrois, advocate, as justices, to hold courts and try Margaret Cowane, spouse to Henrie Fentoun, maltman in the Cannogait, who has long been suspected of witchcraft, etc., and against whom divers persons have deponed. Signed by Monteith, Hadintoun, Wintoun, Roxburgh, Tracquair, Arch. Achesoun, and Scottistarvett.

Commissions,
1624-30.
Fol. 176, b.

Commission
for the trial of
Alison Dempster
for
witchcraft.

"Another commissioun of the dait abonewrittin subscriyved be the persouns foresaids grantit unto Mr. James Robertoun, Justice Depute, and Mr. William Adamsoun of Graycruik aganis Alesoun Dempster, spous to Johne Lecoke, fleshour in Leith, for the cryme of witchcraft."

Commission
for the trial of
Katherine

"Another commissioun of the tennour and dait foresaid subscriyved *ut supra* grantit to Sir James Pringill of Gallascheills, Androw Riddill

Commissions,
1624-30.
Fol. 176, b.

of that ilk, and Robert Scot of Hartwodmyre, or anie twa of thame, Leithame and Isobel Howatson in Selkirk and Issobell Howatsoun in Riddell for the said cryme of witchcraft.

Fol. 177, a.

"The lyke commissioun of the dait, tennour and subscryved as said is, Commission for the trial of Elspit Hislop and Isobel Millar in Longniddry for witchcraft.
grantit to Robert Seatoun, elder in Tranent, Archibald Turnbull, baillie thair, Archibald Turnbull, baillie in Langnidrie, and Archibald Weddell, baillie in Seatoun, or anie twa of thame, aganis Elspitt Hislop, spous to James Fairlie in Langnidrie, and Issobell Millar, spous to George Lumisden, cordonner in Langnidrie, for the said cryme of witchcraft."

"The lyke commissioun of the dait, tennour and subscryvit as the rest, grantit to Sir James M'Gill of Cranstoun, shireff principall of Edinburgh, the baillie of the regalitie of Dalkeith, Sir Johne Murrey of Philliphauche, Mr. Patrik Hamiltoun of Little Prestoun, Adame Wauchop of Caikmure, Mr. Robert Cas appearand of Fordell, and Mr. Patrik Edmistoune of Schanke, or anie foure of thame, the said sheriff being one, aganis Janet Unes or Middletoun, spous to Thomas Smiberd, Jonet Smiberd, her daughter, Marioun Scheirar in Cranstoun, Elspitt Duncan thair, and Margaret Borrowman in Easthouses in Newbottle for the said cryme of witchcraft." Commission for the trial of Janet Unes and others for witchcraft.

Royal Letters,
1623-32.
Fol. 145, a.

"Most sacred soverane, Haveing at diverse meetings entered upoun the consideratioun of suche things as ar necessarilie requisite for the furnishing of your Majesteis hous agane the tyme of your Majesteis most contented and wished addresse to this kingdome, we find that the want of wyne will be the most material defect that will occurre in that service, and thair is no way to supplee the same in respect of the strait restraint of importatioun of wyne without your Majesteis allowance and warrand; and thairfor we will humbly beseeke your Majestie to direct us in tyme how to carie our selfes in this particular that accordinglie we may conforme our selfes thairunto; and tuiching suche things as this countrie may afford, the Erle of Mar, your Majesteis Thesaurar, upoun the first advertisement of your royall intentioun to honnour this your ancient kingdome with your presence, out of the dewtie of his service and to doe quhat in him lay to procure your Majesteis contented receptioun heere, willinglie and dewtiefullie undertooke to undergoe all quhairin his estait, freindship and credite could supplee him; and accordinglie he presentlie entered upoun your Majesteis houssis and hes these workes going forward with all the diligence that the industrie of men and present moneyes can afford; and we hope that in that point there sall be no defect, and for suche provisious as the countrie can afford he hes lykewayes givin ordour thairin accordinglie. Bot quhairin thair is ane urgent necessitie of manie things quhilks ar not to be had heere, he hes made choise of this bearer, Sir James Bailzie, your darrest faders auld servant, quho had a great charge in the hous at his Majesteis most happie being in this kingdome, and is best acquainted with the mystereis of that service, to make his addresse thair and to provyde suche Holyrood House, 27th September 1628. Letter to his Majesty stating that the Earl of Mar, his Majesty's treasurer, had appointed Sir James Bailzie to superintend the preparations for his Majesty's visit to Scotland.

Fol. 145, b.

things as the necessitie of the service for your Majesteis contentment and credite of the countrie sall require; and so recommending him to your most gracious and favourable acceptance, we pray God, etc. Frome Halyruidhous, 27 Septembris 1628. *Subscibitur*, Monteith, Hadintoun, Wintoun, Roxburgh, Carnegie, Tracq^r, S^r Archibald Achesoun, S^t George Elphinstoun, S^r Johne Scot.”

Royal Letters
1623-32
Fol. 145, b.

Holyrood
House, 27th
September
1628.

Letter to Sir
William
Alexander
desiring him to
report as
favourably as
he can to the
King of
Denmark
anent the
service done
by Colonel
Sinclair in
raising levies
for the said
King.

“Our verie honnourable good lord, Whairas Williame Dick by ordour frome Burlimakie wes intrusted with the securing of certane sowmes of money to have beene imployed towards the levey of nyne hundreth men under the regiment of Colonell Sinclair for the service of the King of Denmark, the said Williame Dick for testificatioun of his diligence and care in the charge concredite unto him, produced before us three bands, one thairof granted be Captane Hay and the Lord Yester, cautioner for him, another by Captane Chirneside and the Laird of Lugtoun as cautioner, and the thrid be Captane Donaldsoun and Mr. Alexander Guthrie, toun clerk of Edinburgh, his cautioner, wherein everie ane of thame ar obliged to levey and transport three hundreth men; lykeas the said Colonell Sinclair for cleering of his dewtie in the right imployment of the King of Denmarks moneyes towards the intendit use hes givin in his accompts the copie whairof your lordship sall heerewith ressave; whairby it will appeare that the whole moneyes ar trewlie disbursed be the Colonell and that the not performance of the service hes proceedit frome his captanis, who hes failyed in thair undertaikings and whom the Colonell is now persewing by ordour of law for not fulfilling of thair conditionis, quhilk we sall further so farrę as the course of justice will allow; whairwith we desire yow to acquaint the King of Denmarkes ambassadours and to make als favourable a report of the Colonell his cariage in this service as the estait of his accompt will permitt, as alsua that your lordship will be pleased to signifie unto Burlimakie that the securitie tane be Williame Dick is good and the cautioners responsall; and so committing your lordship to God we rest. Halyruidhous, 27 Septembris 1628. *Subscibitur*, Marr, Monteith, Hadintoun, Roxburgh, Areskine, Tracquair, S^r Ar^d Achesoun, S^r Thomas Hoip, S^r George Elphinstoun.”

Fol. 146, a.

Holyrood
House, 29th
September
[1628].

Letter to
sheriffs,
stewards,
bailies, etc.,
anent Justices
of the Peace.

“After our verie heartilie commendatiouns. Whairas the commissiouns for justices of peace hes not beene renewed since the death of our lait soverane lord of blessed memorie and manie of those quho wer justices at that tyme ar depairted this lyffe or removed out of the shireffdomes quhair they dwelt, and his Majestie hes givin directioun that the saids commissiouns sall be renewed in the persouns of the most famous and indifferent barouns and freeholders within eache shirefdome, and it being necessar for this effect that a list and roll be made of the names of the whole small barouns and freeholders within the whole shirefdomes of this kingdome that out of them a choise may be made of some speciall persouns able to discharge the said plaice to his Majesteis honnour and

Fol. 146, b.

Royal Letters,
1623-32.
Fol. 146, b.

weale of the countrie, these ar thairfoir to requeist and desire yow to send in to his Majesteis Secretarie and in caise of his absence to the Clerk of Counsell, betuix and the first of November nixt, ane autentick roll under your hand of the whole barouns and freeholders and others famous gentlemen within the bounds of your office to the effect abone-writtin. Quhilk looking assuredlie yow will doe, as yow respect his Majesteis service and the weale of the countrie, we committ, etc. Haly-ruidhous, 29 Septembris. *Subscribitur*, Mar, Monteith, S^r Ar^d Achesoun, S^r Thomas Hoip."

Fol. 159, a.

"CHARLES R., Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie counsellours, and right trustie and weilbelovit, we greete yow weill. Whereas our lait deir father of eternall memorie assigned unto Johne, Erle of Annerdaill, for building of our hous of Lochmaben the sowme of saxtein hundreth pundis sterline, and quhairas there is as yitt unpaid thairof the sowme of nyne hundreth pundis, which sowme we by a letter recommendit unto yow to have beene payed out of the fynes of the trans-porters and dryvers of cattell, we of new recommend the payment of the saids sowmes unto yow and that out of the saids fynes or anie other fynes or sowmes of money intrometted with be anie of our receavers or officers of receipt not as yitt compted for, as lykewayes out of the superplus of the tacke dewtie of Orkney and Zetland payed be William Dick more nor is assigned to the Erle of Wintoun for the use of the Erle of Nithisdail, the ministers of Orkney, and to our falconers, provyding the saids fynes doe not compleitlie pay the said sowme of nyne hundreth pundis to the said Erle of Annerdaill; and we desire yow also to take speciall notice of the said superplus of Orkney and Zetland that the sowme may be recordit in our Exchequer for the increase of our rent in all tyme comming, anent the ordouring quhairof we intend to signifie our further pleasure, the saids sowmes being ones payed for the building of our said hous; and so recommending these to your care, we bid yow fareweill Givin at Hamptoun Court the 13 of October 1628."

Hampton Court, 13th October 1628. Letter from his Majesty charging the Council to pay 900 pounds sterling to the Earl of Annandale, being part of the sum expended by the said Earl in the building of his Majesty's house of Lochmaben.

Acta February
1628-July
1629.
Fol. 52, b.

Sederunt.—St. Andrewes; Monteith, præses; Wyntoun; Master of Elphinstoun; Secretary; Advocate; Sir John Scot.

Holyrood House, 30th October 1628.

"Forsameekill as our Soverane Lords lait dearest father of blessed memorie was pleased in regaird of that memorable delyverie whilk it pleased God to grant unto him and unto the hail bodie of the estait frome the detestable, treacherous and damnable treasoun of the powder plott upoun the fyft of November 1605 yeires, whairby the ruyne of his Majesteis said darrest father and of himselfe and the overthrow of the trew religioun profest within this kingdome was intendit, to give ordour and directioun that the said fyft day of November should be

Anent the anniversary of the Gunpowder Plot.

solemnelie kept yeerelie thairafter throughout his kingdomes, by giving thankes unto God with publict expressioun of all thankfulnessse and joy for so miraculous and wonderfull a delyverie to the intent that the memorie thair of might with dew reverence be kept be all posteriteis. And whairas since the deceasse of his Majesteis said darrest father thair hes beene a negligent intermissioun of the keeping of the said day within this kingdome whairby the memorie of that damnable treasoun, whilk can not be paralleld with anie precedent or example in anie kingdome or age, is lyke to be buried in oblivion, Thairfoir it is his Majesteis pleasure that the said day sall be preciselie kept yeerelie heerafter by all his Majesteis subjects of this kingdome as it wes accustomed to be done duiring the tyme of his Majesteis said lait deare father; and for this effect the Lords of Secreit Counsell ordaines letters to be direct charging officers of armes to pas to the mercat croces of the heid burrowes of the severall shyres of this kingdome and uthers plaices needfull, and thair be opin proclamatioun to make publicatioun of the premisses, and to command and charge all and sindrie his Majesteis officers and loving subjects that they observe and keepe and caus be observed and kept the said day yeerelie in tyme comming by giving thankes unto God in the severall churches of this kingdome with publict expressioun of thair thankfulnessse and joy in that forme and maner as wes accustomed to be done duiring the tyme of his Majesteis said lait deare father, as they and everie ane of thame will testifie thair thankfulnessse to God for so wonderfull and memorable a delyverie, and will answeere to his Majestie upoun thair dewtie and obedience. Followes his Majesteis missive for warrand of the Act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whereas it pleased our late deare father in regard of that memorable delyverie which it pleased God to grant frome the treacherous and damnable powlder plott upoun the fyft of November intending the ruyne of him, of us and of the trew religioun professed within his kingdomes, to caus solemnelie observe the said day throughout the samine yeerelie, by giving thankes to God with publict expression of joy to the effect that the same with dew reverence may alwayes be kept in memorie, our pleasure thairfoir is that yow caus proclamatioun be made commanding the said day yeerelie to be kept by our whole subjects there, as it wes accustomed to be duiring the tyme of our said lait deare father; which recommending to your speciall care, we bid yow fareweill. Givin at our honour of Hamptoun Court the 10th day of October 1628.”

Anent the continuance of the commissioners for the shires who

“Forsameekill as the King’s Majestie haveing upoun manie just and weightie consideratiouns recommendit to the Lords of his Majesteis Privie Counsell that the commissioners who wer nominat be the small

Acta February
1628-July
1629.
Fol. 52, b.

Fol. 53. a.

Fol. 53. b.

Acts February 1628-July 1629. Fol. 53, b.

barouns and freeholders throughout the severall shirefdomes of this kingdome this last yeere bygane to attend his Majesteis Parliaments and Generall Counsellis sould be continewed for this present yeere to the intent that the maters to be handled and treated in his Majesteis approaching Parliament proclaimed to be haldin upoun the fyftein day of Apryle nixtocome may be the more formallie and ordourlie directed and brought to a good conclusioun, the said Lords for this effect wrote to the whole shireffs, stewarts and bailies within this kingdome, and acquainted thame with his Majesteis just, laughfull and necessar desyre in this mater, and with that earnestlie requested and desyred thame to conveene the small barouns and freeholders within the bounds of thair office and to propone unto thame his Majesteis directioun and to deale with thame to conforme thameselfes thairunto, and accordinglie to confirme the electioun made by thame of thair commissioners for the yeere bygane to stand for the yeer to come ; and the said Lords looking that a dewtifull obedience sould have benee givin to his Majesteis just and lawfull directioun in this point and that the saids shireffs, stewarts and bailieis sould have made a report of thair proceedings thairin to the intent that if anie defect or informalitie wer found thairin the same might have been repaired before the Parliament ; neverthelesse thair hes no report as yitt benee made be the saids sheriffs, stewarts and bailieis of thair diligence and of the obedience givin to his Majesteis directioun in this mater. And as the saids Lords ar informed thair hes benee some oppositioun made in sindrie of the shirefdomes of this kingdome to his Majesteis said just and lawfull desire, whilk appearandlie will produce some contestatioun and disordour in the tyme of the Parliament and so will frustrat and hinder his Majesteis great and important effaires to be treated and handled in the said Parliament, without remeid be provydit, Thairfoir the said Lords ordanis letters to be direct chairging the shireffs of the shirefdomes of Edinburgh principall, and constabularie of Hadintoun, Bervick, Roxburgh, Selkirk, Peebles, Lanerk, Linlithgow, Stirlie, Clackmannan, Fyffe, Kinroscher, and Perth, and Stewarts of Stratherne and Monteith, to compeir personallie before the saids Lords upoun the twentie day of November nixtocome ; and alsua chairging the shireffs of Dumfreis, Wigtoun, Air, Renfrew, Dumbartane, Bute, Argyle and Tarbett, Forfar, Kincairdin, Aberdein, Bamff, Elgine, Forresse, Narne, Invernesse and Cromartie, Stewarts of Kirkcudbright and Annanderdaill, and bailieis of Kyle, Carrick and Cunninghame, to compeir personallie before the saids Lords upoun the ellevint day of December nixtocome, and they and everie ane of thame to bring, produce and exhibite with thame ane trew and perfyte report in writt conteaning ane accompt of thair proceedings and diligence in executioun of the charge and directioun foresaid givin unto thame and of the obedience of the small barouns and freeholders givin in the said mater : and for this effect lykewayes to produce with thame the acts whairby the saids commissioners hes benee elected or

Fol. 54, a.

were nominated the preceding year.

confirmed of new togidder with the commissioun of thair electioun or for confirming of thame in thair office sealed and subscribed conforme to the Act of Parliament, and all others Acts and writts concerning that bussines, to the intent the same may be seene and considerit be the saids Loxds and ordour tane thairin accordingle under the pane of rebellioun, etc., with certificatioun, etc."

Acta February
1628-July
1629.
Fol. 54, a.

Ratification of
a Commission
granted by the
Earl of
Monteith for
the trial of
Janet Boyd,
who is charged
with witch-
craft.

"Forsameekill as at the lait justice court kepted at the burgh of Dumbartane, thair wes exhibite unto Williame, Earl of Monteith, President of his Majesteis Counsell, and Lord Cheefe Justice of this kingdome, ane depositioun made be Jonnet Boyd, spous to Robert Neill, burges of Dumbartane, in presence of the proveist and bailleis of Dumbartane and minister thairof, and subscribed with thair hands, proporting that the said Jonnet had freelie and willinglie confest that she had entered in covenaut with the devill, that she had ressaved his marke, had renuned her baptisme and had carnall deale with him, and that she had layed on sindrie sickenesses and diseases on diverse persouns by the power grantit to her be the devill, upoun consideration of whilks depositiouns the said Earl of Monteith, Lord Cheefe Justice of this kingdome, out of his trew and worthie respect to justice, grantit a commissioun to the Shireff of Dumbartane, the Laird of Foulwod, and to the provest and bailleis of Dumbartane for putting the said Jonnett to the knowledge of ane assyse for the said cryme; And the Lords of Secreit Counsell acknowledging the honnourable and worthie behaviour of the said Erle of Monteith, Lord Cheefe Justice of this kingdome, in granting of the said commissioun for punishing of so foule and detestable a cryme, Thairfoir the saids Lords hes ratified, allowed and approvin, and by these presents ratifeis, allowes and approves the commissioun foresaid grantit be the said Erle in the mater foresaid and of the commissioners proceedings be vertew thairof; and if the said Jonnett be alreadie putt to tryell and convict of the said cryme, the saids Lords ordanis the saids commissioners to caus justice be ministrat upoun her conforme thairto, whairanent thir presents sall be unto thame a warrand. And becaus the said Erle of Monteith is uncertane if the said Jonnett Boyd be as yitt putt to a tryell and convict he thairfoir craved that he might have a new commissioun past be the saids Lords to the persouns abonenamit for putting of the said Jonnet Boyd to the knowledge of ane assyse for the cryme foresaid, whilk desire the saids Lords hes thought reasounable, and accordingle past and exped ane commissioun in maner and to the effect abonewrittin."

Fol. 54, b.

Charge to the
Lords of
Erections to
appear before
the Commis-
sion of
Teinds on the
1st of
November.

"Forsameekle as the first day of November now approaching wes appointed by ane former act and proclamatioun lawfullie publeist at the mercat croces of the heid burrowes of this kingdome to suche of the lords of erectiouns and others haveing right frome thame as hes laces laughfullie sett before the dait of thair erectiouns or absolute warrandice

Acta February
1625-July
1629.
Fol. 54, b.

of the same aganis thair authors for production before the commissioners nominat be the Kings Majestie for the treatie anent the erectiouns, surrenders and teinds of all thair laces, and tacks of other mens teinds sett to thame or thair authors before the erectiouns, togidder with all thair rights and securiteis of the saids teinds bearing absolute warrandice or warrandice of thair awin moneyes incaise of evictioun; and als for production with thame of the just and trew rentalls of thair few maills and other constant rent of the superioriteis of thair erectiouns to the intent it may be knowne what pairt thairof is bruiked presentlie by the lords of erectiouns and what pairt by pensioners or lyverenters and what remains free of the same. And whairas the saids commissioners ar to meit, God willing, the morne, the said first day of Novenber, to attend the saids productiouns, Thairfoir the saids Lords ordanis ane maisser or officiar of armes to pas to the mercat croce of the burgh of Edinburgh and thair be opin proclamatioun to command and charge all and sindrie lords of erectiouns and others haveing right and title frome thame as said is to compeir before the saids commissioners the said first day of Novenber now approcheing in the Counselhous at Halyruidhous at twa of the clocke in the afternoone and to bring and produce with thame thair saids laces, rights and securiteis of other mens teinds, with thair rentalls of thair few maills and constant rent of thair superioriteis, to the intent the same may be seene and considerit be his Majesteis Advocat conforme to the first proclamatioun direct to that effect and under the paines conteanit thairin."

Fol. 55. a.

Commissions,
1624-30.
Fol. 178, b.

Commission under the signet to the Sheriff of Dumbartane, Sempill of Foulwod, and the provost and bailies of Dumbartane, as justices to hold justice courts and try Janet Boyd, spouse to Robert Neill, burgess of Dumbartane, who has been long suspected of witchcraft. Signed by St. Andrewes, Monteith, Wintoun, M^r of Elphinstoun, S^r Archibald Achesoun, S^r Thomas Hoip, and S^r Johne Scot.

Holyrood
House, 30th
October 1628.
Commission
for the trial of
Janet Boyd.

Sederunts,
1625-29.
Fol. 101, a.

"The quihlk day his Majesteis Advocat propounded to the Counsell that whereas by warrand frome his Majestie he wes commandit to persew be course of law all these who refusit to subscriye the generall submission, he desirit to be directit be the Counsell how he sould behave him selff in that bussynes. The Lordis in respect of the importance of the bussynes remittes the same and thair advyse to be gevin thairanent to the heiring of a more frequent number of the Counsell."

Anent those
who refused to
subscribe the
generall
Submission.

"That charges be direct aganis suche as interruptit the electioun of commissioneris for the shirefdome of Forfar, who being privat men wanting auctoritie be thame selffis, without the concurrence or assistance of the Shireff procedit to the choise and nominatioun of commissioneris."

Anent the
election of
Commissioners
for the Sheriff-
dom of Forfar.

"The Lordis remittis the ansuering of his Majesteis Advocatis

Anent the
pursuit of
Burgye.

propositioun groundit upoun his Majesteis letter towcheing the persuite of Burgye for the crymes contenit in the letter to a more frequent meeting of the Counsall.” Sederunts.
1625-29.
Fol. 101. a.

Holyrood
House, 11th
November
1628.

Sederunt.—Mar, Treasurer; Hadintoun, Privy Seal; Secretary; Advocate; Clerk of Register; Sir George Elphinstoun; Sir John Scot. Acta February
1628-July
1629.
Fol. 55, a.

Charge to certain Commissioners specified to ascertain the names of the teind-sellers, who have either refused to sign the Submission or have signed the same with limitations and restrictions.

“Forsameekill as it being found meit and expedient be the Lords of Secreit Counsell for the better forderance and advancement of that writt and submissioun whilk wes drawin up be. his Majesteis Advocats and alreadie subscribed be a number of the Lords of Erectiouns and others haveing interesse in the erectiouns, surrenders and teinds, that the whole teind sellers and teind buyers within this kingdome sould subscribe the double of the said writt and submissioun to the intent his Majestie might the more ordourlie proceid in his royall determinatioun upoun the maters submittit to his Majestie, for this effect and for the ease of his Majesteis subjects and releeving of thame of the unnecessar trouble and expenses they wer to susteane if they had beene drawin to Edinburgh for subscriyving of the said submissioun, commissiouns wer past and exped to certane noblemen, barons and gentlemen throughout the severall shireffdomes of this kingdome, for procurig of the subscriptiouns of the teind buyers and teind sellers within the saids shireffdomes to the submissioun foresaid. And altho the saids commissioners did thair diligence in the executioun of that charge concredite unto thame yitt his Majestie is informed that diverse of the teind sellers hes refused to subscribe the said submissioun and others of thame hes subscribed with forder restrictiouns and limitations then ar mentiouned in the said submissioun, to the great hinder of that good and worthie worke whilk his Majestie hes intendit for the generall and universall good of this whole kingdome. And seing lawfull intimatiouns hes beene dewlie and tymouslie made to the saids teind sellers for subscriyving of the said submissioun sua that nane of thame with reasoun can pretend ignorance thair of his Majestie is thairfoir resolved to have his title to things of that nature tryed in a legall maner and hes givin strait directioun and charge to his Majesteis Advocat to insist be law aganis the persouns foresaids who hes not subscribed the said submissioun or who hes subscribed the same with limitatiouns and restrictiouns. And whairas the best and readiest way to gett trew knowledge of the saids persouns thair names will be by the paines and travellis of the commissioners nominat for the teind buyers within the severall shireffdomes of this kingdome and that the saids Lords ar informed by the report and relatioun of Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat, that diverse of the commissioners nominat for the teind buyers for subscriyveing of the saids generall submissiouns within the saids Fol. 55, b.

Acta February
1628-July
1629.
Fol. 55, b.

severall shirefdomes hes not made report of the names of these who hes right to others mens lands [*sic ?* teinds] and hes refused or delayed to subscriyve the saids generall submissiouns, Thairfoir the Lords of Secreit Counsell ordaines letters to be direct charging the commissioners particularlie underwrittin nominat for the teind buyers within the shirefdomes following, they ar to say, Sir James M^cGill of Cranstoun, knight baronnet, and Sir James Richartsoun of Smetoun, for the shirefdome of Edinburgh; Sir Samwell Johnestoun of Elphinstoun, knight baronnet, and Robert Richartsoun of Pencaitland, for the constabularie of Hadintoun; Sir Patrik Home of Aittoun and Sir Alexander Nisbit of West Nisbitt, for the shirefdome of Beruick; Riddill, appearand of that Ilk, and Ker of Cavers, for the shirefdome of Roxburgh; Sir James Pringill of Gallascheillis, for the shirefdome of Selkirk; Hay of Smithfeild, and Naismith of Posso for the shirefdome of Peebles; Sir Robert Greir of Lag and Robert Crichtoun, brother to the Vicount of Air, for the shirefdome of Dumfreis; Sir Patrik Agnew of Lochnaw and Sir Johne M^cDougall of Garthland, for the shirefdome of Wigtoun; Sir James Lockhart, elder of Lee, and Sir Williame Bailzie of Lamingtoun, for the shirefdome of Lanerk; Thomas Dalyell of Binnis for the shirefdome of Linlithgow; Cuninghame of Corsehill and the Laird of Kelburne, for the shirefdome of Air; Sir Johne Maxwell of Neatherpooke and Archibald Stewart of Blakhall, for the shirefdome of Renfrew; Naper of Kilmahew and Johne Sempill of Aikinbar, for the shirefdome of Dumbartane; Stewart, shireff of Boote, for the shirefdome of Boote; the Laird of Lawmont, for the shirefdome of Argyle; Grahame of Fintrie and Adame Cuninghame of Bouquhen, for the shirefdome of Stirlie; Sir James Learmouth of Balcolmie and Leslie of Newtown, for the shirefdome of Fyffe and Kinroscher; Sir Robert Bruce of Clackmannan for the shirefdome of Clackmannan; Sir Harie Wood of Bonytoun and Sir Williame Grahame of Claverhous, for the shirefdome of Forfar; Moncreif, knight baronnet, and Alexander Campbell of Crownane, for the shirefdome of Perth; Dowglas of Glenbervie, for the shirefdome of Kincairdin; Sir James Gordoun, appearand of Lesmoir, and Sir Johne Leslie of Wardes, for the shirefdome of Aberdein; James, Lord Desfuird, and Robert Inneis of Balvenie, for the shirefdome of Bamff; Dumbar of Grange, for the shirefdome of Elgine; Rosse of Kilrawacke, for the shirefdome of Nairne; George, Lord Gordoun, for the shirefdome of Innernes, Caithnes and Sutherland; Urquhart, shireff of Cromartie, for the shirefdome of Cromartie; and Johne Gordoun of Lochinvar and Foullertoun of Carletoun, for the stewartrie of Kirkeudbright; at the least so manie of the saids commissioners as hes not as yitt made thair report of the names of these who hes not as yitt subscriyved the saids generall submissiouns to informe thameselfes by all lawfull wayes and meanes as they best can of the

Fol. 56, a.

names of all suche teind sellers within the bounds of thair offices respective who hes not subscryved the saids generall submissiouns, and to report thair names togidder with the names of thair lands, the presence of thair right and reasouns of thair refusall to his Majesteis Counsell or to his Majesteis Advocat betuix and the nynt day of Januar nixtcome to the intent they may be callit before his Majesteis Counsell and required outhir to subscryve the said submissioun or to condescend upoun the reasouns of thair refusall, and to the effect his Majesteis said Advocat after thair refusall may according to his Majesteis letter and warrand direct unto him proceed be ordour of law aganis the refusears for annulling and reductioun of thair pretendit rights; and to command and charge the saids commissioners to the effect foresaid personallie or at thair dwelling plaices, under the paine of rebellious and putting of thame to the horne, with certificatioun to thame and they failyie, the said day being bypast, letters sall be direct to putt thame to the horne and to escheate, etc."

Acta February
1628-July
1629.
Fol. 56. a.

Holyrood
House, 11th
November
1623.

Complaint by
Duncan
Forrester,
burgess of
Burntisland,
against Martin
Bruke and
others for
wrongous
imprisonment
in the Tolbooth
of the
Canongate.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 134. a.

Complaint by Duncan Forrester, burgess of Bruntilland, as follows :—
For two years and a half past he has been detained in the tolbooth of the Cannogait at the instance of Martin Bruke, skipper in Bruntilland, and Massie Tod, his wife, for a debt of 400 merks and 40 merks of expenses, and interests in arrear; of Margaret Stirk, relict of Alexander Browne, baker, burgess of Bruntilland, for 300 merks and £30 of expenses; of John and Issobell Murrey and Thomas Dewar and John Smith, burgesses of Bruntilland, as heirs of the deceased Isobel Smith, for £60 and £10 of expenses; of George Kincaid, burgess of Edinburgh, and Janet Millar, his wife, for 100 merks, and certain expenses; of William Dick, for 120 merks and expenses and interest; of James Smith in Leith, for an alleged debt of £34; and of John Leipie in the Cannogait for £46; but the greatest part of these debts are wrongfully charged against him, and for the rest his creditors have pointed more of his goods than "will compleitlie satisfie thame." Moreover he is like to perish for want. Charge having been given to the persons named, and also to Adam Bothwell and James Aittoun, bailies of the Cannogait, to produce the pursuer, and the pursuer compearing, and of the defenders only Martin Bruke being present, the Lords ordain the said bailies of the Cannogait to release the pursuer upon his making and delivering to the defenders a sufficient assignation to all his goods moveable and immoveable, and bonds and debts due to him.

Fol. 134. b.

Complaint by
Robert Whyte,
indweller in
Kirkcaldy,
against Robert
Malcolm for
wrongous

Complaint by Robert Whyte, indweller in Kirkcaldy, as follows :—
He has been warded in the tolbooth of Edinburgh at the instance of Robert Malcolm, burgess of the Cannogait, for a debt of £80 and expenses, for which the complainer became cautioner to him for

Decreta,
November
1627-January
1630.
Fol. 134, b.

David Whyte, his son, whom the said Robert, "by his rigorous and churlish dealing" forced to leave the country, as he likewise forced the complainer to do, "ane poore man of threescore sax yeeres of age" and to remain forth thereof for two years. And when, "for recoverie of his health and preservatioun of his lyffe he wes forced to returne," the said Robert Malcolme had him apprehended and warded, though the complainer made assignation to him of 100 merks due to him by several creditors by bonds, which bonds are in the hands of the said Malcolme. Charge having been given to the said Malcolme, and also to John Sinclair, one of the bailies of Edinburgh, to produce the complainer, and the pursuer being brought by some of the officers of the burgh of Edinburgh at the direction of the magistrates, and the defender being likewise present, the Lords ordain the provost and bailies to put the pursuer to liberty, he first subscribing the assignation foresaid to the defender and delivering up the said bonds.

Fol. 135, a.

Complaint by Robert, Earl of Nithisdail, Stewart of the Stewartrie of Kirkcudbright, and James Maxwell of Kirkconnell, Stewart depute thereof [his brother (in the margin)], as follows:—Having been charged to pay to George, Viscount of Dupline, Lord Hay of Kinfaunes, Collector General of his Majesty's Taxations granted in October 1625, the first and second terms thereof for the Stewartry of Kirkcudbright, they gave commission to Martin Newell, Steward clerk of Kirkcudbright, and John Huttoun, messenger in , to uplift the same and account to them, but they refuse to make count and reckoning though they have uplifted the taxation. Charge having been given to the said Martin Newell and John Huttoun, and the pursuers compearing by Alexander Maxwell, one of the ordinary macers before the Lords of Session, and the defenders not compearing, the Lords ordain them to be denounced rebels and escheat.

Fol. 135, b.

Complaint by Margaret Jo in Mussilburgh, as follows:—Eleven or twelve weeks since she was apprehended by the bailies of Mussilburgh and warded in their tolbooth on the accusation of being a witch, and though she very instantly and earnestly craved her trial, it is refused. She is willing to find caution to appear before the Justice for trial whenever lawfully charged so to do. Charge having been given to John Calderwod, William Scot, Walter Smart and William Duncane, bailies of Mussilburgh, to compear and bring the complainer with them, and the pursuer compearing by Alexander Walker, tailor, burgess of Edinburgh, and the said John Calderwod and William Duncane, compearing for themselves and the rest of the bailies, the Lords ordain the defenders to put the pursuer to the lawful trial of an assize within fifteen days, and failing that to put her to liberty.

Fol. 136, a.

Complaint by David Vaus of Blance, as follows:—Last Council day their Lordships ordained him to be liberated on conditions [ante p. 464], which he has now fulfilled; but Margaret Duff in Staunhill, though

imprisonment
in the Tolbooth
of Edinburgh.

Complaint by
Robert, Earl of
Nithsdale,
Steward of the
Stewartry of
Kirkcudbright
and his
depute, against
Martin Newell,
steward-clerk
of Kirkcud-
bright, and
John Hutton,
messenger.

Complaint by
Margaret Jo in
Mussilburgh,
accused of
witchcraft,
against the
bailies of
Mussilburgh.

Complaint by
David Vaus of
Blance against
Margaret Duff
for wrongous
imprisonment.

then a consenter with the rest of his creditors, refuses to accept the said assignment, and intends to keep the complainer in ward till he famish. Charge having been given to the said Marioun (*sic*) Duff, and also to John Sinclair, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and the pursuer compearing, and the defender being represented by Thomas Allan, messenger, who in her name agreed to the pursuer's liberation provided the said assignation were first registered, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer.

Decreta,
November
1627-January
1630.
Fol. 136, a.

Holyrood
House, 11th
November
1628.

Commission to
the bailies of
the regality of
Dalkeith and
others to try
Janet Unes
and others for
witchcraft.

Commission under the Signet to the bailies of the regality of Dalkeith, Sir George Forrester of Corstorphine, Sir John Murrey of Philliphauche, Sir James Richartsoun of Smetoun, Mr. Patrick Hamiltoun of Prestoun, Adam Wauchop of Caikmure, and Mr. Robert Cas, apparent of Fordell, as justices, to hold courts and try Janet Unes, spouse to Thomas Smiberd in Middletoun, Janet Smiberd, her daughter, Marion Sherer in Cranstoun, Elspitt Duncan there, Margaret Barrowman in Easthouses in Newbottle, Malie Turnour in Stobhill, William Watt in Westhouses, and Margaret Muirheid, vagabond, who have long been suspected guilty of witchcraft. Signed by Mar, Hadintoun, Arch. Achesoun, Hamiltoun, S^r Thomas Hoip, S^r George Elphinstoun, and Scottistarvett.

Commission,
1624-50.
Fol. 179, a.

Commission to
John, Lord
Tracquir, to
apprehend
William
Paterson in
Edinburgh for
theft.

Commission under the Signet to John, Lord Tracquir, to search for, apprehend and bring and imprison in the tolbooth of Edinburgh, there to remain till his examination, trial and punishment, William Patersoun, elder, walker in Edinburgh. He and his son, William Patersoun, younger, who is a prisoner in the said tolbooth, on May last broke into the place of Lufnes, belonging to Sir Patrick Hepburn of Wauchtoun, and stole thence five silver cups, a green board cloth, and two pair of Holland cloth sheets; and on the same day they took seven corn sacks out of Ninian Dudgeoun's house in Bennistoun. The said William Patersoun, elder, fearing the event of his trial, "intends to convoy himselfe quyetlie away furth of the bounds quhair he dwellis." Signed by the same Lords.

Fol. 179, b.

Commission to
George, Earl
of Winton, to
search for all
persons sus-
pected of
witchcraft
within his
bounds.

Commission of justiciary under the Signet to George, Earl of Wintoun, and his bailies within whose bounds the cryme of witchcraft, sorcery, and using of charms is become very frequent, and the perpetrators thereof are emboldened by there being no person authorised with power for their trial and discovery, this crime being one "most offensive to God and unsufferable to be permitted in ane Christiane and weil governed commounwealth," to search for such within the said bounds, being his own removeable tenants, and to imprison and examine them and report their depositions to the Council that order may be further taken therein. Signed by the same Lords.

Holyrood
House, 11th
November
1628.

Complaint by Robert Fyffe, servant to James Crichtoun of Abercrombie, and Thomas Dowie in Benschellis, as follows:—They understand they are denounced rebels at the instance of his Majesty's

Fines,
1614-31.
Fol. 122, b.

Fines,
1614-31.
Fol. 123, a.

Advocate and Mr. Robert Narne of Strathurd, advocate, for not compearing before the Council to answer to a charge of wearing hagbutts and pistols and wounding Katherine Prestoun, wife of the said Mr. Robert, and his bairns and servants to the effusion of their blood. Now they never were lawfully charged and knew not of the same or they would have compeared and shown their innocence, and they have found caution in 200 merks for their compearance and payment of 20 merks as their escheat if found liable so to do. Charge having been given to the said Advocate and Mr. Robert Nairn, and pursuers and defenders compearing, and the pursuers confessing to the wearing of pistols at the time libelled in the complaint against them, the Lords fine the said Robert Fyffe 20 merks, and Thomas Dowie £10 to be paid to the Treasurer, Treasurer Depute, and Receivers of his Majesty's Rents; and ordain them to find caution acted in the Books of Secret Council not to bear hagbutts or pistols in future. They further require them to take a remission and pass and expedite the same through the registers and seals; and in respect of their personal compearance suspend the letters of horning against them.

Complaint by Robert Fyfe and Thomas Dowie against Sir Robert Nairn of Strathord for being unlawfully denounced rebels at the instance of the said Robert Nairn.

Fol. 123, b.

"After our verie heartilie commendatiouns. Whairas thair is a meeting of the Commissioners for the Surrenders appointit to be heere at Halyruidhous upoun the nyntein of November instant for some speciall occasiouns concerning the forderance and advancement of that bussines, these ar thairfoir to requeist and desyre yow to keepe this dyet preciselie, at the least that yow be heere upoun the xxi day of the said moneth in the forenoone, to the intent yow may be prepared and readie to meit with the rest of the Commissioners in the afternoone. Quhilk looking assuredlie yow will doe, as yow respect his Majesteis obedience and service, we committ yow to God. Frome Halyruidhous the ellevint of November 1628. *Subscribitur*, Marr, Hadintoun, Arch. Achesoun, S^r Thomas Hoip, S^r George Elphinstoun."

Holyrood House, 11th November 1628.

Summons to the Commissioners for the Surrenders to attend the diet of the said Commissioners on the 19th November instant.

Royal Letters,
1623-32.
Fol. 146, b.

"That missives be direct to the Bishoppis of Dunkeld, Dunblane, Brechin and Caithnes, the commissioneris of Edenburgh, Striviling, Dundee, St. Androis and Glasgu, to attend the Commissioun for the Surrenders upoun the xix or xxi of this instant."

Diet of the Commission for the Surrenders.

Sederunts,
1625-29.
Fol. 101, b.

"The quhilk day the Earle of Mar exhibite ane patent under the grite seale bearing dait at Windsoir the 18 of September quhairby his Majestie hes maid the Laird of Dalzell a barone of parliament to be callit in tyme comeing the Lord of Dalzell; whilk patent wes delyverit to Mr. Alexander Johnnestoun, servitour to Mr. Lues Steuart in name of the Lord Dalzell."

The Laird of Dalzell.

"Ane letter frome his Majestie concerning the Laird and Lady Bass, and charge is ordanit to be direct aganis thame for thair compeirance befor the Counsail to ansuer upoun thair rebellious."

The Laird and Lady Bass.

Holyrood
House, 13th
November
1628.

Treasurer; Privy Seal; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot. *Sederunt*,
1625-29.
Fol. 101, b.

Anent the
office of the
Justice-Clerk.

"The quhilk day the Lordis Thesaurar, Previe Seale, Secretair, Advocat and Mr. Alexander Colvill, Justice Depute, acceptit upoun thame the commissioun for inquiring in the liberteis, privilegis, jurisdiction and casualtyis due and formarlie belonging to the Justice Clerk his office, and to restore the same to the said office." *Fol. 102, a.*

Holyrood
House, 18th
November
1628.

Sederunt.—Treasurer; Monteith, præses; Privy Seal; Wintoun; Linlithgow; Lauderdaill; Tracquair; Master of Jedburgh; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot. *Acta Februarii*,
1628-July
1629.
Fol. 56, a.

Warrant for
deserting the
Laird of
Banff's day of
law.

"Forsameekle as the King's Majestie, being careful to be trowlie informed anent the forme, maner and circumstances of the slauchter of umquhile James Ogilvie of Podula committit be Sir George Ogilvie of Bamff and his complices, hes for this effect recommendit to the Lords of Privy Counsell the exact tryell and examinatioun of that slauchter and how the same hes fallin out that accordinglie his Majestie may resolve what best becomes his royall and princelie justice and equitie in that caise; and in the meane tyme it is his Majesteis expresse command and directioun that all criminall persute aganis the said Sir George and his complices sall cease and be forborne and till his Majestie declair his forder will and pleasure thair anent to the intent both the saids pairteis may have tyme and leasure to use thair probatioun for trying the forme of the said slauchter and to acquaint his Majestie with what they can say in this caise; Thairfoir the Lords of Secretit Counsell according to ane warrand and directioun in writt signed be the King's Majestie and this day presented unto thame, ordaines and commands the Justice, Justice Clerk, and thair deputs, and James, Erle of Murrey, his Majesteis Lieutenant, Justice and Commissioner over the north pairts of this kingdome, and his deputs, to desert the dyet appointed be thame respective for tryell of the said Sir George and his complices anent the said slauchter, and to desist and cease from all proceeding aganis the saids persouns thairin or aganis thair cautioners for thair entrie before thame, and to dispense with thair personall compeirance, dischairging thame and either of thame thair of and of all directing of new letters and charges aganis the saids persons for the said slauchter and of thair offices in that part ay and whill the saids Lords take tryell and cognitioun anent the forme and maner of the slauchter foresaid and whill his Majesteis forder pleasure be knowin thairanent. Followes his Majesteis missive for warrand of the Act abonewrittin:—CHARLES R. —Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and

Missive from
his Majesty
desiring the

Acta February 1628-July 1629. Fol. 56, b.

weilbelovit counsellours, we greete yow weill. Whereas we have bene informed that the slaughter of James Ogilvie in Podula hes bene committed by Sir George Ogilvie of Bamff in defence of both his lyffe and honnour, and for that respect earnest supplicatioun hath bene made unto us to grant our letters of remissioun to the said Sir George; yitt considering that nothing importeth more both the respect of our soverane auctoritie and the good and quyete of our subjects than the executioun of our lawes made especiallie aganis malefactours in criminall causes we have thairfoir altogidder refused our letters of pardoun to the said Sir George notwithstanding the faire and plausible reports whairupoun we have bene petitioned. But becaus it importeth als muche our justice as our equitie to mitigat some tyme the rigour of our lawes, we have thought fitt to will yow to examine and try exactlie how that accident hath fallin out and give us suche particular advertisement thairof as thairupoun we may resolve what best becometh our princelie equitie in that caise. And to the effect the said Sir George may have tyme to recover his indispositioun through the wounds received yow may have tyme to make exact tryell and informatioun of the caise to us and that the parteis offended may have leasure als weill to acquaint us with what they can say in this caise as we have heard muche in favours of the said Sir George Ogilvie, we have thairfoir thought fitt to will yow to command in our name the ministers of justice in criminall causes forbear all proceeding aganis the said Sir George and his complices till suche a tyme as yow in your judgement sall thinke expedient and further during our pleasure. So expecting to heare frome yow in this we bid yow fareweill. Givin at our Court at Whitehall the sevint day of November 1628."

"Forsameekle as the King's Majestie being carefull to be trewlie informed anent the forme, maner and circumstances of the slaughter of umquhile James Ogilvie of Podula committit be Sir George Ogilvie of Bamff and his complices hes for this effect recommendit to the Lords of his Privie Counsell the exact tryell and examinatioun of that slaughter and how and upoun what occasioun the same fell out and who wer the first onsetters, that accordinglie his Majestie may resolve what best becomes his royall and princelie equitie and justice in that caise, Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging the said Sir George Ogilvie of Bamff and Sir George Ogilvie of Carnowssie, knights baronnet, on the ane pairt, and Margaret Ogilvie, relict of the said umquhile James Ogilvie, Walter Ogilvie of Ridhicht, his brother germane, Johne Gordoun of Buckie, and Mr. Williame Gordoun of Cairnfeild, his brether uterine, on the uther pairt, to compeir personallie, and to bring, produce and exhibite with thame before the Lords of his Majesteis Privie Counsell upoun the fyftein day of Januar nixtcome suche probatioun, verificatioun, and witnesses as they or either of thame will use for clearing of the forme and maner of the said

postponement
of proceedings
against Sir
George Ogilvie
of Bamff for
the slaughter
of James
Ogilvie of
Podula.

Order anent
the slaughter
of James
Ogilvie of
Podula.

slaughter and how and upoun what occasioun the same happenned and fell out, and to charge suche persouns as sall be givin up be either pairtie to beare witnessse in the said mater to compeir personallie befor the saids Lords the day foresaid to beir leill and suithfast witnessing in sua farre as they know or sall be speirit at thame in the said mater; and that the principall parteis compeir lykewayes to heare and see the saids witnesses ressaved, sworne and admitted, with intimatioun as effeirs; and that all the saids persouns, both parteis and witnesses compeir personallie to the effect foresaid under the pane of rebelliou and putting of thame to the horne, with certificatioun, etc.”

Acta February
1628-July
1629.
Fol. 57. a.

Anent the proposal of Alexander Nairn for the erecting of beacons and making of barricades for the defence of the kingdom. See *ante*, p. 244.

“The whilk day the Lords of Secreit Counsell, having read and heard his Majesteis missive letter direct unto thame tuicheing the overtoure made be Alexander Narne, his Majesteis servand, for erecting of beacons and making of barricadoes in convenient places of the kingdome for defence of the same aganis the suddane invasioun of anie forraine enimeis, the Lords remitts this mater and overtours thairof togidder with the course and ordour to be taikin for satisfioun of the charges to be bestowed be the undertakers in the prosequioun of the worke and how and by what meanes he sall be repayed of the same, to the consideratioun of the Counsell of Warre, and ordanis thame to meit and conferre upoun that subject and to consider if it be fitting to resolve and determine that point anent the charges presentlie or if the same sall be referred to a Parliament and meeting of the Estaits, and that they report thair opinioun thairanent to the saids Lords with convenient diligence. Followes his Majesteis missive for warrand of the Act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weil. Having perceaved by your answeire unto our letter tuicheing the erecting of barricadoes and beacouns in that our kingdome that that intended course is verie necessar to be prosecuted; and we being most willing to encourage our trustie and weilbelovit Alexander Narne, our servant, for his putting in practise what he hath so intendit for the publict good of that kingdome, we ar heerby graciouslie pleased seriouslie to recommend unto yow both the persoun and purpose togidder with the speedie putting of the same in executioun in so farre as yow can laughfullie doe, which we will take as acceptable service done unto us. So we bid yow fareweill. Frome our Court at Whitehall the ellevint day of Julij 1628.”

Fol. 57. b.

His Majesty's Advocate and the Justice-Clerk.

“The Lords having heard the reasouns and arguments urged be his Majesteis Advocat and Justice Clerk, whairby ather of thame clames the place and precedence before others, the Lords continewes this mater and ordouring thairof till Thurisday nixt.”

[Sederunt as recorded above.]

Holyrood
House, 8th
November
1628.Complaint by
Margaret Jo in
Musselburgh
against the
bailies there
anent her trial
for witchcraft.

Complaint by Margaret Jo in Mussilburgh, as follows:—It pleased their Lordships on the 11th instant to ordain the bailies of Mussilburgh to try her upon the charge of witchcraft within fifteen days or to release her (*ante*, p. 481) wherein their Lordships after her “long and twelffe weekes imprisonment hes dealt most equitablie and justlie with her. Yitt the malice of the bailleis of Mussilburgh continewes most violent aganis her. They keepe her still fettered and bound in yrnes; they refuse her freinds and familiars to have access unto her or to minister unto her anie confort in this her trouble; they intend, as she is informed, to take her out to her tryell without allowing unto her so muche as ane houres forewarning and without giving her inspectioun of her dittay, to the intent she may be advised thairwith and prepare her selfe of her just and lawfull defences aganis the same; and in so doing they will depryve the compleaner of the commoun benefite whilk the law of God and nature allowes to persouns in suche a cause for defence of their lyffe. And the saids bailleis of Mussilburgh who thinkes to be judges in this mater ar the compleaners profest and avowed enemeis, and ar verie suspect to have authoritie over her or her lyffe, and ar persouns of small judgement and experience to cognosce and judge in suche obscure crymes or to discusse the objectiouns and defences that will occurre in this mater, whairthrow the compleaners lyffe is in extreme hazard and perrell to be tane frome her without a lawfull tryell and cognitioun preceeding.” Charge having been given to William Duncan, and John Calderwode, bailies of Mussilburgh, to compear and see themselves ordained to free her from “the yrnes and stocks whairin she hes bein miserable deteanned thir twelffe weekes bygane” and in addition to the redress of the other parts of the complaint to see Mr. Laurence McGill and Mr. David Prynrois appointed as assessors “to the judge who ar to sit upoun the compleaner, or suche other advocats as the saids Lords sall please to appoint,” and the pursuer compearing by Alexander Walker, tailor in Edinburgh, and the defenders being also personally present, and parties heard, the Lords ordain the defenders to produce their “dittay” against the complainer to them on Thursday next, the 20th instant, in order that it may be given up to her advocate to be advised with, and if any further “dittayes” are given up against her before the day appointed for her trial, which is the 25th instant, they are to be timeously given to her for the preparation of her defences; also to continue the trial to the 26th if her advocates require it, to permit her friends to have access to her in presence of the minister and one of the bulies, and meanwhile to keep her as she is till the day of her trial.

Complaint by William Hay of Struthers, as follows:—James and Robert Dumbars, servitors to the Earl of Murrey, alleging that the com-
Complaint by
William Hay
of Struthers

Decreta,
November
1627-January
1630.
Fol. 136, b.

Fol. 137, a.

against James and Robert Dunbar, servitors to the Earl of Moray, at whose instance he is warded in the Tolbooth of Edinburgh.

plainer in May last came to the burgh of Elgin with a hagbut and pair of pistols to assist Robert Tulloch, son to the deceased Alexander Tulloch of Tannacheis, in the pursuit of their lives, raised a summons against him to appear before their Lordships, and because of his failure to compear, charge was issued for his entering into ward in the tolbooth of Edinburgh within fifteen days on pain of horning; which charge he no sooner got than he "out of his respective dewtie and obedience to his Majesteis auctoritie, quhilk he will ever preferre to all other privat respects," obeyed the same, and he remains in the said ward to his great hurt and detriment. For before the complainer's coming "to his awin hous, the whole crop being upoun the ground wes readie for the hooke, and the rowme¹ being in his awin hand he wes tyed unto a necessare attendance for winning of the crop; bot having layed the prejudice that he might susteane be his absence with the dewtie and obedience that he ought to law and justice in one ballance he wes moved out of conscience to preferre his dewtie and obedience to anie future event and hazard of his crop, and so come heere and entered in waird." He alleges he never received the former summons at all or he would have compeared and cleared himself, but he has found caution to compear before their Lordships on the 18th November instant "when, God willing, the harvest will be done," in 500 merks, to answer upon the complaint, and "quhairas the maine points thair of dippes upon the bearing and wearing of hacquebutts and pistolets," he has also found caution in the like amount not to wear them, and so craves suspension of his horning. Charge having been given to the said Robert and James Dunbar, and the pursurer compearing, and also Robert Dunbar for himself and his brother, the pursuer produced his Majesty's remission under the great seal, dated at Halyrudhous, 13th November instant, for wearing hagbuts and pistols, whereupon, as there is no other point of complaint against him, and because of his obedience the Lords suspend the horning, but ordain him to pay ten merks in name of expenses to the said Robert Dunbar.

Decreta,
November
1627-January
1630.

Fol. 137, b.

Fol. 138. a.

Complaint by Robert Barclay, burgess of Forres, against William Hay and Mark Home, at whose instance he has been wrongfully put to the horn.

Complaint by Robert Barclay, burgess of Forres, as follows:—He has been denounced rebel at the instance of William Hay, brother to James Hay of Maynes, and Mark Home, servitor to the Lord of Spynie, and his Majesty's Advocates for failing to appear before their Lordships as a witness in their action against Robert Tulloch, son to the deceased Alexander Tulloch of Tannacheis and James Dunbar of Balnaferrie (ante p. 402), but wrongfully so, for he was never lawfully charged, or he should have willingly compeared. He has found caution in £100 to compear this day, and also to pay 20 merks for his escheat if found liable therein, and therefore craves suspension. Charge having been given to the said William Hay and Mark Home, and the pursuer compearing but the defenders not, the Lords suspend the horning as craved.

Fol. 138, b.

¹ See Vol. I., p. xxxii.

Commissions,
1624-30.
Fol. 180, a.

Commission under the Signet to John M^cCulloch, provost of Tayne, Alexander Hay, late provost there, John Ros and William Fergusson, bailies there, Walter Inneis, apparent of Innerbraikie, and Andrew Monro of Delnyes, to search for, apprehend, imprison and try Helen Gow, spouse to Finlay M^cAllane, cordiner in Tayne, Elspeth Simsoun, spouse to John Bayne in Badarrach in the parish of Kincairdin, Agnes Nein Donald in Bruach in the parish of Logie, and Marion Nein Gillimichaell in the parish of Edirtayne, who by a report subscribed by the ministers of the presbytery of Tayne, have been for long suspected of witchcraft, but who, taking guilt to themselves, have absconded "thinking heereby to eshew thair deserved punishment." Signed by Mar, Monteith, Hadintoun, Wintoun, Linlithgow, Lauderdaill, Tracquair, A. Carre, Arch. Achesoun, S^r Thomas Hoip, Hamiltoun, S^r George Elphinstoun, and Scottistarvett.

Holyrood House, 18th November 1628.
Commission to John M^cCulloch, provost of Tain, and others to apprehend Helen Gow and others on a charge of witchcraft.

Royal Letters,
1623-32.
Fol. 147, a.

"Most sacred Soverane, We have beene petitioned in name of some interested in New Scotland and Canada holdin of your Majesteis crowne of this kingdome humblie shewing that by vertew of rights of lands made unto thame by your Majestie or by Sir Williame Alexander, your Majesteis Lieutenant of these bounds, they have alreadie adventured sowmes of money for setting furth of a colonie to plant there, and intending, God willing, to prosecute the same, and that they understand that by reasoun of a voyage made by one Captane Kick thither this last sommer there ar some making sute to your Majestie for a new patent of the saids lands of Canada and of the trade thair of, to be holdin of your Majesteis crowne of England, which in our opinioun will prove so derogatorie to this your ancient kingdome, under the great seale whereof your Majestie hes alreadie granted a right to the saids bounds, and will so exceedinglie discourage all undertakers of that kynde, as we cannot but at their humble sute represent the same to your Majestie; humblie intreating that your Majestie may be graciouslie pleased to take this into your princelie consideratioun as no right may be heereafter graunted of the saids lands contrarie to your Majesteis said preceeding graunt, but that they may be still holdin of the crowne of this your ancient kingdome, according to the purport and trew intentioun of your Majesteis said former graunt. And we ar verie hopefull that, as the said Sir Williame Alexander hes sent furth his sounne with a colonie to plant there this last yeere, so it sall be secunded heerafter by manie other undertakers of good worth for the advancement of your Majesteis service, increase of your revenewes, and honnour of this your said ancient kingdome. And so with the continuance of our most humble services and best prayers for your Majesteis health and happines, we humblie take leave, as your Majesteis most humble and faithfull servants. *Subscibitur*, Mar, Monteith, Hadintoun, Wintoun, Linlithgow, Lauderdaill, Tracquair, A. Carre, Arch. Achesoun, Advocat, Clerk Register, S^r George Elphinstoun, Scottistarvett. Halyruidhous, 18 Novembris 1628."

Holyrood House, 18th November 1628.
Letter to his Majesty anent a new patent of the lands of Canada and the trade thereof.

Anent the
fight between
Ballindalloch
and Carron.

“ Ane letter frome his Majestie toucheing the fight betwix Ballandallocht and Carron and chargeis accordingle ordanit to be direct aganis both pairtyis for thair compeirance before the Counsall and production with thame of suche witnesses as they will use for cleiring of the circumstances of that bussynes, and a protection ordanit to be past to the criminallis providing that within dayis thay find caution to the shireff or narrest judge for keeping of the said dyet befor the Counsell, otherwayes the protection to be null.”

Sederunt,
1625-29.
Fol. 102, a.

Anent such as
have not sub-
scribed the
Submission.

“ The quhilk day his Majesteis Advocat produceit a note of the names of these who hes not subscryvit the generall submission and desirit to be directit be the Counsell how he sould proceid aganis thame. The Lordis continewes the ansuering of the Advocatis propositioun till Thurisday nixt.”

The office of
Justice-Clerk.

“ The quhilk day the Earle of Monteth acceptit upoun him the com- mission grantit be his Majestie for tryeing the liberteis and privilegis due and formarlie belonging to the office of Justice Clerk.”

Fol. 102, b.

Holyrood
House, 19th
November
1628.

Sederunt.—Treasurer; President; Privy Seal; Wyntoun; Linlithgow; Tracquair; Secretary; Advocate; Justice Clerk; Sir John Scot,

Acta February
1628-July
1629.
Fol. 57, b.

Anent the
question of
precedence
between the
Justice-Clerk
and his
Majesty's
Advocate.

“ Anent the propositioun made to his Majesteis Counsell be Sir George Elphinstoun, Justice Clerk, porporting that whairas he wes to intend a summounds of reductioun of that Act of Counsell whairby his Majesteis Advocat is appointed to have place and precedence before him, and in regard the mater concerned him in the credite of his place and that he behoved to have the advice and counsell of advocates in the prosecutioun and pleading of his right who would hardlie compeir aganis his Majesteis Advocat without a warrant frome the Counsell, thairfoir he earnestlie desyred that the Lords would give command to suche advocats as he would choose to compeir and persew for him in this mater, which desyre togidder with the answeere made thairto be the said Lord Advocat being heard and considerit be the saids Lords and they advised thairwith, the Lords finds that be the forme and orfouir of the hous advocats ar never or seldome admittit, that they have not beene in use to give warrands for commanding of advocats to compeir and persew before the Counsell, they not being members of that judgement; and declairis that after the intenting of the summounds and that the mater is brought to ane hearing before thame they will than consider and decerne if they will allow advocats to the Justice Clerk or not.”

Fol. 58, a.

Holyrood
House, 20th
November
1628.

Sederunt.—Treasurer; Monteith, preses; Privy Seal; Wyntoun; Linlithgow; Lauderdaill; Melvill; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot.

His Majesty's
Advocate and
the Justice-
Clerk.

“ The Lords continewes the settling of the differences betuix the Advocat and Justice Clerk toucheing thair precedence till Tuisday nixt,

Acta February
1628-July
1629.
Fol. 58, a.

and in the meane tyme recommends to the Erle of Monteith, the Secretar, Clerk of Register and Sir Johne Scot, to travell for mediating and agreement betuix thame."

Sederunts,
1625-29.
Fol. 103, a.

"The Lordis appointis Mononday nixt at tua of the cloke in the afternoone for a meeting of the commissioneris anent the surveying of the lawis."

Acta February
1628-July
1629.
Fol. 58, a.

Sederunt.—Treasurer; Præses; Privy Seal; Wyntoun: Linlithgow; Holyrood House, 25th November 1628.
Wigtoun; Bishop of Dumblane; Tracquair; Master of Elphinstoun; Master of Jedburgh; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

"Forsameckle as the Kings Majestie out of his princelie care and disposition to justice, being desyrous to be informed of the lait fight betuix the Lairds of Ballindalloch and Carroun whairin Carroun, with some on Ballindallochs side, wer killed outright and sindrie others woundit to the death, his Majestie for this effect hes recommendit the tryell of the forme and circumstances of that accident and how and upoun what occasion the same fell out to the Lords of his Majesteis Privie Counsell, according whairunto letters ar direct charging Johne Grant, appearand of Ballindalloch, to compeir before the saids Lords upoun the twentie sevint day of Januar nixtcome, and to bring and produce with him suche verifications and witnesses as he hes or will use for cleering the truthe of that mater. And whairas the said Johne Grant is disabled to compeir and attend the said dyet be reasoun of some hornings whilks he underlyes, and the saids Lords being carefull to remove all occasion of excuse that he may pretend for not keeping of the said dyet, Thairfoir the saids Lords according to his Majesteis speciall will and pleasure signified unto thame in this mater hes givin and grantit and be the tennour heerof gives and grants full power, warrant and licence to the said Johne Grant to repaire to the burgh of Edinburgh to the effect and for the purpose abonewrittin without trouble, challenge or impediment to be made to him be whatsom-ever persoun or persouns, whill the last day of the said moneth, discharging heereby all his Majesteis shireffs, stewarts, commissioners, and all others his Majesteis judges, officers and ministers of his lawes of all taking, apprehending, wairding or arreisting of the said Johne be vertew of anie letters of horning, criminall or civill, commissioun or letters of captioun and arreistment direct thairupoun, discharging thame thair of and of thair offices in that pairt in the meane tyme whill the said last day of Januar nixtcome; provyding alwayes that the said Johne find sufficient cautioun actit in the Bookes of Secreit Counsell or in the bookes of the Shireff and narrest court whair he dwellis that he sall compeir personallie and keepe the said dyet under the pane of three thowsand merkes, otherwayes this protection to be null and of nane avail to the said Johne Grant."

Anent the
fight between
Ballindalloch
and Carron.
See *ante*, p. 490.

Fol. 58, b.

Anent the
fight between
the Lairds of
Ballindalloch
and Carron.

“Forsameikle as the Kings Majestie out of his princelie care and dispositioun to justice being desyrous to be trewlie informed of the lait fight betuix the Lairds of Ballindallach and Carroun whairin Carroun with some on Ballindallachs side wer killed outright and sindrie others woundit to the death, his Majestie for this effect hes recommendit the tryell of the forme and circumstances of that accident to the Lords of his Majesteis Privie Counsell and how and upon what occasioun the same fell out and who wer the first onsetters that accordinglie his Majestie may resolve what best becomes his royall and princelie equitie and justice in that caise, Thairfoir the Lords of Secreit Counsell ordaines letters to be direct charging Johne Grant, appearand of Ballindallach, Patrik Grant, his brother, Williame Grant, appearand of Cardellis, Johne and Gregour Grants, and Adame Leslie, servitours to the said Johne Grant of Ballindallach, James M^cIntoshe in Downe of Rathimurchus, and Archibald Grant of Delwey, on the ane pairt, Margaret Sinclair, relict of umquhill Johne Grant of Carroun, Johne and Patrik Grants, his sonnes, and Alaster and James Grants, his brether germane, on the other pairt, to compeir personallie, and to bring, produce and exhibite with thame before the Lords of his Majesteis Privie Counsell upoun the twentie sevin day of Januar nixtcome suche probatioun, verificatioun and witnesses as they or either of thame will use for cleering of the forme and maner of the said fight and how and upoun what occasioun the same happended and fell out, and to charge suche persouns as sall be gevin up for either partie to beare witnes in the said mater to compeir personallie before the said Lords the day foresaid to beir leill and suithfast witnessing in sua farre as they know or sall be speirit at thame in the said mater, and that the principall parteis compeir lykewayes to heare and see the saids witnesses received, sworne and admitted, with intima-tioun as effeirs, and that all the saids persouns be parteis and witness compeir personallie to the effect foresaid under the pane of rebelloun and putting of thame to the horne, with certificatioun etc.”

Acta February
1628-July
1629.
Fol. 58, b.

Fol. 59, a.

Charge to his
Majesty's
Justice,
Justice-Clerk,
and their
deputes to
forbear pro-
ceedings anent
the fight
between
Ballindalloch
and Carron.

“Forsameikle as the forme and maner of the lait fight betuix the Lairds of Ballindallach and Carroun whairin the said Carroun and twa of his persewers wer killed outright and sindrie others woundit to death being differentlie reported unto his Majestie, his Majestie out of his princelie care to be rightlie informed of the truthe of that accident hes beene graciouslie pleased to recommend the tryell thairof to the Lords of his Privie Counsell induring the which precognitioun and till the veritie of the mater and circumstances thairof be fullie cleered it is his Majesteis expresse will and command that there sall be a surceasse of all criminall proceedour aganis ather of the pairteis. And whairas the Laird of Ballindallach, elder, with a great number of his freinds ar sumound before his Majesteis Justice to underly the law for that caus, Thairfoir the Lords of Secreit Counsell according to ane warrand and directioun in writt signed be the King's Majestie and this day presented

Acta February
1628-July
1629.
Fol. 59, a.

unto thame ordanis and commands his Majesteis Justice, Justice Clerk and thair deputs, and all others his Majesteis Justices in criminall causes to desert the dyet appointed be thame to the said Laird of Ballindallach, elder, and his complices for thair compeirance and tryell anent the slaughter of the said goodman of Carroun and to desist and forbear all forder proceeding aganis thame and thair cautioners or aganis anie of the saids parteis, discharging thame thair of and of thair offices in that pairt till suche tyme as his Majestie after dew examination being certified of the trew estait of the bussines sall signifie his forder pleasure thairanent. Followes his Majesteis missive for warrand of the three Acts abonewrittin :—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weil. Whereas, in regaird of the different reports maid unto us of the lait fight betweene the Lairds of Ballindallach and Carroun whairin the said Carroun and two of his persewers wer killed outright and sindrie others wounded to death, we wer formerlie pleased to remitt the tryell thair of unto yow by our letter, which letter (as we ar informed) hathe beene kepted backe, or not delyvered unto yow in dew tyme, whairby the said Carroun his freinds have tane occasioun to persew and summond old Ballindallach with a great number of his freinds before our Justice to underly our lawes to thair great hurt and damage, in consideratioun whair of we are heereby pleased to require yow agane that yow call before yow both the saids parteis, granting to either of thame suche warrand (if neid be) that they may compeir as yow think requisite, and that after dew examinatioun, haveing tryed the truthe of the said accident, yow certifie the same unto us, that thairafter we may give ordour thairin as the course of justice doeth require, and in the meane tyme till this mater be fullie cleered, we have thought fitt to will yow to command in our name the ministers of justice in criminall causes whatsoever to forbear all proceeding against either of the saids parteis and thair complices till suche tyme as yow in your judgement sall thinke expedient or further during our pleasure. So expecting to heare from yow in this we bid yow fareweill. Givin at our Court at Whitehall, the 19th day of November 1628.”

Fol. 59, b.

“ The whilk day the letter underwrittin signed be the Kings Majestie was presented to the Lords of Secreit Counsell, of the whilk the tennour followes :—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weil. Whereas we have beene informed of diverse slaughters latelie committed in the northerne pairts of that our kingdome, whair of in regaird of the different reports we did remitt the tryell unto yow ; and now hearing frome our right trustie and weilbelovit cousine, the Erle of Morrey, that the tryell and judging thair of doeth belong unto

Letter from his Majesty desiring that his Ministers of Justice be not allowed to infringe the jurisdiction granted by his Majesty to the Earl of Moray.

him be vertew of his commissioun granted by us, and that he accord- Acta Februar.
dinglie thairunto hath cited the parteis offenders to answeire in his courts 1628-July
to underly the law, of which some compeirand did find caution for that 1629.
effect and others not compeirand wer denounced our rebellis; and yitt Fol. 59, b.
being informed that the same parteis have beene of lait lykewayes cited
before our Justice to answeire as law will, we are heereby pleased to
certifie unto yow that we intend no way to withdraw frome the said
Erle nather the foresaid priviledge nor anie other which doeth dewlie
belong unto him by vertew of his said right, bot ar willing to enjoy [*sic*] the
same and all other things belonging to his said commissioun so long as
we sall be pleased to continew the samine. And in the meane tyme
our pleasure is that in all things whilks yow sall finde dewlie belonging
to the said Erle by his said commissioun yow discharge the ministers of
our justice frome proceeding aganis the foresaids persouns offenders, and
that all tryell and judging of thame be remitted unto him according to
the samine commissioun. For doing whair of these presents sall be unto
yow a sufficient warrand. Frome our Court at Whitehall the 19th day
of November 1628. Whilk letter being read, heard and considerit be Fol. 60, a.
the saids Lords and they advised thairwith, the Lords of Secreit Counsell
will have a special care and regard to see the effect and tennour of the
said letter satisfied and obeyed as maters of that kynde sall happin to
occurre and be presented to the consideratioun of the saids Lords."

Holyrood
House, 25th
November
1628.
Cases of
witchcraft.

Commission under the Signet to the provost and bailies of Jedburgh, Commis-sion, 1624-30.
to hold courts and try Kathrene Stewart *alias* Kait Toshe in Bunjed- Fol. 150, b.
burgh and William Dageris in Ulstoun, who have been long suspected of
witchcraft. Signed by Mar, Menteith, Hadingtoun, Wintoun, Linlithgow,
and Wigtoun.

Case of witch-
craft.

Commission under the Signet to John, Lord of Balmerino, Mr. Fol. 151, a.
William Adamesone of Gracrooke, Mr. James Oliphant of Newtoun, and
Mr. David Prymrois, advocate, or any three of them, as justices, to hold
courts and try Margaret Burges, spouse to John Gillespie, boatman in
Nether Crawmond, who has long been suspected as a witch. Signed by
the same Lords.

Case of witch-
craft.

Commission under the Signet to Patrick Eleis and James Murrey, Fol. 151, b.
bailies of Leith, as justices, to hold courts and try Elspeth Baird,
indweller in Leith, widow of Scot, who has long been suspected
of witchcraft, &c. Signed by the same Lords.

Holyrood
House, 27th
November
1628.

Sederunt.—Treasurer; Prases; Privy Seal; Wyntoun; Linlithgow; Acta Februar.
Wigtoun; Roxburgh; Lauderdaill; Galloway; Bishop of 1628-July
Dunkeld; Bishop of Dumblane; Tracquair; Master of 1629.
Elphinstoun; Master of Jedburgh; Secretary; Clerk of Fol. 60, a.
Register; Advocate; Justice Clerk; Sir John Scot.

Anent Papists "The Lords of Secreit Counsell having heard the relatioun made be the
in the north.
See *ante*, p. 375.

Acta February
1628-July
1629.
Fol. 60, a.

commissioners for the dioceis of Abirdein and Murrey tuicheing the growth and insolenceis of Papists within thair bounds togidder with the overtours propounned be thame for remedie thairof, and having seene and read the roll of recusants and excommunicat Papists and of seminarie preists with the pasquills and infamous libellis made and affixt aganis the trew professours, the saids Lords ordanis a letter to be writtin to his Majestie acquainting his Majestie with the premissis, of the whilk the tennour followes:—

“Most sacred Soverane, The commissioners frome the Assembleis of Abirdein and Murrey haveing this day presented unto us a lamentable Letter to his Majesty anent Papists in the dioceses of Aberdeen and Moray. relatioun of the exorbitant growth of Poprie within thair dioceis, and of the manie avowed insolenceis committit be the numerous professors thairof, going in great companeis with gunnes and pistolls and to diverse pilgrimages, for remedie whereof they have sett doun thair overtures under thair hands togidder with a roll of seminarie preists and suche excommunicat papists as ar proclaimed rebels, and of their pasquills and infamous libellis made, printed and insolentlie affixed upoun publict places against the pastors and professours of trew religioun, to the great dishonour of God, misregaird of the Church, and in high contempt of your Majesteis gouvernement and auctoritie settled in this your ancient kingdome. And after dew consideratioun of the manie dangers which use to spring frome the roote of so infectious a disease we have at the humble sute of the saids commissioners heereby presoomed to send the saids overtours to your sacred Majestie togidder with our answeres thairunto, as being confident of your Majesteis good and gracious acceptance thereof in the pious imitatioun of the incomparable and blessed gouvernement of your royall father of never dieing memorie; and in regaird we ar credibly informed by the saids commissioners and doe verilie beleeve that the cheefe caus of the defectioun frome the trew religioun, increasse of poprie, and the avowed insolenceis of professed papists and preests floweth frome the hope or rather confidence of impunitie by reasoun that the magistracie, jurisdiction and gouvernement in manie plaices ar in the hands of notoriouslie avowed papists who doe not execute the lawes aganis recusants and seminarie priests and who ar so strong in power and meanes in the countrie as none others though never so weill affected to the trew religioun and your Majesteis service darre or is able to execute anie of the saids lawes aganis the saids offenders without some publict auctoritie and assistance; and thairfoir we ar forced (to our great greefe) in all humilitie to represent these calamiteis and growing evils to your sacred Majestie as being worthie of your royall and serious consideratioun and speedie redresse in causing execute the lawes made aganis the delinquents in that kynde and by debarring frome the Counsell and other publict employments all suche as ar vehementlie suspected in religioun untill they may first purge the

Fol. 60, b.

suspicioun and expresse the sinceritie of thair profession conforme to the Acts of Parliament and Acts of Secret Counsell made to that effect. In the meane tyme we have direct warrand and commissioun to the shireffs of Innernes and Aberdein and thair deputs and others to apprehend the delinquents if they can or darre, bot ar so distrustfull of anie good successe by reasoun that the jurisdiction and government of these plaices ar in the hands of notorious papists that we must upoun thair remissenes represent unto your Majestie the necessitie of a commissioun of lieutenantrie in these dioceses for repressing of suche and the lyke insolenceis and that the benefite of the offenders lyferents and escheits may be appointed for the maintenance of the said lieutenant and his officers without your Majesteis further charge. All which we humblie leave unto your Majesteis awin incomparable judgement and with our best prayers sall ever rest, etc. Halyrudhous 4 *Decembris*, 1628. *Subscribitur*, Mar, Monteith, Hadinton, Linlithgow, Roxburgh, Galloway, Lauderdaill, Dunkelden, Dumblane, Tracquair, M^r of Elphinston, Secretare, Advocat, Hamiltoun, Scottistavett. As alsua the saids Lords ordained the Acts, letters and proclamatiouns particularlie underwrittin to be past and exped.

Jesuits and
seminary
priests.

"The Lordis ordanis the proclamatioun maid aganis Jesuitis and seminarie preistis to be renewed, and that the Marques of Huntlie as shireff and the principall man of auctoritie within these boundis be burdynnit with the apprehensioun and exhibitioun of thame."

Sederunts,
1625-29,
Fol. 103, b.

Papists.

"That a proclamatioun be maid discharging the resett of thame and of excommunicat Papistis under the panes contenit in the Actis of Parliament."

Excommuni-
cated Papists.

"That his Majesteis Advocat persew declaratour upoun the escheitis and lyverentis of excommunicat Papistis according to the directioun of the Act of Parliament and that the remanent conditionis of the Act of Parliament made in anno 16[0]9 be put in executioun."

Excommuni-
cated persons.

"That chargeis be direct aganis excommunicat personis and at the horne for thair compeirance befor the Counsell to heir letters of treason direct for randerung of thair houses."

The Marques of
Huntly and
excommuni-
cated persons.

"That the Marques of Huntlie be charged to apprehend all excommunicat personis within his boundis and to exhibit thame to thair tryall, thair names being condiscendit upoun."

Fol. 104, a.

The same.

"That the Marques be charged to discharge all excommunicat personis from bearing of publict office under him."

Writers of
pasquills.

"That the personis suspect guiltie of writting and affixing of the pasquillis be summond and callit to thair ansuer."

Aberdeen
commission.

"That the commissioun grantit to the burgh of Abirdeene be renewed with the liberteis contenit in the commissioun for the cuntrey."

Non-com-
municants.

"That the non-communicants be callit befor the Counsell to heir and see thame decernit to haif incurrit the panes contenit in the Acts maid thairanent."

Sederunts
1625-29.
Fol. 104, a.

"The Commissionis for the presbyterie of Paislay gaif in a roll of the names of the excommunicat rebellis within that presbyterie."

Excommuni-
cated persons
in Paisley.

"The Lordis ordanis the commissioneris to attend the Counsallis directionis till Twisday."

Acta February
1629-July
1629.
Fol. 60, b.

Sederunt—Treasurer; Præses; Privy Seal; Linlithgow; Roxburgh; Holyrood House, 2nd December 1628.
Galloway; Lauderdaill; Tracquair; Dunkelden; Dumblane;
Master of Elphinstoun; Master of Jedburgh; Secretary;
Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Fol. 61, a.

"Forsameekill as it is understand to the Lords of Secretit Counsell that the persouns particularlie underwrittin, they ar to say, Mr. Robert Bissat of Lessindrum, baillie of Strabogie: Alexander Gordoun of Drumquhail, chamberlane of Strabogie, Patrik Gordoun of Tillisoule, Johne Gordoun in Littlemyne, Adame Smith, chamberlane of the Einzie, Robert Gordoun in Haddo, Barbara Law, spous to the said Adame Smith; Margaret Gordoun, goodwyffe of Cormellat, Malcolme Laing in Gulburne and Mr. Adame Strauchane, chamberlane to the Lord of Aboyne, ar not onelie excommunicat be the ordours of the Kirk for not conforming thameselfes to the trew religioun presentlie profest within this kingdome, bot they ar denounced rebellis and putt to the horne for that caus and for dis-sobedience to the High Commissioun of the Kirk, as the sentence of excommunicatioun and letters of horning used and execute aganis thame at lenth beares, under the whilk fearefull sentence of excommunicatioun and processe of horne foresaid they have continuallie remained sensyne as they doe yitt unrelaxt takand no regaird of the said sentence and horning bot haunts, frequents and repaires publictly and avowedly in all pairts of the countrie as if they wer good and lawfull subjects, lykeas they ar houshold men, tennents and servants to George, Marques of Huntly, dwellis upoun his lands, ar officers, chamberlans and bailleis to him, and suche persouns as he aucht and sould be answerable for be the lawes of this kingdome, and by the connivence and protectioun whilk they have under him they ar encouraged to continew in thair rebellious and erroneous opiniouns to the high contempt of his Majesteis auctoritie and lawes; Thairfoir the saids Lords ordanis letters to be direct charging the said Marqueis of Huntly as maister and landslord to the excommunicat rebellis abonewrittin to take and apprehend thame and to send thame to the saids Lords upoun the thrid day of Februar nixto come to the intent ordour may be tane with thame for thair dissobedience as accords under the pane of rebellious and putting of him to the horne, with certificatioun to him and he failyie letters sall be direct *simpliciter* to put him thairto."

Order to the
Marqueis of
Huntly to
apprehend
certain excom-
municated
persons on his
lands or in his
household.

"Forsameekle as it is understand to the Lords of Privie Counsell that the persouns particularlie underwrittin, they ar to say, Mr. Alexander Irwine, burges of Aberdein, Thomas Meinzeis of Balgownie,

Charge to the
Marqueis of
Huntly and
Lord Lovat,
Sheriff.

Principal of Elgin and Forres, to apprehend certain persons in the dioceses of Aberdeen and Moray, who are under censure of excommunication and process of horning.

Walter Leslie in Aberdein, Robert Irwing, burges thair, Johne Gordoun, appearand of Craig, James Forbes of Blacktoun, Mr. Robert Bissat of Lessindrum, Robert Gordoun in Cushnie, James Philp in Eastoun, Mr. Adame Strauchane, maister houshold to the Lord of Aboyne, James Con in Knockiemyln, Johne Gordoun in Bountie, Alexander Harvie in Innerourie, Johne Gordoun in Troupesmylne, Johne Spence, notar in Peirismylne, Francis Leslie, brother to Caputian Leslie,¹ Alexander Leslie, brother to the Laird of Pitcaple, Thomas Cheyne of Ranistoun, Williame Seatoun of Blair, Thomas Laing, goldsmith, burges of Abirdein, all within the diocie of Abirdein; Alexander Gordoun of Tilligreg, Patrik Gordoun of Tillisoule, Jonnet Dumbar, his spous, Margaret Gordoun, goodwyffe of Cormellat, Malcolme Laing in Gulburne, Adame Smith, chamberlane to the Marqueis of Huntlie within the Einzie, Barbara Law, his spous, Alexander Leslie in Convache, Agnes Gordoun, his spous, Margaret Gordoun, spous to Robert Inneis in Elgine, Alexander Gordoun in Drumquhail, and Bessie Gordoun, his spous, all within the diocie of Morrey, ar not onelie excommunicat by the ordinar ordours and censures of the Kirk, bot with that they ar denounced rebellis and putt to the horne for that caus and for thair dissobedience to the High Commissioun of the Kirk, lykeas Johne Gordoun in Littlemylne of Rathven, Robert Gordoun in Haddo, James Gordoun in Dunkintie, Alexander Gordoun in Badzenoch, Angus M^cEane M^cWilliame thair, Patrik Gordoun of Bad, Jonnet Dumbar, his spous, Alexander Gordoun, appearand of Cairneborrow, and Helene Cowtes, his spous, all within the said diocie of Morrey, are lykewayes denounced rebellis and putt to the horne for not compeering before the High Commissioun of the Kirk to have answered for thair not conforming thameselfes to the religioun presentlie profest within the kingdome and for thair scandalous behaviour otherwayes to the offence of God, disgrace of the gospell and misregard of his Majesteis auctoritie under the whilk censure of excommunicatioun and processe of horning foresaid the persouns particularlie abonewrittin hes most proudlie and contempnandlie remained this long tyme bygane as they doe yitt unrelaxt, takand no regard of the said fearefull sentence and of the horning foresaid bot haunts, frequents and repaires publictly and avowedly in all pairts of the countrie as if they wer good and lawfull subjects, hunting and seeking all occasiouns whair they may have the exercise of thair false religioun. For whilk purposis they ar publict and avowed ressetters of Jesuits, seminarie and messe preists, accompaneis thame throw the countrie armed with unlawfull weapouns, hes thair conventicles and meetings with thame for the exercise of thair idolatrous worship, and they and the saids Jesuits seminarie and messe preists concurring togidder in consent and opinioun does what in thame lyes to poyson and infect his Majesteis good subjects throw the north pairts of this kingdome

Acta February
1628-July
1629.

Fol. 61. a.

Fol. 61. b.

¹ This "capuchin" Leslie is the well-known "Archangel" Leslie.

Acta February
1628-July
1629.
Fol. 61, b.

with their hereticall opiniouns and to corrupt thame in thair alledgeance and obedience to his Majestie, highlie to his Majesteis offence, misregaird of law and justice and disgrace of his Majesteis government. Thairfoir the saids Lords hes givin and grantit and be the tennour heerof gives and grants full power and commissioun, expresse bidding and charge to George, Marqueis of Huntlie, shireff principall of Aberdein, and Simoun, Lord Fraser of Lovat, shireff principall of Elgine and Forresse, and to either of thame within the bounds of thair awin office and jurisdiction to pas, searche, seeke, take and apprehend the persouns particularlie abonewrittin whairever they may be found within the bounds of thair offices and jurisdictionous respective and to committ thame to waird and to deteane thame thairin upoun thair awin expenses ay and whill they may be convenientlie exhibite before his Majesteis Counsell to underly thair deserved tryell and punishment, with power to thame for this effect to make opin doores and use his Majesteis keyes and to doe and performe all and everie other thing whilk to the executioun of this commissioun is requisite and necessar. Firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin; and ordanis letters to be direct charging all his Majesteis lieges and subjects to reverence, acknowledge and obey, ryse, concurre, fortifie and assist his Majesteis saids commissiouners in all and everie thing tending to the executioun of this commissioun and to doe nor attempt nothing to thair hinder and prejudice as they and everie ane of thame will answeere upoun the contrarie at thair highest perrell. As alsua charging the saids Marqueis of Huntlie and Lord Lovatt to accept this commissioun upoun thame and carefullie and dewtifullie as becometh honnourable and good subjects to putt the same in executioun, and to report thair proceedings and diligence thairin to the saids Lords betuix and the thrid day of Februar nixtocome, as they will answeere upoun thair obedience to his Majestie and under all highest pane that by ordour of law may be inflicted upoun thame for thair dissobedience and neglect of dewtie."

"Forsameekill as thair hes beene diverse Acts of Parliament made be our lait Soverane Lord of eternall and blessed memorie whairby all Jesuits, seminarie and messe preests ar found and declaired to be most pernicious and wicked pests in this commoun weale, and wer thairfoir straitlie chairgit to depart and pas furthe of this kingdome within a certane space and under certane panes mentiouned and conteanned in the saids Acts as the samine at lenth beares, notwithstanding whairof the Lords of Secretit Counsell ar informed that diverse of the saids Jesuits, seminarie and messe preists, as namelie, Mr. Androw Stevin callit Father Stevin, Mr. Johne Ogilvie, Father Stitchill, Father Hegits, Caputian Leslie commounlie callit the Archangell, Father Ogilvie, Mr. Williame Leslie commounlie callit the Captane, Mr. Androw Leslie, Mr. Johne Leslie, Crystie commounlie callit the Principall of Dowie, with

Charge to the
Marquis of
Huntly to
apprehend
seminary and
mass priests,
specially
named.

other twa Crysteis, Father Browne, sonne to unquhill James Browne at the Neather Bow of Edinburgh, Father Tyrie, three Robertsons callit fathers, Father Rob, Father Patersone, Father Pittindreich, Father Dunbreck, and Doctour Williame Leslie, all Jesuits, seminarie and messe preests, ar come frome beyond sea to this kingdome and hes made thair addresse towards the north, especiallie within the dioceis of Abirdein and Murrey whair they make thair cheefe residence and ar ressett, hoordit and interteanned be numbers of his Majesteis subjects whome they have not onelie poysonned with thair erroneus opiniouns bot hes corrupted thame in thair obedience and alledgeance whairthrow the growth and number of Papists daylie increaseth, and they ar come to this hight of pryde and presumptioun that they not onelie make publict avowall of thair professioun bot most contemptuouslie and audaciouslie to the high offence of God they have thair ordinarie meetings and the exercise of thair false religioun; and if thir seminarie and messe preests and the contempt and insolenceis flowing frome thame be not in tyme prevented and supprest great inconvenients will not faile to follow to the trouble of the estait. And the Lords of Secret Counsell having tane to thair consideratioun who is the fittest persoun to be employed and entrusted with the charge and burdein to apprehend thir Jesuits, seminarie and messe preests, they find that the Marqueis of Huntlie, being his Majesteis cheefe officiar and shireff within the shirefdome of Abirdein and having lykeways the principall charge within the shirefdome of Innernes, and being the speciall man of power, freindship, auctoritie and commandement within the north parts of this kingdome, and who for manie other respects is obleist to contribute his best meanes for the forderance and advancement of his Majesteis auctoritie and service, Thairfoir the saids Lords hes layed this burdein and charge upoun the said Marqueis, and for this effect hes givin and grantit and be the tennour heerof gives and grants full power and commissioun to the said Marqueis, and with that straitlie commands and charges him that with all convenient diligence he make exact and trew inquirye for the persouns particularlie abonewritten, and that accordingle he pas, searche, seeke, hunt, follow and persew them whair ever they may be apprehendit within anie pairt of the north of this kingdome, and to take and apprehend thame and to committ and deteane thame in waird whill he may convenientlie exhibite thame before the saids Lords to underly thair deserved tryell and punishment, with power to the said Marqueis for this effect to make opin doores and to use his Majesteis keyes, and to doe, use and performe everie other thing that towards the executioun of this commissioun is requisite and necessar. Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin and dispensing with all inconvenients that sall fall out in the executioun of this commissioun: And ordanis letters to be direct charging all his Majesteis lieges and subjects to reverence, acknowledge and obey, ryse

Acta February
1628-July
1629.
Fol. 62. a.

Fol. 62. b.

Acta February
1625. July
1629.
Fol. 62, b.

concurrere, fortificare et assistere ad dictum Marchionem in omnibus et singulis rebus tendentibus ad executionem huius commissionis, et ad non attemptandum aliquid ad impedendum vel prejudicium illiusmodi sicut et singulis eorum quibuslibet respondeatur contra contrarium ad illorum periculum. Et aliam committendo dictum Marchionem ad acceptandam hanc commissionem super eum et diligenter et devotissime sicut debet esse honorabile et bonum subiectum ad ponendum eandem ad executionem; et quod faciat reportum ad dictos Dominos de his procedentibus hinc inde et tertio die Februarii proximo sicut et volente respondeatur super obedientiam ad suam Majestatem et sub omni altissima pena que per legem fieri potest infligi super eum propter suam disobedientiam.

Fol. 63, a.

Forasmuch as by diverse Acts of Parliament made by our Sovereign lords our father of most happy and never forgetting memory all Jesuits and seminary priests are found and declared to be most pernicious pests and instruments in this commonwealth, and therefore were charged to depart and pass forth of the same within a certain space mentioned in the said Acts, as the same containing a very strict prohibition that none of his Majesty's subjects should receive, supply nor intercommunion with them at length bears; notwithstanding whereof the Lords of Secret Council are informed, that numbers of Jesuits, seminary and messe priests, as namely Mr. Andrew Stevin called Father Stevin, Mr. John Ogilvie, Father Stinchill, Father Hegitts, Caputian Leslie called the Archangel, Father Ogilvie, Mr. William Leslie commonly called the Capitane, Mr. Andrew Leslie, Mr. John Leslie,

Proclamation
against the
reset of
Jesuits and
priests.

Christie commonly called the Principall of Dowie, with other two Crysteis, Father Browne, sonne to unquhill James Browne at the Neather Bow of Edinburgh, Father Tyrie, three Robertsons called fathers, Father Rob, Father Paterson, Father Pittindreich, Father Dunbreck and Doctour William Leslie, are lately come from beyond sea to this kingdom, he their ordinary residence and remaining within the diocesis of Aberdein and Murray where they are resett, hoardit and interteanned be diverse of his [Majesties] subjects whome by reasoning, dispersing of bookes and others subtle and false insinuations they have poisoned with their erroneous opinions and corrupted in their dewtie and alledgeance; the cheefe scope and endeavours of their wicked persons tending to stirre up all his Majesty's good subjects to an opinion defectioun both in their religion and alledgeance, whairthrow the growth and number of Papists daylie increaseth; and they are come to that height of presumption and pryde that they make publict avowall of their profession, and most audaciously and contemptuously, to the high offence of God and disgrace of his Majesty's government, they have their ordinary conventicles and meetings and exercise of their false religion, vaunting of their numbers, credite and freindship and that they are not affrayed of any course that can be taken against them either by the Kings

Majestie or the Kirk, disdaining and contemning the ordinar censures of the Kirk, and they travell athort the countrie armed with unlawfull weapouns resolved and prepared to stand to thair defence if the executioun of the lawes sall be sought aganis thame. And whereas the hope of impunitie encourages thame and thair ressetters to continew in thair treasounable and wicked courses whilks ar so dangerous to the Estait and prejudiciall to his Majesteis good subjects, the saids Lords hes thairfore resolved to give no longer connivence and oversight unto thame bot to caus the paines prescryved in the lawes aganis thame to ressave executioun accordinglie. And to the intent that nane pretend ignorance thair of, ordaines letters to be direct to command, charge and inhibite all his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of Edinburgh, Aberdein, Elgine, Innernes and all uthers places needfull that nane of thame presooome nor take upoun hand to ressett, supplee, nor furnishe meit, drinke, hous nor harbourie to the persouns particularlie abonewrittin, nor to keepe companie nor societie with thame, nor to convoy thame throw the countrie, nor to have no kynde of dealing nor traffiquing with thame upoun whatsomever cullour or pretext under the paines conteanit in the lawes and Acts of Parliament formerlie made aganis thame, certifeing thame who sall presooome to doe in the contrair heerof in anie point that they sall be callit to thair answeere and the panes prescryved be his Majesteis lawes and Acts of Parliament sall be execute upoun thame without favour or mercie."

Acta February
1628-July
1629.
Fol. 63.

Fol. 63, b.

Proclamation
discharging
the resset of
excommunicated
Papists.

" Forsameikle as Mr. Alexander Irwing, burges of Aberdein, Thomas Meinzeis of Balgownie, Walter Leslie in Aberdein, Robert Irwing, burges thair, Johne Gordoun, appearand of Craig, James Forbes of Blacktoun, Mr. Robert Bissat of Lessindrum, Robert Gordoun in Cushnie, James Fyffe in Eastoun, Mr. Adame Strauchane, maister houshold to the Lord of Aboyne, James Con in Knockiemylne, Johne Gordoun in Bountie, Alexander Harvie in Innerourie, Johne Gordoun in Troupesmylne, Johne Spence in Peirismylne, Francis Leslie, brother to George Leslie the Captiane, Alexander Leslie, brother to the Laird of Pitcaple, Thomas Cheyne of Ranistoun, William Seatoun of Blair, Thomas Laing, goldsmith, burges of Aberdein, Alexander Gordoun of Tulliegreg, Patrik Gordoun of Tullisoule, Jeane Dumbar, his spous, Margaret Gordoun, goodwyffe of Cormellat, Malcolme Laing in Gulburne, Adame Smith, chamberlane to the Marqueis of Huntlie, Barbara Law, his spous, Alexander Leslie of Conrache, Agnes Gordoun, his spous, Margaret, Gordoun, spous to Robert Inneis in Elgine, and Alexander Gordoun in Drumquhail, chamberlane to the Marques of Huntlie, ar not onelie excommunicat by the ordour and censures of the Kirk for not conforming thameselffes to the trew religioun presentlie profest within this kingdome, bot with that they ar for that caus and for thair dissobedience to the High Commissioun ordourlie denounced

Acta February
1628-July
1629.
Fol. 63, b.

his Majesteis rebellis and putt to the horne. Lykeas Johne Gordoun in Littlemylne of Rathven, Robert Gordoun in Haddo, James Gordoun in Dunkintie, Alexander Gordoun in Badzenoch, Angus McEane V^cWilliamethair, Alexander Gordoun, appearand of Cairnborrow, Patrik Gordoun of Bad and Jonnet Dumbar, his spous, ar lykewayes denounced rebellis and putt to the horne for not comeirance before the High Commissioun of the Kirk to have answered for thair not conforming thameselfes to the religioun and for thair scandalous behaviour otherwayes to the disgrace of the gossell and misregaird of his Majesteis auctoritie; under the whilk censure of excommunicatioun and processe of horning foresaid the persouns particularlie abonewrittin hes most prouddie and contempnandlie remained this long tyme bygane as they doe yitt unrelaxt, takand no regaird of the said sentence of excommunicatioun and of the horning foresaid bot haunts, frequents and repaires publictly and avowedly in all pairts of the countrie as if they wer good and lawfull subjects, lykeas they ar encouraged to continew in thair rebellious and disobedience by the uncontrolled ressett and supplee whilk they ressave among thair freinds and familiars and others Popishly affected and of thair awin dispositioun and humour in sindrie pairts of the countrie, hunting and seeking all occasiouns whair they may have the exercise of thair false religioun, whairas if suche ressett and supplee wer denyed unto thame or if thair ressetters wer punished according to the law as they worthilie merite the saids excommunicat persouns and rebellis would studie to conforme thameselfes more dewtiefullie to the obedience of his Majesteis lawes. Thairfoir the Lords of Secret Counsell ordaines letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of Edinburgh, Aberdein, Elgine, Innernes and all uthers plaices needfull, that nane of thame presume nor take upoun hand to ressett or supplee the said excommunicat persouns and rebellis, furnishe thame meit, drinke, hous, harbourie nor to interteanie correspondence be [*sic*] thame be word nor writt during the tyme of thair rebellious and excommunicatioun under the panes conteanit in the lawes and Acts of Parliament, certifeing thame that failyeis or does in the contrair that the saids panes sall be execute upoun thame without favour."

"Forsameekle as the Lords of Secret Counsell ar informed be the commissioners frome the Presbytereis of Aberdein and Murrey that there is a verie great and continewing growth of Poprie within the dioceis of Abirdein and Murrey, and that thair insolenceis, presumption and pryde is come to that hight that they darre opinlie avow thair profession to the offence of God and disgrace of his Majesteis government, they have thair ordinarie conventicles and meetings in sindrie parts of the countrie for the exercise of thair false religioun, and now at last sindrie Jesuits and seminarie preists, having come frome beyond sea to this kingdome, they have tane the boldnesse

Commission to the Bishop of Aberdein and to the provost and bailies of Aberdein to commit to ward all Jesuits, seminary and mass priests, and all Papists in the dioceses of Moray and Aberdein.

to resort and repaire to the burgh of Abirdein whair they have Acta Februar;
 poysonned diverse of the inhabitants thair of with thair hereticall 1628-July
 opiniouns, and hes corrupted thame in thair obedience and alledgeance, 1629.
 keeping thair meetings within the said burgh upoun the Sundayes Fol. 64, a.
 before noone in tyme of Divine service whair they and others Popishlie
 affected within the said burgh hes the exercise of thair religion; and in
 all thair publict meetings they vaunt of thair numbers, credite and
 freindship, disdainng and contemning the ordoures and censures of the
 Kirk, and gives verie great occasioun of offence and scandall to the Kirk
 and to the trew religion presentlie professed within this kingdome; for
 remeid whair of in tyme comming the Lords of Secret Counsell hes Fol. 64, b.
 givin and grantit and be the tennour heerof gives and grants full power
 and commissioun, expresse command and charge to Patrik, Bishop of
 Abirdein, and to the provest, bailleis and ministers of Abirdein within
 thair awin bounds and within the bounds of the auld toun of Abirdein
 conjunctlie and severallie to pas, searche, seeke and take all and sindrie
 Jesuits, seminarie and messe preists and excommunicat Papists lying
 at the horne frequenting and repairing within the said burgh of
 Aberdein and auld toun thair of and committ thame to waird within the
 tolbuith of Abirdein, and to deteane thame upoun thair awin expensses
 ay and whill they ressave directioun frome the saids Lords concerning
 thame: with power lykewise to the saids Bishop of Aberdein, proveist,
 baillies and ministers of the burgh thair of to try and informe thame-
 selffes whair, whan, and be whome thir unlawfull conventicles and
 meetings ar kept and haldin within the said burgh of Abirdein and auld
 toun thair of and accordinglie to searche, seeke, take and apprehend all
 suche persouns who keeps the saids unlawfull conventicles and meetings
 and the awners and maisters of the houses whair they ar kept and to
 committ and deteane thame in waird in maner foresaid; and for the
 better executioun of this commissioun with power to thame to convocat
 the inhabitants of the said burgh and auld toun sua oft as neid beis in
 armes and to make opin doores and use his Majesteis keyes and to doe,
 use and performe all and everie other thing whilk may tend to the
 executioun of this commissioun. Firme and stable halding and for to hald
 all and whatsomever things sall be lawfullie done heerin; charging and
 commanding heereby all and sindrie the inhabitants within the said
 burgh and others his Majesteis subjects whome it may concerne, to
 reverence, acknowledge and obey, ryse, concurre, fortifie, and assist the
 saids commissioners conjunctlie and severallie in all things tending
 to the executioun of this commissioun, and for this effect to putt
 thameselffes in armes and to attend and await upoun the saids
 commissioners and to follow thair directiouns in everie thing tending
 to the executioun of this commissioun as they and everie ane of thame
 will answeere upoun the contrare at thair highest perrell. Charging and
 commanding lykewayes the said Bishop of Aberdein and the provest,

Acta February
1628-July
1629.
Fol. 64, b.

bailleis and ministers thairof that they and everie ane of thame have a special care and regard and caus diligent attendance be givin that nane of thir Jesuits, seminarie and messe preists, nor no excommunicat and rebellious traffiquing Papists be suffered to have ressett or beild within the said burgh or auld toun thairof and that no unlawfull conventicles and meetings be kepted within the saids bounds, and that they carefullie and dewtifullie as becometh good subjects execute this commissioun in everie point, member and article of the same, and suffer not thair toun to be infected and slandered with the just imputatioun of suche crymes, as they and everie ane of thame will testifie thair affectioun and good dispositioun to the forderance and advancement of the gospell and will answeere upoun thair dewtie and obedience at thair highest charge and perrell; and that letters be direct heerupoun if neid beis in forme as effeirs."

Fol. 65, a.

Forsameekle as thair hes beene manie good Acts of Parliament made be our Soverane Lord his noble and worthie progenitours aganis the authours and givers out of slaunders and untrew calumneis aganis the Kings Majestie his Counsell and proceedingis to the dishonour and prejudice of his Majestie, his parents, progenitours, crowne and estait, and aganis the authors of slanderous speches and writts whairby they ar ordained to be severelie punished in maner specified in the saids Acts, as the samine at lenth beares, notwithstanding whairof it is of truthe that of lait thair hes beene twa infamous pasquills writtin and directed the one thairof to the provest of Aberdein and the other affixt on the Kirk doore of the said burgh and printed, both conteaning treasounable wairnings and predictionis of the change of state and religioun within twa yeeres, besides a number of invective and railing speches aganis the professours of the trew religioun and ministers of the burgh of Aberdein. Quhilks twa pasquills and infamous libellis hes beene writtin and devised be Mr. Alexander Irwing, burges of Aberdein, Mr. George Andersoun, advocat thair, Mr. George Paip, Mr. Gilbert Paip, Thomas Blackhall, sonne to Williame Blakhall of Ley, Thomas Meinzeis of Balgownie, Robert Irwing, burges of Aberdein, Alexander Leslie, brother to the Laird of Pitcaple, and Francis Leslie, brother to George Leslie, the Caputiane, and they, at least one or other of thame, hes beene upoun the counsell of the wrytting, printing, affixing and delyverie of the saids pasquills, for the whilk they aucht to be censured and punished to the terrour of uthers to committ the lyke, Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging the persouns particularlie abone-writtin to compeir personallie before the saids Lords upoun the day of _____ to answeere to the premisses and to underly suche tryell and censure thairaunt as the saids Lords sall thinke meit, under the pane of rebellion and putting thame to the horne, with certificatioun, etc."

Order to
Alexander
Irwing, burges
of Aberdeen,
and others to
appear before
the Council on
the charge of
devising
libellous
writings
against Church
and State.

Directions to archbishops, bishops, and presbyteries, to apprehend all Papists and ressetters of Papists, and to report the same to his Majesty's Advocate or to the Council.

“Forsameekill as in the Parliament haldin at Edinburgh in the moneth of Junij 1609, it being wiselie considerit and foreseene be the Estats than conveenned that the impunitie of the ressetters of Jesuits, seminarie and messe preists and other papists, adversars to the trew religioun presentlie profest within this kingdome wes one of the great causes of the grouth and increase of Poprie and of the great numbers of his Majesteis disloyall subjects Popishlie affected, Thairfoir the saids Estaits ordained and commandit all archbishops, bishops and presbytereis within this kingdome, to call before thame the ressetters of the saids Jesuits, seminarie and messe preists and others Papists within thair bounds and to take tryell and cognitioun of the said ressett and according to the probatioun that they sall find thairin to make report to his Majesteis Advocat, or to the Lords of his Privie Counsell to the intent that the saids ressetters might be callit and conveenned before his Majesteis Counsell and punished according to the law in all points, as the said Act of Parliament beares ; whilk Act hes tane littill effect or executioun in diverse pairts of this kingdome by the sleuthe and negligence of these to whois charge the executioun of the same wes committed, whairthrow the number of Papists, Jesuits, seminarie and messe preists daylie increaseth within this kingdome and the ressett of thame is als publict and avowed as if no prohibitioun wer made in that behalffe. Thairfoir the saids Lords according to the said Act of Parliament ordanis and commands all archbishops and bishops and all presbytereis within this kingdome to call and conveene before thame all and sindrie persouns within thair bounds, suspect and guiltie of the ressett of Jesuits, seminarie and messe preists and others Papists, adversars to the trew religioun, and to take tryell and cognitioun of the said ressett and to deduce and leade probatioun thairupoun, and to report the processe of thair proceedings and the probatioun that sall be led be thame thairin to his Majesteis Advocat or the saids Lords, to the effect ordour and directioun may be givin for thair punishment conforme to the Acts of Parliament made thairanent.”

Acta Februarij 1628. Julij 1629. Fol. 65, a.

Fol. 65, b.

Charge to the Marquis of Huntly to remove excommunicated persons from his service.

“Forsameekill as albeit by diverse Acts of Parliament and Secret Counsell it be provydit and ordained that nane who professes not the trew religioun allowed and by law established within this kingdome sall be admitted to be a judge, procurator or member of court or to beare anie publict office within the kingdome, notwithstanding it is of truthe that George, Marqueis of Huntlie, hes aganis the tennour of the saids Acts promoved and advanced Mr. Robert Bissat of Lessindrum, ane excommunicat traffiquing Papist and rebell, to the baillerie of Strabogie, Adame Smith, ane excommunicat traffiquing Papist and rebell, to the chamberlanrie of the Einzie, and James Gordoun of Letterfoure, ane bussie seducer and ane avowed receptor of preists, to the baillerie of Badzenoch. By promoving of the whilks persouns to the plaices and offices foresaids great occasioun is givin to withdraw the poore people

Acta February 1628-July 1629. Fol. 65, b.

who has thair recourse unto thame in thair adoes both frome thair religioun and frome thair obedience and allegeance; and thir office-bearers having ever some priests ressett in thair houses they caus thir preists infect and poysoun all that comes toward thame with thair hereticall opiniouns. And besides thir persouns who hes the charge of the said Marqueis his effaires and living he hes promoted and advanced Mr. Williame Anderson, ane profest and avowed Papist and under processe of the Kirk for Poprie, to be shireff-clerk of the shirefdome of Aberdein, whair of he is principall shireff, whairthrow the effect and executioun of the saids Acts of Parliament and Secretit Counsell is eludit and frustrat and his Majesteis auctoritie highlie vilipendit and contemned. Thairfoir the said Lords ordanis letters to be direct charging the said Marqueis of Huntlie to remove the excommunicat persouns particularlie abonewrittin frome all publict office and charge under him with all convenient and possible diligence after the said charge, and that he ressave nor admitt no excommunicat persoun and rebell for Poperie in anie publict office of justice, baillerie, chamberlaurie, or shiref-clerkship in tyme coming so long as they ly under the sentence of excommunicatioun and processe of horne, as the said Marqueis will answeere to his Majestie and the said Lords upoun his obedience and under the pane to be callit, conveyned and censured for the same accordinglie."

" Forsamekle as the Estaits of this kingdome conveyned in the Parliament haldin at Edinburgh in the moneth of Junij 1609 haveing wiselie foreseene that one of the cheefe causes whilk procured the growth and increase of Poprie and the presumptioun and pryde of persons Popishlie affected within this kingdome proceedit frome the connivence and oversight givin unto thame to reteane the possessioun of thair awin lands, rents and livings ather directlie in thair awin persouns or covertlie in the persouns of thair freinds and weill willers to thair use and behoove, whairby they wer encouraged to persist in thair pernicious and erroneous opiniouns, and the executioun of the Acts made aganis excommunicats wes frustrat, Thairfoir and for preventing of the inconvenients whilk wer lyke to fall to the religioun upoun this occasioun the saids Estaits declared, statute and ordained that no persouns whatsoever who than wer or thair-after sould happin to be excommunicat for not conforming thameselfes to the religioun presentlie profest within this kingdome sould be suffered ather directlie in thair awin persouns or covertlie and indirectlie by anie others in thair names and to thair behoove to enjoy the possessioun of thair lands, rents and livings, bot that the same sould be meddled with, intro-mitted with and uplifted to his Majesteis use as the said Act of Parliament beares. Lykeas be ane other Act of the same Parliament it is ordained that the bishops within thair dioceis sould everie yeere give up to the Thesaurar, Comptroller, Collectour, and thair deputs, and to the Directour of the Chancellarie, ane roll subscriyved with thair hands containing the names of all suche persouns within thair dioceis who ar

The escheats and liferents of Mr. Alexander Irving, burges of Aberdeen, and others, professed Papists, to be wholly intro-mitted with, and inbrought to his Majesty's use. See ante, p. 497.

excommunicat for religioun, and ordained the Thesaurar and his deputs that they sould ressave no resignatiouns nor grant confirmatiouns nor infetments to nor in favour of anie of suche persouns whois names sould be conteaned in the said roll, and that the Directour of the Chancellarie and his deputs sould give out no breeves, ressave no retoures nor direct no precept upoun retoures nor upoun comprysings in favours of anie of the saids persouns whois names sould be insert in the said roll at na tyme thairafter, as the said Act of Parliament, conteaning lykewayes a declaratioun that it sould be lawfull to all lords of regaliteis and to all superiours whatsomever within this kingdome to refusee breeves and precepts of *clare constat* in favours of anie persoun or persouns whois names sould be insert in the said roll, as alsua to refusee the entrie of tennents upoun comprysings whois names ar insert in the same roll, at lenth beares. And whereas the Lords of Secreit Counsell ar informed from the ministers within the dioecis of Aberdein and Murrey that the persouns particularlie underwrittin, they ar to say, Mr. Alexander Irwing, burges of Aberdein, Thomas Meinzeis of Balgownie, Walter Leslie in Abirdein, Robert Irwing, burges thair, Johne Gordoun, appearand of Craig, James Forbes of Blacktoun, Mr. Robert Bissat of Lessindrum, Robert Gordoun in Cushnie, James Philp in Eastoun, Mr. Adame Strauchane, maister houshold to the Lord of Aboyne, James Con in Knockiemylne, John Gordoun in Bountie, Alexander Harvie in Inneroure, Johne Gordoun in Troupesmylne, Johne Spence in Peirismylne, notar publict, Francis Leslie, brother to Leslie, the Caputian, Alexander Leslie, brother to the Laird of Pitcaple, Thomas Cheyne of Ranistoun, Williame Seatoun of Blair, Thomas Laing, goldsmith, burges of Abirdein, Alexander Gordoun of Tilligreg, Patrik Gordoun of Tillisoule, Jonnet Dumbar, his spous, Margaret Gordoun, goodwyffe of Cormellat, Malcolme Laing in Gulburne, Adame Smith, chamberlain to the Marquis of Huntlie, Barbara Law, his spous, Alexander Leslie in Conrache, Agnes Gordoun, his spous, Margaret Gordoun, spous to Robert Inneis in Elgine, Johne Gordoun in Littlemylne of Rathven, Robert Gordoun in Haddo, James Gordoun in Dunkintie, Alexander Gordoun in Badzenoch, Angus M^cEane V^c Williame thair, Patrik Gordoun of Bad, Jonnett Dumbar, his spous, Alexander Gordoun in Drumquhaill, Bessie Gordoun, his spous, and Alexander Gordoun, appeirand of Cairneborrow, and Helene Cowtes, his spous, ar all excommunicat for Poperie, ar denounced rebellis and putt to the horne for that caus, and not onelie prouddie and contempnandlie remaines at the processe of horne unrelaxt without feare of God, reverence of the law or regaird of his Majesteis auctoritie, bot with that they ar notorious profest and avowed ressetters, hoorders and inter-teanners of Jesuits, seminarie and messe preists, accompanies thame throw the countrie, furnishes unto thame all things necessar, and by thair lyffe and conversatioun otherwayes gives verie great scandall to the Kirk, encourages others to doe the lyke and fosters and emboldens

Acta Februar.
1628-July
1629.

Fol. 66, a.

Fol. 66, b.

Acta February 1628. July 1629. Fol. 66, h. Jesuits and seminarie preists to continew thair practises aganis the religioun and stait of the kingdome, Thairfoir the Lords of Secreit Counsell ordanis his Majesteis Thesaurar and Advocat to persew declaratours upoun the escheits and lyverents of the persouns particularlie abonewrittin and to caus the same be whollie intrometted with and inbrought to his Majesteis use, and that his Majesteis said Thesaurar dispone not thair escheits nor lyverents to anie persoun or persouns whatsomever nather upoun hornings execute aganis thame for Poprie and disobedience to the High Commissioun nor for no other caus, civill nor criminall: and for this effect ordanis ane catalogue and roll of the names of the saids persouns to be delyvered to the Presenter of the Signatour and clerkes of Exchecker to the intent they may acquaint the Lords of Exchecker if anie suche signatours concerning the escheits and lyverents of the persouns abonewrittin sall be givin in to be exped whairthrow the same may be accordinglie stayed. And siclyke commande and inhibits the Directour of his Majesteis Chancellarie that he give out no breeffe, ressave no retour and direct no precept upoun retoures nor upoun comprysings in favours of the persouns particularlie abonewrittin; and siclyke ordanis all lords of regaliteis and other superiours within this kingdome that they on na wayes ressave anie breeves, retoures and precepts of *clare constat* concerning the persouns abonewrittin and that they refuse thame entrie and seasing upoun comprysings conforme to the said Act of Parliament, as they and everie ane of tham will answeere upoun the contrarie at thair perrell; and ordanis letters to be direct to make publicatioun heerof at the mercat croce of Edinburgh and other plaices needfull whairthrow nane pretend ignorance of the same."

"Forsameekill as the Kings Majestie, being informed that George Lawder of Bas and Dame Issobell Hepburne, Ladie Bas, his mother, doe stand rebellis and at the horne at the instance of divers thair creditours and that notwithstanding thair of they peaceablie bruike and enjoy some of thair rents and remane within the Craig of the Bas presooming to keepe and mainteane thameselffes so to elude justice and executioun of the law, his Majestie wes thairupoun moved by his letter direct to the Lords of his Privie Counsell to give strait ordour and command that charges sould be direct for delyverie of the Bas, apprehending of the rebellis and committing thame to waird within the tolbuith of Edinburgh thairin to remaine ay and whill they sould give full satisfacioun to thair creditours and procure thameselffes relaxt frome the processe of horne; for obedience whair of the saids Lords having caused charge the saids Laird and Lady Bas to compeir before thame to answeere upoun thair rebellious with certificatioun if they failyied the saids Lords would proced aganis thame with the most rigorous executioun and under the greatest panes that the lawes of the kingdome in suche a caise would allow, and the saids Laird and Lady Bas compeirand be Mr. Alexander Hepburne, indweller in Edinburgh, he produced a petition.

Protection granted to the Laird and Lady Bass on condition that they give satisfaction to their creditors.

subscriyved with thair hand proporting thair hard and desolate estait and testifeing thair readie willingnesse to give unto thair creditours contentment if the saids Lords would be pleased to graunt a warrand unto thame for thair saulfe repaire to the burgh of Edinburgh to deale with thair creditours without danger of the law. Which petition being read and considerit be the saids Lords; and they being willing to grant to the saids Lairds [*sic*] and Ladie Bas all the favour that may enable thame to give contentment and satisfioun to thair creditours, which is the cheefe motive and end of his Majesteis proceedings aganis thame, Thairfoir, the Lords of Secreit Counsell hes givin and grantit and be the tennour heerof gives and grants full power, libertie and warrand to the saids George Lawder of Bas and Dame Issobell Hepburne, his mother, to repaire to the burgh of Edinburgh and other pairts of the countrie to meete and deale with thair creditours for giving unto thame satisfioun without trouble, challenge or impediment to be made to thame or anie of thame be whatsomever persoun or persouns whill the twentie day of Februar nixtcome; discharging heereby all shireffs, stewarts, proveists and bailleis within burgh and all others his Majesteis judges, officiars and ministers of his lawes ather to burgh or land, and messingers of armes of all taking, apprehending, wairding or arreisting of the saids Laird and Ladie Bas or anie of thame be vertew of anie letters of horning, captioun or arreistment direct thairupoun, discharging thame thairof and of thair offices in that pairt whill the said twentie day of Februar nixtcome; provyding alwayes that the saids Lairds [*sic*] and Ladie Bas make thair addresse to the burgh of Edinburgh for dealing with thair creditours anent thair payment and satisfioun betuix and the twentie day of December instant, otherwayes this warrand to be voide, of no strenth, force nor effect frome thence furth and for ever.”

Approval of
the Act of
Council
whereby his
Majesty's
Advocate is
ranked before
the Justice-
Clerk.
See *ante*, p. 490.

“ Anent the complaint made to the Lords of Secreit Counsell be Sir Thomas Hoip of Craighall, knight, baronnet, his Majesteis Advocat, makand mentioun, that whair the saids Lords having heard at lenth the questioun moved be Sir George Elphinstoun, Justice Clerk, aganis him, tuicheing the prioritie of his plaice whilk is dew to him as his Majesteis Advocat before the Justice Clerk be vertew of the saids Lords thair Act daitit in Februare 1623, it pleased thame upoun expectatioun of some freindlie treatie and conference to be had betuix his Majesteis said Advocat and Justice Clerk to differre the giving of thair determinatioun thairin to the twentie day of November last, upoun the whilk day thair being no appearance of agreement utherwayes nor be justice, his Majesteis said Advocat moved the mater to the saids Lords and craved thair answer. Bot the said Sir George, of intentioun to procure a new delay, absentit himselfe fra the Counsell till the mater wes differred in respect of his absence and then came in. And seing the saids Lords wer pleased to continew thair determinatioun to this day with promise not to delay him anie longer and that the said Sir George hes made use

Acta Februar
1628 July
1629.

Fol. 67, a.

Fol. 67, b.

Fol. 68.

Acta February 1628, July 1629, Fol. 68, a.

of the former delay to his Majesteis said Advocats prejudice be raising of ane reductioun aganis him of the said Act of Counsell and that *pendente lite* the said Advocat aucht not to be frustrat of the benefite of the said Act, whilk stands as ane Act of Counsell ay and whill it be reduced, and that the said Sir George with some peace of neglect and diminutioun to the honnour and auctoritie of the supreme seate ceases not to arrogat unto himselffe the precedencie without that dew respect and reverence to the saids Lords thair Act whilk it becomes all the subjects bot most of all counsellours to obtemper and obey in all humble submissioun, Thairfoir and for keeping of comelie and decent ordour and avoyding of contestatioun it is necessar that the saids Lords give furth thair will and determinatioun without delay. And anent the charge givin to the said Sir George Elphinstoun to have compeired personallie before the Lords of Secreit Counsell at a certane day bygane to have heard and seene the saids Lords thair future determinatioun givin furth in the premisses, lykeas at mair lenth is conteanit in the said complaint, executions and indorsations thairof; quhilks being callit and the said Sir Thomas Hoip, his Majesteis Advocat, compeirand personallie and the said Sir George Elphinstoun, Justice Clerk, with Mr. Androw Aittoun and Mr. Lewes Stewart being lykewayes personallie present, the reasouns and allegations propouned be the said Justice Clerk and his preloquutours foresaids aganis the desyre of his Majesteis said Advocat why the same sould not be grantit, togidder with the answeres maid thairto be his Majesteis said Advocat being heard and considerit be the saids Lords, and they rypelie advised thairwith, the Lords of Secreit Counsell allowes and approves the Act of Counsell foresaid whairby the Advocat is ranked afoir the Justice Clerk and decernis and ordanis the same to stand in the awin force and the Advocat to bruike the place conforme to the said Act ay and whill it be reduced and that without prejudice of the said Justice Clerk his actioun of reductioun of the said Act of Counsell presentlie depending before the saids Lords to be callit and discussed with all possible diligence, and reserving to the said Advocat all his lawfull defences to be alledgit aganis the reductioun of the said Act when the same sall be persewed.

(Sederunt as recorded above.)

Complaint by Sir Thomas Hoip, Kings Advocate, and Dame Helen Arnot, "the unfortunat spous of Sir George Home of Manderstoun," as follows: —It is not unknown to their Lordships "with what great greefe, trouble and displeasure she hes beene persecute thir diverse yeeres bygane by her unkynde and unnaturall husband, who being unmyndefull and unthankfull for the great estait whairunto he wes provydit with the said compleaner be her umquhill father, and being forgetfull of his dewtie, first to God and than to the compleaner, his spous, he hes reduced her to

Holyrood House, 2nd December 1628.

Complaint by Dame Helen Arnot against Sir George Home of Manderstoun, her spouse, who has carried off all her movable goods except her horse.

the extremest points of miserie and necessitie, repudiat her frome his companie without allowing unto her anie thing whairupoun to interteane her selffe till she wes constrayned in end after long patience and suffering upoun hope of his amendment to enter in processe aganis him before the Lords of Sessioun," who modified to her the sum of 1000 merks yearly to be paid by Sir George, and granted her in security thereof the rents of his lands in Coldinghame, extending to twelve chalders victual and 300 merks money yearly, as their decree, dated 24th March 1624 bears. But instead of being allowed to enjoy this small allowance in peace, she has been and still is heavily oppressed by the said Sir George. On 10th September last he came from Berwick accompanied with three horsemen and four footmen, all Englishmen, and with others, armed with lances, long staves, hagbuts and pistols to the lands of Ailmlyne, not far from Coldingham, and violently took away from the complainer off the ground of these lands two oxen, ten widders, four ky, three "quyes," two stotts, fourteen ewes, twenty nine young sheep, ten young widders and twenty two young lambs, which were all the moveable goods the complainer possessed, except her horse, which the said Sir George affirms he is sorry he missed. And thus he intends to ruin her so that she may not have the means to pursue him by course of law. Charge having been given to the said Sir George, and the pursuers compearing but not the defender, the Lords after hearing witnesses with regard to that point of the complaint of his wearing hagbuts, find that he had a hagbut the time libelled, and therefore ordain him to be charged to enter in ward in the tolbooth of Edinburgh within six days, and in case of disobedience to denounce and escheat.

Decreta,
November
1627-January
1630.
Fol. 139, a.

Fol. 139, b.

Complaint by William Douglas of Bonjedburgh, and Andrew Riddell of that ilk, against Mr. William Jamieson, minister at Longnewton, and others, for violently opposing the said William Douglas and Andrew Riddell in leading the teinds within the parish of Longnewton.

Complaint by William Douglas of Bonjedburgh and Andrew Riddell, apparent of that ilk, as follows:—Their Lordships appointed them to lead and stack the teinds within the parish of Langnewton which were in debate betwixt Sir Robert Ker of Ancrum and Mr. William Jameson, minister at Langnewtoun, and the said minister and his tenants were informed hereof and charged to desist from meddling with the said teinds of 1628. Accordingly the complainers sent their tenants and servants on 14th and 30th October last to the teinding of such parts of the parish as were ready, when the said Mr. William, accompanied with Henry Melros, George Ramsay, James Brig, called Callent, John Dobsoun, Andrew Jameson, James King, William Lokhart, John Fairbarne, James Holburne, James Brig, called Easter James, John Rutherford, James Brig, called Laird, John Buckholme (Buchane), Adam Thomesoun, Thomas Adamesoun, William Gray, Michael Falla, John Allane, Walter Allane, James Patersoun, Andrew Rutherford, James Brig called Ridhoill, Thomas Oliver, Patrick Clerk, Walter Patersoun, Bessie Miller, Marion Patersoun, Janet Walker, and others, with convocation of the lieges in arms, came to them, and after many threatening speeches, violently and forcibly opposed and interrupted the leading of the said teinds, so that

Fol. 140, a.

Decreta,
November
1627-January
1630.
Fol. 140, a.

Fol. 140, b.

Royal Letters,
1623-32.
Fol. 147, a.

Fol. 147, b.

Acta February
1628-July
1629.
Fol. 68, a.

the complainers' said tenants and servants, "out of their respect to his Majesteis obedience, gave way to the contempt and insolence of the saids persouns and ressavd their deforcement," and the complainers have thought good to acquaint their Lordships herewith, so that no imputation should be laid on them for not executing their commission. Charge having been given to the said persons and Janet Wintrop, and the pursuers comparing and also Mr. William Jamesoun for himself and in name of the other defenders, the Lords after hearing witnesses assoilzie the defenders, because the commission granted to the pursuers "wes no wayes extendit to the casting of anie stackes in the barneyaird after they wer bigged and stacked bot onelie to collect and lead the teinds libellit, and to stacke thame in maner specified."

"Most sacred Sovereane, Since your Majestie hes beene graciouslie pleased to signifie your royall intentioun and desire to have all the teinds of this your ancient kingdome to be settled upoun the heretours of lands for avoiding of the wounted oppressiouns alledgit to flow frome the rigour of some titulars and to give dew satisfioun to the saids titulars for their right according to the qualitie and nature thair of, and we having dewlie considerit that the production of all titulars rights is als necessarie for that purpose as the inspectioun of the titles of the lords of erectiouns, therefore, we doe humblie represent unto your Majestie the fitnessse of a generall production of all titles of teinds of other mens lands whairby all the proprietars may be the better secured in the same, without suspicioun or feare to be ordained to pairt frome thair teinds of other mens lands unlesse they be secured of the teinds of thair awin, or that anie sall be compellit to pay the pryce for thair teinds except to suche as may make thame undoubted right to the same; and if it sall please your Majestie to give directioun for production of all the saids titles of tythes either unto the generall commissioun for the teinds or unto your Majesteis Advocat, we sall accordinglie apply our selfes to proceed with all alacritie to give unto your Majestie a trew account of our affectionat endeavours for effecting your Majesteis princelie intensions; and this course no wayes to prejudice your Majesteis determination to be givin upoun the generall submissioun whensoever your Majestie sall be pleased to give furth the same; unto which in all humilitie submitting our selfes, we sall ever pray, as becometh your Majesteis, etc. Halyruidhous *secundo Decembris* 1628. *Subscribitur*, Marr, Monteith, Hadintoun, Linlithgow, Roxburgh, Lauderdaill, Dunkelden, Brechin, Dumblane, Tracquir, A. Carre, Arch. Achesoun, Advocat, Balmanno, M. A. Gibsone, Sr George Elphinstoun, Archibald Campbell."

Holyrood
House, 2nd
December
1628.
Letter to his
Majesty anent
the general
production of
tacks.

Sederunt.—Treasurer; Privy Seal; Linlithgow; Roxburgh; Galloway; Lauderdaill; Tracquir; Bishop of Dunkeld; Bishop of Dumblane; Master of Elphinstoun; Master of Jedburgh; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Holyrood
House, 4th
December
1628.

Protection granted to Harry Gordon, Alaster M^cWilliam, and others, to appear before the Council anent the slaughter of the Laird of Carron.

See ante, p. 490.

“Anent the supplicatioun presented to the Lords of Secreit Counsell be the relict and bairnes of umquhill James Grant of Carroun makand mentioun that whair they ar chargit to compeir and produce before the saids Lords suche verificatioun and witnesses as they have or will use for cleering of the maner and circumstances of the slaughter of the said goodman of Carroun, in the prosecutioun whair of they ar constrained to make choise of Harie Gordon in Ruthven, Thomas M^cWilliame in Tanmoir, Alaster M^cWilliame, his brother, George Grant and Alaster M^cGregour, servitours to the Laird of Ballindallache, who wes upoun the ground with him at the committing of the deid, who being denounced rebellis for that caus will not adventure to compeir and depone in that mater without the saids Lords thair warrand; in respect whair of and to the intent the saids supplicants be not prejudged of thair lawfull probatioun and witnesses upoun that occasioun humblie desyring thairfoir the saids Lords to grant a warrand to the persouns particularlie abonewrittin to compeir and beare witnes in the mater foresaid without trouble or danger of law, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard, seene and considerit be the saids Lords and they finding the desire thair of to be reasonnable, the saids Lords hes givin and grantit and be the tennour heerof gives and grants thair warrand to the persouns witnesses abonewrittin to resort and repaire to the burgh of Edinburgh and to compeir before the saids Lords of Privie Counsell to beare witnes in the said mater without trouble or danger of law and to attend and await upoun the said mater untill the last day of the said moneth of Januar nixtocome, discharging in the meane tyme all shireffs, steuarts, provests and baillies within burgh and uthers his Majesteis judges and magistrats to burgh and land, and all messingers of armes of all taking, apprehending, wairding or arreisting of the saids persouns be vertew of anie civill hornings or captioun direct thairupoun, discharging thame thair of and of thair offices in that pairt untill the said last day of Januar.”

Protection to witnesses of the Laird of Ballindallach.

Similar warrant upon the supplication of John Grant, fiar of Ballindallache, for the compearance under protection of his witnesses in this case on 27th January next, viz. Leonard Baird in Gedloche, Patrick M^cGregour in Tulliche, George Leslie in Rothes, Harie Gordoun in Tomachlagan, Ferquhar M^cInreache in Bellintruin, and Patrick Grant in Little Innercheltrie, “some of Carroun his followers and servants who wer present upoun the ground the tyme of the committing of the slaughter who darre not compeir to depone in that mater, they being rebellis and at the horne for that same caus, without a warrand frome the saids Lords.”

Holyrood House, 4th December 1628.

[Sederunt as recorded above.]

Decreta, November 1627-Januar 1630. Fol. 141, a

Complaint by Alaster Waterstoun in Strath of Dunbeth, Thomas

Acta Feb. 1628-July 1629. Fol. 68, b.

Fol. 69, a.

Irwing, messenger, and Mr. Rodger Mowat, advocate, for his interest, Complaint by Alaster Waterston in Strath of Dunbeth, Thomas Irwing, messenger, and others, against the Earl of Caithness, Andrew Mowat, and others, for assault and deforcement.
 Margaret Mansoun, spouse to Jasper Mowat in _____, and the said
 Jasper for his interest, as follows:—The said Mr. Rodger obtained a
 decree before the Lords of Council and Session against Andrew Mowat,
 sometime of Swinzie, for payment of certain sums of money, and after
 long and patient waiting finding nothing but shifts and delays,
 with a settled purpose not to pay, he was constrained to raise letters
 of poiding, and entrusted the execution thereof to the said Thomas
 Irwing. But the said Andrew, getting word of this, removed his goods
 from his own lands of Swinzie to the lands of Keische, belonging to
 George, Earl of Caithness, believing that no officer durst poid them
 under his protection. When the said Thomas Irwing, accompanied with
 the said Alaster Waterstoun and others as witnesses, went on
 to the said lands of Keische, and poided some nolt and sheep there
 belonging to the said Andrew, and was bringing them to Wick, as the
 head burgh of the shire, to complete the comprising at the market cross
 there, no sooner were the said goods taken away than “the said Erle
 disdainig that anie man durst come there to use his Majesteis auctoritie
 and lawes upoun his ground, he in proper persoun, accompanied with the
 said Andrew Mowat, and Francis Sinclair, his lawfull sone, John
 Mowat, George Sinclair, John Henrie, Alexander Mullikin and Gilbert
 Dundas,” servitors to the said Earl, and others, all armed with swords,
 lances, and other weapons, followed the said officer to Wick, and
 assailing him and the witnesses, pursued them for their lives, giving the
 said Alaster Waterstoun “ane cleip and deidlie wound on the backe with ane
 sword” with which he has lain bedfast in great pain ever since, and
 there is no hope of his recovery. They threatened the messenger and
 his witnesses with present death if they resisted, and then violently took
 the whole goods from them, and so deforced the messenger. Further,
 since then on _____ the said Andrew Mowat and William Mowat,
 his son, coming to the lands of _____ and there meeting the said
 Margaret Mansoun, “ane poore simple woman, great with childe, they
 barbarouslie and inhumanelie without pitie and compassioun of her
 distressed and hard estait, bryddilled her with a bryddill and left her
 lying upoun the ground for deid.” Charge having been given to the
 said Earl of Caithness, Francis Sinclair, his son, John Mowat, John
 Henrie, Alexander Mullikin, George Sinclar, and Gilbert Dundas, his
 tenants and domestics, and the pursuers compearing by Mr. Michael
 Law, servitor to the said Mr. Rodger Mowat, but none of the defenders,
 the Lords ordain them to be denounced and escheat.

Decreta, November 27. January. 1630. Vol. 141, a.
Vol. 141, b.
Vol. 142, a.
 Complaint by Archibald Campbell, son to the Captain of Dinnune, as
 follows:—He is informed that he has been denounced at the instance
 of his Majesty’s Advocate for the time, and Robert and William Smith,
 maltinen, burgesses of Glasgow, for not entering in ward in the tolbooth
 of Edinburgh there to remain till he were tried “for shooting of ane
Suspension of harning granted to Archibald Campbell, son to the Captain of Dunoon.

hacquebutt at some dows upoun ane malt kill and barn perteaning to the saids Robert and William Smiths, whairby the kill and barn and victuall being thairin wes brunt." Now at the time of "that unhappie accident he wes ane young boy at the _____ of Glasgow, within fyfteene yeeres of age, and shooting at some dowses the forrage of the hacquebutt lighted unhappilie upoun the thacke of the kill and the same thairby took fyre"; so that there was no forethought, malice nor grudge in the matter, but "it simplie fell out upoun the compleaners youthfulness, whilk he hes ever repented sensyne." Moreover, the Laird of Arkinlasse and others of the complainer's friends, regretting the loss to these "two innocent men who never wronged the compleaner be word or deid," entered into terms with them and redressed their damage, as their discharge, dated at Glasgow 18th April last, attests, and in this deed they agreed to sist all procedure against him and relax their horning. Yet for obedience he has found caution in 300 merks to appear on 27th November, and to pay £20 to the Treasurer, and Deputy Treasurer and Receivers of his Majesty's rents, if found liable therein, and accordingly craves suspension. Charge having been given to the said Robert and William Smith, and the pursuer compearing and producing the discharge above mentioned, and the defenders not compearing, the Lords grant suspension as craved.

Decreta.
November
1627-January
1630.
Fol. 142. a.

Fol. 142. b.

Complaint by
William Brodie
in the Banks
of Scrabster
against
Alexander
Sutherland
and others for
destruction of
his peats.

Complaint by William Brodie in Quhythons in the Bankes of Scrabster in Cathness, as follows:—On _____ June last he caused his servants cast a number of "peittis for elding unto his hous in the mosse of _____ belonging to him heritable, and they having binked the same and left thame in the mosse," returned home to their master's house at night. But under cloud and silence of night Alexander Sutherland in Howburnheid, with some accomplices, armed with swords, staves and other weapons, went to the moss and cut and destroyed the whole of the complainer's peats extending to _____ loads, thus disappointing him and his family of their winter fuel. Charge having been given to the said Alexander Sutherland, and the pursuer compearing by Robert Wallace, servitor to Peter Aldjeo, advocate, and the defender not compearing, the Lords ordain him to be put to the horn and escheat.

Fol. 143. a.

Holyrood
House, 4th
December
1628.

Commission to
the Sheriff of
Berwick and
his deputes to
try John
M'Readie for
incest, sorcery,
and witch-
craft.

Commission under the Signet to the Sheriff of Berwick and his deputes to hold courts and try John M'Readie, weaver in Ranultoun, who "hes lyin this two yeere bygane in the filthie cryme of incest with his mother sister, and hes beene ane ordinar practiser of sorcerie, witchcraft, charming and uthers devilish practises." Signed by Hadintoun, Wintoun, Linlithgow, Lauderdail, A. Carre, Advocat, Secretar, and S^r Johne Scot.

Commission-
1621-30.
Fol. 182. a.

Commission to
Robert
Seatoun, elder
in Tranent,
and others to
try Bessie
Littill and

Commission under the Signet to Robert Seatoun, elder in Tranent, Archibald Turnbull, bailie there, Alexander Turnbull, bailie in Langnidrie, and Archibald Weddell, bailie in Seatoun, or any two of them, as justices, to hold courts and try Bessie Littill and Margaret

- Commissions, 1624-30. Baine, indwellers in Langnidrie, who have been long suspected of witchcraft, etc. Signed by the same Lords excepting Lauderdaill. Margaret Bain for witchcraft.
- Fol. 182, b. Commission under the Signet to John Cranstoun of Thornedykes, Robert Lawder of that Ilk, Gilbert Lawder of Quhytslyde, and Mr. Alexander Home of St. Leonards, as justices, to hold courts and try George Blyth in Lidgertwode, Katharine Mosse, his spouse, and Katherine Browne in Lawder, who have been long suspected of witchcraft. Signed by the same Lords including Lauderdaill. Commission to John Cranston of Thornedykes and others to try George Blyth and others for witchcraft.
- Fol. 183, a. Commission under the Signet to Colin, Earl of Seafort; George, Lord Gordoun; Simon, Lord Lovat; Sir John Grant of Freuchie, John Grant of Glenmorestoun, Patrick Grant, apparent thereof, John Grant, his second son, Donald McAngus of Glengarie, Allan McRannald of Lundie, Allan Camron of Lochyell, Sir Donald McOnill of Slait, John McCleud of Hereis, the Captain of Clanrannald, John Grant of Corremonie and John Glengarie of , jointly and severally, to convocate the lieges, and search for, apprehend and present before the Council for delivery to the Justice and his deputes, Duncan McRobert VcConnochie in Innergarie, servitor to John McDonnald VcAngus of Glengarie, Gillichallum McEwin VcGillichallum in Glengarie, Martine McEane VcRorie VcEane Roy in Knoydert, Donald McEane Roy VcEane Roy in Killastardertach, Donald McGillichallum VcEane Dow VcCavyes in , John McCoull VcOnill Oir VcOnill VcTerlich in Glenbeg in Glenelg, Donald McRobert VcConnochie in Innergarie, John McRobert VcConnochie, his brother there, Ewin McOneill VcEane Dowie VcKenneth in Kilchonner in Glenelg, Finlay Bowie McEane Dowie VcConnochie in Easter Bowneland, Duncane McEane Dowie VcConnochie his brother there, Donald McEane Dowie VcConnochie there, his brother also, and William McFinlay VcMullich in Lochletter, who on 10th May last were put to the horn at the instance of James Cuming in Dilschangie in Urquhart for not finding caution acted in the Books of Adjournal to underlie their trial before the Justice and his deputes for certain acts of theft from the said James Cuming, and the burning of his houses and buildings and whole furniture therein. Power of fire and sword is given, with clause of immunity. Signed by Hadintoun, Wintoun, Linlithgow, Galloway, Lauderdaill, Dumblane, Arch. Achesone, Hamiltoun and Scottistarvett. Commission to John Sinclair in Hirdmistoun and others to try William Davidson, lately in Saltoun, for witchcraft.
- Fol. 183, b. Commission to Colin, Earl of Seafort, and others to apprehend Duncan McRobert VcConnochie in Invergarry, and others, now at the horn for theft and fire-raising.
- Royal Letters, 1623-32. Copy of the letter of 4th December 1628, as printed ante p. 495, under date 27th November 1628.
- Fol. 148, a.

Holyrood
House, 9th
December
1628.

Sederunt.—Privy Seal; Linlithgow; Wintoun; Lauderdaill; Gallo-
way; Bishop of Dumblane; Master of Elphinstoun; Master
of Jedburgh; Secretary; Clerk of Register; Advocate; Justice
Clerk; Sir John Scot.

Acta Februar.
1628-July
1629.
Fol. 69. a

Commission for
the apprehen-
sion of Sarah
Keith in
Wintoun and
Alexander
Hamilton on a
charge of
witchcraft.

“The Lords of Secreit Counsell gives warrand and commissioun to
George Cockeburne of Ormestoun to pas, searche, seeke and apprehend
Alesoun Tailyeour in Pencaitland, Sara Keith in Wintoun, and
Alexander Hamiltoun, vagabound, who ar suspect and delate guiltie of
the cryme of witchecraft, and to putt and deteane thame in sure firmance
till ordour be givin for thair tryell and punishment as accordis. For
doing whair of the extract of this warrand sall be unto the said George
Cockeburne a sufficient warrand.”

Declaration of
his Majesty's
Advocate
anent such as
have not
subscribed the
general
Submission.

“The whilk day Sir Thomas Hoip of Craighall, knight baronnet, his
Majesteis Advocat, declairit to the Counsell that he had a warrand
frome his Majestie to persew suche as hes not subscriyved the generall
submissioun and produced ane roll of certane persouns who had not
subscriyved the said submissioun and he craved the Lords opinioun what
he sould doe thairin. The Lords having heard his propositioun and
understanding that thair is a new course tane anent the subscriyving of
the said submissioun be those who hes not as yitt subscriyved the same,
thay thairfoir advise his Majesteis said Advocat to forbear all
proceeding aganis the saids persons till report be made of the diligence
and obedience of these who ar ordained of new to subscriyve the saids
submissiouns and in whois presence the same ar ordained to be sub-
scriyved.”

Fol. 69. b.

Holyrood
House, 9th
December
1628.

[Sederunt as recorded above.]

Decreta.
November
1627-January
1630.

Complaint by
Alaster Roy,
kirk officer of
Innerrawin,
against Adam
Thomson and
others for
assault.

Complaint by Alaster Roy, kirk officer of Innerrawin, as follows:—
On 29th August 1626 Adam Tailyeour of Deskie came to the
kirktoon of Innerrawin, armed with swords and other weapons, “gave
him manie bloodie straikes on sindrie pairts of his bodie, bot speciallie
gave him ane deip and deidlie wound in the head and another in the
arme, whairby they have mutilat his arme, and than left him lying for
deid.” He has ever since been under the “cure of chirurgians.”
Charge having been given to “the saids Adame Thomsons, Robert
Eleis and Johne Tailyeour,” and the pursuer compearing, but the
defenders not, the Lords ordain them to be put to the horn and escheat.

Fol. 143. a.

Fol. 143. b.

Exemption
granted on the
petition of
James John-
stone of that
Ilk to Martin
Achesoun and
others from
appearing at

Petition by James Johnstone of that Ilk, as follows:—At a recent
justice court of the sheriffdom of Dumfries held at Hawick on 8th
November last he became cautioner in 500 merks for entering to their
trial Martin Achesoun in Hilhous, William Johnestoun in Heslibrae,
Walter Johnestoun called of Wyndholme, James Johnestoun brother to
William Johnestoun of Broommell, Robert Johnestoun, smith in Little

Decreta,
November
1627-January
1630.
Fol. 144, a.

Datoun, James Johnestoun, servitor to Gilbert Tailyeour, notary, Walter Hill in Neatherfeild, David Irwing called of Sarkisheillis in Kirk, Patrick Fleeming, James Irwing of Cleughheidis, Thomas Irwing called Thome of Kirkpatrik, John Johnestoun of Beatoke, Gilbert Johnestoun called of Revokis, James Johnestoun in Grantoun, James Johnestoun in Scaffinbiggmene, Simon Johnestoun in Kirkhill, Peter Johnstoun called of Kirkhill, his brother, John Johnestoun in Quhyt-castellis, James *alias* Jackie Tagart in Crocedykes, William Johnstoun of Brigmure and Christopher Littill in Troutbeg, before his Majesty's Justice for the time, on the second or third days of the next Justice Ayre or Circuit Court held within the bounds where these persons dwell. Now such courts are always held at the burgh of Dumfries, whither neither the petitioner nor his friends and dependants dare resort in a peaceable and quiet maner for fear of their lives "in respect of the great troubles and feade quhilk formerlie stood betuix the supplicant his predecessouris and the inhabitants of that burgh and others nighbours dwelling about the sune, and of the slaughters and bloodsheds quhilks fell out in these troubles and ar yitt fresh, greene and recent in thair memoreis." They do not wish to decline justice and are perfectly willing to appear in any other "unsuspect and saulffe place." The Lords accordingly exempt the petitioner and the persons above-mentioned as well as all others his men, tenants and servants from compearance at any justice courts held in Dumfries, the petitioner always finding caution for their compearance before his Majesty's Justices and Commissioners of the Middle Shires in any other place as they shall be cited, under the penalty of 500 merks.

Fol. 144, b.

Complaint by William Nicolson, creillman, indweller in Edinburgh, as follows:—Lancelot Cockburne, tailor, indweller in Edinburgh, alleging that the complainer became cautioner to him for Hew Purdie in Leswaid for payment of a sum of £20 and 10 merks expenses, has warded him in the tolbooth of Edinburgh, where he now is, "he being ane poore creillman having no meanes to interteanie him in the said waird, sua that he wes constrayned for plaine necessitie to sell his cloke for payment of ane dössoun of foules auchtand be him and for furnishing him in the said tolbuith, sua that now he is lyke to dee and starve for hunger and cald." Charge having been given to the said Lancelot Cockburne, and also to John Sinclair, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer; and the pursuer being brought by some of the town officers, and the defender also compearing and refusing to liberate the pursuer, the Lords, considering that the pursuer "is a poore miserable creature" and has no means to sustain himself, ordain the defender to pay 3s. daily for his entertainment so long as he keeps him in ward, payment to be made every Saturday at night, and if he fail herein, they ordain the provost and bailies of Edinburgh to liberate the pursuer.

Fol. 145, a.

Complaint by
William
Nicolson,
creelman,
indweller in
Edinburgh,
against
Lancelot
Cockburn,
tailor, for
harsh warding
in the Tolbooth
of Edinburgh.

Complaint by John M'Farlane, fisher, in Edinburgh, against Alexander Bowie and David Leipit for harsh warding in the Tolbooth of Edinburgh.

Complaint by John M'Ferlane in Edinburgh, as follows:—He is arrested in ward in the tolbooth of Edinburgh at the instance of Alexander Bowie, stabler, burgess there, for not paying to him £16 for which he was cautioner for Katharine Gairdner, widow there, and at the instance of David Leipit, tailor there, for non-payment of a sum of £20, which sums are not his own debt. He is "bot ane poore servant man to ane fleshour and fied with him fra Fastings Evin to Fastings Evin, having no more of him bot his poore pennie fee, quhilk they have caused him losse and tyne throw his imprissonment, whereas if he were at libertie he would have used manie wayes to have satisfied thame." He is now ready to perish for hunger and cold. Charge having been given to the said Alexander Bowie and David Leipit, and also to John Sinclair, one of the bailies of Edinburgh, in name of the magistrates, to produce the pursuer, and he being brought by the officers of the town, and the defenders also comearing and refusing to consent to his release, the Lords, seeing the pursuer is "a poore miserable creature" wanting means, ordain the defenders each to pay eighteenpence daily for his support in ward, payment to be made every Saturday at night, and in case of their failure, they ordain the provost and bailies of Edinburgh to release him.

Decreta. November 1627-January 1630. Fol. 145, a.

Fol. 145. b.

Protection granted to James Kennedy of Blairquhan and Josias Stewart of Ravenston to come to Edinburgh with the object of satisfying their creditors.

Petition by James Kennedie of Blairquhan and Josias Stewart of Ravinstoun, as follows:—They have "ane earnest and vehement desire to releeve thameselfes of the heavie burdein of debt that they underly and to give unto all thair creditours contentment and satisfioun." To effect this they wish to dispone such part of their estates as is necessary which will require their coming to Edinburgh for "consultatioun of advocats." This they cannot presently do in safety because of some civil hornings, and they therefore request their Lordships' protection for a certain space. This the Lords grant until 1st February next for the purpose above mentioned.

Fol. 146. a

Holyrood House, 9th December 1628.

Commission to the Provost and Bailies of Edinburgh to try William Paterson for theft.

Commission under the Signet to the provost and bailies of Edinburgh, or any two of them as justices, to hold courts and try William Patersoun, son to William Patersoun, walker, indweller in Edinburgh, who being apprehended for breaking into the house of Lufnesse, pertaining to the Laird of Wauchtoun, has upon examination confessed the same, and that he stole thence four silver cups, of which two were overgilt, with a cover of a cup, a green "boordclaith," and two pair of Holland cloth sheets. He was imprisoned in the tolbooth of Edinburgh, but broke ward and escaped; and now, by the diligence of the keeper of the said tolbooth, he has been of new apprehended and it is necessary he be put to trial. Signed by Hadintoun, Wintoun, Linlithgow, Gallo-way, Lauderdaill, B. Dumblane, Secretar, Clerk Register, Advocat and S^r Johne Scot.

Commissions. 1624-30. Fol. 183, a.

Sederunts,
1625-29.
Fol. 104, b.

“The Lordis ordanis his Majesteis Advocat to persew Quhyte
for the slaughter of his doghter, and to haif a cair that justice be
ministrat upoun him conforme to the lawis of this realme.”

The slaughter
of a daughter
by a person
named Whyte.

“The Lordis ordanis the Secretair to acquent his Majestie that
Thomas Dalyell who wes recommendit be his Majestie to be Com-
missioner for the shirefdome of Lynlythqu at this approtcheing
Parliament is not ane freehaldair of his Majestie, to the intent his
Majestie may gif ordour for chooseing of some other according to the
warrand of the Act of Parliament.”

Thomas
Dalyell.

Acta February
1628-July
1629.
Fol. 69, b.

Sederunt.—Præses; Wyntoun; Linlithgow; Bugcleuche; Gallo-
way; Bishop of Dumblane; Master of Elphinstoun;
Master of Jedburgh; Secretary; Clerk of Register; Advocate;
Sir John Scot.

Holyrood
House, 11th
December
1628.

“Anent the supplicatioun presented to the Lords of Secreit Counsell be
the proveist and bailleis of Edinburgh makand mentiou that whair
when our lait Soverane lord come to this kingdome they built ane bark
for his Majesteis transport betuix the Ferryes, and it wes our soverane
now present his pleasure that they sould doe the lyke aganis his
Majesteis heerecomming, whilk in all submissive and dewtifull obedience
the saids supplicants ar willing to performe, bot they ar informed that
thair is some other course intendit for his Majesteis service in this
point whairunto (if so be his Majesteis pleasure) they ar willing in
all humilitie to acquiesce, humblie desyring thairfore the saids Lords
to lutt thame know how to carie thameselffes in this mater, lykeas
at mair lenth is conteanit in the said supplicatioun. Quhairupoun
Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome,
being heard, and he being demandit if he had anie purpose or inten-
tioun to doe anie thing in this mater, he declaired that the charge of
that bussines belonged unto him as his Majesteis Admirall, and that
he would doe thairin that whilk to the dewtie and credite of his place
and charge apperteanned for his Majesteis honnour and contentment.
In respect of the whilk declaratioun made be the Lord Admirall the
Lords of Secreit Counsell exoners and releeves the saids supplicants of
all blame, cryme and imputatioun that may be imputed aganis thame
or layed to thair charge for not preparing of ane barke for his
Majesteis transport betuix the Ferryes and declares thame to be fred
and exonered thairof for ever.”

Relief granted
to the
magistrates of
Edinburgh
from building
a barque to
transport his
Majesty
between the
Ferries.

“Forsameikle as by warrand and directioun of his Majesteis letter,
daitit the twentie twa day of Julij 1628 yeeres, directit to the Lords of
his Majesteis Privie Counsell, willing thame to caus execute his Majesteis
lawes upoun the persouns, lands and goods, of all suche persouns as ar
denounced rebellis for not payment of his Majesteis bygane taxatiouns,
the saids Lords by Act of Counsell of the dait the sevint day of August

Commission to
Robert
Murray,
burgess of
Dundee, and
Simon
Erkine,
indweller in
the Canongate,
to seize the

persons and
goods of
certain persons
specified, now
at the hora for
non-payment
of his
Majesty's
taxation.

last bypast thought it meit for the better imbringing of the same Acta February
taxatiouns that choise sould be maid of sax persouns who sould be 1628-July
employed and authorized as ane guaird for apprehending of the rebellis 1629.
for the same taxatiouns, and now the saids Lords of Secreit Counsell Fol. 70, a.
understanding that the persouns particularlie underwritin ar denounced
rebellis and putt to the horne be vertew of his Majesteis said letter for
not payment making to Johne, Erle of Marr, Collectour Generall of the
Taxatiouns grantit in the moneth of August 1621 yeeres, of the sowmes
of money following as for thair pairts of the first, secund, thrid and
fourt termes payment of the said ordinar taxatioun, they ar to say,
Robert Merser for the secund, thrid and fourt termes taxt of the
kirk of Creiffe, fourescore threttein pundis; James Naismith of Inwar,
for the secund, thrid and fourt termes taxt of his pairt of the kirk of
Logyalloway, threttie twa pundis, xvj^s; James Crichtoun of Ruthvens,
for the first, secund, thrid and fourt termes taxt of the personage
of Essie, ane hundreth ten pundis ane shilling iiij^d; and for the first,
secund, thrid and fourt termes taxt of the personage of Nevay, foure-
score two pundis xiiij^s iiij^d; Mr. Johne Ogilvie, minister, for the first, secund,
thrid and fourth termes taxt of the vicarage of Kerymure, ane hundreth
threttie sevin pundis aucht shillings iiij^d; Williame Balnaves, minister,
for the secund termes taxt of the Chancellarie of Dunkelden, threttie
fyve pundis v^s vj^d; and for the secund termes taxt of the personage of
Lundeiffe, twentie three pundis, fyve shillings; Mr. Thomas Lundie,
minister, for the secund termes taxt of the personage of Alight, twentie
pundis xiiij^s iiij^d; Mr. James Ros, minister, for the secund and thrid
termes taxt of the personage of Muckarsie, fiftie fyve pundis viij^d; Robert
Kinneir, for the first, secund, thrid and fourt termes taxt of the personage
of Brechin, ane hundreth threttie sevin pundis viij^s iiij^d; Mr. Alexander
Balnaves, minister, for the secund termes taxt of the vicarage of Tibber-
mure, twentie pundis, xiiij^s iiij^d; Mr. Dowgall Campbell, Deane of
Brechin, for the secund, thrid and fourt termes taxt of the same deanerie
of Brechin ane hundreth threescore fyve pundis, twa shillings; John
Norie for the secund, thrid and fourt termes taxt of the thesaurarie of
Brechin, threescore twa pundis: Mr. James Ros, minister, for the thrid and
fourt termes taxt of the kirk of Fothergill, threescore nyne pundis; Mr
Johne Conysoun, minister, for the thrid and fourt termes taxt of the
vicarage of Dow, fourescore pundis, ellevin shillings twa penneis;
Meinzeis of Weyme, for the fourt termes taxt of the personage of
Weyme, twentie pundis xiiij^s iiij^d; Mr. Alexander Scrimgeour, minister,
for the first, secund, thrid and fourth termes taxt of the vicarage of King-
horne ane hundreth threttie sevin pundis, aucht shillings, foure penneis Fol. 70, b.
money; Mr. Johne Fyffe, minister, for the first, secund, thrid and fourth
termes taxt of the Archdeanrie of Dumblane, two hundreth sax pundis
xiiij^s iiij^d; Sir Johne Moncreiff of Kynmonth, knight, shireff depute of
Perth, for a pairt of the taxt of the shirefdome of Perth, threttie fyve

Acta February
1628-July
1629.
Fol. 70, b.

punds vj^s x^d; Mr. Walter Stewart, minister, for the first, second, thrid and fourth terms taxt of the personage of Stravane, fourescore twa pund xiiij^s iiij^d, and for the first, second, thrid and fourt termes taxt of the personage of Blair, fourescore twa punds xiiij^s iiij^d; as the letters of horning execute, indorsat and registrat beares, at the processe whair of the persouns rebellis abonewrittin hes prouddie and contempnandlie remained since the tymes respective of thair denunciatioun, lykeas they doe yitt unrelaxt, takand no regaird of the said horning, bot haunts and repaires publictlie and avowedlie in all pairts of the countrie at thair pleasure as if they wer lawfull subjects, highlie to his Majesteis contempt and misregaird of his Hienes authoritie; Thairfoir, the Lords of Secreit Counsell hes givin and grantit and be the tennour heerof gives and grants full power and commissioun be thir presents to Robert Murrey, burges of Dundie, and Simeoun Åreskine, indweller in the Cannogait, to pas, searche, seeke and take the persouns rebellis foresaids whairever they may be apprehendit, and to bring, produce and exhibite thame before the saids Lords to be tane ordour with for thair rebellious as accords, as alsua to pas, persew and take thair houses, remove thair servants and famileis furth thair of, make inventar of thair goods and geir being thair-intill and to report the said inventar to his Majesteis Thesaurair to the effect the saids goods may be made furthcummand to his Majestie as accords. As alsua the saids Lords ordaines and commands the Magistrats of all free burrowes within this kingdome whair the saids gentlemen of his Majesteis guaird sall happin to repaire with anie of the saids rebellis that the saids magistrats ressave the samine rebellis aff thair hands, committ thame to saulffe custodie and waird within thair tolbuith, keepe and deteane thame thairintill ay and whill they have payed the saids sowmes for the whilks they ar denounced rebellis and be fred and releevd be warrand of the said Collectour Generall, as the saids magistrats of the saids burrowes will answeare upoun thair highest charge and perrell; and ordains heralds, pursevants and messingers of armes to pas and make publicatioun thair of at the mercat croces of the heid burrowes of this realme and others plaices neidfull that nane of his Majesteis lieges pretend ignorance of the same.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 146, a.

Petition by McClellane of Bombie, as follows:—He earnestly desires to free himself from debt and satisfy his creditors, and for this effect is about to dispone such a part of his estate as will do this, which will require his coming to Edinburgh for legal assistance. His resort thither is impeded by some civil hornings, and so he craves their Lordships' protection for a certain space. The Lords, considering that the petitioner's desire tends to the benefit of his creditors and that if he "remaine in Ireland where his residence hes beene this long tyme bygane,"

Holyrood
House, 11th
December
1628.

Protection
granted to
M'Clellan of
Bombie to
come to
Edinburgh
to satisfy his
creditors.

Fol. 146, b.

there will be little or no hope of their satisfaction, grant him protection to 1st March next, on condition, however, that he pay his Majesty's taxation due by him to the Collector thereof before 20th January next, otherwise this warrant will be null.

Absolutor granted to Mr. John Lindsay, minister at Aberlemno, and Robert Rollock of Corsebanke, who were charged by Peter Reid, merchant tailor in London, with intercommuning with George, Earl of Crawford, now at the horn for debt to the said Peter Reid.
See ante, p. 176.

Complaint by Peter Rid, merchant tailor in London, as follows:—
George, Earl of Crawford, has now for a long time been at the horn at complainer's instance for not paying to him the sums of £200 sterling and £47 5s. 3d. sterling, with expenses of plea, in terms of two decrees recovered against the said Earl before the Lords of Session, on which the complainer used all execution allowable by the laws of this kingdom, not only by caption, but by letters of treason, which were executed by Thomas Hunter, Rose Herald, with displayed coat of arms, for the rendering of his fortalice of Phynnevin, and warding himself in the Castle of Blacknesse, but all has proved useless. For "a culloured show of obedience" he caused deliver to the said herald a key of one of the gates of Phynnevin, but in the meantime he still keeps possession and goes about as if he were a free man and as if there were neither law nor justice to control him. Moreover, their Lordships caused proclamation to be made inhibiting the lieges to reset the said Earl, which proclamation was published at the market cross of Forfar on _____ by messenger, notwithstanding whereof Mr. John Lindsay, minister at Abirlemno, and Robert Rollock of Corsebanke have continually, and especially from March to September of this present year, intercommuned with the said Earl and supplied him with comforts. Charge having been given to the said Mr. John Lindsay and Robert Rollock, and the pursuer and defenders both compearing, and witnesses being examined who failed in their proof, the Lords assoilzie the defenders.

Holyrood House, 16th December 1628.

Sederunt.—Treasurer; Præses; Privy Seal; Wyntoun; Linlithgow; Bugcleuche; Galloway; Dumblane; Lord Lorne; Tracquair; Master of Elphinstoun; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Anent the question of precedence between the Justice Clerk and his Majesty's Advocate.

"Anent the actioun and caus intentit and persewed before the Lords of Privie Counsell be Sir George Elphinstoun of Blythiswod, knight, Justice Clerk, aganis Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat, tuicheing the reductioun of ane Act of Counsell bearing dait the twentie day of Februarie 1623 yeeres whairby the ordour and rankes of the nobilitie, clergie, officiers of estait and barouns being counsellours for the tyme ar ordoured and sett down, and by the whilk Act the Advocat is preferred in his precedence to the Justice Clerk, with reservatioun to the lait Justice Clerk in respect of his age and of his long continuance upoun the Counsell of his precedence before the Advocat during his lyfetye allanerlie for the reasouns and causes following, first, becaus the trying and cognoseing of the ranke and precedence dew to

The Act of Parliament of 1623 gave precedence to the Advocate.

Decreta, November 1627-January 1630, Fol. 146, b.

Fol. 147, a.

Fol. 147, b.

Acta Februarj 1628-July 1629.

Fol. 70, b.

Fol. 71, a.

Acta February
1628-July
1629.
Fol. 71. a.

noblemen and others having plaice and voice in Parliaments and Counsellis is onelie proper to the Parliament or to commissioun frome the Parliament, at the least they cannot be tryed bot be the records and sederunts of the bookes of Parliament, Secret Counsell or Sessioun : and trew it is that in all thir recordes of the Parliament, Secret Counsell and Sessioun whair of thair is anie registers extant the Justice Clerkes for the tyme hes ever beene ranked and had the precedence before the Advocat and manie tymes they have had vote and place in Parliament, Counsell and Sessioun when thair wes no mentioun at all of the Advocat, whairby it appeares by most probable and pregnant presumptions and evidences that the Advocats for the tyme had nather place nor voice at these meetings. And first, tuiching the Parliament bookes, thair is no mentioun made of the saids officers of Justice Clerk and Advocat till the Parliament holding be King James the Fourt *anno* 1495, whairin choise being made of some noblemen and others to be judges till the nixt Parliament, in this choise Mr. Richard Lawsoun, Justice Clerk for the tyme, wes ranked and placed before Mr. James Hendersoun, who wes Advocat for the tyme ; and in all the Parliaments whilks have beene haldin in this kingdome since that tyme the Justice Clerk is ever named and ranked before the Advocat. And the first tyme that anie expresse mentioun is made of ane Advocat wes in the revocatioun made be King James the Fyft, *anno* 1540, whair Thomas Bannatyne of Auchnoll, than Justice Clerk, is ranked before Mr. Henrie Lawder, than Advocat. And in diverse Parliaments following whair mentioun is made of the Justice Clerk and Advocat, as namelie in the Parliaments haldin in the yeeres 1540, 1542, 1546, 1567, 1581, 1592, 1604, 1607, 1609, 1612, 1617 and 1621, the Justice Clerkes for the tyme ar ever preferred and ranked in the sederunts and otherwayes before the Advocats. Lykeas in the ellevint Parliament of our lait blessed King James the Saxt of famous memorie whair mentioun is made of the fees dew be his Majestie to the officers of his Crowne the Justice Clerk is named and expresselie sett down in ordour before the Advocat, and in all uther Parliaments, als weill printed as unprinted, speciallie in the printed Act of Oblivioun haldin in Junij 1563, and in another printed Act anent the holding of Justice airis haldin in Julij 1587, and in all acts and commissiouns whair mentioun is made of the Justice Clerk and Advocat the Justice Clerk has ever the precedence in name and ranke. And tuicheing the bookes of Privie Counsell, the registers thair of ar lait, bot it will be cleerelie found by suche of thame as ar extant that the Justice Clerkes hes ever beene without intermissioun counsellours, whairas oft tymes it hes fallin out that the Advocats hes not beene counsellours. For in the yeere of God 1562 it is found that Mr. Johne Bannatyne, Justice Clerk, wes a counsellour, and no mentioun at all of the Advocat, and the first tyme that anie mentioun wes made of the Advocat to have plaice in Counsell wes in *anno* 1564, and manie Advocats sensyne hes

In all previous records of Parliament, Secret Council, and Session, the Justice Clerk is given the precedence.

The first express mention of an Advocate was in 1540.

The Justice Clerk has always been a Privy Councillor ; the Advocate not.

Fol. 71. b.

not bene counsellours at the least diverse yeeres after thair admissioun to be Advocats, whairby the dignitie of a counsellour is not essentiall to the place, as namelie, Mr. Henrie Lawder, Mr. Robert Crichtoun, Mr. David Mc Gill and Mr. Johne Skeene. And tuicheing the Sederunt Bookes of the Sessioun the eldest of these bookes is in *anno* 1489 whair Mr. Richard Lawsoun of Hierigs, Justice Clerk, was a judge, without anie mentioun made of ane Advocat : and in all the infeftments past the Chancellarie at that tyme Mr. Richard Lawsoun, Justice Clerk, is insert as a witnes, and the first mentioun that is made of ane Advocat is in *anno* 1501, three yeeres after that the said Mr. Richard Lawsoun, Justice Clerk, was a judge. And in all the Sederunt Bookes of the Sessioun sensyne untill this tyme whair the Lords ar ranked according to thair digniteis and place in the beginning of the bookes the Justice Clerk is ever preferred to the Advocat. And, forder, it is evident by all the registers of the Chancellarie since the yeere of God 1500 to this present day that the whole Justice Clerkes, viz. Mr. Richard Lawsoun, Mr. James Wishart of Pittarrow, Thomas Scot of Abbots-hall, Mr. Thomas Bannatyne, Sir Johne Bannatyne, his sonne, and Sir Lewes Bannatyne, his oy, and the lait Lord of Ormestoun, Justice Clerkes, ar all insert as witnesses in the infeftments of the Chancellarie styled and named as counsellours whairas by the contrarie thair is never anie mentioun made in all these infeftments of anie Advocat. And in the Parliament haldin in *anno* 1617 his lait Majestie made a declaratioun that he would onelie have aucht officiers of estait to have voice in Parliament to compleit the whilk nomber the Advocat was than named as one, and in the same Act of Parliament he is postponed in place to the Justice Clerk. And whereas he takes speciall hold and grounds his warrand of precedence upoun the Act of Counsell foresaid, the said Act aucht not to be respected and sould not prejudge the said Justice Clerk and his successours of the precedence and dignitie dew to his plaice for the reasouns following,—first, No Act of Counsell can derogate frome a plaice or alter officiers of estate frome thair degrees and digniteis, seing the saids officiers ar members of the Parliament and thair rankes and precedence is onelie there to be tryed and cognosced. Secundlie, The said Act is made and sett down without calling of the Justice Clerk for the tyme and hearing of his defences and reasouns aganis this Act, whairas if he had bene present he would with just and infallible reasouns have stand to the dignitie of his place. Thridlie, It is verie weill knowin to all these of the Counsell who wer present at that tyme that the said Act wes onelie made for ordouring of the hous and secluding of numbers who wer not allowed to have accesse thairin as is cleere by the omisioun of manie of the pryme officiers of estait who wer not ranked in that Act, as namelie the Lord Stewart, the Admirall, Mairshall, Constable, High Justice and Isher, who, or the most pairt of thame, ar all counsellours and not ranked, and so the

Acta February
1628-July
1629.
Fol. 71, b.

Fol. 72, a.

In the oldest books of the Session the Justice Clerk is named as a judge ; but no mention is made of an Advocate.

In subsequent entries in the books of Session the Justice Clerk has always the precedence.

In the registers of the Chancellory the Justice Clerk is styled a Councillor, but no mention is made of an Advocate.

Reasons why the Act of Council in favour of the Advocate should not be final.

Acta February
1628-July
1629.
Fol. 72, a.

Act is imperfytte and aucht not to be respected in this caise. And notwithstanding of the said Act the lait Justice Clerk ever kepted his place of precedence before the Advocat and after him the Lord Naper and sensyne the said Sir George Elphinstoun during the hailt tyme of the lait Advocat have bruiked thair precedence and ar so ranked in the Sederunt Bookes ever since the yeere of God 1564 whilk wes the first tyme the Advocat wes a counsellour. And, forder, the said Act is abrogat by a posteriour commissioun under the great seale daitit in Marche 1626, whairby his Majestie established his Counsell, by the whilk commissioun all the counsellours ar ranked according to thair digniteis and plaices, and the Justice Clerk is particularlie preferred to the Advocat. Lykeas be the Commissioun for the Surrenders daitit in Januar 1627 and all others commissiouns sent frome his Majestie to this kingdome the Justice Clerk is ever preferred to the Advocat. And, forder, the nature and conditioun of his office makes him a Counsellour, and that same day that it pleased his Majestie to preferre the said Sir George Elphinstoun to that office he made him a counsellour as a dignitie dew to his office whairas thair is no suche dignitie dew to the Advocats place bot it is by the free favour of the Prince and no otherwayes that the Advocat is preferred to be a counsellour, seing the said Sir Thomas himselffe and almost all the Advocats before him served manie yeers in thair places before they wer made counsellours, it being wiselie foreseene be his Majestie and his royall progenitours that the Advocat, who continewes a pleader before the Sessioun and Justice whair the Justice Clerk sitts as a judge, at the least principall assessour in caises civill and criminall, sould not be honoured with a place in Counsell till after manie yeeres prooffe of his fidelitie and good service his Majestie find him worthie of so high a preferment, whilk is a pregnant presumptioun that the office of Justice Clerk hes ever had the precedence of the Advocat. And, last, it is notour to the saids Lords of Privie Counsell that his Majestie hes givin a commissioun to some of thair nomber whilk is accepted be thame for trying of the honnours, digniteis and priviledges dew to the office of Justice Clerk, and untill the tyme of this decisioun nothing aucht to be done to the said Justice Clerk his prejudice, notwithstanding of the said Act of Counsell; lykeas at mair lenth is conteanit in the supplicatioun made heerupoun. Quhilk being callit and the said Sir George Elphinstoun, persewer, compeirand personallie with Mr. Androw Aittoun and Mr. Lewes Stewart, his preloquours, who declairit that he past fra that pairt of the reasoun of reductioun whairby it is alledgit that the Lords of Secret Counsell ar not judges competent to the ranking and ordouring of the officers of Estait, and the said Sir Thomas Hoip compeirand lykewayes personallie with Mr. Robert Learmonth, Mr. Thomas Nicolsoun, Mr. Robert Nicolsoun, and Mr. George Fletcher, his preloquours, who declared

Meantime a
Commission
has been
appointed by
his Majesty to
determine the
honours and
priviledges of
the Justice
Clerk.

Declaration of
the Justice
Clerk.

Declaration of
his Majesty's
Advocate.

Fol. 72, b.

Acta February 1628. July 1629. Fol. 72, b. that notwithstanding the nature and importance of the actioun and ordour of processe observed in the lyke caise required that the defender aucht and sould have beene cited and persewed by a summounds upoun a lawfull citatioun yitt he wes content for the more speedie cleering and determinatioun of the bussines to answeere to the supplicatioun as if he had beene ordourlie conveyned by a summonnds, and thairafter alledgit that he aucht to be simpliciter assoilzied fra the desire of the supplicatioun and reasouns of reductioun thairin conteanit and that the place of precedence before the said persewer and his successours aucht and sould be found to perteane to the said defender and his successours becaus the propositioun of the reasoun bearing that the precedence aucht to be tryed be the records and sederunts of the Bookes of Parliament, Secreit Counsell and Sessioun is no wayes relevant of the law to reduce the said Act of Counsell, the samine being made be the saids Lords *ex certa scientia* for ordouring and establishing the ordours of the hous, and who wer not ignorant that manie of thair number bruiked places whilk wer not dew unto thame, as may appeare by the said personall reservatioun made in favours of umquhill Sir Johne Cockeburne of Ormestoun, than Justice Clerk; and the said Act being sett down be the saids Lords (who had undoubted power to doe the same) for the publict ordour and decencie of the hous, it cannot now be querrelled bot upoun some certane and relevant ground of the law, whilk is als authentick as the said Act, that is, ather the warrand of the Kings for the tyme at the institutioun of the saids offices declairing whilk of thame sould have the precedence, or be ane authentick Act of Counsell determining the same, whilk is not alledgit nor libellit be the persewer, bot onelie ane naiked and simple ranking *de facto* extant in the records and sederunts of Parliament, Counsell and Sessioun, whilk ranking hes no warrand of auctoritie bot is allanerlie the deid of the clerkes and thair deputs inserting promiscuouslie the names of estaits, officers, and judges according to thair appetite and pleasure whilk is evident and notour be the saids records and sederunts whilks ar ather contrarie or diverse from the selffe in ilke other sederunt, whilk be instanced by productioun of the commissioun grantit be his Majestie for surveying of the lawes, whairin the clerkes, contrair to the ordour sett down in the principall warrand and signatour, have at thair awin hands inverted the ranking and preferred the Advocat both to the Secretar and Justice Clerk, whilk may lykewayes appeare in the printed Acts of Parliament, speciallic the Act of Oblivioun in *anno* 1563, bearing the Justice Clerk to be insert in ranke before the Treasurar, Comptroller and Secretar; and be another Act in the Parliament 1587 anent the fees of the officers of estait bearing the Justice Clerk to be ranked before the Clerk of Register; whairby it is evident and of consequence must follow that the Acts and Sederunts being contrarie to thameselffes and different one frome another, they cannot be received as a stayed and

Fol. 73, a.

Acta February
1628-July
1629.
Ed. 73, a.

constant rule for ranking of places; which failyeing, recourse must be had to the nature and dignitie of the offices whilk is the ground whairupoun the Act of Counsell was foundit. In fortificatioun whairof the defender alledgit that the place of the Kings Advocat in nature, subject and functioun, is more excellent and eminent nor the place of the Justice Clerk, the exercise and dewtie of the Advocats charge being to pleade for the Kings Majestie and to speeke in his Majesteis name in Parliaments, Conventiouns, Counsell, Session, and Justice Courts, and to consult and advise anent his Majesteis effaires and patrimonie and what ellis may concerne his Majestie ather in honnour or benefite, whairin his charge is both universall and immediat; whairas the subject of the Justice Clerk his office and imployment is particular and hes onelie a relation to the Justice Courts, and in these not immediat bot mediat be the Lord Justice Generall be whome he is sworne and admittit and who represents the Kings auctoritie immediatlie. And thairfoir in respect of the dignitie of the Advocat his imployment, universalitie thairof and immediat relation whilk he hes to the Prince and his effaires both privat and publict, his place aucht to be preferred to that of the Justice Clerkes. To the whilk it wes answered and replied be the said persewer and his preloquoutours abonewrittin that the said alledgeance aucht to be repellit and that the reason of reductioun and propositioun thairof stands relevant notwithstanding of the answere, becaus the said Act being made and sett down be the saids Lords to the hurt and prejudice of the Justice Clerk in his place and precedence which the lait incumbent and his predecessours in the said office bruiked past memorie of man before the Advocat, who being diseased and absent frome the Counsell the tyme of the making of the said Act and never callit to the setting down thairof, the persewer, who now is provydit to the place, aucht now to be heard to propone all his just and lawfull defences which might have beene moved in the first instance aganis the making of the said Act. And seing there is no other meanes to try the precedence betuix his place and the Advocats bot the saids records and sederunts, the samine ar and must be esteemed to be the just and trew rule, ground and warrand whairby the difference is to be cleered and determined. And whereas it is alledgit that the Sederunts and Acts ar oftin tymes diverse, contrare and uncertaene, and sua cannot be received as a warrand and rule to direct the point contraverted, it is answered that however they may happilie differ in the constant ranking of some of the officiers of estait, yitt they doe all uniformelie agree in ranking the Justice Clerk before the Advocat, whilk is sufficient to evince the point and accordinglie sould be respected in this caise. Lykeas the persewer in fortificatioun of his libell and reasons thairof offered him to prove that the Justice Clerk is ever and constantlie without variatioun or change preferred to the Advocat

The question of precedence must be settled according to the relative dignity of the two offices.

On the ground of dignity the office of Advocate is more excellent and eminent than that of Justice Clerk.

Reply of the Justice Clerk.

The Act of Council giving precedence to the Advocate ought to be cancelled, considering the circumstances in which it was passed.

The question can only be settled by the Records.

The Records uniformly give the precedence to the Justice Clerk.

in all the records and sederunts libellit in his reasoun and that he and his predecessours in the said office hes beene in continuall and uncontroverted possessioun of the precedence before the Advocat these hundreth yeeres bygane and abone, which numerous concurse and agreement of acts and sederunts cled with possessioun aucht and sould preponder some few instances that may be produced in favour of the Advocat whairupoun no possessioun hes followed. And as to the nature of the place it is answered that the office of Justice Clerk is lykewayes independent, halding immediatlie of his Majestie, and for the extent and universalitie of the charge the same can import no prelatioun nor dignitie in the office, otherwayes the Advocat by the same reasoun might contend for the place with the President of the Counsell. To the whilk it wes answered and dupleed be the said excipient that giving and not granting that the Justice Clerk hes place to reduce the said Act of Counsell in respect of the absence of his predecessour the tyme of the making of the said Act yitt he cannot be heard to reduce the samine bot upoun relevant and lawfull grounds. And he querrellis the reasouns libellit and thairwithall protests aganis the same as no wayes just and relevant to reduce the said Act of Counsell being onelie foundit upoun sederunts whilks ar uncertane in thameselfes and thairfoir cannot be a certane rule to others. And whereas it is answered that the acts and sederunts ar all uniforme and certane in so farre as concernes the Justice Clerk and Advocat, that cannot be alledgit, becaus the defender in fortificatioun of the Act of Counsell and to elide the universalitie of the reply offers him to prove that in diverse sederunts of Parliament and Sessioun the Advocat is preferred before the Justice Clerke. And, farther, with protestatioun alwayes that the said defender no wayes grants the said reasoun of reductioun foundit upoun the saids sederunts to be relevant, it wes alledgit be the said defender that he aucht to be assoilyied fra the said reasoun and haill members thairof, and first fra the first member of the said reasoun bearing that thair is no mentioun in the Parliament Bookes of the just [*sic: l.* Justice] Clerk till the Parliament haldin be King James the Fourt in *anno* 1495 whairin choise being made of some noblemen and others to be judges till the nixt Parliament Mr. Richard Lawsoun, Justice Clerk for the tyme, is ranked and placed before Mr. James Hendersoun, who wes Advocat for the tyme, the defender aucht to be assoilyied thairfra becaus he offers him to prove by diverse acts or sederunts in Parliament preceeding the yeere of God 1495 whairin the persouns being in the saids offices of Advocat and Justice Clerk for the tyme being of the number of the commissioners the Kings Advocat wes ranked before the said Mr. Richard Lawsoun. And as to the secund member bearing that in all the Parliaments that have beene haldin in the kingdome since that tyme the Justice Clerk is ever named and ranked before the Advocat, it is offered to be provin that in diverse Parlia-

Acta February
1628-July
1629.
Fol. 73, b.

Fol. 74, a.

Reply of the
Advocate.

The Act of
Council can be
reduced only
on relevant
grounds.

The Records
do not
uniformly
assign preced-
ence to the
Justice Clerk.

Before the
year 1495 the
Advocate was
ranked before
the Justice
Clerk.

Acta February
1628, July
1629,
Fol. 74, b.

ments sensyne the Kings Advocat is ranked and placed before the Justice Clerk for the tyme. And whairas it is affirmed in the thrid member that the first tyme that ane expresse mentioun is made of ane Advocat wes in the revocatioun made be King James the Fyft in *anno* 1540, whair Mr. Thomas Bannatyne of Auchnoull, than Justice Clerk, is ranked before Mr. Henrie Lawder, the Kings Advocat, the defender offers to prove by diverse authentick records that long before the said Parliament 1540 thair is mentioun made of the Kings Advocat and that the persouns Advocats for the tyme and being Justice Clerkes for the tyme being both named thairin the Kings Advocat is first named and ranked in diverse Parliaments before the Justice Clerk. And whairas it is affirmed in another member of the said reasoun that the Justice Clerk wes ever upoun the Counsell and that before the Advocat wes upoun the Counsell, and that Sir Johne Bannatyne of Auchnoull wes upoun the Counsell in *anno* 1562, whairas the first tyme that ever the Advocat wes upoun the Counsell wes in *anno* 1564, the defender offers him to prove by ane act or sederunt of Counsell that the Kings Advocat for the tyme wes chosen of the Kings Counsell before the yeere of God 1562. And whair it is further alledgit that in the Sederunt Bookes of the Sessioun Mr. Robert Lawsoun, Justice Clerk, wes on the Sessioun in *anno* 1489 without anie mentioun of the Advocat, and that in all the bookes of Sederunt of Sessioun sensyne to this tyme the Justice Clerk is ever preferred to the Advocat, it is offered to be provin that before the institutioun of the Colledge of Justice and since the institutioun thairof, the Kings Advocat and Justice Clerk being both upoun the Sessioun, the Kings Advocat is named and ranked before the Justice Clerk for the tyme in diverse sederunts of the Sessioun preceeding the tyme libellit 1495. And as to the remanent members of the said reasoun foundit upoun the inserting of the Justice Clerk as witnes in infetments and upoun commissiouns direct be his Majestie and his gracious father na respect aucht to be had thairto in regaird the samine beares the persouns named without anie warrand conteanit thairin to preferre one to another, in respect whairof the said defender aucht to be assoilyied fra the said reasoun and haill members thairof. Quhilk supplicatioun and reasoun of reduction thairin conteanit, togidder with the exception, reply and duply abone-writtin being heard and considerit be the saids Lords and they being thairwith weill and rypelie advised, the said Lords hes found and finds the said exceptioun propouned for eliding of the said libell and duply made in fortificatioun thairof relevant and admitts the same to the said excipient his probatioun to be provin be him in maner qualified in the duply made be him for that effect. After the pronouncing of the whilk interloquoutour the said Advocat being readie to have produced his probatioun, the said Justice Clerk and his preloquoutours declaired that

Long before
the year 1540
there is
mention made
of the King's
Advocate.

The King's
Advocate was
a member of
Council before
the year 1562.

In the
Sederunt
Books of the
Session the
Advocate is
assigned
precedence
before the year
1495.

In the case of
infetments
and commis-
sions directed
by his Majesty
no precedence
is assigned to
either of the
two.

The Council
accepts as
relevant the
reasons for the
reduction of
its Act assign-
ing precedence
to the Justice
Clerk.

Fol. 75, a.

they past fra thair compeirance *pro loco et tempore* and would take up their processe whilk the saids Lords permitted thame to doe, and ordained the Advocat to have the extract of all the interloquoutours givin and pronounced in this caus togidder with the extract of the lait Act of Counsell givin in his favours approving the Act of Counsell foresaid whairby the Advocat is ranked before the Justice Clerk and ordaining the same to stand in force till it be reduced. Lykeas his Majesteis said Advocate protested that the Justice Clerk his passing from this reductioun at this tyme in maner foresaid might be equivalent for him to a protestatioun for compelling of the Justice Clerk to insist in his actioun of reductioun to the finall end and decisioun thairof, and the said Justice Clerk and his preloquoutours protested in the contrair.

The Council finds relevant the reply made by the Advocate to the Justice Clerk.

“The whilk day the Lords of Secreit Counsell having heard and considerit the supplicatioun persewed before thame at the instance of Sir George Elphinstoun of Blythiswod, knight, Justice Clerk, aganis Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat, tuicheing the reductioun of the Act of Privie Counsell bearing dait the twentie day of Februar 1623 yeeres whairby the Advocat is ordained to have place and precedence before the Justice Clerk for the reasouns and causes specified in the said supplicatioun, togidder with the answeere made thairto be his Majesteis said Advocat and reply made be the said Justice Clerk and his preloquoutours in fortificatioun of the libell with the duply propounded be his Majesteis said Advocat for eliding of the same, and being weill advised thairwith and with all that wes alledgit and propounded be both the saids parteis in this mater, the saids Lords found the exceptioun and duply propounded be his Majesteis said Advocat relevant and admittit the same to his probatioun” [and so forth as in the end of the above Act].

Order to the Captain of the Castle of Edinburgh to receive Sir John Ogilvie of Craig, who had been apprehended by the Earl of Monteith.

The whilk day Williame, Erle of Monteith, President of the Counsell, reported and declaired that according to ane particular warrand in writt signed be the Kings Majestie and direct unto him commanding him to make searche and inquirye for Sir Johne Ogilvie of Craig, and being apprehendit to putt him in ane of his Majesteis sure wairds the said Erle, for obedience of his Majesteis letter, had past to the dwelling hous of the said Sir Johne, seized upon his persoun and had brought him heir whair he had him readie to be presented and disposed of as the Counsell sould direct. In regaird whair of the said Erle desyred that the said Sir Johne might be tane aff his hand and committed to waird as his Majestie had appointed. Which report and desyre being heard and considerit be the saids Lords and they reposing upon the honnour and credite of the said Erle tuicheing the warrand of his proceedings in taking of the said Sir Johne Ogilvie, Thairfoir the Lords of Secreit Counsell ordaines and commands the captane, constable and keeper of the castell of Edinburgh, to receive frome the said Erle of Monteith the said Sir Johne Ogilvie, and to keepe him in waird within

Acta Februar.
1628-July
1629.
Fol. 75, a.

Fol. 75, b.

Acta February the said castell, appointing one or two keepers to attend him and
 1628-July suffering nane but knowin, unsuspect persouns to have accesse and
 1629. conference with him whill his Majestie signifie his further will and
 Fol. 75, b. pleasure towards him. For doing whair of the extract of this Act sall
 be unto the said captane, constable and keeper of the said castell ane
 sufficient warrand.

[Sederunt as recorded above.]

Decreta,
 November
 1627-January
 1630.
 Fol. 147, b.

Holyrood
 House, 16th
 December
 1628.

Fol. 148, a.

Complaint by Sir William Oliphant of Newtoun, knight, and Mr. Thomas Hoip of Craighall, knight baronet, his Majesty's Advocates, and by James Crichtoun of Fendraucht, as follows:—Notwithstanding the Acts against the bearing of hagbutts and pistols William Gordoun of Rothemay, John Gordoun, younger, his son, Robert Bruce in Inchcorsie, Normand Abirnethie in Rochnoddie, Arthur Forbes in Inchcorsie, and Andrew Craig in Moyen, animated with a causeless hatred against the complainer, continually lie in wait to take his life, armed with these forbidden weapons. On March these persons and others came armed as above to his waters of Doverne, stopped his servants in their fishing, threatened their lives, and daily there and at his other waters they thus molest his servants, and also go about upon his lands boasting and bragging, to provoke the complainer to the breach of the peace. Charge having been given to the said persons, and the pursuers compearing, but the defenders not, the Lords ordain them to be denounced and escheat.

Complaint by
 James
 Crichton of
 Fendraucht
 against
 William
 Gordon of
 Rothiemay and
 others for
 molesting the
 servants of the
 said James
 Crichton.

Fol. 148, b.

Another complaint by Sir Thomas Hoip of Craighall, his Majesty's Advocate, and James Crichtoun of Fendraucht, as follows:—Against the laws prohibiting the wearing of hagbutts and pistols and directing and receiving "cartalls and challenges for single combats," William Gordoun of Rothemay and John Gordoun, his son, being his Majesty's rebels, and against whom the executions of captions and other letters have been futile through their deforcements and violent resistance, in further contempt of justice go about the country armed with hagbutts and pistols and often come through the complainer's growing corn and "hayned grasse, breakes down his dykes," to his dwelling house provoking him "to come out and fight with them if he darre." On May last the said John Gordoun sent Thomas Gordoun at the Walkmiln of Rothemay and James Duff in Rothemay "with twa letters and cartalls to the compleaner challenging him to the combat, with a plaine declaratioun that if he refused the combat he sould proclame him a coward." This challenge he refused to accept and desired the two bearers to keep the letters, as he would complain of them and require them to produce them before the Council, "who diedainfullie answered that they accompted of no charge that could be used aganis thame, for they would serve thair master." Charge having been given to the said William and John Gordoun, Thomas Gordoun and James Duff, and the pursuers compearing, but the defenders not, the Lords ordain them to be put to the horn and escheat

Complaint by
 James
 Crichton of
 Fendraucht
 against
 William
 Gordon of
 Rothiemay and
 others being
 his Majesty's
 rebels, for
 challenging the
 said James
 Crichton to
 the combat.

Fol. 149, a.

Complaint by James Crichton of Fendraucht against William Gordon of Rothemay and John Gordon, his son, for hounding on their servants to assault the servants of the said James Crichton.

A third complaint by Sir Thomas Hoip of Craighall, King's Advocate, and James Crichtoun of Fendraucht, with Henry Buchan and George Young, his servants, as follows:—In violation of the Acts forbidding the wearing of hagbuts and pistols, William Gordoun of Rothemay and John Gordoun, his son, being indebted in great sums to the said James Crichtoun and some of his servants, who, after long waiting for payment and getting nothing but shifts and delays, were constrained to enforce their claims by legal process, on account whereof they conceived a deadly hatred against the complainers. On July last when the said Henry Buchan and George Young, travelling through the country on their lawful affairs, came to an "oastler hous" in the town of Rothemay, Robert Bruce and John Logane, servants to the said William Gordoun, learning they were there, came at the instigation of the said William and John Gordoun, and "insinuat thameselfes under pretext and cullour of freindship in the companie of the saids Henrie Buchan and George Young, and urged thame to drinke more nor they wer able to doe, and they upoun very good reasoun having refused to doe the same, they raise and made thair addresse home to the place of Fendraucht, whair of the saids William and John Gordouns being informed and being offended at thair servants that they had parted with the said James Crichtouns servants in suche a peaceable maner, they directed and hounded thame out to follow his servants and to doe thame some effront and disgrace; who obeying the command givin unto thame followed the said Laird of Fendrauchts servants with all thair speed and having overtane thame be the way, they fiercelie sett upoun thame, invaidit and persewed thame of thair lyffes, poussed thame with thair knees and feete, hurte and woundit thame in sindrie parts of thair bodeis, and reft thair swords frome thame." Further, when the said James Crichtoun charged the sheriff depute of Baniff by two messengers of arms to apprehend the said William Gordoun and his son, they, accompanied by the said Robert Bruce and William Abirnethie, their servants, and other, armed with hagbuts, pistols and other weapons, came to the gate of Fendraucht and sent in the said Robert Bruce with what was in effect a challenge to the complainer, "to come furth if he durst and take thame for they wer readie attending him"; to whom the complainer replied that it were better his master would obey his Majesty's laws. Bruce having reported this answer, his master "answered disdainfullie that he cared not for the lawes." Moreover, on their way back to Rothemay, meeting the said sheriff depute and the two officers the complainer had employed to execute his letters, William Gordoun told them he had been "at the zett of Fendraucht to see if the compleaner durst come out and take him, and that he would nather be tane be thame nor the compleaner, uttering manie fearefull and execrable oathes that he sould undertake and execute some desperat course aganis the compleaner," so that for fear he cannot go about in

Decreta,
November
1627-Januar,
1630.
Fol. 148, a.

Fol. 148, b.

Fol. 150, a.

Secreta,
November
27-January
29.
Fol. 150, a.

the country. Charge having been given to the said William and John Gordoun, Robert Bruce, William Abirnethie, and John Logane, and the pursuers compearing, but the defenders not, the Lords ordain the latter to be put to the horn and escheat.

Sederunts,
625-29.
Fol. 105, a.

"Ane letter frome his Majestie in favouris of the Lord of Lorne anent his commissioun of justiciarie over the Ilis, and bothe partyis ordanit to be warnit to the last Counsell day of Marche to heir that mater reasoned and discust."

The Lord of Lorne.

Fol. 105, b.

"Ane letter frome his Majestie in favouris of the Bishop of the Ilis commanding that no remissioun be past to ony of the Ilismen till thay satisfie him for the maillis and dewtyis awand be thame to him. The Lordis ordanis the letter to be insert in the Bookis of Counsell and the extract thair of to be gevin to the Exchekquer."

The Bishop of the Isles.

"The quhilk day the Lord of Lochinvar exhibit befor the Counsell Harbert Broun in Antrum in Irland, ane excommunicat Papist, who wes committit to warde within the tolbuith of Edinburgh."

The Lord of Lochinvar.

Acta February
1628-July
1629.
Fol. 75, b.

Sederunt.—Treasurer; Præses; Privy Seal; Linlithgow; Bug-cleuche; Galloway; Bishop of Dumblane; Lord Lorne; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot.

Holyrood House, 18th December 1628.

Fol. 76, a.

"Forsameekill as the Estaits of this kingdome conveyned in the Parliament haldin at Edinburgh in the moneth of Junij 1609 having wiselie foreseene that one of the cheefe causes [preamble as in the Act of 2d December printed *ante*, p. 507]. And whereas the Lords of Secreit Counsell ar informed be the ministers within the bounds of the presbyterie of Dumfreis that the persouns particularlie underwrittin, they ar to say Dame , Countes of Nithisdaill, James Maxwell, brother germane to the Erle of Nithisdaill, Johne Maxwell, brother naturall to the said Erle, Robert Moresoun, servitour to the said Countesse, Elizabeth and Margaret Maitlanes, Marjorie Maxwell and Issobell Young, her servitrices, Barbara Maxwell in the Colledge, Jonnet Dalyell thair, Dame Elizabeth Maxwell Ladie Hereis, Richard Murrey in Aikiebuss, Johne M^eBrair sonne to Robert M^eBrare of Almigill, Agnes Johnestoun, spous to Williame Hereis of Madinpape, Elspitt Maxwell, spous to umquhill Harbert Cuninghame, Johne Little, lait servitour to the Erle of Nithisdaill, Marioun Maxwell Ladie Wauchop, Johne Hereis of Mabie, Helene Maxwell, his spous, Elspitt Maxwell Ladie Kirkconnell, James Maxwell, brother to the Laird of Kirkconnell, Barbara Maxwell Ladie Mabie elder, Katharine Glendinning Ladie Conheth elder, Agnes and Elspitt Maxwellis, her daughters, Elspitt Hereis, spous to Johne Hereis of Lochmoir, Bessie Hereis, spous to Robert Hereis in Milnetoun, Charles Lindsey, sonne to the Laird of Wauchop, Francis Lindsey, brother to the goodman of Maynes,

Act against certain persons designated as Papists within the Presbytery of Dumfries.

Fol. 76, b.

Agnes Browne, his spous, Jonnet Browne Ladie Achinskioch, Acta Februar
 Jeane Riddick, goodwyffe of Garneborrow, Constance Lindsey, spous to 1628-July
 Johne Maxwell of Burtill, Mr. Harbert Browne in Trostane, Homer 1629.
 Maxwell of Trostane, Agnes Browne, his wyffe, Johne Brown of Lochhill Fol. 76, b.
 and Johnestoun, his wyffe, Fergus M^cGill in Clauchane and
 Katharine Browne, spous to Gilbert Browne of Inglistoun, ar all
 excommunicat for Poperie and not onelie proudlie and contempnandlie
 remaines at the processe of excommunicatioun" [and so forth as in the
 above-quoted Act of Council of 2d December].

Charge to the
 Provost and
 Bailies of
 Stirling to
 convey
 Alexander
 Drummond in
 Auchterarder,
 accused of
 magical tricks,
 to the burgh
 of Linlithgow,
 the Provost
 and Bailies of
 which burgh
 are thence to
 convey him to
 the burgh of
 Edinburgh,
 where he is to
 be warded in
 the Tolbooth
 against his
 trial.

" Forsameekill as Alexander Drummond in Auchterarder having thir Fol. 77, a.
 manie yeeres bygane beene a most notorious abuser of Gods people in
 manie places of the kingdome by charmes, inchantments and uthers
 devilish and unlawfull meanes and bewitching cousenages, whilk he
 falselie culloured under physicall meanes, he was thairupoun apprehendit
 and brought to the tolbuith of Stirlin whair he hes remained thir
 diverse weekes bygane. And whairas it is verie requisite and necessar
 that he be straitlie examined upoun his abusive and magicall trickes,
 and that accordingle ordour be tane for his punishment, Thairfoir the
 Lords of Secreit Counsell ordanis letters to be direct charging the
 proveist and bailleis of Stirlin to convoy or caus the said Alexander
 Drummond to be surelie and saulfelie convoyed and caried fra thair
 tolbuith whair he now remaines to the burgh of Linlithgow and to
 delyver him to the proveist and bailleis thairof within twentie foure
 houres nixt after they be chairgit thairto under the pane of rebelloun
 and putting of thame to the horne, and to charge the proveist and
 bailleis of Linlithgow to receive the said Alexander Drummond fra the
 proveist and bailleis of Stirlin or suche as sall have the charge of his
 convoying thither within ane heure nixt after the saids proveist and
 bailleis be chairgit thairto and to carie and transport him or to caus him
 be caried and transported saulfelie and surelie fra thair burgh to the
 burgh of Edinburgh within twentie foure houres thairafter under the
 pane of rebelloun and putting of thame to the horne, and to charge the
 proveist and bailleis of Edinburgh to ressave the said Alexander
 Drummond fra the said proveist and bailleis of Linlithgow or suche as
 sall have the charge of his convoy within ane heure after they be
 chairgit thairto and to committ him to waird within thair tolbuith and
 to keepe and deteane him thairin upoun his awin expenses ay and whill
 ordour be tane for his tryell, examinatioun and punishing as accords
 under the pane of rebelloun and putting of thame to the horne. And Fol. 77, b.
 if anie of the persouns foresaids failyie in the premises, the tymes
 respective foresaids being bypast, to denunce thame rebellis and putt
 thame to the horne."

Charge to Mr.
 Robert Bruce
 of Kinnaird to
 confine himself
 within his

" Forsameikle as Mr. Robert Bruce of Kynnaird, being upoun some
 consideratiouns confynned within his plaice of Kynnaird and a strait
 command and directioun givin to him to have kepted the bounds of his

Acta February
1628. July
1629.
Fol. 77, b.

confyning, notwithstanding the Lords of Secreit Counsell ar informed that the said Mr. Robert, to his Majesteis offence and misregaird of the directioun and charge givin unto him, hes verie frequentlie sensyne brokin the bounds and limits of his confyning and resorts and repaires to and fra in all pairts of the countrie, especiallie within the bounds of East and West Lothiane, whair without a lawfull warrand or calling he takes upoun him the place and charge of the minister of diverse kirks within the saids bounds. Thairfoir the saids Lords according to ane expresse warrand and directioun sent unto thame in writt be his Majestie ordaines letters to be direct charging the said Mr. Robert Bruce to conteane himselffe within his place of Kynnaird and three myles about the same and that he onnawayes presooome to transcend the saids bounds upoun whatsoever cullour or pretext without a speciall warrand frome his Majestie or the saids Lords had and obtaned to that effect as he will answer to his Majestie and the saids Lords upoun his obedience at his highest charge and perrell, and under the pane to be callit, persewed and punished thairfoir accordinglie. Followes his Majesteis missive for warrant of the Act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whereas we ar informed that by acts of our Privie Counsell there and by diverse letters frome us it wes required that all noblemens sonnes whois parents wer reputed to be disconforme to the present professed religioun sould by the sight of yow and of the bishop of the diocie wherein thair residence wes, be bred in the trew grounds thairof, which course (as we ar informed) hes not takin that wished effect that we expected and which wer most requisite for the good of that church; whereupoun we ar pleased heereby to remitt agane this purpose to your serious consideratioun that the intended effect thairof may be putt in executioun after suche maner as yow sall thinke most expedient, and withall to recommend unto yow Mr. Andro Ramsay, professour of divinitie, (of whois sufficiencie we have bene informed) for haveing the charge of the educatioun of these noblemens sonnes, if so be yow sall think it a course fitt for that purpose. And whereas we ar informed that Mr. Robert Bruce hes not kepted that ordour which by yow wes injoynded unto him, bot hes contraveenned the samine, we heereby effectuallie require yow that yow caus him keepe his awin hous according to the Act of Counsell made in that behalffe till our further pleasure tuicheing him be signified unto yow. So we bid yow fareweill. Givin at our Court at Whitehall, the 28th of October 1628.”

place of
Kinnaird and
three miles
about the
same.

Letter from
his Majesty
anent the
education of
the sons of
noblemen,
suspected in
their religion,
and supplying
the warrant
for the
restraint of
Mr. Robert
Bruce.

Fol. 78, a.

“The Lords continewes the ordouring of the Earle of Linlithgow, his patent tuicheing the power thairin conteanit for saltpetre until the eight of Januar, whairof intimatioun wes made to Johne M^cNaucht and

Anent the
patent for
saltpetre.

See ante, p. 439.

Mr. Alexander Guthrie, who wer personallie present and proumeist and undertooke to wairne the burrowes and to have thame heere that day." Acta Februar
1628-July
1629.
Fol. 78, a.

Holyrood
House, 18th
December
1628.

Complaint by
Patrick Gray,
creelman in
Inverkeithing,
against Isobel
Cunningham
for wrongful
imprisonment
in the Tolbooth
of Edinburgh.

[Sederunt as recorded above.]

Decreta,
November
1627-January
1630.
Fol. 150, a.

Complaint by Patrick Gray, creelman in Innerkeithing, as follows:—
On 3^d September instant he was warded in the tolbooth of the Cannogait for "striking and hurting of Margaret Finlasoun," for which he has made satisfaction to her and to the bailie depute of the regality of Broughtoun. While he was in ward Isobel Cuninghame, widow of Duncan Neische, burgess of the Cannogait, caused arrest him for a sum of £55 12s 8d, and £6 of expenses, alleged to be due by him to her late husband conform to his "ticket" dated 9th February 1616. Now this is wrongfully done by her because she is not her said husband's executrix; the debt is not contained nor confirmed in his testament, nor has any sentence been pronounced against him on that matter. Charge having been given to the said Isobel Cuninghame, and also to Adam Bothwell, one of the bailies of the Cannogait, to produce the complainer, and both pursuer and defender compeiring the Lords ordain the bailies of the Cannogait, to release the pursuer, who has given his great oath that he will re-enter that ward at Michaelmes nixt, and meanwhile use his diligence for payment of the said debt. On these terms the defender consented to release him. Fol. 150, b.

Holyrood
House, 18th
December
1628.

Letter to his
Majesty
representing
that Sir John
Charteris of
Amisfield,
justice of
peace, and one
of the Com-
missioners for
the Middle
Shires, in the
slaughter of
certain persons
of the name of
Irvine, was
engaged in the
discharge of
his office in
arresting the
said Irvines as
rebels.

"Most sacred soverane, Upoun advertisement givin unto us of your Majesteis displeasure conceaved aganis Sir Johne Charterhous of Amisfeild for the killing of Irwins upoun the marches or border of your Majesteis kingdome of England we did summound and call him before us and upoun his appearance we did furthwith putt him under restraint untill we sould be fullie informed of the truthe of his cariage in that bussines; and thairafter the gentleman being brought to his answer and the indignitie of the fact being highlie aggravated aganis him with the circumstance of the plaice wherein the same wes committed, he in all humilitie expressed his great greefe conceaved for the suggestiouns made aganis him to your sacred Majestie, and for his justificatioun offered to make it appeare plainlie unto us that his proceedings wer warrantable, and free from contempt or anie just caus of offence. And we, haveing dewlie examined the said mater with all the circumstances thairof, it did appeare unto us that the saids Irwins being declaired outlawes and fugitives for thift, the said Sir Johne Charterhous, being a justice of peace and one of the commissioners for the Middleshyres, did by vertew of his commissioun and plaice follow after thame; bot in that service he had a neere kinsmen of his awin killed by thame and they at that tyme escaped, and the saids Irwines being thairafter criminallie cited and callit for that slaughter and not compeiring they wer publictlie proclaimed and denounced rebellis and put to your Majesteis horne and Royal Letters,
1623-32.
Fol. 148, b.

Royal Letters,
1623-32.
Fol. 148, b.

a particular commissioun wes thereupoun granted by us to the said Sir Johne Charterhous for thair apprehensioun ; by vertew of which commissioun and his said former commissioun of the Borders he did againe persew and hunt after the saids rebellis and haveing found thame out neere unto the said border and they fleing over frome the Scottish syde into the English border the said Sir Johne and his companie followed after thame in fresh persute, and they refusing to be apprehendit and making all hostile resistance by shooting of pistolls and standing out aganis your Majesteis auctoritie granted by the saids commissiouns they wer both so wounded in the taking as they died beyond the expectatioun or desyre of the said Sir Johne Charterhous, who at that tyme had no other thing before his eyes than your Majesteis service and the executioun of his said commissioun ; and for his further justificatioun he urged two lait exemples of the lyke kynde the one committed be the lait Lord Cranstoun, who in the executioun of the said commissioun of the Borders entered within the English side upoun Boltoun Fell and there killed David and Hugh Armestrangs, Scottishmen, fugitives, the other committed by Johne Musgrave, Captane of the English guaird at Carlisle, who entered within Scotland and there killed Christopher Armestrang within his awin house of Barnegleise within Scotland, being a Scottishman, in his awin countrie, and not haveing fled frome England to Scotland, whairat no kynde of exceptioun wes takin be the State heere in regard the same wes done in executioun of justice and for rooting out of malefactours conforme to the joint commissioun past under the seales of both kingdomes by speciall directioun of your Majesties lait father of never deing memorie, and confirmed and continued by your Majesteis awin gracious letters unto us directed for that purpose. In the meane tyme and untill your Majesteis further pleasure may be known we have bound the said Sir Johne Charters with great sureteis and under great sowmes for his appearance before us whensoever he sall be callit or cited to that effect. All which we thought fitt to signifie unto your most sacred Majestie as a mater worthie of your Majesteis gracious constructioun in the behalffe of the said Sir Johne Charters, who heretofore hes givin manie proofes of his sufficiencie and affectioun to your Majesteis service in the dew executioun of the directiouns prescryved unto him by this State : and if your Majestie sall heereafter happin to prescryve or sett down anie other course for preventing of anie suche disordour heer-after, upoun the significatioun of your Majesteis pleasure thairin unto us, we sall with all humilitie and obedience performe the same according to our boundin dewtie as becometh, etc. Halyruidhous 18 Decembris 1628. *Subscribitur*, Monteith, Hadintoun, Linlithgow, Buccleuche, Galloway, Lorne, Dumblane, Arch. Achesoun, Hamiltoun, Sr Thomas Hoip, Scottistarvett."

Sederunts,
1625-29.
Fol. 106, b.

"Towcheing the first pairt of the letter [from his Majesty *ante* p. 537] Letter to the ordanis ane letter to be writtin to the tua archiebishopps signifeing unto two arch-bishops."

thame the directioun of his Majesteis letter and willing thame to conforme thame selffs, and to advertis the rest of the bishoppis to be heir the nynt of Januar prepairit to gif up the names of the persouns of the qualitie foirsaid." to Sederunts
1625-29.
Fol. 106, a.

Excommunicated persons within the Presbytery of Dumfries.

"The whilk day the commissionaris for the presbyterie of Drumfries produceit a roll of the excommunicat Papistis within thair boundis. The Lordis ordanis the lyke executioun and warrandis to be grantit aganis thame as wes grantit aganis these of the north."

A case of witchcraft.

"The quhilk day James Smith actit him self to bring his moder, to Edinburgh upoun the xiiij of Januair to be examined upoun the cryme of witchecraft objectit aganis hir under the pane of iij^m merkis." Young,

Captain Robertson.

"That ane letter be writtin to his Majestie in favouris of Captane Robertsoune showeing the tennour of his petitioun to his Majestie and intreating his Majestie to write to the citie of Hamburrough craveing redres to be maid to the Captane."

Holyrood House, 19th December 1628.

Commission under the Signet to the provost and bailies of Dumbar, Douglas of Kilspindie, Mr. John Hepburne of Gilmertoun, John Arnot in Colberspaith, and George Hoome of Furde, or any one of them, as justices, to search for, apprehend and imprison in the tolbooth of Dumbar, and thereafter to any three of them to hold courts and try Margaret Baxter in Dumbar, and Marion Bathcat in Eistbarns, who have long been suspected of witchcraft. Signed by Mar, Menteith, Hadingtoun, Linlithgow, S. Ard. Achesoune, Hamiltoun, S^r Tho. Hoip, and Scottistarvett. Commissions,
1624-30.
Fol. 184. a.

Commission to the Provost and Bailies of Dumbar and others to apprehend Margaret Baxter and Marion Bathgate on a charge of witchcraft.

Commission under the Signet to the Sheriff of Bervick, as justice, to hold courts and try Isobel Thomesone in Craikfurde, who has been long suspected of witchcraft. Signed by the same Lords. Fol. 184. b.

Case of witchcraft.

Commission under the Signet to the Sheriff of Bervick, as justice, to hold courts and try Isobel Thomesone in Craikfurde, who has been long suspected of witchcraft. Signed by the same Lords. Fol. 184. b.

Holyrood House, 23rd December 1628.

Sederunt.—Treasurer; Præses; Linlithgow; Bishop of Dumblane; Lord Lorne; Master of Elphinstoun; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot. Acta February
1628-July
1628.
Fol. 78, a.

Order against the importation of base dollars, which are being circulated at the value of thirty-three shillings and four pence apiece, whereas their true value is twenty-five shillings and ten pence apiece. See ante, p. 192.

"Forsameikle as the Lords of Secreit Counsell ar informed that some avariatiuous and godlesse persouns, preferring thair awin filthie com-moditie and gayne to a good conscience and obedience of the law and to the commoun weale, hes laitlie brought within this kingdome a number of base dollours and hes putt the same out among his Majesteis subjects at threttie three shillings foure penneis the peece, altho after tryell tane of the trew worth and fynnesse thairof, and being comparied with his Majesteis awin proper coyne they ar found to be no more worth than twentie fyve shillings ten penneis the peece; so that thir wicked and godlesse persouns, homebringers of the saids dollours, doe gayne upoun everie peece thairof sevin shillings sax penneis to the great hurt and

Acta February
1628-July
1629.
Fol. 78, a.

prejudice of his Majesteis good subjects, who being ignorant of the trew worth of the same ar shamefullie and mischantlie abused be the home-bringers thairof and made to beleve that they ar worth the pryce for the whilk they give thame out; so that if the course of thir dollours be not in tyme foreseene and prevented the subjects of the kingdome will susteane ane unreparable losse; whilk dollour careis on the one side ane double eagle in the middes whairof is ane little globe divydit in twa, and in the neathermost part of the globe the figures of 28 and frome the said globe thair goes upward ane long crosse betuix the twa heids of the eagle with this circumscription about the eagle FERDINAND II. ROM. IMP. SEMP. AUG. with a little crosse crowne within the ring, and on the other side of the said dollour thair is ane quartered armes and in twa of the saids quarters thair is lyke ane crosse with twa wings abone the heid of ane towre, and in the other twa quarters thair is two barres and abone the armes a great opin crowne with this circumscription about the armes FLOR. ARGEN. with the figure of 28 and CIUITAS EMBD.; Thairfoir the Lords of Secreit Counsell ordaines letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places needfull that nane of thame presooome nor take upoun hand at anie tyme after the publicatioun heerof to bring within this kingdome anie of the saids dollours upoun whatsomever collour or pretext, under the pane of confiscatioun of the same dollours to his Majesteis use and punishing of thame in thair persouns and goods at the discretioun of his Majesteis Counsell. As alsua to command and charge the proveist and bailleis of the burrowes of Edinburgh, Dundie, Aberdein and uthers burrowes of this kingdome to make diligent inquirye and to informe thameselfes be all the wayes and meanes they can be whome and at what tymes thir dollours hes beene brought hame and in what quantitie and nomber and whair and to whome they have beene dispersed and givin out, and to make report thairof to the saids Lords upoun the aucht day of Januar nixt, to the intent that after consideratioun thairof, the saids Lords may take suche course and ordour with the persouns, hamebringers of the saids dollours, and forder course and passage of the same, as they sall thinke expedient and as sall best stand with the weale of the countrie, as the saids proveist and bailleis will answeere to the saids Lords upoun the dewtie of thair offices."

Fol. 78, b.

Decreta,
November
1627-January
1630.
Fol. 151, a.

[Sederunt as recorded above.]

Complaint by Mr. James Seatoun of Fawsyde, as follows:—He was arrested and has been long kept in ward by Daniel Clerk as assignee of Robert Alexander, burgess of Stirling, for a debt of £420 and £60 of expenses and interest, and by Robert Keith, merchant burgess of

Holyrood
House, 23rd
December
1628.

Complaint by
Mr. James
Seton of
Fawsyde
against Daniel

Clerk and Robert Keith, merchant burges of Edinburgh, for wrongful warding in the Tolbooth of Edinburgh.

Edinburgh, for £20 and ten merks of expenses, for which the complainer became cautioner for Robert Hog in Ireland. Now the complainer gave power to the said Daniel Clerk to uplift from the Duke of Lennox, his master, a sum of 5000 merks due by the Duke to the complainer and to pay himself out of the first end of that, yet he is still kept in prison and is like to starve. Charge having been given to the said Daniel Clerk and Robert Keith, and also to John Sinclair, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and he being produced by some of the town officers, and the defenders both compearing, and consenting to the release of the pursuer, the Lords ordain the provost and bailies to set him at liberty.

Decreta.
November
1627-Januar.
1630.
Fol. 151. a.

Fol. 151. b.

Petition by Wilkene Johnstone and others that protection may be granted to Alexander Mauchane, their creditor, to come to Edinburgh from England, where he had fled, in order to pay his debts.

Petition by Wilkene Johnstone, Robert Davidsoun, Thomas Patersoun, Adam Mitchelsoun, William Mitchelsoun, Malcolm Broun, John Smith, Mr. Alexander Livingstoun, David Jonkein, James Stevinsoun, Hew Hamiltoun, Samuel Moresoun in Leith, John Fraser, goldsmith, John Smith, David Mitchelsoun, Robert Glen, Robert Keith and James Pont, creditors of Alexander Mauchane, merchant burges of Edinburgh, as follows:—Mauchane being indebted to them in great sums of money and being pressed by some of his creditors, was forced to flee to England. He is now (as appears) honestly and earnestly desirous of satisfying his creditors so far as his estate will allow and has begged them to assure his safety for this end. The petitioners are all willing and have subscribed an assurance for him till the last of March, but other three of the creditors refuse. They therefore crave that their Lordships will by their authority provide “that the stocked and uncharitable refusall” of these three whose interest is not considerable, shall not prejudice them in this matter. The Lords grant the prayer of the petition and give protection to Mauchane till the last day of March.

Fol. 152. a.

Sir John Scott and Mr. Alexander Colville, Justice Depute, appointed to audit accounts between Sir Michael Preston and Sir Robert Hepburn.

The Lords having heard the dispute between Sir Michael Prestoun of Fentounbarns, knight, and Sir Robert Hepburn of Bairfute, knight, respecting the trust committed by the said Sir Michael to Sir Robert of his whole estate, and the conditions which should have been performed to him, and having no time to go minutely into the matter, yet being careful to be informed thereof appoint Sir John Scot of Scottistartvet, and Mr. Alexander Colvill, Justice Depute, to audit accounts between them, and if need be to call the parties before them, hear their claims as against one another, and report the results to the Council on 8th January next, when further direction may be given therein.

Fol. 152. b.

Holyrood House, 23rd December 1628.

Commission for the trial of Bessie Carrilie, who is charged with witchcraft.

Commission under the Signet to John Foullertoun of Carletoun, Alexander Gordoun of Earlestoun, David Arnot of Barcaple and John Gordoun of Ardwell, as justices, to hold courts to try Bessie Carrilie Tuinname, who has long been suspected of witchcraft. Signed by Mar, Menteith, Linlithgow, Archibald Achesoun, Hamiltoun, S^r Thomas Hoip and Scottistartvett.

Commissi-
1624-30.
Fol. 153. a.

Commission under the Signet to the Laird of Hirdmistoun to apprehend and imprison until he be examined and tried Alexander Sinclair, vagabond, who has been long "ane great and notorious abuser of our subjects by enchantments and uthers his magicall and devilish trickes." He is also to be examined about these and his depositions reported to the Council. Signed as above.

Complaint by the King's Advocate and James Kennedie, apparent of Blairquhan, as follows:—Though the wearing of hagbuts and pistols is strictly prohibited yet on 22d November last Mr. John Fergusson of Kilkerrane, Francis Mure, lawful son to the deceased James Mure of Auchindraine, James Crawford in Kilquhinze, Robert Campbell in Auchinghie, John M^cChuttour in Furdhous of Kilquhinzie, Andrew M^cAllane, notary in Kilkerrane, Andrew M^cBlaine there, Thomas M^cClurie there, John Kairnie there, Gilbert M^cGie, John M^cKewne, Finlay Kairnie, John Arthure, Adam M^cGie and William M^cWattir there, with others, all armed with "jackes, secreits, plaitsleaves, gantlets, steel bonnets" and other weapons, and with hagbuts and pistols, came under cloud and silence of night to the town of Maybole where the complainer with Gilbert Baird of Kilquhinzie were in their beds, and "leddered the wallis of the hous, entered in at the rooffe thair of and er ever the compleaner or anie of the companie within the hous wer awar they made thameselffes maisters and commanders of the hous, brasched all the chamber doores thair of, resolved to have slaine and murthered the compleaner in his bed wer not he stood the better to his defence; and the said Mr. Johne Fergusson presented ane bendit pistolet to the said Gilbert Baird, who wes intreating him to forbear suche lawlesse and insolent proceedings" and would have shot him through the body if the pistol had not misgiven. Charge having been given to the persons named the pursuers compeared, as likewise the said Mr. John Fergusson, who said he would answer also for the other defenders, and declared that he had letters of caption against the Laird of Blairquhan, elder, which warranted the making of open doors and using "his Majesteis keyes," and that having committed the execution thereof to James Maxwell, messenger, he went with him to aid in the execution of the same, and entered the said house by a private passage. He confessed having a pistol at that time, in respect whereof the Lords fine him 50 merks, to be paid to the Treasurer, Treasurer Depute and Receivers of his Majesty's Rents, and ordain him to find caution in 500 merks for payment of this fine, and that he will not wear hagbuts or pistols in future; but they assoilzie him and the remanent defenders from the rest of the complaint in respect of the letters of caption.

Counter complaint by Sir Thomas Hoip of Craighall, King's Advocate, and Mr. John Fergusson of Kilkerrane, as follows:—Though the wearing of hagbuts and pistols is strictly prohibited, yet James Kennedie, elder of Blairquhan, and James Kennedie, his son, having a

Commission for the trial of Alexander Sinclair, accused of magical and devilish tricks.

Holyrood House, 23rd December 1628.

Complaint by James Kennedie, apparent of Blairquhan, against Mr. John Fergusson of Kilkerrane and others for seeking his life while in the house of Gilbert Baird in Maybole.

of Blairquhan, and James Kennedy, his son, for seeking his life with hagbutts and pistols.

deadly hatred against the complainer because he pursued the said Laird of Blairquhan legally for payment of certain monies he is due to him, and for not payment of which he is at the horn, intend to have the complainer's life, and for the past month have ridden and gone about armed with hagbutts and pistols for this purpose. Charge having been given to the Lairds of Blairquhan, elder and younger, and the pursuers compearing, also James Kennedie, younger of Blairquhan, but not the elder Laird, and probation against the younger Laird being referred to his own oath of verity, he confessed the wearing of hagbutts, whereupon the Lords fine him 50 merks, to be paid to his Majesty's Treasurer, Treasurer Depute, and Receiver of his Rents, and ordain him to find caution in 500 merks in the Books of Secret Council not to offend in the like in future, and to take out and pass through the registers and seals a remission, for which the 50 merks shall be the composition. They also ordain the elder Laird of Blairquhan to be put to the horn and escheat.

Fines.
1614-31.
Fol. 129.

Fol. 129. a

Holyrood House, 23rd December 1628.

Letter to his Majesty anent the seizure of the ships of Captain David Robertson by two warships of Hamburg, desiring his Majesty to write to the magistrates of Hamburg thereanent.

"Most sacred Sovereane, There wes a petition this day preferred unto us by Captane David Robertsoun humblie compleaning of the barbarous and violent outrages committed upoun him under trust and assurance by two warshippis of Hamburg under the charge of Alexander Long and Michael Vtinghowde by whome he wes pursued with all kynde of hostilitie and after a sharpe conflict passt betuix thame, he onelie standing to his defence, he himselffe wes under trust takin prisouner, his shippe and goods intronitted with and riffled, some of his companie killed, the rest deadlie hurt, your Majesteis cullours disgracefullie troddin under foote, and your Majesteis arnes with the lyke disgrace defaced and destroyed; and his humble desyre wes that he might have letters of reprints all aganis the toun of Hamburg, unto quhom thir twa shippes apperteanes, as by his petition heerewith sent up unto your Majesteis Secretarie more fullie will appeare. We having takin this mater and circumstances to our consideratioun and understanding that your sacred Majestie yitt stands in freindship with the toun of Hamburg and that letters of reprints ar not usuall bot upon a wilfull denyall and refusall or delay of justice, which as yitt hes not beene done in this caise, we have thairfoir forborne to meddle in this mater, bot doe humblie present the same to your Majesteis royall consideratioun, with our submissive and humble requeist unto your Majestie that your Majestie would be graciouslie pleased to give notice to the toun of Hamburg of the indigniteis and wrongs done to the said Captane Robertsons, your Majesteis subject, and how that your Majestie, being trewlie sensible thairof, cannot in honnour and justice deny unto him letters of reprints in caise they refuse or delay to make suche redresse and reparatioun as justice and equitie requires, and as the good correspondence which your Majestie hath hitherto inviolable kept with that toun deserveth. And so with our humble and heartie

Royal Lett.
1623-32.
Fol. 149. a

Fol. 149. b

Royal Letters,
1623-32,
Fol. 149, b.

prayers unto God for your Majesteis long and happie raigne, we sall ever rest, etc. Halyruidhous 23 *Decembris* 1628. *Subscibitur*, Mar, Monteith, Linlithgow, Lorne, Dumblane, Arch. Achesoun, Hamiltoun, Sr Thomas Hoip, Scottistarvett."

Fol. 150, a.

"After our verie heartlie commendatiouns to your good lordship. By a letter quhilk we have laitlie receivede frome the Kings Majestie he hes beene graciouslie pleased out of his most pious affectioun and dispositioun toward the advancement of religioun to recommend unto us the prosecutioun of that course quhilk wes intendit toward the breeding of noblemens sonnes (whois parents wer suspected in religioun) in the trew grounds thairof, as by the copie of his Majesteis letter heerewith sent unto your lordships yow will perceave. And quhairas this is a mater quhilk speciallie concernes your lordship and the rest of your brethrein of the clergie, we have thairfoir thought meit to requeist your good lordship to acquaint your brethrein within your diocese of his Majesteis royall and religious directioun in this point, and to desire thame to make thair addresse heere upoun the aucht of Januar now approaching, provydit and prepared to secund his Majesteis royall resolutioun, and to doe that quhilk to the dewtie of thair charge in this caise apperteannes; especiallie that they informethameselffes quhat noblemen within thair dioceis having sonnes capable of instructioun ar reputed to be disconforme to the present profest religioun, to the intent orour may be tane with thame accordingle. And so committing your good lordship to God, we rest. Halyruidhous 23 *Decembris* 1628. *Subscibitur*, Mar, Monteith, Linlithgow, Arch. Achesoun, Hamilton, Sr Thomas Hoip, Scottistarvett."

Holyrood House, 23rd December 1628.
Letter to the Archbishops of St. Andrews and Glasgow anent the education of the sons of noblemen who are suspected in religion.
See ante, p. 537.

Sederunts,
1625-29,
Fol. 106, b.

"That missives be writtin to Abirdene and Dundee" respecting the base Embden dollars.

Royal Letters,
1623-32,
Fol. 149, b.

"After our verie heartlie commendatiouns. Quhairas thair is a base Einbden dollour laitlie brought home be some merchants of that toun and putt out be thame to the lieges for twa merke and ane halffe the piece, which being compared in weight and fynesse with his Majesteis coyne will onelie be worth xxvi shillings the peèce, for remeidng of which abuse and preventing the forther growth thairof so prejudiciall to the lieges receivers of this dollour, it is thought fitt be the Counsell that proclamatioun sall goe furth discharging all further hame-bringing of anie of these dollours whill the Counsell signifie thair pleasure thairanent, and commanding the magistrats of burrowes to take tryell in the meane tyme how and be whome thir dollours hes beene brought home and to certifie backe thair names to the Counsell upoun the aucht of Januar nixt. The executioun of which last point we earnestlie recommend to your care, desyring yow heereby to informe your selfes trewlie of the persouns homebringers of these dollours within your toun, what number hes beene brought hame and vented be

Holyrood House, 24th December 1628.
Letter to the magistrates of Dundee and Aberdeen anent base dollars.
See ante, p. 540.

thane, and to report to the Counsell upoun the said aucht day of Januar thair names with suche evidences as yow can learne for prov- ing of the same, to the intent suche ane ordour may be resolved upoun for remedie of this abuse as his Majesteis honnour and the goode of the countrie in suche a caise doeth require. Which recom- mending to your diligence and care as a mater quhairof we will crave a speciall accompt, we committ yow to God. Halyruidhous 24 *Decembris* 1628. *Subscritur*, Mar, Monteith, Linlithgow, Arch. Achesoun, Hamiltoun, S^r Thomas Hoip, Scottistarvet.”

Royal Letter.
1623-32.
Fol. 149, b.

Holyrood
House, 31st
December
1628.

Letter to his
Majesty
advising that
liberty of
appellation be
granted to the
sub-commis-
sioners for
valuation.

“Most sacred Sovereane, Your Majesteis letter of the fyftein of November being in all humilitie receaved and dewlie perused and considerit by us we in our boundin dewtifull respect thairunto ar humble and thankefull acknowledgers of your Majesteis gracious favour in approving the course takin by us in directing the subcom- missioners for the valuatiouns to be chosin by the presbytereis; but in regard by the said letter your Majestie seemeth to inclyne that no appellatioun sould be admitted frome the saids subcommissiouns except the same may be made unto the nixt parliament, in which your Majestie intendeth to appoint a commissioun to heare suche just complaints as sall happin to be exhibited unto thame, therefore we doe heereby humblie represent unto your royall Majestie the conveniencie of libertie of appellatioun frome the saids subcommissiouns unto the generall commissioun untill suche tyme as the said nixt Parliament may hald, for by this meanes manie of these bussinesses may be fittlie prepared for the same Parliament and some finished and the rest may be thereafter determind ather by this commissioun or by anie other suche parliamentarie commissioun as your Majestie may be pleased to appoint for that effect; so expecting your Majesteis further directioun heerin we sall ever pray as becometh etc. *Subscritur*, Mar, Monteith, Hadintoun, Linlithgow, Roxburgh, Lauderdaill, Dunkelden, Brechin, Dumblane, Tracquair, A. Carre, Arch. Achesoun, S^r Thomas Hoip, S. J. Balmanno, M. A. Gibsone, S^r George Elphinstoun, Archibald Campbell. Halyruidhous, 31st *Decembris* 1628.”

Fol. 147, b.

The *Minute Book of Processes* gives the following Memoranda collectively for the month of December 1628:—

Minute Book.
1604-31.
Fol. 83, b.

Bill for a protectioun: the credetouris of Alexander Mauchan.

Bill to be put to libertie: Mr. James Seatoun against Mr. Adame Hepburne.

Suplicatioun: Sir Michaell Prestoun for haveing auditours nominat for compt and reckoneing betuix him and his credetouris.

Rebellioun: Alane Cathcart against Mr. Thomas Hepburn.

Ryott and weiring pistollis: Kennedie against Fergusson; *hinc inde*.

Minute Book,
1604-31,
Fol. 83, b.

Oppressioun and ryott : Jamesone against Ker.

Letters : Sussanna Sinclair and utheris credetouris of the Laird of Basse against the said Laird for payment of the debtis for which he wes rebell.

Bill to be put to libertie : Gray against Finlaysone.

Suspensioun: the Sessioun of Mertoun against James Wricht.

Bill: James Crichtoun against the jayllour of the Cannongait to be put to libertie.

Letters : Creichtoun of Frendraucht against Gordoun of Rothemay for weiring of forbidden wapones.

Ryott: James Crichtoun against Williame Gordoun.

A Commissioun to Sir Johne Scott to tak tryall of and report to the Counsell the questioun betuix Sir Michael Prestoun and Sir Robert Hepburne.

Letters : Peter Reid against Robert Fletcher for intercomoneing with the Earll of Craufurd.

Protectioun for McClellane of Bomby.

Bill : Williame Nicollsonne against Lancelot Cokburne to be put to libertie.

Act frieing James Johnstoun from compeiring befor the circuit court of Drumfreis.

Ryott: Allaster Roy against Adame Thomsone.

Bill : McFarlan against Alexander Bowie to be put to libertie.

Protectioun for Kennedie of Blairquhan.

Act in the Proces Justice Clerk against the Advocat anent the priorittie in voyce.

Oppressioun: Bairdie against Sutherland.

Deforcement and ryott : Weterstoun against Mowatt.

Suspensioun : Campbell against Smithis.

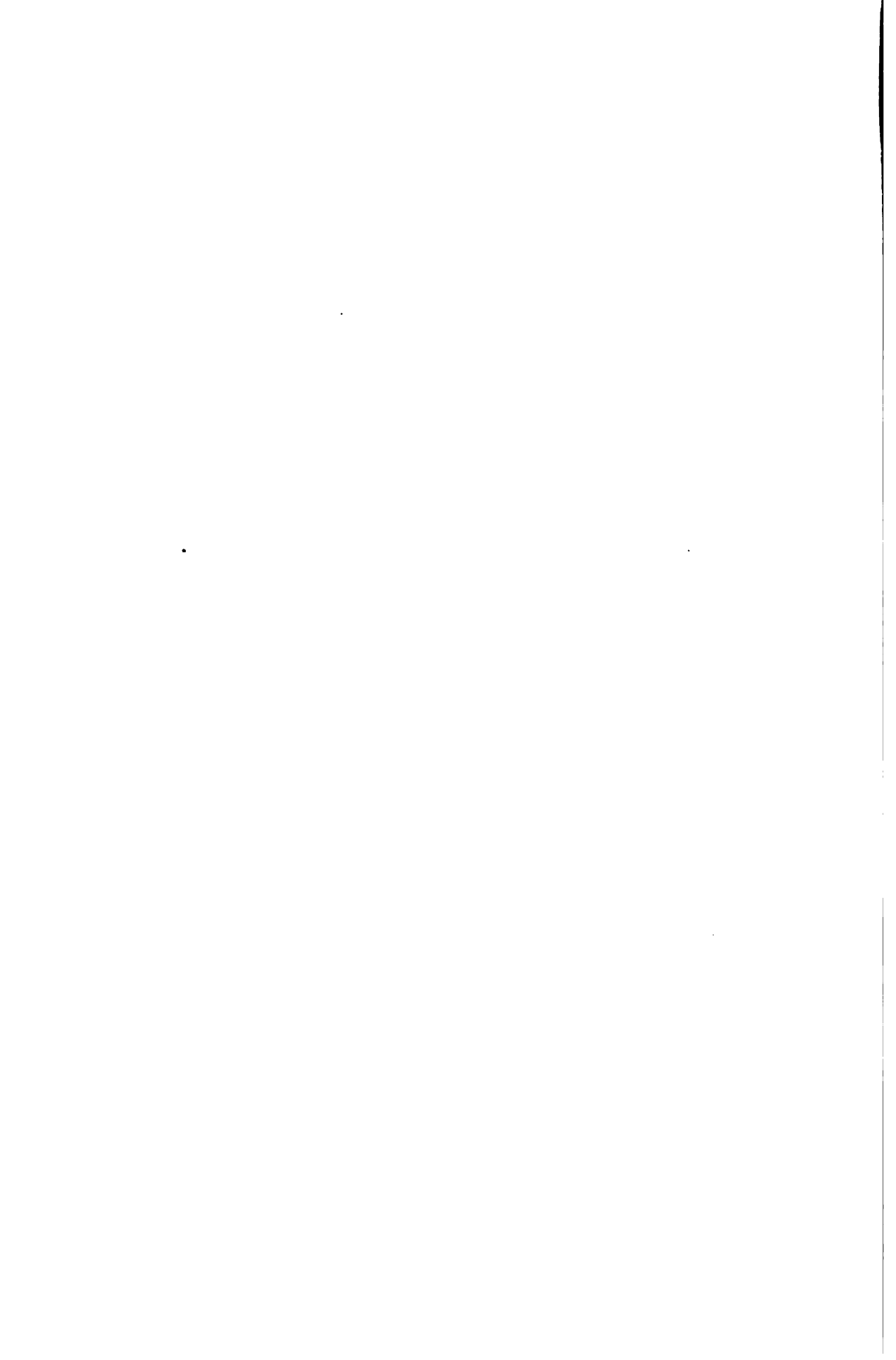
Complent ryott : McIllrewll against Burne.

Oppressioun : The Laidie Manderstoun against the Laird thereof.

Deforcement in executioun of ane commissioun from the Counsell : Williame Dowglas against Mr. Williame Jamesone.

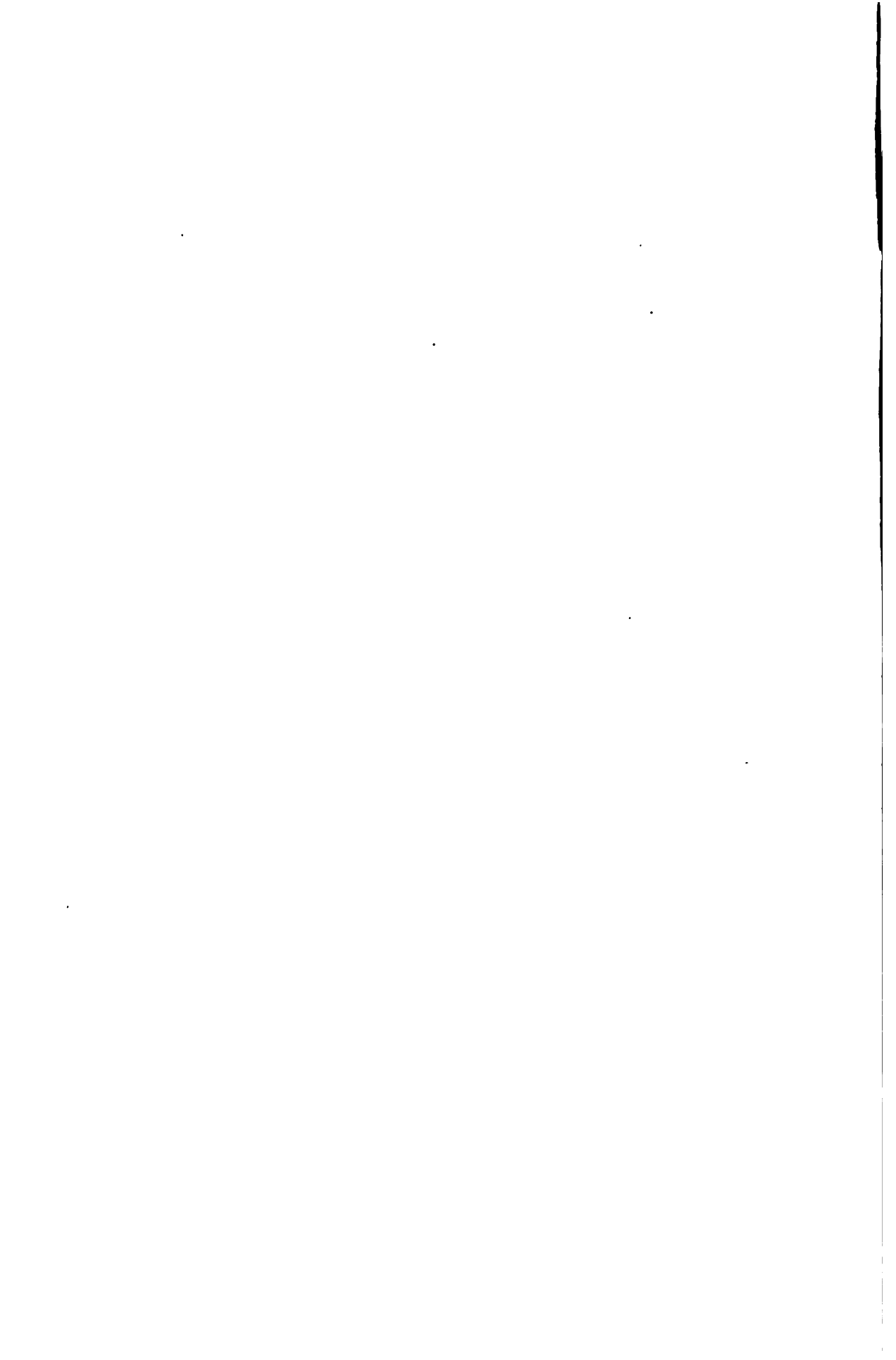
Bill: Hectour Turnbull craveing four or fyve termes to pay the assythment for the slaughtour of Gawine Eliot.

Fol. 84, a.



MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D 1627-1628.



PRIVY COUNCIL PAPERS.

Miscellaneous
Papers.

1. Original of royal letter authorising the making of a seal for the office of Lord Admiral, printed *ante* p. 17. Addressed to the Viscount of Diplin Chancellor of Scotland, and the rest of the Privy Council. Marked at foot: "17 July 1627, *fiat*."

Oatlands, 3rd
July 1627.
Seal for the
office of Lord
Admiral.

2. "At Halirudhous, 3 of Julij 1627.—The quhilk day in presens of the Lordis of Secreit Counsall compeirit personallie Alexander, Erle of Linlithgow, Lord Heighe Admirall of this kingdome, and propounded and schew unto thame that, by a letter ressaved from his Majestie, his Majestie had willed him to proceed in the tryall of the Hambrughe schipis¹ challengit befor him as pryises conforme to the lawes of this kingdome, the lawes of Ingland, or quhair they ar deficient the lawes of the enemie, and therfor he not being resolved anent the twa subsequent questiounes and haveing no [precedent?] in this kingdome nor certane and plane resolutioun of [the] ansueris sent from Ingland to him thairanent, craveing the Counsallis advyse conforme to his Majesties directioun:—1. Iff a pairt of mwntioun or forbidden goodis in a freindis boddome confiscatis the rest of the schip and goodis [all lawfull merchandice]²: 2. Iff a pairt of enimies goodis in a freindis boddome confiscat the rest of the schip and goodis albeit lawfull merchandice. The persewar alleges the 56 and 57 article of the Spanische placard bearing that a pairt of prohibite goodis confiscates the hail, and the last resolutioun gevin be Sir Harie Martin,³ being interrogate quhat penaltie of law is inflicted upon him that cairies prohibite goodis to the enemie, ansueris that upone suche all penalties ar inflicted contened in [the saidis]⁴ proclamationis according as they wer takin befor or efter the 4 of Marche last, and by the Treattie of Southamptoun,⁵ if a schip be takin

Holyrood
House, 3rd
July 1627.
The Lord High
Admiral craves
the advice of
the Council
anent certain
Hamburg
ships which
had been taken
as prizes.

¹ During the summer of 1627 the English fleet had blockaded Hamburg with the object of stopping its trade with France and Spain.

² These words in brackets here deleted.

³ Judge of the Admiralty Court of England.

⁴ This word is inserted in place of "any of the twa," deleted.

⁵ "By the treaty signed at Southampton on September 8 [1625] an alliance offensive and defensive was established between England and the States General. The Flemish harbours were to be kept constantly blockaded by a Dutch fleet, whilst the English were to perform the same task off the coast of Spain. Whenever a

joint expedition was concerted between the two nations the States General were to contribute one ship for every four sent out by England."—S. R. Gardiner, *A History of England under the Duke of Buckingham and Charles I.*, 1., 307-8 (1875). In the treaty of Southampton, Mr. Gardiner further says, England and the States General had "agreed upon a sweeping definition, including in that category [contraband of war] provisions and the precious metals as well as munitions of war and materials used in ship-building, and had declared not only such articles, but even the ships and men engaged in the traffic, to be lawful prize."—*Ib.*, p. 345.

bound for the enemies countrie with forbiddin goodis the schip and men and goodis ar all lawfull pryise, bot that the samen as yit hes not bene practised in England albeit it be the practique of Spaine, Fraunce and Flanders. The Lordis of Secreit Counsall thinkis it meit and advyses the said Lord Admirall to consult his Majestie if that law sall be put to executioun heir befor it ressave executioun in England seing that the rigour of the law wes suspendit till the 4 of Junij last and the schippis challenged as pryises wer takin about a yeir since.”

Miscellaneous
Papers.

Anent the
Hamburg
ships.

3. Another and revised copy of the foregoing, with one or two points stated differently. The Earl states that his Majesty had willed him to proceed in the trial “conforme to the lawes of England, and whair the lawes of England wer deficient, conforme to the lawis of foreyne nationis and of the ennemye, and thairfore he craved the Counsallis advyse and opinioun how to carye himself in that bussynes” anent “a resolutioun returnit to him frome the Judgeis of the Admiraltie of England tuitcheing a questioun propouned be his lordship to thame.” At the end it is stated that the ships in question were taken long before the late proclamation, and then it is added “And if the same salbe extended againe shippis having certificattis that they wer sighted be the captanes of his Majesteis shippis lying before the mouth of the Elve, or where the forbiddin goodis being thairintil ar not a considerable pairt in regard of the rest of the laidning.”

Edinburgh, 6th
July 1627.

Patrick Forrest
of Archerfield
against Mr.
James Stewart,
Commissary of
Dunkeld.

4. Letters of Summons at the instance of Mr. Patrik Forrest of Archerfeild, Advocate, against Mr. James Steuart, commissary of Dunkeld, and the other inferior commissaries and their clerks (see *ante*, Vol. xv., p. 687, where the names are given, save that here Hew Falconer is given as the Commissary of Murray and Mr. John Hay as his procurator fiscal, and Nicolas Dunbar and John Aitken are omitted) for their compearance before the Council at Edinburgh on 20th January next with their registers, in terms of previous summons. Dated at Edinburgh, 6th July 1627. Signetted 12th July, and signed A. Hay. On the back are the two following executions:—1, by George Gordoun on 3d December 1627 against Mr. James Steuart, James Creychtoun (John Narne here interlined) and William Fyff, also Mr. Patrik Lindsay, Mr. Ramsay and John Auchterlonie, all personally apprehended, witnesses, Thomas Mowatt, Hew Lawder, John Fraser, Alexander Dewar, and Pett Congiltoun; and 2, by Andro M^cKy on 10th December 1627 against the Commissary of Murray and his clerk [here “Hew Falconer” has been first written as commissary and “Mr. John Hay” written over his name, and “Mr. Gavin Douglas” has been written in as clerk, but “Nicolas Dunbar” is superimposed, and there still stands uninterfered with] “Mr. John Hay, procurator fischall,” also against Andro Fraser, Alexander Logane, Mr. Alexander M^cKenzie, William Lawder and Andro

Execution by
George
Gordon
against Mr.
James Stewart
and others.

And by
Andro M^cKay
against the
Commissary of
Murray and
others.

Moresoun, all personally apprehended, witnesses, William Charterhous, George Sudy and Fredrik Blackie.

5. " At Jedburghe the nyntein day of Julij the yeir of God j^m vj^c and twentie sevin yeiris. The quhilk day we his Majesteis Justicis of Peace within the shireffdome of Roxburgh being convent anent ane commissioun direct to us be your lordschipis for tryall of the pryceis of nolt, scheip and wooll, and efter dew tryell and voitting to our knowledge and utheris estimatis the pryceis of oxin to be at twentie fowr pundis and threttie pundis, the pryceis of ky to be at twentie pundis and auchtein pundis, the pryceis of wodderris at sevin merkis and aucht merkis, the pryceis of yowis and lambis at thrie pundis threttein schyllingis fowr pennys and fowr pundis, the pryceis of the hoggis at fowr merkis and thrie pundis ; the pryceis off wooll, viz. quhyt wooll, at aucht pundis the stayne and laid wooll at sex pundis the stayne. This we wndersubscryvand doe testife be thir presentis, subscryvit with our handis day, yeir and plaice foirsaidis. (Signed) Williame Douglas off Bonnjedward, W. Ker of Lintoun, Thomas Turnbull of Mynto, James Pringill, fear of Bukholm. [Addressed] To James Prymrois, Clark to the Lordis off his Majesties Privie Counsell, thess."

Jedburgh, 19th
July 1627.
Report to the
Council by the
Justices of
Peace within
the shireffdom
of Roxburgh
anent the
prices of cattle
sheep, and
wool.

6. " At Linlithqw the sewint day of August 1627. The quhilk day for obedience of the letter send be the Lordis of his Majesties Counsell to the Justices of Peace within the shirefdome of Linlithqw anent the adwerteisment of the saidis Lordis of his Majesties Counsell anent the pryces of woll, nolt, scheip and cattell within the said shirefdome, eftir mature deliberatioun taine be the saidis justices presentt thairanent declairit thir pryces following to be the ordinar pryces of the guidis following as they give presentlie and hes giffin since the begining of Maij last, viz. oxin xl li., l merk, xl merk ; yeir auld stirkes x merkis, vj li., v li. ; twa yeir auld xij li., x li., viij li. ; the staine wecht of woll, xij li., x li., vj li., viij merk. As for the scheip thair ar nane or few that comes to our mercatt to be sauld. In witnes quhair of thir presenttis ar subscrivit be Johne Dundas of Newlistoun, conveinar of the saidis Justices, and in thair name. (Signed) J. Dundass off Newlistoun."

Linlithgow,
7th August
1627.
Report by the
Justices of
Peace within
the shireffdom
of Linlithgow
to the Council
anent the
same.

7. " The Justice Court off the shirefdome off Kyncardin, haldin in the Tolbuith off Stanehavyn, the sevnt day off August 1627 yeiris be the Justices of his Majesteis Peace, beinge ther quarter sessioun. The quhilk day Schir Robert Arbuthnot of that Ilk, knicht, conveynar off the saidis Justicies within the said shirefdome, in ther presenss and uther gentilmen convent for the tym, red the letter directed from his Majesteis Counsell for tryall off the pryces of cattell, scheip and voullis within the marcattis off this cuntrey this yeir, willing the saidis Justices and uther gentilmen present to tak ane inquire and mak

Stonehaven,
7th August
1627.
Report by the
Justices of
Peace within
the shireffdom
of Kincardine
anent the
same.

declaratioun theroff that ansuer might be reportit to the Counsaill for obedience of the said letter. Thay efter inquire and mature deliberatione with wniforme consent declairit the pryces of oxin, kye and uther cattell of all sortis to haiff bene moir exhorbitant this yeir nor any yeir preceidinge; for the oxin that formarlie wald haiff bene coft for tuentie tuo or tuentie thrie poundis, hes giffin this yeir in the mercattis fyftie merkes at least and the kye fourtie merkis; and all uther sort off younger cattell conforme to ther worthis in deartht accordinglie, swa that therby it is thocht be appeirance the pur men laboraris salbe forcit to quyte ther tillage gif remeid be nocht provydit speidalie. As to the pryces of scheip and woull ther is no gryt differrence found theroff in the mercattis this yeir fra the last and former yeiris preceding, bot the quantatie therof being moir plentifull in dyveriss utheris partis of this kingdome nor they ar heir, remittis the declaratioun concerninge the pryces therof to the sufficiencie of thais quha hes the grytter plentie and abundance of the same. Thair can na forder inquire nor tryall be haid for the present concerninge the premissis for reportinge ansuer to the Counsaill. Extractit furtht off the Justices off the shirefdome off Kyncardin ther Court buik be me Lucas Symson, noter publict, ther ordyner clerk, as my subscriptioun following testifeis. (Signed) Lucas Symson, *No^{rius} pub^{cus} ac scriba dict. curie manu sua.*

Miscellaneous
Papers.

Perth, 7th
August 1627.
Report by the
Justices of
Peace within
the sheriffdom
of Perth and
the stewarties
of Strathearn
and Monteith
anent the
same.

8. "The quarter session of the Justices of Peace within the shirefdome of Perth, stewarttreis of Stratherne and Menteach, haldin at the burgh of Perth the sevint day of August, being the first Tyisday of the said moneth the yeir of God j^m vj^c tuentie sevin yeiris, be Alexander, Bischop of Dunkeld, etc., as the roll therof bearis. The quhilck day the Justices present, for obedience of the lettir directit be the right honorable Lordis of his Majesteis Secreit Counsell to thame the first day of May last bypast concerning the ordinar prices of woll, oxen, cattell and scheip of all sorttis at the particular marcattis within the boundis of thair office fra the beginning of the said moneth of Maij last to this present day of thair meitting, and for sending ane trew report thairof in wreitt thairanent under thair handis to the saidis Lordis upon the tuentie nynt day of August instant, to the intent that accordingly ordour may be takin for publisching the reullis of restraint or transport of these commoditeis. After long conferrance and informatioun hade and takin concerning the premissis, Findis and declaris that the ordinar prices within the boundis of thair office sen the beginning of May last to this date present hes bene of the best sort of cleane woll tuelff pundis money the stane wecht, uther woll cleane and not tarrit, ten pundis the stane, the best drawing ox threttie thre pundis sex schillingis aucht pennyis; ane midling ox tuentie sex pundis, threttene schillingis four pennyis, the smallest sort

miscellaneous
papers.

of oxen tuentie pundis; ane gude milk kow with hir calf tuentie four pundis money, ane midling kow tuentie pundis, and the commone sort of ky sextene pundis; ane gude wedder schein four pundis, ane yow and ane lamb, thre pundis sex schillingis aucht pennyis money. In witnes quhair of we Justices of Peace haif subscriyvit thir presentis. Extractit furth of our Register of Recordis be our clerk of peace at our command. (Signed) Dunkeld, Patrik Oliphant, J. Hay of Keillour, T. Balthyok, Ogilvie, D. Inermey, J. Moncur of Kilmonth, D. Carmichael Balmedie."

9. "My Lordis, The Justices of his Majesties peace being convenit at Cupar in Fyiff in ther last quarter Sessione for resolving to give ansuer to your lordship of the letter direct be your lordshipis to them anent the pryces of woole, nolt and scheepe, after they war deliberatlie advysit thairupon they ordanit that I sould returne ansuer to your lordship declairing that the pryces of the goodes afoirsaid as they have bene these many yeiris bygone for the present ar at ane verie deir rait, and lyiklie so to continow then to become chaipper, wyles some goode course be takin for preventing thair of. Swa humblie taking my lieve I remayne, Your lordshipis humble servand, (Signed) S. Jo. Wemyss of y^t Ilk. Wemyss xj August, 1627. [Addressed] To my verie honorabill good lordis, the lordis of his Majesteis most honorabill Previe Counsell."

Wemyss, 11th
August 1627.
Report by the
Justices of
Peace in Fife
anent the
same.

10. Report of "the Comissioner Cowrt of the Justices of Peace being the quarter sessioun of the shirefdome of Selkirk," held in the Tolbooth there on 13th August 1627 by Sir James Pringill of Galashiels, knight, there being present with him Sir John Murray of Philophawche, knight; Andro Ker of Yair; William Elliot and John Fletcher, bailies of Selkirk, with William Kein, officer, and James Elliot, dempster; in answer to the Council's letter as to the prices of wool, oxen, cattle and sheep in their bounds since the beginning of May last, viz:—"The best oxin at tuentie fowre pundis the pece; the secound sort of yownger, les and smaller oxin, price of the pece, awchtein pundis; the milk ky with thair followeris of the best sort, awchtein pundis; and of the secound prices and les sort the pece, sextene pundis; the wedderis, the best sort the pece, fowre pundis, the secound sort fyve merkis the pece; the yowis and lambis price of the pece the best sort fyve merkis, the secound sort thrie pundis; the hoges the pece overheid fiftie shillingis; the lambis the pece overheid tuentie schillingis; the best sort of our Forrest woll, fyve pundis, the secound sort the staine fowre pundis," all money Scots. The Register bears to be subscribed by the Justices present, and this extract therefrom is attested by "Alex^r Wilkesone," notary and clerk of the said court.

Selkirk, 13th
August 1627.
Report by the
Justices of
Peace within
the sheriffdom
of Selkirk
anent the
same.

11. Original of royal letter approving the Council's watchfulness against

Bagshot, 17th
August 1627.

foreign ships, printed *ante* p. 44. Addressed to the Viscount of Diplin, Chancellor of Scotland, and the rest of the Privy Council. Marked at foot: "*xxix Augusti.*"

Miscellaneous
Papers.

Dumfries, 27th
August 1627.
Letter to the
Council anent
the prices of
wool, cattle,
etc., in Dum-
friesshire.

12. "My nobill Lordis, It pleissit your lordshipis give ordinance that ewerie schyre sould guve your lordshipis dew adverteisment how thair rewlit woll, oxin, kye, scheip and wther kynd of bestiall. According to your Lordshipis directiones we wndersubscryweand did meit and thair did tak inquisition and tryell of the just pryces, to wit, the oxin betwixt tuentie or tuentie twa pund the peice; the ky, betwixt saxtein or auchtein pund the peice, the young nolt at ane ressonabill pryce effeirand thairto, the weathers at ane hundrethe merk the scoir, the hoggis at fowr scoir merk the scoir; the wnlaid woll at aucht pund the staine, the laid woll at fyve pund the staine, the lambis at twentie fowr pund the scoir. This was all cowlid be done for the present till your lordshipis farther pleasour be knawin. This was done at Drumfreis the twentie sewin of August. Leiweing to trubill your lordshipis most humblie takis our leiwe, Your lordshipis humble serwandis, (Signed) Lag, Amisfeld, S. Robert Greirsoune, Conhaith, George Maxwell of Carnsalloche. Drumfreis 27 of August 1627. [Addressed] To the richt honorabill and my wery guid Lord, my Lord Chancellor, and the rest of the nobill Lordis of his Majesties Secret Cownsell." Sealed with small seal of Sir William Greirson, a shield bearing three fetterlocks, 2 and 1, with a mullet in the centre, and the initials on top and flanks, the latter indented S. W. G.

Stirling, 11th
September
1627.
Report by the
Justices of
Peace of the
shire of
Stirling anent
the prices of
wool, oxen,
etc.

13. Report by the Justices of Peace of the shire of Stirling that from the beginning of May last to August following 1627 the prices of wool, oxen, cattle, and sheep have been as follows:—"Ane stane of woll gude and ware" £12; "ane pleuche ox threttie pundis; pryce of ane decayit or faillit ox meit for feiding to slauchter, tuentie pundis; pryce of ane milkow with hir follower, tuentie-tua pundis; price of ane tua yeir auld stott or quoy, sextene merkis; pryce of the Hieland driftit kye overhead, auchtene pundis; pryce of the wedder overhead, foure pundis; pryce of the yow with hir lamb, thrie pundis, threttene s. iiij d.; and pryce of ane yeir auld hog, fourtie shillingis." Dated at Stirling 11th September 1627 and signed by Donypaice, Jhone Murray of Tuchadam, Johnne Erskyne, Ar. Somervell of Plaine, Tho. Bruce, ballie of Sterling.

Montrose, 13th
September
1627.
Letter to the
Council anent
the building of
forts at
Montrose.
See *ante*, p. 53.

14. "My most honourable Lordis, According to the directioun conteyned in your Lordshipis letters delyverit to us yesternicht, we have conveyit at Montrois this day and conforme to the warrand of your Lordshipis commissioun we have visite the boundis nixt adjacent to the toune of Montrois whair forts may be most commodiouslie built. Wee have

cellaneous
pers.

conferrit upoun the meanes for building thair of and upoun the supplie that may be expected from the cuntrey peopill. As for the places whair the fortis ar to be built we understand that befor they wer visite be Colonell Bruce and James Traill, and thairfoir we think it very necessar that your lordshipis suld direct thame to cum owir heir againe and designe the places and prescryve the forme of the fortis. As for the meanes for building thair of, in our judgment the same must be furnissit be the voluntar contributioun of the heretouris and burgessis within the shyres of Forfar and Kincardyn. We ar so straited be the schortnes of tyme that we ar not abill to wryte so determinate ane [answer] to your lordshipis as we wish; and thairfoir we have desyred [the] Provost of Montrois to cary thir presentis and withall to [acquaint] your lordshipis at greater lenth of all thingis that occurred in our con[fer]rence of this busines. So ceissing to interrupt your lordshipis more weightie affairis, we take our leive, and rest, Your lordshipis most humble servandis, (Signed) Carnegy, Lyone, A. Erskine, Bonytoun, D. Gardyne, R. Græme of Morphie, S. J. Carnegy, Athie, D. Guthrie of that Ilk, Fran, Ogilwe. Montrois the 13 September 1627. [At foot] 18 September 1627. [Addressed] To the richt honourabill,oure most speciall good lords, the Lordis of his Majesties most honourabill Previe Counsell." Sealed with a small seal of David Lord Carnegy—a shield bearing an eagle displayed and surmounted by the initials, D. L. C.

15. "My verie honourabill goode Lordis, I ressavit ane letter from your lordshipis desyring me to conveye the rest of the Justices of Peace of this schyre and at our meiting to devyid our selfis according to the presbiteries quhair we dwell for taking tryell of the number and qualitie of all the fensible persones alsweill to burghe as land within eache parochie. According to the desyre of the quhilk letter I convenit the rest of our number at the burghe of Cupar the xv of this instant, and have devydit the hail parochinis of this schyre among the Justices of peace within the same to the effect tryall may be takin conforme to the tenor and desyre of your Lordshipis letter. Swa humblie taking my lieve, I remaine your lordshipis humble servant, (Signed) S. Jo. Wemyss of y^t Ilk. Wemyss 16 September 1627. [Addressed] To my verie honourabill goode Lordis, the Lordis of his Majesties most honourabill Preve Counsell, This." Sealed with a small seal of Sir John's, a shield, quarterly, with a lion rampant in each, and surmounted by the initials, S. J. W.

Wemyss, 16th
September
1627.
Letter from
Sir John
Wemyss of
that ilk anent
the fensible
persons in the
shire of Fife.

16. Original of royal letter anent the exaction of the penal statutes printed *ante* p. 122. Addressed to the Viscount of Diplin, Chancellor of Scotland, and the rest of the Privy Council. Marked at foot: "22 November 1627."

Theobalds,
19th
September
1627.

Letter from Sir William Forbes of Monymusk, specifying the idle and maisterless persons within the parishes of Monymusk, Kintore, and Kennay.

17. "It may pleis your lordshipis that according to your lordshipis letters direct to the Justice of Peace of the schireffdome of Abirdeine for trying and fynding out of ydle maisterles men, and making of ane roll of thair names to be presentit to your lordshipis; according quhairunto it is trew that I, Sir Williame Forbes of Monymusk, knycht barronet, ane of the Justices of Peace of the schireffdome of Abirdeine within the parochins of Monymusk, Kintor and Kennay, assistit with the ministeris and soome of the elderis of the said parochines conforme to your lordshipis letters, inquiryt and socht out to haiff found the saidis idle and maisterles persones, did onlie find within the parochine of Monymusk Johnne Chrystie, wobster in Finzeauche, of the aige of threttie yeiris; Andrew Michell in Nether Balfosk of the aige of tuentie four yeiris; Williame Covane in Pitmunie, cowper, of the aige of thrittie four yeiris, James Elsmelie in Inver of the aige of tuentie yeiris, Williame Smithe somtymes frequenting within the parochine of Monymusk and somtymes in Cluny. And haiffeing proceidit forder in the samyne, inquiryt in the parochines of Kintor and Kennay could find nothing bot as the instrumentis takin upoun my proceidingis heirwithe inclosit beiris, quhairunto I remitt me, and attending your lordshipis forder directioun heiranent I sall evir remaine, Your lordshipis servitour, (Signed) Monymusk. [Addressed] To the richt honourabill and my verrie good Lordis, my Lordis of his Majesteis Privie Counsell, these."

Miscellaneous Papers.

Whitehall, 18th October 1627.

18. Original of royal letter authorising the admission of Sir Archibald Aitchison of Clancarnie as a member of the Privy Council, etc., printed *ante*, p. 107. Addressed to the Viscount of Diplin, Chancellor of Scotland, and the rest of the Privy Council. Marked at foot: "6 *Novembris* 1627."

Whitehall, 1st November 1627.

19. Original of royal letter warranting the meeting of the tithe buyers, printed *ante*, p. 267. Addressed to the Viscount of Duplin, Chancellor of Scotland, and the rest of the Privy Council. Marked at foot: "20 *Decembris* 1627."

Elving, 8th November 1627.

Letter from Robert Primrose to his father, James Primrose, Clerk of the Council.

20. "Sir,—Haveing considerit how requisite the blissing of a father is for a son, the consideratioun thereof hes moved me thus humblie to crave you pardone in that nather I craved youre blissing nor advise when I come from thense. Bot since so it pleased God not onlie to deprive me of the grite comfort I might haif had daylie to haif hard and seene of youre welfare, bot that thair is nothing now can so second my designes as the assureance of youre love and favour whilk I can not obtene bot by youre letter, I haif thairfore heirby tane the occasioun earnestlie to entreate you that you wald be so weele pleisit as to supplie that by a few lynes whilk at my departing wes deficient. As for newis

miscellaneous
papers.

I haif none bot that Wormiestoun¹ and the other tuo embassadouris wes verie honourable ressavd be the King at Darso. Thay wer mett with foure or fyve troupe of horsse. Upoun the morne thereafter thay wer ressavd be the King himself in his awne tent whair Sir Harie S^t George delyverit him the ordour of the S^t George, whilk he patt about his neck.² Within tuo dayes thairafter the King ressavd the ordour of the Gartour with the whole robbes, whilk after he had ressavd he knightit Sir Peter Young and Sir Harie S^t George and some Scottis colonellis, and then the whole ordounance bothe in the towne and the liggar played with thrie or foure thousand muskattis. Within eight dayes thereafter the King himself went towards Wormett³ with nyne thowsand men whilk after eight dayes siege he tooke in bot not without grite difficultie. Nather think I he had winne it, if he had not undermyndit the wallis. And so presooming of your fatherlie love that you will accept this as testimonie of ane humble hairt, I still continue with my prayeris unto God for the welfare of you and youris, as of that of youre loveing and obedient sone to deathe. (Signed) Ro. Prymrois. Elving,⁴ the eight day of November, 1627. [Addressed] To his verie loveing father, James Prymrois, Clerk of his Majesteis Privie Counsell of Scotland, these." Sealed with a small seal bearing a shield charged with a chevron between three primroses, surmounted by a helmet and mantling, and the initials, R. P."

21. "The sevynt day of November j^m vj^c and tuentie sewyn yeiris, the Fordoun, 20th November 1627. barrones, gentilmen and friehalderis within the shirefdome of Kyncardin being convenit at his Majesteis directioun to the publict wapyneschawinge of the said shirefdome, fand thame selfis woid and destitut of ane great number of wapynis offensiwe and defensiwe necessar for resistinge the wiolent incursioun of the forayne enemye so oft menassit and signifeit unto thame from his Majesties Counsaill. For remedie quhairof haweinge met at the Kirk of Fordone the tuentie day of November instant, they all with ane uniforme consent hes condiscendit that everie persone labouring and possessing ane pleuche of auld estent salbe furnischit with ane corslet or jack, ane heid peice, ane muscat, ane pick and ane sword, and everie cotter in the haille shirefdome with ane pick ane heid peice and ane sword, and ilk persone vorth ane thowsand merkes in stok nocht being ane laborer of the ground in quantate nocht equivalent to ane pleuche to be furnischit accordinglie as the housbandman abonewrittin labourer of ane pleuche in all respectis, and the persone vorth fyve hundrethe merkis to haiff ane muscat, ane pick, Convention of the barons, gentlemen, and freeholders within the sheriffdom of Kincardine anent the arming of fencible persons within the said sheriffdom.

¹ For the connection of Sir James Spence of Wormiston with Gustavus Adolphus, see Index to Vol. XIII. Cf., also, Gardiner's *England under Buckingham*, I., 4, 83, 138, 139.

² Sir Henry Saint-George (1581-1644), Garter King-of-arms, was joined (Sept. 23, 1627) in a Commission to present the insignia of the Garter to Gustavus Adolphus along with Sir

Peter Young and Sir James Spence.—Metcalfe, *Book of Knights*, p. 188.

³ Wormditt, which was taken by Gustavus on the 10th of October 1627.—Geijer, *History of the Swedes*, p. 250. Gustavus was now engaged in his second Prussian campaign, which had begun in May.—*Ib.*, p. 249.

⁴ Elbing.

ane heid peice and ane sword, and all uther personis of meaner qualitie quahatsunnever to be furnischt as the cotteris in maner abone expremit. And becaus it is generallie feirit that ordour may be gevyn be his Majesties authoritie to some particular persone for homebringinge and furnisching this hail kingdome witht wapynis quhairunto the lieges may be astrictit in byinge of the saidis wapynis being so brocht home, thairfoir the hail underscryveris desyris thame selftis to be frie off ony sic impositioun that may be imposit wpone thame in caice it sall occur, and that be ane speciall warrand from the Counsaill, wtherwayes this present act to be null and extinet in itself for no reasone war that they sould be double taxt. Subscrivit as followes:—At Fordoum day, monethe and yeir foirwrittin, S^r Robert Arbuthnott off that Ilk, S. Alex^r Falconer off Halcartoun, S. T. Burnet of Leyis, Allardes of that Ilk, S. R. Græme off Morphie, W. Douglas off Glenbervy, S. Robert Arbuthnot, J. Strachane, David Barclay of Matheris, David Rait of Halgreyne, Patrik Falconer of Newtown, David Ramsay of Balmane, J. Stratton, James Allardes, Joⁿ Barclay, Alex^r Keytth, J. Arbuthnot, William Raitt, A. Lyndsay, Johne Douglass, Johne Douglas of Barras, S. J. Burnet, J. Arbuthnot, M. Ro^t Stratō, M. P. Sibbald, Buchane. Extractit furtht off the Justice Court Book of the shirefdom of Kyncardine as the just and perfyte double of the act abonewrittin be me Lucas Symson, notar, clerk therunto, as my subscriptione following testifeis. (Signed) *L. Symson, scriba.*

Miscellaneous
Papers.

Edinburgh,
28th November
1627.

Letters of
Summons
against Sir
John Stewart
of Methven
for failure in
the proper
keeping of
Dumbarton
Castle.

See *ante*, p. 131.

22. Letters of Summons against Sir John Stewart of Methven, knight, captain of the castle of Dumbartane, to compear before the Council at Holyroodhouse on 7th February next to answer for failure in his obligation for proper keeping of said castle. As he is forth of the kingdom, he is to be charged by open proclamation at the market cross of Edinburgh and at the pier and shore of Leith. Dated at Halyruidhouse 27th November 1627 and signed Ja. Prymrois (L.S.). A note on the back states that on 30th November Thomas Patersone read the letters at the market cross of Edinburgh; witnesses, John Stirling, messenger, and Magnus Mowat, indwellers in Edinburgh; and on the same day at the pier of Leith; witnesses, William Kilpatrik, mariknmaker, burgess of Edinburgh, and Thomas Mowat, messenger. Also noted on margin that on 7th February 1628 Sir John Stewart was absent. "Decernes."

30th November
1627.

Note of
execution of
the foregoing.

23. Note of Execution of the foregoing by Thomas Paterson (1) as noted above—and also (2) on 5th December at the Castle of Dumbartane, where he left a copy of the summons upon the gate; witnesses, David Young, porter of the said castle, and John Jamisoun, servitor to James Stewart, merchant burgess of Glasgow. Both are signed "Tho. Patersone, messinger," and stamped "T. P."

Miscellaneous
Papers.

24. Letters of charge against Mr. Alexander Hammiltoun of Kinglas, Alexander Bruce and John Adie in Caribdin, masters and owners of the coal and salt pans of _____; Alexander Guidlat, chamberlain and grievq to Alexander, Earl of Linlithgow, of his coal heughs and salt pans of Airth: Alexander Schaw of Sawchie, owner of the coalheugh thereof; George Bruce of Carnock, master of the coal heugh and salt pans of Culros and Kincardin; Sir John Blacader of Tulliallane, owner of the coal heugh and salt pans thereof; Margaret Forbes, Lady Torrie, present possessor and owner of the coal and salt pans thereof; Sir John Weymes of that Ilk, and Sir George Hammiltoune of Blaikburne, owners of the coal heughs and salt pans of the burghs of Dysert and Weymes; George, Earl of Wyntoun, Samwell Johnestoun of Elphinstoun, Sir John Hamniltoun of Prestoun, Robert Hammiltoun, his brother, George Fawsyde of that Ilk, and Mr. Simoun Ramsay of Quhythill, masters and owners of the coal heughs and salt pans within their bounds, on pain of rebellion, to compear before the Council at Holyrood on 9th January next, and account for their diligence in the uplifting of the imposition of two shillings upon every ton of coal or salt exported by them from and after the 18th September last, when the Act of Council was made that such tax should be levied by the coal and salt owners on both sides of the Water of Forth from the bridge of the burgh of Stirlne to Beruick (see *ante* p. 72) to defray the expense of the building of forts and block houses on the Forth. Dated at Halyruid-house 11th December 1627. (L. S.) Signed Ja. Prymrois. Noted on margin, "*Decimo Januarij* 1628. Continewis the mater till Colonell Bruce his reporte and judgement be knawine anent the expedencie of fortifeing of Incheharvie, and ordanis the partie to be wairmit before any thing be resolved or concluded thairin."

Holyrood House, 11th December 1627.
Charge to Mr. Alexander Hamilton of Kinglas and others to appear before the Council, and to give account of their diligence in enforcing the Act of Council anent the tax on every ton of coal and salt exported on both sides of the Water of Forth.

25. Note of executions by William Sandelands, messenger, of the foregoing letters (1) on 14th, 15th, 16th, 17th, 18th, 19th, 20th, 22d and 27th December 1627 against Mr. Alexander Hamiltoun of Kinglas (*p*), Alexander Bruce (*p*) and John Adie in Carrin (*ab*), Alexander Schaw of Sawchie (*p*), George Bruce of Carnok (*p*), Sir John Blacader of Tulliallane (*p*), Sir John Weymes of that Ilk (*ab*), Samuell Johnestoun of Elphinstoune (*ab*), and Sir John Hamiltoun of Prestoune (*ab*), all personally apprehended: witnesses, Robert Logane and John Hart, messengers; John Colzear, skipper burges of Kirkcaldie, and Patrick Keir, burges of Culross: (2) on 14th, 15th, 16th, 20th, 22d, 27th and 29th December 1627 against Alexander Guidlet (*p*), at his dwelling house in the Panes of Airth, Margaret Forbes (*x*), Lady Torrie, at her dwelling house in Torrie, George, Earl of Wintoune (*ab*), at his dwelling place in Seytoune, Robert Hamiltoune (*ab*) bailie of Prestounpanes, at his dwelling house there, and George Fawsyde (*ab*) of that Ilk, at his dwelling house there,

14th-20th December 1627.
Note of executions of the foregoing letters.

¹ Marks apparently of presence or absence, at the calling of the case before the Council.

whom he could not apprehend personally, but he left copies of the charge at their said dwelling places; witnesses, Alexander Brok, Patrick Schort-hous in Fawsyd, Andro Horne and David Horne, his son, in Torriburne, and others. Both are signed W^a Sandelandis, mess^r, and stamped W. S.

Miscellaneous
Papers.

Leith, 15th
December
1627.

The Arch-
bishop of St.
Andrews to the
Clerk of
Council anent
a Jesuit priest
warded in the
Tolbooth of
Edinburgh.
See *ante*, pp.
132, 136.

26. Rycht assurit freind, I am importuned by this Jesuit preist that is in the Tolbuith quho wes ordanit to be deteynit thair til a schip wes ready for his transport. Any man may consider that the poore man must be furnischit with cloaths and other thingis for his departure, and that his stave in the prison wil disable him to get his busines done. Thairfore if my Lordis Chancellar, Thesaurar and Privie Seal think good, I wold be of the opinion that he mycht be freed to remain in his sisters house, the bearer heirof, til the schip wer in readynes; and wold think it very meet that thair Lordships suld direct ather a letter or charge to render his horse and manteux that he complynis wer takin from him, for I wold not we had ony of thair goodis. The messeclothis and such like as I haif told them selves cannot be restored, So it wil please yow schew my opinion to thair Lordships, quhich I submit to thair better judgmentis, and so rests, Your very assurit freind, (Signed) Sanctandrowis. Leyth, 15 December 1627. [Addressed] To my very assurit good freind, James Prymrosse, Clerk to his Majesteis Privie Counsal.

Holyrood
House, 18th
December
1627.

Andrew
Davidson,
messenger in
Moffat, at the
horn for the
crime of
adultery and
non-appear-
ance before the
Council, is
charged to
appear here by
10th January
next.

27. Letters of charge against Andrew Davidsoun, messenger in Moffett, to appear before the Council on 10th January next at Holyrood on pain of horning. He had been cited before the Justice for the crime of adultery, and not compearing was denounced fugitive and rebel. However, on promising to go to the wars of Germany under the conduct of Alexander, Lord of Spynie, and not to return to Annerdail, the sentence was not only superseded, but a remission granted to him, notwithstanding which, to the abuse of the Council, he has not gone abroad, and has returned to Annerdail. Dated at Halyruidhous 18th December 1627. (L. S.) (Signed) Ja. Prymrois. On the margin is noted—" *Decimo Januarij 1628.*" Defender absent. Decernis.

20th December
1627.

The dog-
dollars.

28. Scroll of Acts of Council concerning the circulation of the dog dollars of this date, including the recommendation of the Lords of Council of 10th January 1628. (See *ante*, pp. 168, 181.)

Holyrood
House, 30th
December
1627.

Supplication
by Mr. Robert
Foules,
advocate, for
letters of
charge against
his vassals, etc.

29. Supplication by Mr. Robert Foules, Advocate, for letters of charge against his vassals, subvassals, ladies of terce,¹ conjunct fiars and liferenters of his lands of Friermure to pay to him their proportions of the taxations of 30s. imposed upon every pound land of old extent for

¹ "The terce (*tertia*) is a liferent competent by law to widows, who have not accepted of special provisions, in the third of the heritable subjects in which their husbands died infert." Erskine, *Principles of the Law of Scotland*, p. 219 (Edit. Rankine, 1890).

Miscellaneous
Papers.

each of the four terms payment of the taxation granted to his Majesty's late father in August 1621, and also of that granted to his Majesty in October 1625. On the back: "*Apud Halyrvidhous, penultimo Decembris 1627. Fiat ut petitur.*" (Unsigned.)

30. Note of execution on 4th January 1628 by Thomas Moffet, messenger, of letters of summons against Andro Davison, personally apprehended, to compare before the Council on a complaint at their Lordships' own instance; witnesses, James Moffet in Moffet and Thomas Donaldson, servitor to Mr. William Broun of Stewinstoun. Signed, T. Moffet, messr. Signet, T. M.

31. Copy of the Act of Council and proclamation against the Earl of Crawford, printed *ante*, p. 176. Signatures of Geo. Cancell^r, Hadinton, Roxburghe, and Buccleuche.

32. Extract of Act of Council anent the proposition by Mr. James Robertson, Justice Depute, printed *ante*, p. 181. Extracted by James Prymrois, Clerk of the Council. (Unsigned.)

33. Principal draft of the Act of Council concerning the ship of Lubeck cast away near Peterhead, printed *ante*, p. 189. Signatures of Geo. Cancell^r; Mar; Sanctandrews; Hadinton; Roxburghe; J. Arskyne; Naper; Hamilton; Thomas Hope; S. J. Traquaire. The Chancellor also signs a marginal addition on this draft.

34. Extract of the above Act of Council anent the ship of Lubeck by James Prymrois, Clerk of Council. (Unsigned.)

35. Petition by the advocates, clerks, writers, and other members of the College of Justice, as follows:—In the late taxation granted to his Majesty by the Estates at their Convention in October 1625, the petitioners offered to contribute rateably thereto as they had done in the former taxation, upon the conditions and provisions set down in the Act of Parliament thereanent. They are now ready to pay to his Majesty's collector of this taxation the sum of 10,000 merks in full satisfaction for all the four terms taxation both ordinary and extraordinary, and crave that an Act of Council may be passed to the effect that this voluntary offer and payment made by them shall not prejudice nor impair their liberties, privileges, and immunities in time coming. [On the back] "*Apud Halyrudhouse xv Januarij 1628. Fiat ut petitur.*" (Signed) Geo. Cancell., I.P.D.

36. Copy of the Act of Council with reference to the dog dollars, printed *ante*, p. 192. Signatures of Geo. Cancell^r, Sanctandrews; Mar; Hadinton, and Roxburghe.

- 22nd January 1628. William Park. 37. Original of royal letter in favour of William Park of Rosebery, printed *ante*, p. 203. At the foot: "By command, Ja. Galloway." Addressed on the back to the Earl of Monteith "our President" and the remanent Lords of Council. Miscellaneous Papers.
- 22nd January 1628. 38. Extract of the Act of Council, including copy of the King's letter appointing Sir John Stewart of Traquair keeper of the Castle of Dumbartane, printed *ante*, p. 200. (Signed) Jacobus Prymrois.
- 20th [?] 24th January 1628. Petition by William, Earl Marischal, and Dame Mary Erskine, Countess Marischal, to the effect that the commission granted to John Kinross to remove the Lübeck ship and its cargo from Peterhead to Leith is an infringement of the rights of Admiralty pertaining to the said Earl and Countess. See *ante*, p. 204. 39. Petition by William, Earl Marshaell, and Dame Mary Erskyne, Countess of Marshaell, for themselves and in name and behalf of their depute in the office of Admiralty after mentioned, as follows:—On a supplication given in to their lordships by the master of the Lubick ship, called the Saint Marye, lately cast away near the port of Peterheade, narrating how that this ship being taken by some merchant ships, and through miscarriage being lost as they were bringing her to Leith, their Lordships by advice of Sir James Baillie, for his Majesty's interest, gave a commission to John Kinross, Customar of Tobacco at Leith, to go to where the said ship was and use his best efforts for preservation of the cargo remaining in her, recovery of such part of it as had been stolen, and bringing the whole to Leith there to be sold, and the money made forthcoming to those having interest, and they commanded the said Countess of Marshaell to deliver up to the said John Kinross all of the said cargo that was in her custody for this purpose. With all dutifull respect the petitioners acknowledge their Lordships' "noble care towardis the honnour of the kingdome and satisfioun of pairtyis interested in the course of law and justice," and they will be assisting thereto so far as the duty of their places will warrant. Yet they cannot forbear to represent to their Lordships "the grite and irreparable prejudice whiche wee shall receive by the said commissioun if the samyne salbe sustenit and putt in executioun," which they urge has not been orderly obtained, seeing neither the said Earl Marshaell nor his deputy had been cited, as they should have been, because the said Earl has a gift from the deceased Ludovick, Duke of Lennox, great Admiral of this kingdom, with consent of his deputy in the said office, to himself for his lifetime and to his heirs and assignees for nineteen years thereafter, of "a full and laughfull deputatioun of the office of Admiraltie within the hail bounds of my proper landis lying contigue to the sea frome the Watter of Die to the Watter of Bamff, as lykeways frome the Watter of Die to the Watter callit North Ersk within the hail shiredome of Kincairdin" with power to him, and his deputes and substitutes under him to hold Admiralty courts within these bounds, administer justice in all actions and causes proper to such a judicatory and uplift all casualties and duties belonging to the Admiral by virtue of this office. He has for security hereof a tack from the said deceased Duke of

Miscellaneous
Papers.

Lennox of the foresaid office of Admiralty, which is engrossed in the said letter of deputation dated 22d July 1616, and registered 12th March 1618, and which he here produces. In virtue of this right he has ever since been in use to hold courts and cognosce upon "all maritime causse and seafaring materis betuix pairtye and pairtye" and to meddle with and appropriate to his own use the whole duties and casualties belonging to the said office. With reference to the incident now in question, in his absence, his lady and his depute in the said office, as soon as they received notice about the ship, went thither in virtue of his said right and for preserving the same, "and by thair power and auctoritie repressed the insolent multitude that wer preying upoun the ship and goodis, lightned the ship, and assured hir laidning to be furth-cummand to these who by course of law shalbe fund to haif best right thairto," for trial whereof they have already fixed their courts and cited parties. In what they have done and purpose doing they have "behaved thame selffes with that respect to the credit of the kingdome and due administratioun of justice that they deserve rather to be thanked by your lordships and strenthned in thair proceedingis then that my right and jurisdiction sould be thus summarlie quarrelled in thair persouns whose actionis hes bene warrantable as thair care is commendable." The Earle therefore craves the recall of the commission to John Kinross as having been granted without hearing of him or his deputy, the parties principally interested therein, procured by the partial suggestion of the skipper, and tending to the summary undoing of his said office, especially in respect of his absence. Moreover he and his deputy are always ready to be answerable to their Lordships for the lawful discharge of the duties of the said office, and with respect to this case in special they will make a report to their Lordships of their proceedings, which they promise shall be with due respect to justice and good conscience. [On the back] "*Apud Halyrudhouse, vijesimo secundo¹ Januarij 1628.* The Lordis having hard and considerit the petitioun within writtin, they ordane the commissioun formerlie grantit to Johne Kinross in the mater within mentionat to stand in force and to ressave executioun conforme to the tennour thair of without prejudice of the Earle Marshaell his right and possessioun of the saidis goodis whiche salbe noways impaired by the said commissioun; bot that it salbe lesome to the said Earle Mershaell and his deputtis, nochtwithstanding that the goodis ar ordanit to be transported and sauld heir to the best advantage, to judge and cognosce thairupoun in the burgh of Edinburgh or toun of Leyth als freelie and laughfullie as he might or could haif done in the place and boundis quhair the ship wes cassin away conforme [to] his right, quhairunto the commissioun foirsaid sall mak no derogatioun as said is. (Signed) Geo. Cancell', I.P.D.: Hadinton, Naper, Thomas Hope."

The Earle
Marischal to
come to
Edinburgh to
cognosce upon
the Lübeck
ship there.

¹ "Secundo" is deleted, but from the date of the Act in terms of this deliverance it is probable that "quarto" should have been substituted.

- 24th January 1628. John Kinross. 40. Copy of the Act of Council confirming the commission granted to John Kinross in reference to the petition of the Earl Marishal, printed *ante*, p. 204. Miscellaneous Papers.
- 26th January 1628. The Admiral of Scotland. 41. Original of Royal letter with reference to the privileges of the Earl of Linlithgow as Admiral, dated at Whitehall 26th January 1628, and printed *ante*, p. 208. At the foot: "5 February 1628." Addressed on the back to the Viscount of Duplin, Chancellor, and remanent noblemen and others of the Privy Council of Scotland.
- 31st January 1628. The Dunfermline fire. 42. Copy of the Act of Council appointing proclamation to be made of the final hearing of the Dunfermline fire accounts, printed *ante*, p. 210.
- January 1628. Order anent the herring fishing of Dunbar. 43. "*Apud Halyruidhous, die mensis Januarij* 1628. Forsameikle as the Lords of Secreit Counsell ar informed that thir diverse yeeres bygaine thair hes beene verie great disordours and confusioun among the fishers and cowppers of herring the tyme of the herring draive of Dumbar, and diverse insolenceis hes beene committit be thame als weill amongst thameselfes as upoun his Majesteis subjects that comes to attend and await upoun the fishing, not onelie be cutting, shaikeing and stealing of thair nighbours netts, beiruppis and bowes [buoys] under silence of night and stealing of the fishes being within the same, and be the persute and invasioun ane of another to the great disturbance and trouble of the haill flott, bot with that a number of thir fishers and cowppers, especiallie those of the north coast, doe carie away the herring taine be thame to the north coast without payment of assyse or teind, expresse aganis his Majesteis lawes and Acts of Parliament be the quhilk it is ordained that all slayers of herring and whyte fish sould bring the same to the nixt adjacent burrowes to the effect his Majesteis lieges might be first served and the rest salted and barrelled be free burgesses; quhairthrow not onelie is his Majestie defrauded of his assyse, rent and custome and the subject frustrat of the benefite of the sea appointed be God for thair nourishment, bot the burgesses and free men of burrowes ar disappointed of thair traffique and commoditie; and if this misordour be suffered to be of continewance manie inconveniences will fall out to the hurt of the commounweale: Thairfoir the Lords of Secreit Counsell ordanis letters to be direct to command, charge and inhibite all and sindrie fishers, cowppers of herring attending the herring draive and fishing at Dumbar be opin proclamatioun at the mercat croce of Dumbar and at the peere and shore thairof and be opin proclamatioun at the mercat croces of Mussilburgh, Craill, Anstruther, Pittinweyme, and others plaices needfull, that nane of thame presoom nor take upoun hand to weitt thair nettis, losse or sell anie of thair herring till first they come to the Admirall, his deputs or clerk

Miscellaneous
Papers.

resident at Dumbar for the tyme and give up unto him the name of the awner and skipper of thair boate, and that they find caution to keepe good ordour the tyme, of the fishing and that they sall make payment of his Majesteis assyse, the teind and other dewteis payable be thame before anie pairt of the said herring be sauld or bought under the paine of twentie pundis to be payed be the awner of the boate if he be present, and if he be absent, be the skipper, by and attour the reparatioun of all wronges done by thame to anie of his Majesteis subjects, and by and attour the payment of his Majesteis assyse, teind and uthers dewteis foresaids; and siclyke to command, charge and inhibite the saids fishers and cowppers of herring that nane of thame presooome nor take upoun hand to losse thair herring in hail nor in pairt, and that na merchant buy anie of the said herring till first the saids cowppers and fishers come and desire teinding, and that accordinglie the assyse, teind and uthers dewteis be payed be thame, under the said paine of twentie pund to be incurred be everie persoun contraveening this Act, by and attour the payment of the said assyse, teind and uthers dewteis foresaids; Certifeing thame that sall failyie and doe in the contrare heerof that they sall be decerned to haive incurred and to incurre the said paine of twentie pundis by and attour the payment of his Majesteis assyse teind and others dewteis foirsaid payable be thame and reparatioun of the wrangs to be done to pairteis greeved; And executioun sall passe aganis thame for this effect in forme as effeirs. For the quhilk act of caution sua to be made be thame in the Clerkes bookes as said is thay sall onelie be haldin to pay to the Clerk aucht penneis money for his paines, and if the Clerk sall exceid the said sowme and sall exact anie forder payment or fees for his act nor aucht penneis, it is heereby declairit that he sall incurre the sowme of ten pundis money for everie failyie to be committed be him in exacting of forder payment and fee for his Act nor aucht penneis, and executioun sall pas aganis him for payment thair of in forme as effeirs."

44. "*Apud Halyruidhous quinto die menseis Februarij 1628.* Forsa- Holyrood
meekle as the King's Majestie with advice of the Lords of Secret House, 5th
Counsell, haiving upoun verie considerable and good grounds highlie February
concerning his Majestie in honnour and justice formerlie dischairgit the 1628.
importatioun of Frenshe wynes within this kingdome outhir in Scottish, Order anent
English, Fleemish or other straingers vessells and boddoms, frome the importa-
tion of French
whatsomever pairts beyond sea under the paine of confiscatioun of the wines.
saids wynes and of the shippes and vessells whairin the same sall be *See ante*, p. 221.
imported as in the Act and proclamatiouns made and publist to that
effect at lenth as conteanit. And whairas the ground and caus whair-
upoun the said prohibitioun and discharge wes made yitt continowes,

his Majestie hes thairfoir thought meete and ordanis that the said discharge sall lykewayes stand in force and that no Frenshe goods whatsomever sall be brought within this kingdome in whatsomever boddoms at anie tyme heerafter whill his Majesteis forder pleasure be knowne. And if anie suche Frenshe goods sall be imported or be taiken be anie of his Majesteis subjects of this kingdome that his Majesteis Admirall for the tyme sall adjudge the same as laughfull pryze. And thairfoir ordanis letters to be direct to make publicatioun heerof, and to command, charge and inhibite all and sundrie his Majesteis lieges and subjects whatsomever and all strangers be opin proclamatioun at all plaices needfull that nane of thame presooome nor take upoun hand at anie tyme after publicatioun heerof to bring within this kingdome in anie Scottish or straingers vessells or boddoms anie Frenshe goods whatsomever frome anie pairt beyond sea under the paine of confiscatioun of the same goods and of the shippes and vessells whairin they sall be imported togidder with all the moveable goods perteaning to the importers thairof besides the punishment of thame in thair persouns at the arbitrement of his Majesteis Counsell. (Signed) Geo. Cancell^r; Hadinton, Wintoun, Perth, Roxburghe, Lauderdaill, Carnegy, Naper, S. R. Melvill, S^r J. Scottistarvett.

Miscellaneous
Papers.

Holyrood
House, 7th
February
1628.
Warrant to
the Commis-
sioners of the
Middle Shires
for the arrest
and imprison-
ment of
persons excom-
municated for
recusancy,
adultery, and
other crimes
within the
Stewartry of
Annandale.

45. *Apud Halyruidhous septimo Februarij 1628.* Forsameekle as the Lords of Secreit Counsell, haiving heard the greevous complaints exhibite unto thame be the ministers within the Stewartree of Annandall tuiching the lawlesse contempt of a number of refractarie persons within these bounds, who being excommunicat for recusancie, adulterie and others nefarious crymes, most obduratlie stands out aganis the ordours of the Church, refusing to give obedience to the discipline thairof; which being a mater of verie bad exemple, dishonourable to God, scandalous to the trew religioun and disgraicefull to his Majesteis royall and Christiane government, Thairfoir the saids Lords for reclaiming of suche disordourlie livers to the obedience of the law and for maintenance of Gods trew worship and discipline of the Church in the full strenth and integrite thairof hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun to the commissioners of the Middle shyres, with the Lord or Maister of Hereis, James Johnestoun of that ilk, and Robert Crichtoun, Stewart depute and baillie to the Erle of Annandaill, and to ilke ane of thame conjunctlie and severallie to pas, searche, seeke and taik all suche excommunicat persouns within the said Stewartrie, whois names sall be delated and givin up unto thame be anie of the ministers within the saids bounds whairevir they can be apprehendit, and to committ thame to waird withip the jayle of Dumfreis thairin to remaine upoun thair awin expenssis ay and whill they have satisfied the Church and procured thameselfes absolved frome

Miscellaneous Papers. the sentence of excommunicatioun: With power lykeways to the saids commissioners and the others foresaidis to command and give warrand to the maisters and landslords of the ground quhair the saids excommunicat persouns doe dwell to take and apprehend thame, and to bring, present and exhibite thame to the saids commissioners or anie of thame to the intent they may be committit in maner abone prescryvit, the saids landslords being alwayes required to that effect be the minister of the parish in presence of twa witnesses: and incaice of the saids landslords thair refusall to doe thair diligence in taiking of the saids excommunicat persouns, they being laughfullie required, thairto as said is, or of the saids commissioners thair negligence or slacknesse in the executioun of what is committed to thair charge, the saids Lords declairs that the saids commissioners and landislords sall be callit to thair ansuer upoun thair dissobedienc and punished thairfoir according to the merite of thair fault. Commanding heereby the provest and bailleis of Drumfreis to ressaive and committ to waird within thair tolbuith all suche excommunicat persouns as fra tyme to tyme sall be brought or directed to thame be warrand frome anie of the saids commissioners, and to keepe thame in sure firmance till thay be ordourlie releevd as the saids provest and bailleis will ansuer upoun the contrair at thair highest charge and perrell; and that letters of publicatioun be direct, etc. (Signed) Geo. Cancell^r. Mar, Roxburghe, Perth, Lauderdaill, Melvill, Carnegy.

46. " At Halyruidhous the twelffe day of Februar the yeere of God Holyrood House, 12th February 1628. j^m vj^c and twentie aucht yeeres. Anent [the petitioun presentit to the Lords of Secreit Counsell be the foure extraordinar Lords of the Sessioun and the Advocats, clerks [wryters] to the Signet and thair servants, and remanent members of the Colledge of Justice, makand mentioun that [whair]in the taxatioun grantit to the lait King of blessed memorie in the Parliament holdin at Edinburgh in the moneth of [August] 1621, thair wes ane speciall article conceaved in favours of the extraordinar Lords and members of the [Colledge] of Justice, proporting that thair willing offer to contribute to the payment of that taxatioun sould not prejudice [nor] impaire thair liberteis, priviledges nor immunitis at anie tyme thairafter, bot that thair saids priviledges [and in]muniteis sould be kepted and observed to thame and thair successours in all tyme comming unprejudged by the said [offer], as the said Act of Parliament beares. At the whilk tyme the saids foure extraordinar Lords wer not than of the nom[ber] of the extraordinars, and sua wer not subject in payment of anie part of that taxatioun, but the Advocats, clerks, wryters to the Signet and remanent members of that Colledge made ane offer [for] thameselfies anent thair pairts of the said taxatioun: Whilk offer the said Lords acceptit in full payment of thair parts of the said taxatioun both ordinar and extraordinar for all the termes payment Offer of the four extraordinary Lords of Session to pay eleven thousand merks towards his Majesty's taxation on condition that they be liberated from all further contribution to the said taxation. See ante, p. 228.

thairof upoun the provisious and conditionis sett doun in the said Act of Parliament. And in this present taxatioun grantit to his Majestie in the moneth of October 1625 the said extraordinar Lords wer not subject to the first termes payment thairof becaus in that terme thay wer of the ordinar number of the Lords of that Sessioun, and sua thay were onelie lyable to contribute in the subsequent termes of the said taxatioun. And whairas thay have a lyke interesse in this bussines with the advocates, clerks, wrytters and remanent members of that Colledge, they all concurring togidder for testificatioun of thair most humble and dewtifull affectioun to the forderance and advancement of his Majesteis royall and princelie adoes, doe offer by these presents the sowme of ellevin thowsand merkes money of this kingdome in full satisfioun of all thair pairts of the said taxatioun both ordinar and extraordinar for all the foure termes payment of the said ordiner taxatioun and eight termes paiment of the said extraordinar taxatioun upoun the provisious and conditionis mentiouned and conteaned in the said Act of Parliament and conforme to the tennour thairof; Humblie thairfore desiring the saids Lords to accept of the said offer as a pledge and token of the said supplicants thair benevolence and thankefull hearts to his Majestie, and to dispense with thame for not making of the said offer in dew tyme, and that thay might have ane Act of Counsell extendit heerupoun in maner and to the effect underwrittin, lykeas at nair lenth is conteaned in the said supplicatioun. Quhilk being heard and considerit be the saids Lords, and thay being thairwith weill advised, the Lords of Secreit Counsell hes accepted and be the tennour of this present Act accepts the said offer of ellevin thowsand merkes made be the saids supplicants in maner foresaid as a pledge and token of thair benevolence and thankefull h[earts] to his Majestie; and the saids Lords hes dispensed and be the tennour heerof dispenses with thame for not making of the said offer in dew tyme the caus whairof thay ar surelie informed proceedit frome the weakenes and inabilitie of a great number of the members of the said Colledge who ar not able to contribute in this earand, sua that the remanent members of the said Colledge wer constrained to supplee the defects and wants of [thair] poore brethrein be laying of thair parts upoun others of thair number. And the saids Lords declairs that [this] thair offer and payment of ellevin thowsand merkes upoun the provisious and conditionis mentiouned in the said Act of Parliament sall liberat thame frome all forder payment and contributioun in this taxatioun heerafter; and that the provisious and conditionis mentiouned in the said Act of Parliament sall stand firme unto thame notwithstanding of this thair offer and payment. *Extractum de Libris Actorum Secreti Consilij Supremi Domini Nostri Regis per me Jacobum Prymrois clericum ejusdem sub meis signo et subscriptione manualibus."*

13th February
1628.

47. Petition referred to in the immediately foregoing Extract Act of Council, which is in substance the petition changed from first

Miscellaneous
papers.

person to third person. [On the back] "*Apud Halvgrudhous duodecimo Februarij 1628. Fiat ut petitur.* (Signed) Geo. Cancell^r, I.P.D.

48. Petition by the barons, gentlemen and freeholders of Kincairdin-shire, as follows:—At the last weaponshawing of the shire they found that the inhabitants were not sufficiently armed as the defence and honour of the kingdom required, and to remedy this defect so that they might be able to stand to their own defence in case of a foreign invasion they had agreed among themselves that all the inhabitants should be armed as follows:—"Everie persoun possessing and labouring ane pleuche of ground of auld extent sall be furnished with a corslet or jacke, a heid peece, a muskett, ane picke and a sword, and everie cotter within the said shirefdome with ane picke, ane heid peece and a sword; and ilk persoun worth a thowsand merkes in stocke not being ane labourer of the ground in quantitie not equivalent to a pleuche to be furneist as the [husband]man abonewrittin, labourer of a pleuche in all respects, and everie persoun worth fyve hundreth merkes to be furneist with a muskatt, a picke, a heid peece, and a sword, and all other persons of meaner qualitie quhatsoever [ar] to be furneist as the cotters in maner abonewrittin." They are taking means to procure the said armour but fear that after this has been done some general course will be taken for arming the whole kingdom, and that they will be required to conform thereto and buy new armour from such as are then appointed. They desire to be assured against this and crave that an Act of Council be passed exempting them in such a case. [On the back] "*Apud Halvgrudhous duodecimo die Februarij 1628. Fiat ut petitur.* (Signed) Geo. Cancell^r, I.P.D.

12th February
1628.

Petition by
the barons,
gentlemen, and
freeholders of
Kincairdin-
shire anent the
arming of the
fencible men
of the said
shire.

See *ante*, p. 228.

49. Original of royal letter with reference to Sir Alexander Gordoun of Cluny and others, printed *ante*, p. 228. Addressed on the back to the Viscount of Duplin, Chancellor, and remanent noblemen and others of the Privy Council of Scotland.

12th February
1628.

50. Original of royal letter with reference to the Admiralty of Orkney, printed *ante*, p. 281. At the foot: "*Productum, xxv Martij 1628.*" Addressed on the back to the Viscount of Duplin, Chancellor, and the remanent members of Privy Council.

19th February
1628.

51. Copy of the Act of Council appointing Simon, Lord Fraser of Lovatt, sheriff principal of Inverness, printed *ante*, p. 236. Signed by Geo. Cancell^r, Mar, Wintoun, Roxburghe, Carnegy and Hamilton.

26th February
1628.

52. Copy of the Act of Council in favour of William Dick and William Gray anent the Lubeck ship, printed *ante*, p. 238. Signed by Geo. Cancell^r, Mar, Wintoun, Roxburghe, Carnegy, Hamilton.

26th February
1628.

- 26th February 1628. Petition by Mr. Patrick Grant, minister at Abernethie, as follows:—
 On last Mungo Grant in , and John Grant and Thomas Grant, lawful sons to John Grant in Nether Connegas, came by way of hamesucken, armed with swords, whingers and other weapons, to petitioner's dwelling house and manse of Abirnethie, where he was for the time "deteanned with great sickenese," and breaking up his doors, loosed his cattle and put them out to stray where they pleased, abused himself with "contumelious speeches," and pursued and wounded his servants with their drawn swords, to the great effusion of their blood. He therefore craves summons against these persons. [On the back] *Apud Halyruidhous xxvj^o Februarij 1628. Fiat ut petitur.* (Signed) Geo. Cancell^r, I.P.D. Miscellaneous Papers.
- 28th February 1628. 54. Copy of the charge against the teind sellers within the sheriffdom of Edinburgh, printed *ante*, p. 247.
- 28th February 1628. 55. "At Halyruidhous, the penult day of Februar 1628. Forsameekle as it is understand to the Lords of Privie Counsell that thair is some appearance of trouble and unquyetnes lyke to fall out betuix Walter Scot of Midsheills, Adame Scot, his sonne, Adame Scot of Burnefutt, Williame Scot, smith in Hawick, and Adame Scot, his brother, on the ane pairt, and Thomas Trumbill in Know, and Walter Trumbill thair, on the other pairt, whilk will procure great trouble, and draw on sindrie inconveniences to the breake of his Majesteis peace without remeid be provydit: Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging both the saids parteis to compeir personallie before the saids Lords at Halyruidhous or whair it sall happin thame to be for the tyme upon the day of to underly suche ordour as sall be tane with thame for keeping of his Majesteis peace, under the pane of rebelloun, etc. with certificatioun, etc.
- 28th February 1628. 56. Petition by William Trotter, merchant burghess of Edinburgh, as follows:—Five months ago he had a great part of his stock and estate lying in the Low Countries, and not finding occasion to make a return thereof with the commodities of these countries he directed his factors there to procure wines. This was prior to the proclamation prohibiting the importation of French goods, and his factors have sent him 70 tuns of wine or thereby which arrived in the road of Leith yesternight. In ignorance of the foresaid proclamation, and thinking that last year's warrant for selling the French wines brought home would secure him from trouble, he had given the foresaid instructions to his factors, and he craves warrant from their lordships to sell his wines without danger of the penalty. [On the back] "*Apud Halyruidhouse. penultimo. Februarij 1628. Fiat ut petitur,* the supplicant finding

Miscellaneous
Papers.

cautioun for the pryces of the wyne in case it be found that they wer boght be ordour frome him since the last prohibitioun of inportatioun of Frenshe goodis within this kingdome. (Signed) Geo. Cancell^r, I.P.D., Mar, Monteith, Nithisdail, Wintoun, Roxburghe, Lauderdaill, Carnegy, Hamiltoun, S. J. Traquaire."

57. Printed copy of charge under the Signet to _____, messengers, ^{28th February 1628.} to make publication at the market cross of the burgh of Abirdeene to the teind sellers of the shire of Abirdeene to meet with the Marquis of Huntlie as commissioner appointed for that shire. ^{The teind-sellers of Aberdeen.} Printed by Thomas Finlason, his Majesty's Printer. (L. S.) *Per Actum Dominorum Secreti Consilii.* (Signed) Ja. Prymrois.

58. Another copy to _____, messengers, to publish the Act at the market cross of Hadintoun for the meeting of the teind sellers of the constabulary of Hadintoun with George, Earl of Wyntoun, and Thomas, Earl of Hadintoun, commissioners for the said constabulary. ^{Teind-sellers of the constabulary of Haddington} Sealed and signed as above.

59. Another copy directed to Thomas Murray, messenger, to publish the Acts at the market crosses of Dunse, Kelso, Jedburgh and Lauder, requiring the teind sellers of the sheriffdoms and bailiery of Berwick, Roxburgh and Lauderdaill to meet at their head burghs with James, Earl of Hoome, Robert, Earl of Roxburgh, and John, Earl of Lauderdaill, or either of them as commissioners appointed for these districts. ^{Teind-sellers of Berwick, Roxburgh, and Lauderdale.} Sealed and signed as above.

60. Another copy to _____, messengers, to publish the Act at the market cross of Renfrew for the meeting of the teind sellers of the sheriffdom of Renfrew with Hew, Lord Semple, commissioner for that shire. ^{Teind-sellers of Renfrew.} Sealed and signed as above. Added at foot: "Upon the secund day off Apryll nixtocum."

61. Another copy to _____, messengers, to proclaim the Act at the burgh of Air, for the meeting of the teind sellers of the baileries of Kyle and Kingskyle, with John, Lord of Lowdoun, as commissioner for these baileries. ^{Teind-sellers of Kyle and Kingskyle.} Signed and sealed as above.

62. Another copy of the same to _____, messengers, to publish the Act at the market cross of Innernes for the meeting of the teind sellers of the sheriffdoms of Innernes and Cromartie with George, Lord Gordoun, as commissioner appointed for these shires. ^{Teind-sellers of Inverness and Cromarty.} Signed and sealed as above.

63. Printed copy of charge under the Signet directed to _____, messengers, to proclaim the Act of Council at the market cross of _____ ^{Teind-sellers of Stirling.}

Striviling, requiring the teind buyers to meet with Grahame of Miscellaneous Papers.
 Fintrey and Adam Cuninghame of Buquhang, commissioners appointed for
 the sheriffdom of Striviling. Edinburgh, printed by Thomas Finlason, his
 Majesty's Printer. (L. S.) *Per Actum Dominorum Secreti Consilii.*
 (Signed) Ja. Prymrois. On this the following note of execution is
 added:—" . . . ¹ie nine day of Mairche 1628, I, Williame
 Wallace, messenger, eftir thrie severall oyesses at Stirling Croce pro-
 clamet thir abon wrettin letters that . . . warnit all
 parties haveand entres to compeir befor David Grahame of Fintrie and
 Adame Cwnynghame of Boquhane in the tolbuith . . .
 the fyftein day of Apryll 1628; witnessis, Hairrie Elphingstoun in
 Stirling, Jon Cowane, Jon Schereff, Jon Madeir and Robert Brawne,
 burgessis thair. (Signed) Williame Wallace messr."

Teind-buyers
 of Argyle.

64. Another copy of the immediately preceding charge to
 messengers, to publish the Act at the market cross of the burgh of
 Inneraray for the meeting of the teind buyers of the sheriffdom of
 Argyle, to meet with Lamont of that Ilk, called the Laird of
 Lawmont, commissioner appointed for that district. Signed and sealed
 as above. On the back is noted: "The 3 day of Apryle, being Thurisdaye
 nixt at ten hours."

29th February
 1628.

Promise to the
 Viscount of
 Dupplin, the
 Earl of Mar,
 Lord Napier,
 and Sir James
 Baillie, that
 the money
 arising from
 the sale of the
 goods of the
 Lübeck ship
 shall be as-
 signed to them
 in payment of
 the sums bor-
 rowed by them
 from William
 Dick and Wil-
 liam Gray for
 the payment of
 the mariners of
 his Majesty's
 three ships.
 See ante, p. 253.

65. "Forsamekle as the Lordis of Secretit Counsell being this lang
 tyme bigane daylie importuned with the havie and grevous complaintis
 of the poore souldiouris and marynaris who served in his Majesteis three
 shippis for want of thair wadgeis and allowanceis due to thame, extending
 to the soume of tuentie foure thousand pundis or thairby, and quhair
 thair necessiteis ar so pressing and urgent as thay can not langer spair
 the same, and the burdynis lyand upoun his Majesteis cofferis hes so
 exhausted the same as thir poore people can not gett present payment
 that way, thairfoir George, Vicount of Dipline, Lord Heigh Chancelleur of
 this kingdome, Johne, Earle of Mar, Lord Thesaurair of the said
 kingdome, Archibald, Lord Naper, Deputie Thesaurair, and Sir James
 Baillie of Lochend, hes undertane the payment of thir poore people, and
 hes borrowed and uplifted the said sowme fra Williame Dik and
 Williame Gray, marcheantis burgessis of Edinburgh; And the Lordis of
 Previe Counsell, being cairfull to foirse and provyde that the saidis
 Lord Chancellair, Thesaurair, and otheris who joynd with thame in this
 undertaking salbe fred and releved of thair ingadgement, seeing they
 undertooke the said burdyne for the honnour and credite of the cuntrey
 and for the payment of thir poore people who wer employed in service
 in so necessair a tyme quhen the honnour and credite of the cuntrey
 wes supposed to be in danger, Thairfoir the saidis Lordis declairis and
 promissis be thir presentis that the saidis Lord Chancellair, Thesaurair

¹ Torn. All these printed copies of these letters are torn at one side.

Miscellaneous
Papers.

and otheris who joynd with thame in this service salbe satisfied and payed of the said sowme of xxiiij^m li. out of the first and reddiest of the moneysis quhilkis sall aryise and be acquired by the saile of the wynis and otheris goodis whilkis wer in the Lubecque ship drevin upoun the coast neir Peterheade; And that the saidis Williame Dik and Williame Gray, as best acquainted with the mannageing and saile of suche commodityis, sall haif the onlie intronmissioun thairwith, transporting, guyding and selling thairof and retentioun of the pryceis of the same for releif of the saidis Lord Chancellair, Lord Thesaurair, Deputie Thesaurair and Sir James Baillie of thair said ingadgement, the saidis Williame Dik and Williame Gray gevand ane particulier compt to the saidis Lordis of Counsell of thair intronmissioun with the saidis goodis and pryceis thairof, with deductioun of the expenses to be wared thairupoun, And yf the moneys aryseing by the seale of the saids wynes and goodis sall not be able to compensate and defray the foirsaid soome of xxiiij^m li. with the chargeis and expensis to be deburst be the saidis Williame Dik and Williame Gray in the transporting, guyding and selling of the saidis goodis, the saidis Lordis declairis by thir presentis that then and in that cause the saidis Lord Chancellair and otheris who hes joynd with him in this advancement salbe thankfullie repayed of the superplus of the saidis soumes oute of the first and reddiest of his Majesteis rentis and casualtyis within this kingdome, and that thay salbe preferred to all others paymentis quhatsomever. And wheras the saidis Williame Dik and Williame Gray hes undertane at the eirnist desyre of the saidis Lordis of Previe Counsell to fraught shippis to bring about the saidis wynis and goodis to the harborie of Leethe, sea hasaird except, and hes advanceit to the skipper of the Lubecque ship foirsaid towards his interteynment during the dependance of the actioun and for apparrelling of the marynaris of the said ship and defraying of thair chargeis in thair home sax hundreth pundis, and to Johnne Kinros who attendit the wynes and goodis by Sir James Baillies directioun foure hundreth pundis, Thairfoir the saidis Lordis declairis that the saidis Williame Dik and Williame Gray sall not be lyable to ony hasairdis that may happin be the way, and that thay sall not onlie be thankfullie satisfied and payed of the soumes debursed and to be deburst be thame according to the compt to be gevin up thairof bot with that due consideratioun salbe tane of thair panes and travellis and advancement of thair moneysis.

66. Copy of the Act for the Earl of Nithsdail to produce his base brother and William Maxwell of Monreth on 27th March instant, printed *ante*, p. 266. There is added on the same paper: "xxvij *Martij* 1628, Mr. Thomas Ramsay, personalie with Johnne Maxwell, who declarit upoun his grite oathe that the tyme lybellit he saw not a preist doing any religious office within the hous. Grantis that he saw Adame M'Kall who is reputed to be a preist with William Maxwell,

Holyrood
House, 11th
March 1628.
The Earl of
Nithsdale.

bot denyes that either he send for him or tooke him in to the sick man." Miscellaneous Papers.

13th March 1628. Anent munitions of war for Denmark. 67. Original of royal letter prohibiting the export of munitions of war to those parts of Denmark taken by the enemy, printed *ante*, p. 281. At the foot: "xxv *Martij* 1628, *fiat*." Addressed on the back to the Viscount of Duplin, Chancellor, the Earl of Menteith, President, and remanent members of the Privy Council.

13th March 1628. William Paterson and Thomas and Henry Dundas. 68. Copy of the Act of Council charging William Paterson and Thomas and Henry Dundas to compear before the Council, printed *ante*, p. 267.

18th March 1628. Seal for the Admiralty of New Scotland. 69. Copy of the Act for the making of a seal of Admiralty for New Scotland, printed *ante*, p. 270. Signed by Geo. Cancell^r, Mar, Monteith, Nithisdail, Wintoun, and Pa. B. of Ross.

19th and 22nd March 1628. Letters of execution proclaimed in Inverness. In Tain. 70. Paper containing notes of execution of some letters probably those relating to the teind buyers or teind sellers, as follows:—"19 *Marcii* 1628, William Reid, messenger, proclomit theis tua letters and proclamatiounes at the marcat croce of Innernes, befoir Alexander Paterson, shiref deput, Andro Fraser, shiref clerk of Innernes, Alexander Logane, notar, commissar clerk thair, and Johne Paterson, notar, burges thair. 22 *Marcii* 1628, David Forester, messenger, proclamet theis letters at the mercat croce of Tayne befoir Allexander Hay, provest, Johne Forrester, tounes clerk, Johne M^cCullocht, younger, and Johne Fergusson, balyeis.

In Dornoch. 22 *Marcij* 1628, Johne Adamson, messenger, proclamed theis letters at the croce of Dornoch.

20th March 1628. The Lübeck ship. 71. Copy of the Act of Council contracting with William Dick and William Gray about the goods in the Lubeck ship, printed *ante*, p. 274. Signed by Geo. Cancell^r, Monteith, Nithisdail, Wintoun, Lauderdaill, Carnegy, Naper, Hamilton, S^r J. Scottistarvett.

20th March 1628. The Lübeck ship. 72. Copy of the Act as to the goods in the ship of Lubeck (the names of the ship and master being here left blank), printed *ante*, p. 276. Signed by Geo. Cancell^r, Monteith, Hadinton, Nithisdail, Wintoun, Lauderdaill, Naper, Hamilton, S^r J. Scottistarvett.

22nd and 24th March 1628. Notes of execution to the teind-sellers of the shire of Berwick and bailiary of Lauderdale. 73. Notes of execution by Thomas Murray, messenger, of the Act and proclamation to the teind sellers (1) of the shire of Berwick and bailiary of Lauderdaill, to convene with . . . ¹ Earl of Home, Robert, Earl of Roxbrughe, John, Earl of Lauderdale, as commissioners, at Kelso on 15th April next, this being done on 22d March 1628 at the market cross of

Miscellaneous
papers.

Lauder before Gilbert Murray, messenger, Alexander Wicket . . .¹
and another, burgesses of Lauder, and at the market cross of Dunse
before John Smythe, and Thomas Hill and John Scheirrelaw, merchants
there; and (2) of the shire of Roxburgh to convene with James, Earl of
Home, and the other commissioners above named at the same place and
day, this being done on 24th March at the market crosses of Kelso and
Jedburgh; witnesses, Archi Gilpatrik and Thomas Newaill, burgesses
of Jedbrughe, and James Waiddo, "cowbelmane," and John Smythe in
Faircros, at Kelso. Both are signed Thomas Murray, mess^r. [The docu-
ment is mutilated.]

74. Copy of the commission to Sir Duncan Campbell of Glenurquhie ^{25th March}
and his son, printed *ante*, p. 282. Signed by Geo. Cancell^r, Monteith,
Hadinton, Wintoun. 1628.

75. "Right honourabill, I received a letter from your lordshipp and ^{25th March}
some other lordis of his Majesteis Counsell of Scotland upon Sunday 1628.
last for the apprehencion of one William Whitlaw charged with the Letter of Sir
execrable murther of fowre or five infants begotten with his owne body. William
According to the tenure of the said letter I made instant search for the Muschamp to
partie in severall places, and the same night about midnight he was appre- the Lord Chan-
hended by some servantis of mine in a towne called Zetherslaw in the cellor anuounc-
parish of Foord and in the house of one John Wallass, a milner. I have ing the arrest
sent him this day according to the appointment of your lordshipp and of William
the rest of the Lordis to Tweedside to be delivered to the Sheriff of Whitelaw,
the Mers or his deputies, so that I doubt not by Gods grace but he charged with
wilbe brought to the hand of justice to receive condigne punishment the murder of
according to the qualitie of his offence. I have likewise sent your four or five of
lordshipp the said prisoners examinacion which is all I could draw from his own chil-
him. I thought good to give your lordshipp togeather with the rest of dren.
the Lords this account of my proceeding in discharge of my duetie being
readie to doe both them and yow the best service that lyeth in my
power. I humbly take leave and rest, Your Lordshipps to be commanded,
(Signed) Williã Muschamps. Barmour this xxvth of March 1628.
[Addressed] To the right honorabill and his very good Lord, the Lord
Chauncelour of Scotland, and one of his Majesties most honorabill Privy
Councell att Halyrudhouse, these be delivered."

76. Original of royal letter to the Council, relating to fugitive ^{26th March}
soldiers from the regiment of the Earl of Morton, printed *ante*, p. 285. 1628.
Superscribed by the King, and addressed to the Viscount of Duplin, Fugitive
Chancellor, the Earl of Monteith, President, and the remanent Lords of soldiers.
the Privy Council of Scotland.

¹ Torn.

26th March
1628.

Deposition of
Thomas
Nairn, in
which he
denies on oath
the conceal-
ment of one
thousand five
hundred
marks, the
whole eight
terms of the
taxation
granted in
1621, which
sum was
alleged to be
due to him by
Robert
Stewart.

77. "Thomas Nairne, his qualifeit aithe.—Thomas Nairne, being Miscellaneous
Papers. convenit for the conceilling of ane thowsand fyve hundrithe merkis, the heall aucht termis of the first taxatioun grantit in *anno* 1621, alledgit restand be Robert Steuart to him, and the samyne being referrit to his aithe, he declairis as he sall ansuer to God that he gave upe the samyne the heall termes forsaidis and payeit taxatioun to the Clerk thairfoir; and he declairis that the first terme of the taxatioun he gave upe ane inventar of thretteine thousand and fyve hundrithe merkis to Androw Fraser, clerk, quhilkis war auchtand to him be the personis following, viz.—Be William Douglas of Earlismylne, ten thousand merkis, quhilk was payable at Witsunday immediatlie thairefter; item, be James Innes of Dranye, ane thousand pundis; be Johne Stewart of Ardbreak, ane thousand merkis; be Patrik Grant of Balnadallache, ane thousand merkis; be Duncane Grant in Gartine, tua hundrithe merkis; and that the said deponer was restand to Robert Steuart, burges of Elgine, tua hundrithe merkis, sua the inventar of the free geir was thretteine thousand and fyve hundrithe merkis. And the deponer being ane ignorant man not knawing the tennour of the Act of Parliament he did never change his inventar, seing the soume did not increse bott the fyveteine hundrithe merkis quhilk is alledgit to be conceillit be him and auchtand to him be the said Robert Steuart is ane pairt of the soume of ten thousand merkis quhilk was restand to him be the said William Douglas of Earlismill gevin upe in his first inventar, and he upliftit the said soume at the terme of Witsunday 1622 quhilk is the terme immediatlie succeding the upgiveing of the inventar, and gaif the samyne in borrowing to the particular personis following, viz., to the Laird of Innes, aucht thousand merkis; to Robert Innes, burges of Elgine, ane thousand merkis; and to the said Robert Stewart, tuelf hundrithe merkis; and at that tyme the deponer gaif him his band for tua hundrithe merkis to the said Robert Stewart to keipe the tuelf hundrithe merkis heall in ane soume. And sua albeit thair be *peccatum in forma* committit be this deponer quho understandis not the lawis, yit seing the said soume of tuelf hundrithe merkis is gevin upe and taxatioun payeit thairfor as is abonewrittine, the deponer cannot be conveinit as ane conceiller; lykas he is content to forfalt all uther soumes alledgit restand to him gif ony be except onlie the said soume of nyne thousand pundis foir the quhilk he hes payeit taxatioun the heall aucht termis, quhair of the said tuelf hundrithe merkis alledgit conceillit is ane pairt. And this he declairis to be of weritie as he sall ansuer to God in the greatt day of judgment upone his conscience and denyes that the said Robert Stewart was adebtit to this deponer in any uther soumes of money quhatsumever by and attouer the said tuelf hundrithe merkis any of the yeiris or termes of the said taxatioun. (Signed) Thomas Narne.

26 *Marcij* 1628, Thomas Narne, being re-examined and sworne be his

miscellaneous
pers.

ayth of veretie upone the points of the samen, depons conforme to his qualifeit ayth abonespecifeit. (Signed) Thomas Narne, M. G. Haly-burtoun.

78. " Right honorable and potent Lords.—The insolent outrage of my Popish paroshoners laitlie committed against me and thair continuall menacing to kill me inforceth me to bemoan my estait to your Lordships and to giv your Lordships shortlie a litle view with quhat crosses my patience hes been exercised these nyn yeiris bygon in that paroshe off Newabay quhair, off four hundreth paroshoners thair ar ten excommunicat papists and threescor and ten recusants and non-communicants.

c. 27th March
1628.
Complaint by
Mr. Adam
Simson,
minister of
New Abbey,
anent the insolent outrage of
his Popish
parishioners.
See ante, p. 285.

Nixt—No small grieff that seminarie preestis suld be ordinarlie resett within my paroshin, children baptised, persons married be them, and be thair moyen youths sent ovir sea to be broght up in Dowa and other Popish universities.

The setting one off bonfires upon thair superstitious Saints evinings not onlie in the mids off thair awn street, but also within the precincts at my gaitt; the ringing off girdlis ilk tuelffth evining att my dors in gritt contempt is a yeirlie tribute quhilk thai pay me dewlie.

They hav thrown stones at my selfe going throge the street, gritt stones with slings in at my windowis to the perill of our lyffis, broken down back passages going up to the kirk and dishonored the pulpitt, thrown stones at the kirk window in verie tym off sermon.

Quhat profanation thair is off the Lordis day in suche a pairt quhair ar tuelff oslaris off quhom we sall rairlie hav tuo or three upon Sunday at divine service, thoghe thai dwell all within a bowdraght to the kirk, may easilie appeir.

Last, thair is no honest man will remaine with us to be reidar and scoolmaister, he is so mocked and flowted be these youths off Bethell iff he go out at dore anie busines.

Complainte—Upon the 18 day of Marche last past, quhilk day the Laird of Lag and Hemsfield did apprehend Mr. Charles Brown and Gilbert Browne, it ves not aneugh for this pepill most shamfullie to revile these worthie gentlemen and throw stones at them and at the preacheris, but in thair præsenc vowed to God to hav my lyff; and no sooner went the schoolmaister David Qhyt, his wyff, Helen Marshall, my servand, Margaret Qhyhtt, up the street for anie busines but assoone cam Cathren Stewart, spouse to Mr. Charles Browne, furthe with Marion Kewar, Jonett Stewart, Florens Brown, Margaret Makraine and divers others and with keyis, rungs, handis, feit, did pitifully beat the said Helen Marshall and had undoon hir iff she had not been rescewed be the help off hir husband and my servand quhom thai did beat and chase hom to my awin dooris and within my awin close had almost feld hir with grett stones: and all this for the ministeris cause quhose wyff also had been beaten be the said Cathren Stewart

wer not the help off sum men thair præsent. Quhat this may draw to <sup>Miscellaneous
Papers.</sup>
iff it be not helped in tyme, lett your Lordships wisdom consider. Your
Lordships humble servitour, (Signed) Mr. Adam Simson, minister at
Newabay.

- 27th March
1628.
Annual rents. 79. Copy of the Act of Council ordaining proclamation to be made
anent the annual rents, printed *ante*, p. 287. Signed Geo. Cancell^r,
Monteith, Hadintoun, Wintoun, Nithisdail, Linlithgow, Lauderdaill,
Buccleuche, Melvill, Carnegy, Naper.
- 31st March
1628.
Teind-buyers
and sellers. 80. Copy of the Act of Council granting immunity to the teind
buyers and teind sellers for subscribing the submission, printed *ante*,
p. 293.
- 31st March
1628.
William
Whitelaw. 81. Copy of the Act of Council granting commission for the trial of
William Whitelaw, printed *ante*, p. 294.
- 31st March
1628.
Robert Dunbar
of Burgie. 82. Copy of the Act of Council appointing Lord Naper of Merchinstoun
assessor in the trial of Robert Dunbar of Burgie in place of Lord Carnegy,
printed *ante*, p. 294.
- 31st March
1628.
Robert Dunbar
of Burgie. 83. Copy of the Act of Council charging the pursuer and defender in the
trial of Robert Dunbar of Burgie to come thither only with the allowed
number of friends, printed *ante*, p. 295.
- 31st March
1628.
Service of the
King of
Denmark. 84. Copy of the Act of Council authorising Sir Donald M^cKy of
Stranaver to levy a thousand men for the service of the King of Denmark,
printed *ante*, p. 295. Signed by Geo. Cancell^r, Mar, Monteith,
Linlithgow, Galloway, Pa. B. of Ross, Hamilton, S. J. Traquaire, Thomas
Hope.
- 31st March
1628.
Fugitive
soldiers. 85. Copy of the Act of Council for the trial of the reseters of fugitive
soldiers, printed *ante*, p. 296. Signed by the same Lords as the last.
- 31st March
1628.
The Lübeck
ship. 86. Copy of the Act of Council for delivering the Lubeck ship and her
ordnance and ammunition to the Admiral, printed *ante*, p. 298.
- 31st March
1628.
Petition by Sir
Harry Wood of
Bonnyton for a
warrant for the
apprehension
of the Earl of
Crawford, and
for the point-
ing of the said
Earl's
moveables. 87 " Worthie Sir, It is lett me wnderstand be Peter Reid that my Lord
Chancellor hes directed a warrant to be given out be yow in the maist
ample forme against the Erle of Craufurd in favors of the said Peter,
wharfor I will intreat yow to do the same, first to give me ane command
to search, tak and apprehend my Lord within the shirifdom of Angus and
to tak up, poynd and tak all his lordships moveables in any pairt thair to
mak it furthcoming to the nixt opportunitie to his use, as also to
command to caus all the shirifdom to aid, assist and ryd for his
See *ante*, p. 176.

Miscellaneous
Papers.

apprehending, and that I may go armed to cary pistols, muskets or any armor defensive or offensive with my followars, and that I may chairg all gentlemen wha resetts his lordship in contempt of his Majesteis lawis to wnderly the Lords censure; as also to have a redress of all that sall refuis concurrence. Not els bot rests, Yours at powar (Signed) S^r Harie Wood of Bonytoun. Last March 1628. [Addressed] 'To my verie worthie and his weil respected good freind James Primrose, Clerk to the Rycht honorable Privie Counsall, thes."

88. Petition by the moderator and ministers of the Presbytery of Dunse, as follows:—Their Lordships are not ignorant that by God's providence a barbarous and cruel murder was lately detected committed by William Whytlaw and Jeane Murdo of five or six children procreated in adultery betwixt them, at the discovery whereof by the said Jean, the said William Whytlaw fled to England. Their Lordships had been pleased to grant a commission to Sir Alexander Nisbet of that Ilk, Sheriff of Berwick, for the trial of the said Jean, and they had also written to Sir William Muschamp and the rest of the justices of peace in Northumberland (within whose bounds the said Whytlaw resorted) to apprehend him and deliver him to the said Sheriff. This has been done and the said Sheriff has warded Whytlaw in the tolbooth of Dunse. The said Jean is to be tried on Friday next, and they crave that commission may be granted to the said Sheriff for the trial of Whytlaw also for the said murder. [On the back] "*Apud Halgrudhous, ultimo Martij* 1628. *Fiat commissio ut petitur.* (Signed) Geo. Cancell^r, I.P.D."

Petition by the Moderator and ministers of the Presbytery of Dunse for a commission to the Sheriff of Berwick for the trial of William Whitelaw, charged with the murder of his illegitimate children. See ante, p. 577.

89. Petition by Sir Alexander Nisbet of that Ilk, Sheriff of Berwick, as follows:—Their Lordships have sent to him the submission to be signed by the inhabitants of Berwickshire anent the buying and selling of their teinds, and other things therein contained, and have directed him to appoint certain diets for their meeting for this effect. Now a great many persons concerned as above within the said shire are at the horn either for their own debts or as cautioners for friends, and consequently for fear of caption will not keep these diets, and this will hinder the furtherance of his Majesty's affairs. He therefore craves that their Lordships would authorise him to make proclamation within the sheriffdom that all persons having teinds to buy or sell may freely resort to the courts of the Sheriff, or justices of peace or other meetings appointed for the said purpose in the town of Dunse or elsewhere in the shire, without fear of arrest within twenty four hours before and twenty four hours after such meetings, and to command in his Majesty's name all officers of the law and judges accordingly. [On the back] "*Apud Halgrudhouse ultimo Martij* 1628. *Fiat ut petitur* for the space of three dayes before. (Signed) Geo. Cancell^r, I.P.D."

Petition by the Sheriff of Berwick for protection to certain persons, now at the horn, to resort to the diets appointed for the buying and selling of teinds within the sheriffdom of Berwick.

- 3rd April 1628. 90. Copy of the Act of Council giving commission to the Sheriffs of Ayr, Galloway, Nithsdale and others for dealing with the resettlers of fugitive soldiers, printed *ante*, p. 303. Signed by Monteith, Nithisdail, G. Gordoune, Pa. B. of Ros, Ad. B. of Dunblane, Carnegy, Naper, A. Carre, Hamilton. Miscellaneous Papers.
- 3rd April 1628. 91. Copy of the Act of Council in favour of William Dick, merchant burges of Edinburgh, printed *ante*, p. 304. Signed by Monteith, Nithisdail, G. Gordoune, Pa. B. of Ross, Ad. B. of Dunblane, A. Carre, Hamilton, Sr J. Scottistarvett.
- 3rd April 1628. 92. Copy of the Act of Council about the keys of the house of Conhaith, printed *ante*, p. 304. Signed by Monteith, Nithisdail, Linlithgow, G. Gordoune, Pa. B. of Ross, Carnegy, A. Carre, Hamilton, Sr J. Scottistarvett.
- Lethington, 6th April 1628. Letter from the Earl of Lauderdale to the Clerk of Council inquiring anent some directions brought home to the Council by the Laird of Thornton. 93. "Right assured good freind, I hear the Laird of Thornetoune hath broght home sum directions to the Counsell wherof I wald be glaid to know the particular from yow. I confes the clerke of the Counsell aught not to reveill Counsell matters, but to a suorne counsellour he maye, so itt be not against or concerning him self who is desyrus to know itt. I am not verie curious, yitt ye may gues the caus which att this tyme moveth me to entreatt yow als soone as ye can to dellyver a letter to Mr. Thomas Yonge bearing these things which he hath broght down and is to be handled too morrow to be sent be him to, Your most affectionat and assured good freind. (Signed) Lauderdale. Lethingtoun 6 of Aprill 1628 in haist. [Addressed] To my verie speciall good freind James Prymrois, Clerke of his Majesties Privie Counsell." Sealed with a small seal bearing a coronet under which a figure is sitting with a sword uplifted in his right hand, and the motto, *Consilio et armis*.
- 7th April 1628. 94. Copy of the Act of Council in favour of the merchants for the French wines. importation of French wines, printed *ante*, p. 305.
- 7th April 1628. 95. Copy of the Act of Council in favour of those who have imported French wines. French wines, printed *ante*, p. 306.
- 7th April 1628. 96. Petition by John, Earl of Mar, Lord Erskene and Garviauche, Collector General of the Taxation granted in August 1621, as follows:— Sir William Greirsoun of Lag, knight, Sheriff of Dumfries for the time, for non-payment of £409 as a part of the first term's tax of the lands of Eskdail, Ewisdail and Wauchopdail in Dumfriesshire; James Maxwell of Kirkconnell, Sheriff of Dumfries for the time, for not paying £572 16s. 8d. as a part of the second term's tax of the shire of Dumfries and lands foresaid; and Archibald Maxwell of Cowhill, Sheriff of Dumfries

miscellaneous
papers.

for the time, for not paying £220 3s. 4d. as a part of the third term's tax of the said lands, were put to the horn, and they have now long remained thereat unrelaxed to the contempt of the royal authority and evil example of others. He therefore craves that their Lordships would call them before them and take order with them, with certification that if they do not appear letters of caption will be given to certain gentlemen chosen to be of his Majesty's guard "for apprehending of suche rebellis as ar past to the horne for not payment of thair taxationis." [On the back] *Apud Halyrudhous, vij Aprilis 1628. Fiat ut petitur.* (Signed) Monteith, I.P.D.

97. Petition by George, Viscount of Dupling, Lord Hay of Kilfawnis, Lord High Chancellor of Scotland and Collector General of the Taxation granted in October 1625, as follows:—Though the first, second and third terms' payment of the ordinary taxation and the first, second, third and fourth terms' payment of the extraordinary taxation are now long since past yet several persons refuse to pay the same unless they are compelled. He therefore craves letters to be granted him charging all archbishops, bishops, priors and abbots, all noblemen and others in whose favour the erection of any prelacy or inferior benefice or patronage of kirks or teinds has been passed, all other beneficed persons contained in his Majesty's taxed rolls, all sheriffs, stewards, bailies, all chamberlains and receivers of his Majesty's lands, and their factors, deputes, clerks, etc., being within the kingdom, by proclamation at the market crosses of all the head burghs to pay what they are due hereof within twenty days, and thereafter to denounce; and those without the kingdom, by proclamation at the market cross of Edinburgh and pier and shore of Leith, within sixty days; and also letters charging all sheriffs, stewards, bailies of regality and others, and provosts and bailies of burghs and clerks appointed to deal with the extraordinary taxation to give up account and inventory of each of the four said terms separately upon oath to him, and make payment of the sums due within twenty days, and to denounce those who fail. [On the back] *Apud Holyrudhous, vij Aprilis 1628. Fiat ut petitur.* (Signed) Monteith, I.P.D.

98. Petition by Robert Crichtoun of Ryhill, Sheriff of Dumfreis, as follows:—Though the third term's payment of the ordinary taxation granted in October 1625 is now long overdue, many persons in the sheriffdom of Dumfreis refuse to pay unless they are compelled. He therefore craves letters of charge against all earls, lords, barons and freeholders in the said shire, either at their dwelling places or at the market cross of the head burgh of the shire, for their payment to him of 30s. for every pound land of old extent within the said shire pertaining to them within 20 days, failing which, to denounce and distrain. [On the back] "*Apud Edinburgh, vij Aprilis 1628. Fiat ut petitur.*" Unsigned.

sheriffs of
Dumfries, and
now at the
horn for non-
payment of
their taxation.

7th April 1628.
Petition by the
Collector-
General of the
Taxation for
letters charg-
ing all persons
to pay their
taxation within
a specified
period.

7th April 1628.
Petition by
Robert
Crichton of
Ryhill, sheriff
of Dumfries,
for letters
charging all
earls, lords,
barons, and
freeholders
within the said
sheriffdom to
pay their
taxation.

Alloa, 12th
April 1628.
Letter from
the Earl of
Mar to the
Clerk of
Council.

99. "Good Jaems, Theis ar ernistly to desyr you heast thir other letters (quhilk this berar will delyvir unto you) to my Lord of Hadinton that thay may be sentt to my soone att Courtt. Thus I rest, Your treu freind, (Signed) Mar. Aluay the xii of Apryll 1628. I have villed this berar to gett sum letters from you to charge Dunrod¹ for nott fulfilling of the Counsalls ordinanss; the particulars I remitt to him, bott I pray you to give him outt the letters. [Addressed] To my good freind Jaems Prymross, Clerk of the Prive Counsall."

Miscellaneous
Papers.

Galashiels,
12th April
1628.
Letter from
Sir James
Pringle of
Galashiels,
sheriff of Sel-
kirk, to the
Clerk of Coun-
cil anent the
numbering of
men within the
said sheriff-
dom.

100. "Lowing freind, I haiff againe schowin to the rest off the justyces the Counsellis will anent the numbering off the men in this schyre that reporte may be maid heiroff at this Counsall day. I haiff taikin tryell quhat number wilbe in this parishe and findis they wilbe betuyxe fiftie and thre skor off men quhairoff ther is ten jentilmen, the rest yemen. Iff I sall mak ane particular roll of the names agane the xxij day of this moneth or anie utheris in this cunttre hes done pleas you let me knoe and I sall do be your derection. So with my heartte love commitis you to God, and restis as ever, Your loving freind, (Signed) Galascheillis. Galascheillis the xij of Apryle 1628. [Addressed] To my werrie lowing and muche respectit freind James Prymrose, Clerk to his Majesteis Counsall, these." [Sealed with a small seal, bearing a shield with three escallop shells on a bend, a boar's head for a crest, and the initials I.P.]

Aberdeen,
18th April
1628.
Letter from
the Provost
and Bailies of
Aberdeen to
the Clerk of
Council anent
his Majesty's
ship lying in
Aberdeen har-
bour, and
anent the
teinds of the
said burgh.

101. "Honorable Sir, We have learned by the report of Mr. Robert Patrie, writtar, how ye hawe kythed werie freyndlie to ws in that particular concerning the moneyes we lent to Capitane Auchmowtie for outred and recking furth of his Majesties schip then lying in our herbrie; and having directed the berar Mr. Alexander Jaffray, ane of our bailleis, to advyse concerning the mater of our teyndis what course we shall tack concerning thame, we hawe also desyred him to insist with the Lords of his Majesties honorabill Prive Councell and to petitioun thame for refunding back to ws of these moneyes advancit be ws in his Majesteis service. In both the quhilkis particulares we man entreat yow (as ever formerlie ye hawe bene) to stand our freynd and to give the berar your best advyse how he sall carie him self in the busienes and what course he shall tak thairanent, for the quhilk by Godis grace we sall not prove unthankfull. All farder remitting to the sufficiencie of the berar, we rest, Your werie lowing freyndis to power, Provost and Bailleis of Aberdene, (Signed) G. Menzeis, prowest; Thomas Colinsone, baillie; Th. Nicolosone, baillie. Aberdene, 18 April 1628. [Addressed] To thair honorable freynd, James Prymrois, Clerk of his Majesties Prive Councell, these." Sealed with a small seal, bearing a shield on which the design is almost effaced, and the legend BON ACCORD, ABERDEEN.

¹ Alexander Lindsay, laird of Dunrod.

Miscellaneous
Papers.

102. Paper containing (1) copy of the Act of Council in favour of ^{23rd April 1628.} the teind buyers of Inverness-shire; (2) Copy of the Act of Council in ^{The teind-buyers of Inverness-shire, and Aberdeen-shire.} favour of the teind buyers of Aberdeenshire; both printed *ante*, pp. 311, 312. Also (3) draft of an Act of general application to all districts, but in two places of which Tarbett is filled in—and the whole of which ^{Tarbett.} Act is then scored through.

103. Copy of the Act of Council as to the teind buyers and teind ^{Tarbett.} sellers of the sheriffdom of Tarbett, printed *ante*, p. 312.

104. Copy of the Act of Council in favour of Sir William Alexander ^{23rd April 1628.} for arresting of fugitives from his service, printed *ante*, p. 313. (Signed) ^{Fugitive soldiers.} Monteith, Hadinton, Wintoun, Linlithgow, Carnegie, Naper, Arch. Acheson, Hamilton.

105. Petition by James, Erle of Murrey, as follows:—On 25th ^{23rd April 1628.} January, 16th July, and 8th December 1627, William Robertsoun ^{Petition by James, Earl of Murray, for a commission to all magistrates for the arrest of William Robertsoun, younger, burges of Inverness, and others, all at the horn for failing to appear before the petitioner as lieutenant for the repressing of the Clan Chattan.} younger, burges of Inverness, James Robertsoun, Donald M^cMoular, John Polsoun, William Patersoun, elder, John Robertsoun Lowresoun, all burgeses of Inverness; also Alexander Cumming, Frances Bishop, William Stevinsoun, William M^cCondochie, William Cuthbert, James Cuming, Robert Neilsoun, William Tulloche, John Dow M^cAlaster, and Robert Sinclare, burgeses of Inverness, Hector M^cConneill V^cFerquhar in Culkabock, John M^cAlaster M^cVatt in Balnafreiff, Alaster M^cFinlay Vayne in Cantradolles, John M^cThomas Badzenoche in Altinslanache, and Alaster Oig M^cWilliam M^cGillista and Alaster M^cIntoshe in Largis, were put to the horn at the instance of Mr. David Stewart of Newtown, and Alexander Inneis, procurators fiscal of the petitioner, for their failing to compear before the petitioner as his Majesty's lieutenant for repressing of the Clan Chattan, and their associates and resetters within the bounds of Abirdeene, Bamff, Elgine, Forres, Narne, etc., and underlie the law for resetting these rebels, but they are heedless of the said horning. He therefore craves a general commission to all sheriffs and other magistrates for their apprehension and imprisonment until they appear for trial before him. [On the back] "*Apud Halyrudhous, 23 Aprilis 1628. Fiat ut petitur.*" (Signed) Monteith, I.P.D."

106. Petition by John Maxwell of Gribtoun, as follows:—Having ^{23rd April 1628.} been put to the horn for not satisfying the Kirk, he had petitioned the ^{Petition by John Maxwell of Gribton to be released from the horn to which he had been put for not satisfying the Kirk.} Presbytery of Dumfreis and promised to them to give satisfaction and obedience. The presbytery on advising thought it necessary that the petitioner should appear before the Council and make his offers and find security there, so that they might more safely deal with him afterwards, whereupon he craved a certificate from them of his "willing and resolute offer" which was readily granted, and which he produces signed by the

Laird of Anisfeild and Mr. Thomas Ramsay, moderator of the said presbytery. Seeing he is "still willing to mak obedience and satisfactiounne to the kirk and to subscriue sic injunctiounes as they will lay" to his charge, he craves that their Lordships will order his relaxation. [On the back] "*Apud Halyrudhouse, 23 Aprilis 1628. Fiat ut petitur* for the first part of this petitioun, cautioun being fund to the effect within writtin under the pane of ane thousand pundis. (Signed) Monteith, I.P.D."

Miscellaneous
Papers.

24th April
1628.

Petition by James Downie, mariner, for the payment of four months' service in his Majesty's ship "The Lyon." Refused.

107. Petition by James Downie, mariner in Leith and servant in his Majesty's ship called the Lyon, as follows:—There is due to him as wages for four months' service £36 Scots, of which he has received no payment, and he has been "duynning with sicknes" upon his mother's hand. He therefore craves consideration of his case, and of their poor estate, as their creditors will put them in prison. He adds "I micht not come up my self be reasone of the schipis furth going." [On the back] "*Apud Halyrudhouse 24 Aprilis 1628.* The Lordis findis that the supplicant his desyre cannot be grantit inregaird his name wes not inrolled. (Signed) Monteith, Hadinton, Wintoun, Carnegy, Naper, Arch. Acheson."

1st May 1628.

Petition by the King's Advocate and David Lindsay of Balgais for summons against James Stirling, fiar of Brakie, and others, for attacking his herds, and hounding his cattle off the muir where they were feeding.

108. Petition by Sir Thomas Hoip of Craghall, King's Advocate, and David Lindsey of Balgais, as follows:—Though the bearing of hagbuts and pistols is prohibited by law, and the said David Lindsey has the heritable right both of property and commonty in the muir between his lands of Balgais and the lands of Turings, his deceased father and himself and their tenants having been in peaceful possession thereof these forty years past in pasturing their cattle, casting of "fail and divvott," pulling of heather, etc., yet lately on 21st April last James Stirlin, fiar of Brake, John Kempe, John Caltie, John Moir, Harie Sutherland, and others, all armed with hagbuts, pistols, swords, longstaves and other weapons, came "in ane uncivill and uncomelie maner" to the said muir, attacked his herds, pursued them for their lives, struck his goods and hounded them off the muir; and on the following day they again came in a similar lawless manner, and chased his and his tenants' cattle off the muir, hounding them so "with great mastish dogges that sindrie of them being heavie with calves hes never beene able to stand upoun thair feete sensyne and numbers of my yowes hes cassin their lambes." The petitioners accordingly crave summons against these persons. [On the back] "*Apud Halyruidhous, primo Maij 1628. Fiat ut petitur.*" (Unsigned.)

Petition by the said David Lindsay of Balgais and by William and

109. Another petition by the said David Lindsey of Balgais, and by William and Mr. Patrick Lindsey, his sons, as follows:—Francis Ogilvie of Newgrange, James Ogilvie, fiar thereof, his eldest son, James Stirlin,

Miscellaneous
Papers.

fiar of Brakie, George Ogilvie of Cornettie, John Kempe, servitor to the Laird of Brakie, John Caltie in Bidderdie, John More in Bidderdy, Harie Sutherland there, David Jamesoun there, William Wallace there, John Rait in Turing, David Hall in Turing, John and William Bennet in Turing, Thomas Robert in Turing, Thomas Dae in _____, and John Bowman in _____, having conceived causelessly a hatred and malice against the petitioner, molest and trouble him and his tenants in the possession of their lands, especially of the muir above mentioned, on which by way of deed and oppression they hold and pasture their cattle, "casts fail, fewell and divvetts upoun the same, teills and ryves out certaine pairts and portiouns of my saids lands within the proper boundis and merches thair of, sawes cornes thairon, makes commoun gaitis and loanings throw the same, bigges falds and dykes thairon," and also hound off his and his tenants' cattle, and threaten their lives if they resist or oppose them. The petitioners therefore crave that an officer of arms be directed to take their oaths that they dread bodily harm, and that the persons complained upon may be charged on six days' warning to compear and find caution for their indemnity. [On the back] "*Apud Halyruidhous, primo Maij 1628. Fiat ut petitur* under the panes following, viz. the said Francis Ogilvie of Newgrange under the paine of a thowsand pnd; James Ogilvie, his eldest sonne, fear thair of, under the paine of a thowsand merk; James Stirline, fear of Brakie, under the paine of a thowsand merk: George Ogilvie of Cornettie under the paine of a thowsand merk, and the remanent persons withinwritin under the paine of foure hundreth merkes." (Unsigned.)

Patrick Lindsay, his sons, for protection in their goods and persons from Francis Ogilvie of Newgrange and others.

110. Copy of the Act of Council charging Andrew Watstone and John Duff to keep the peace, printed *ante*, p. 322.

2nd May 1628.
Andrew Watson and John Duff.

111. Petition by Mr. William Hamiltoun, minister at Mouswall, John Neilsoun, officer to the Commissariot of Dumfreis, and James Wichtman in Smailholme, servitor to the said minister, as follows:— John Carruthers of Holmend, having conceived a deadly hatred against the said minister, because, as his pastor, he "laboured to move the said Johne and his servants to reparaire to thair parish kirk of Datoun upoun the Sabbath day for hearing of the sermoun," daily lie in wait for the petitioners' lives. Knowing that on _____ 1625 the minister would be in company of his servants engaged in transporting some corn from the town of Datoun to his dwelling house at Mouswall, the said John Carruthers, George Carruthers of Butterquhat, John Clerk, weaver, in Over Dormont, Thomas Wichtman there, and George Carruthers, his brother, lay in wait for him by the way. The minister, however, having been through some intervening occasion detained at home, the said persons, in the rage of their disappointment, set upon his servants, "threw

Petition by Mr. William Hamilton, minister at Mouswall, and others for summons against John Carruthers of Holmend and others, who on various occasions have been guilty of assault on the servants and goods of the said William Hamilton.

thame to the ground, breisted and punsed thame with thair hands and feete, and after a barbarous maner strake and wounded my horses, whilks wer careing my cornes, brake the sleddes and uthers instruments quhilks served for careing of the cornes, and caused thair awin bestiall eate and destroy the same." Further on December of the said year when the said John Neilsoun went to execute a charge from the Commissariot of Dumfreis at the instance of the said minister against the said John Carruthers to compear before the Commissary of Dumfreis, the said John Carruthers pursued him with a drawn sword, gave him a deep wound upon the shoulder to the great effusion of his blood, "and thair-after hounded out ane great mastisk dog at me whilk threw me to the ground and bout be me throw the ball of my leg, so that I was unable to stirre for a long spaiice thairafter." Then on October last John Carruthers and the other persons who formerly accompanied him as above named came to the lands of Butterquhat and Hoill belonging to the said minister, thinking to have found him there, bnt missing him they attacked his servants, who only narrowly escaped their cruelty by flight; and thereafter the same day they came to the lands of Kirkhill, in the parish of Datoun, where the said minister was for the time, besieged his house, called for fire to burn it, and when they found they could not succeed in this they cruelly slew a horse standing by belonging to the said James Wichtman. They therefore crave summons against the persons named. [On the back] "*Apud* Halyruidhous, *secundo Maij* 1628. *Fiat ut petitur.*" (Unsigned.)

Miscellaneous
Papers.

2nd May 1628. 112. Petition by Richard Nicolsoun in Clois, in the parish of Little
 Petition by
 Richard Nicol-
 son in Clois,
 in the parish of
 Little Datoun,
 for summons
 against George
 Carruthers and
 others, whom
 he charges
 with hame-
 sucken.
 Datoun, as follows:—Though the apprehending and inprisonment of his Majesty's free lieges has been very often prohibited, yet on May 1626 when the petitioner was peaceably in his dwelling house in Little Datoun, George Carruthers, son to the deceased John Carruthers of Holmend, Nicolas Jardin, his mother, and George Carruthers in Butterquhat, came by way of hamesucken to the petitioner's said house, and entering the same, pursued him for his life with a great baton, gave him many bloodie strokes upon the head, shoulders, arms and other parts of his body and then left him lying for dead. They also attacked his wife and children, "shott thame to the doore, brake and abused the whole insicht and plenishing being in the hous, brought the keyes thair of away with thame and caried me to the place of Kirkhill as ane malefactour, presented the stockes to me threatning to putt me thairin"; and while he remained a captive in their hands they intromitted with his goods and cattle and disposed of the same at their pleasure. He therefore craves summons against these persons. [On the back] "*Apud* Halyrudhous, *secundo Maij* 1628. *Fiat ut petitur.*" (Unsigned.)

3rd May 1628. 113. Petition by Mr. John Hairt, son and heir to the deceased Mr.

Miscellaneous
Papers.

John Hairt, sometime bailie of the Cannogait, as follows;—On 23rd April last their Lordships had ordained his brother, Patrick Hart, maltman and indweller in the Cannogait, to find caution acted in the books of Secret Council for any damage sustained by the petitioner through his interruption to the repairing of the houses in the Cannogait belonging to the petitioner as his father's heir; but he refuses to find this caution unless he be compelled. He therefore craves letters charging him to obey their Lordships' ordinance within six days on pain of horning. [On the back] "*Apud* Halyruidhous, *tertio Maij* 1628. *Fiat ut petitur.*" (Signed) Linlithgow." Petition by Mr. John Hart for letters charging his brother, Patrick Hart, to obey the ordinance of Council previously addressed to him.

114. Petition by Alexander Wilsoun and William Gilzeane, servitors to Sir Andrew Hamiltoun of Ridhous, as follows:—On their said master sent them to the burgh of Hadintoun to buy some provision for his house, and having finished their business, as they were riding quietly home John Thomsoun in Abirledie, George Johnestoun in Colstoun Mylne, Thomas Johnestoun and Johne Johnestoun in Samwelstoun, armed with swords and great batons, followed them out of Hadintoun and pursued and assailed them with these weapons, wounding Alexander Wilsoun on the hand and the face with a baton, to the great effusion of his blood, and William Gilzeane on the head and shoulders, who through his injuries has been ever since, and still continues "in great paine and dolour." They crave summons of their assailants before their Lordships. [On the back] "*Apud* Halyruidhous, *tertio Maij* 1628. *Fiat ut petitur.*" (Unsigned.) Petition by Alexander Wilson and William Gilzeane, servitors to Sir Andrew Hamiltoun of Redhouse, for summons against John Thomson in Aberlady and others, whom they charge with assault.

115. Petition by Sir Thomas Hoip of Craighall, King's Advocate, and Laurence Scot of Harperrig, as party grieved and informer, as follows:—Though the bearing of hagbuts and pistols and the slaughter of wild fowl and venison have been often prohibited by law, yet James Greg, son to John Greg in Bavillaw, William and Alexander Quhyte, sons to John Quhyte there, and John Kellie, son to William Kellie there, daily repair to the said Laurence Scot's own lands "and to the oastler houses within the same whair they ly day and night spending the tyme in drinking and ryott, and everie ane of thame haveing with thame lying dogges and netts with ane long hacquebutt, and whan they have done with thair drinking they all concurring togidder goes athort my bounds and other gentlemens bounds nixt adjacent, and partlie with a long hacquebutt and with thair lying dogges and netts they take and slay all kynde of murefoule that they can find within our bounds and caries the same in to the oastler houses and sellis and drinkis the moneyes thair of at thair pleasure, and they live altogidder as ydle vagabounds without anie trade, calling or laughfull industrie." Moreover, on last, they, at least one or other of them, came under cloud and silence of night "to the hous of Bavillaw whair I had raised twa turrets upoun the entrie thair of" 5th May 1628. Petition by Laurence Scott for summons against James Greig and others, whom he charges with wearing of hagbuts and pistols and of poaching on his lands.

and covered the heads of the same with leid, and leddered the saids turrets and rave down and tooke away with thame the most pairt of the leid being upoun the saids turrets for making of bulletts and drappes to thair hacquebutts." They ought to be punished in their persons and goods, and summons is therefore craved against them. [On the back] "*Apud Halyruidhous, quinto Maij 1628. Fiat ut petitur.*" (Unsigned.)

Miscellaneous
Papers.

6th May 1628.
Petition by
Walter, Earl
of Buccleuch,
for summons
against James
Ranick in Gal-
alaw and
others, whom
he charges
with cutting
trees on his
lands.

116. Petition by Walter, Earl of Bugcleuche, as follows:—Though the cutting and destroying of green wood, policy and planting has been often prohibited by law, yet from his woods and park of Todshahauche, which is a part of his lands and barony of Branxholme, and from the Trinity lands of Hawick, which also pertain to the petitioner, and both which he caused carefully to be preserved and hained, the following persons have cut and taken away trees, viz.—James Ranick in Galalaw, trees; Andrew Scot in the Haip and James Scot in Holcaldrumhill, trees, which they either cut themselves or bought from others who did; Gilbert Watt in Hawick, trees; John Dowglas called Hallas, trees; Robert Shortreid in , trees; Adam Scot, smith in , trees; Jocke Hendersoun in Quhichester, trees; Robert Scot of Neathersouthfeild, trees; and Willie Martine in Branxholme, trees; whereby the said park and wood, which was plentifully stocked with "good timber, and wes a beantie and ornament to that pairt of the countrie, is now become verie voide and barren of timber." He therefore craves summons against them. [On the back] "*Apud Halyruidhous, sexto Maij 1628. Fiat ut petitur.*" (Unsigned.)

8th May 1628.
Petition by
Walter
Brown, malt-
man and late
bailie in Mus-
selburgh, for
summons
against David
Hill, messen-
ger in the said
burgh, whom
he charges
with seeking
occasion to
take his life.

117. Petition by Walter Browne, maltman and late bailie of Mussilburgh, as follows:—David Hill, messenger there, having conceived a deadly hatred against him because he, as bailie for the time, had obliged him to make satisfaction to some of the inhabitants of that town whom he had abused in the unlawful execution of his office, has since sought occasion to take his life. When on April last, he was peaceably going to the house of Jeane Blakhall in Mussilburgh to meet with the Laird of Kilspindie, he met with the said David, who passed by him and then turned with a drawn knife in his hand, intending to kill the petitioner, but his attempt being noticed by two young men in the petitioner's company, he desisted. The two young men concealed the fact from the petitioner at the time, but they afterwards taking the said David to task "for this his bold and lawlesse attempt aganis a counsellour and magistrat of the burgh he nothing repenting thair of publictie profest that if no otherwayes he could be avenged upoun me he would have beene content to have died in my hands to the effect thairby he might have gottin meanes to his barnes." Further, he lay in wait for the petitioner "in a darkesome plai ce under the staire of our tolbuith and

Miscellaneous
Papers.

er ever I wes awar he invaidit me with his drawin knyffe in his hand whairwith he had not failed to have slaine me if by the providence of God I had not gottin him to the ground and tane the knyffe out of his hand, whilk I have heere to show unto your lordships." He therefore craves summons against him. [On the back] "*Apud Halyrudhous, octavo Maij 1628. Fiat ut petitur.*" (Unsigned.)

118. Petition by Walter Newall, son to Alexander Newall in Newabbey, as follows:—On the 4th instant, "being the Sabbath day," he was quietly coming home from the kirk of Newabbey, where he had been hearing the sermon when Robert Lindsey in Kerse of Newabbey, who has a hatred and malice against the petitioner, and thinking the opportunity one fit for his purpose, lay in wait for him all the time of the sermon, and, as the petitioner was going toward the clachan of Newabbey, he set upon him with a great baton and would have felled him therewith if the people returning from the kirk had not interfered and rescued him. Anticipating no further attack the petitioner proceeded on his way, but the said Robert Lindsey followed him and before he was aware, felled him to the ground with a great stone to the great effusion of his blood, and while the petitioner lay "as deid" he stoned him as though he "had beene a deid carioun, and so birsed and bruised" him in many places that he has been bedfast in great pain and peril of his life. He craves summons against him. [On the back] "*Apud Halyruidhous, nono Maij 1628. Fiat ut petitur.*" (Unsigned.)

119. Petition by Reid, servant to William Forbes of Cragie-war, and his said master for his interest, as follows:—On 20th April last, "being Sunday," the said Reid was on his master's grounds at Over Sinnaherd when Alexander Forbes, son of the deceased Alexander Forbes in Mylne of Towie, causelessly assailed him with a drawn sword, gave him many bloody strokes on the head and elsewhere to the great effusion of his blood, robbed him of his weapons, and then, thinking he was dead, cast him into an adjacent water, where he had died if some persons had not providentially passed by and drawn him out. He craves summons against him. [On the back] "*Apud Halyruidhous, nono Maij 1628. Fiat ut petitur.*" (Unsigned.)

120. Petition by George Ogilvie, late servitor to the deceased Sir George Ogilvie of Bamff, and Sir Thomas Hoip of Craighall, knight, King's Advocate, for his Majesty's interest, as follows:—The taking and detaining of free persons is very strictly prohibited "in all estaits and kingdomes as ane manifest usurpatioun of the Soverane and regall auctoritie and power." Now the said George, having by his painful,

9th May 1628.
Petition by
Walter Newall,
son to Alex-
ander Newall
in Newabbey,
for summons
against Robert
Lindsay in
Kerse of New-
abbey, whom
he charges
with seeking
his life.

Petition by
Reid
servant to Mr.
William
Forbes of
Craigievar, for
summons
against Alex-
ander Forbes,
whom he
charges with
assault with
intent to kill.

10th May 1628.
Petition by
George
Ogilvie, late
servitor to the
deceased Sir
George Ogilvie
of Bamff, for
summons

against Sir George Ogilvie, now of Bamff, whom he charges with wrongfully warding him in the pit and prison of his house of Bamff.

diligent, and faithful service to the said deceased Sir George Ogilvie, and to the Laird of Bamff, his father, acquired five or six hundred merks of money, for security of payment whereof they disposed to him a portion of land, in uninterrupted possession of which he has been for several years back, and looked that Sir George Ogilvie, now of Bamff, in regard not only of these services to his said father and grandfather, but the petitioner's willingness to bestow the best of his endeavours also in his service, would have allowed him to enjoy this ground till his money was paid. But instead of this, in "his earnest and vehement desire to have both the rowme and money," nothing could satisfy him unless the petitioner "quatt the right to the rowme and dischairgit the money." He caused several persons to deal with him to that end, but finding neither his intreaties nor threatenings effectual, he resolved to seek his end by force and oppression, and on April last he caused the petitioner to be arrested and put him "in the pitt and prisoun of his hous of Bamff," laid him in the stocks, and has since kept him there, bound hand and foot, and suffers none of his friends to have access to him to supply him with necessaries. He is resolved by famine or other rigorous procedure, to extort from the petitioner a disposition both of his "rowme and money." He is his Majesty's free liege, answerable to the laws, not convicted of any crime, and the said Sir George has no warrant for his imprisonment, yet he refuses to release him. He craves a charge to him for his liberation or summons before their Lordships. [On the back] "*Apud Halyruidhous, decimo Maij 1628. Fiat ut petitur.* (Unsigned.)

Miscellaneous Papers.

12th May 1628.

Petition by John Thomson in Aberlady and George Johnston in Colston for summons against Alexander Wilson and James Cuthbertson, whom they charge with assault.

121. Petition by John Thomsoun in Abirledie and George Johnestoun in Colstoun, as follows:—Alexander Wilsoun in Spittell and James Cuthbertsoun in Prestoun have laid upon them most maliciously a foul aspersion of theft, and "caused searche our hous with sleuth hound dogs." Having found nothing to justify their procedure, and being ashamed of what they had done to bring the petitioners' lives and estates in question, yet in their malice nothing could content them but the petitioners' lives. Accordingly on 26th April last, meeting the petitioners in the highway as they were returning home from Hadinton, they pursued them with drawn swords, wounding the said George Johnestoun on the right hand, which they have mutilated, also on the head, and twice on the arm, leaving him for dead. They crave summons against their assailants. [On the back] "*Apud Halyruidhous, duodecimo Maij 1628. Fiat ut petitur.*" (Unsigned.)

14th May 1628.

Petition by Sir David Lindsay of Balcarras for summons against

122. Petition by Sir David Lindsey of Balcarrasse, knight, as follows:—He possesses certain lands in the parish of Carnebie heritably, and for the greater ease and convenience of himself and his household in hearing sermon at the parish kirk there, he several years since bought

Miscellaneous
Papers.

from David Hunter, eldest son and heir of the deceased Patrick Hunter of Over Carnebie, a little aisle and burying place within the said kirk where, at great cost, he caused erect "ane faire desk and seate, both for ane ornament to the kirk," and the purpose above mentioned. He has ever since been in peaceable possession of the same till lately that on the 10th May instant, which was the preparation day before the Communion, Thomas Melvill, son to the deceased Sir Melvill, sometime of Carnebie, knight, who has lately returned from West Flanders, where he has spent his time in the service of his Majesty's enemy, the King of Spain, accompanied by , his servant, Robert Reid, wright in St. Andrewes, and Reid, the said Robert's son, came early in the morning to the said kirk and entering the same "violentie and forcible brake up the doore of my yle, hagged and hewed my daske and seate with axes and uthers instruments, cutted the same in peeces and thairafter kuist it out to the kirkyaird." He therefore craves summons against the said persons. [On the back] "*Apud Halyruidhous, decimo quarto Maij 1628. Fiat ut petitur.*" (Signed) Hamilton.

Thomas Melvill and others, whom he charges with destroying his desk and seat in the kirk of Carnebie. See ante, p. 361.

123. Petition by the provost and bailies of Hadintoun, as follows:— At their command their officer charged John Barns, skinner in Hadintoun, either to satisfy certain decreets obtained by his creditors against him or enter his person in ward "conforme to the use of burgh," but he proudly and contemptuously disobeyed the charge, as he has often done before. With the like contempt he treated a summons to compare before them, as also a charge to the same effect by the whole council of the burgh, and an open proclamation as well, wherein they certified him they would proceed against him for his contumacy, even though he compared not. Accordingly, as unworthy of any benefitt in the burgh he was "verie ordourlie and after great deliberatioun solemnelie depryved of his burgesship within our said burgh," and also ordained to pay to the common officers thereof £100, and to be warded till payment was made. He was thereupon apprehended and warded in the tolbooth, but to crown his contempts he broke ward and escaped to the Cannogait, where he openly reviles the petitioners "avowing that if we and our counsell wer all hangit in a tow und in despyte of all our hairts he sall be burges and remaine burges in our said burgh." They crave summons against him. [On the back] "*Apud Halyruidhous, 14^o Maij 1628. Fiat ut petitur.*" (Signed) Hadinton, Morray, Lauderdaill, G. Gordoune.

Petition by the Provost and Bailies of Haddington for summons against John Barns, skinner in Haddington, whom they charge with breaking ward, and otherwise defying the laws of the said burgh.

124. Petition by the minister and Session of the kirk of Innerkeithing, as follows:—By an Act of Session on 29th January last they appointed a certain place in their kirk for the erection of a seat and desk for Harie Thomsoun in Innerkeithing, son of the late James Thomsoun, burgess there, but no sooner was the act attempted to be put in execution than the magistrates of Innerkeithing, "stirred up be

Petition by the minister and Session of the Kirk of Inverkeithing for summons against the magistrates of the said burgh, whom they

charge with
opposing their
proceedings in
erecting a desk
and seat in the
said kirk for
Harry
Thomson in
Inverkeithing.

some turbulent and evill disposed persouns within our toun, refuses to give way thairunto." Upon this they, by an Act of Kirk-session of 5th February last, referred the matter to the Presbytery of Dumfermline, who, by their Act of 2nd April last, ordained the magistrates of Innerkeithing to put the said Act to execution. As they continued in their opposition, the Presbytery, by their Act of 16th April last, ordained the petitioners to place the matter by supplication before the Council, and this course has been approved by the Bishop of St. Andrewes, under his hand and subscription. As such opposition may prove of very evil consequence in future, they crave their Lordships' charge to the provost and bailies of Innerkeithing to put the said Act of the Kirk-session to execution, and to resist all opposition thereto within six days. [On the back] "*Apud Halyruidhous, decimo quarto Maij 1628. Fiat ut petitur*, or els to compeir the nixt Counsaill day and shaw a reasounable caus quhy." (Signed) Hadinton, Morray, Lauderdaill, G. Gordoune.

Miscellaneous
Papers.

15th May
1628.

Petition by
John Robert-
son, younger,
merchant
burgess of
Perth, for
summons
against Gilbert
Geddes in
Abernethy,
whom he
charges with
assault.

125. Petition by John Robertsoun, younger, merchant burgess of Perth, as follows:—On 21st January last he was peaceably on his way to the market in the town of Cowper of Fyffe "thair to have used my ordinarie calling in buying and selling of merchant waires," when Gilbert Geddeis in Abernethie, "a man whome I had never offended be word or deid," as the petitioner was near Abernethie, came behind his back, "kuist me doun in a filthie myre and tramped and punsed me with his hands and feete quhill I wes in the myre, to the great effusioun of my blood, robbed and spoyled me of my sword, my durke, and my purse with twa hundreth pundis being thairin," and he would also have slain him if some "passingers" had not interposed. The petitioner proceeds, "I, being tane out of the said myre, wes forced to losse the occasioun of the mercat at Cowper to my great hurt and prejudice, and goe to the toun of Abernethie, thair to be cured of my wounds, refreshed my selfe, and made my cloathes cleane, looking for no forder insolence to be committit aganis me be the said Gilbert; bot no sooner got he intelligence that I wes in the hous of Archibald Douglas in Abernethie bot incontinent he come to the said hous, entered within the same and verie barbarouslie and cruellie abused me with his hands and feete, and had not failed with his durke to have slaine me if the nighhours who come for my delyverie had not stayed him." He craves summons against him. [On the back] "*Apud Halyruidhous, decimo quinto Maij 1628. Fiat ut petitur*." (Unsigned.)

Petition by
James Dunbar
in Hemprigs
and Robert
Dunbar, his
brother, for
summons

126. Petition by James Dunbar in Hemprigs and Robert Dunbar, his brother, as follows:—Robert Tulloche, son to the deceased Alexander Tulloche of Tannacheis, and William Hay of Struthers, having conceived a hatred against them and concealed

Miscellaneous
Papers.

it till they should find occasion to give it vent, learning that on the 7th instant the petitioners had an appointment in Forres, took advantage of this and of their friendship in the said town to injure them. They and some accomplices came thither armed with "jackes, secreits, steilbonnets, steilhatts and plaitt bonnetts," concealed themselves till they marked the proceedings of the petitioners, and at last, seeing the said James Dunbar walking alone on the street, the said Robert Tulloch threw himself in his way and tried to force a quarrel by the utterance of "reproachefull calumneis and lees." Then he suddenly "lappe in to me with a long drawin durke in his hand quhairwith he gave me three great straiques upoun my hand and arme to the effusioun of my blood and appearand mutilatioun." Further, when he saw that through these wounds the complainer was defenceless, he drew his sword and pursued him for his life; and the said William Hay, "being on horsebacke with a long lance in his hand, he ranne at me with his lance." The said petitioner being relieved by some of the town's people and forced for "pansing" of his wounds to go to the dwelling house of Thomas Nicolsoun in Forresse, his said brother, Robert, being with him, his two assailants, with Mr. James Hay, apparent of Rannes, and Mr. John Hay, his brother, and convocation of the lieges to the number of _____, beset the house, "brashed the doores and yetts thair of purpose to have dung the same up," and take the petitioners' lives, and because the doors were so "guairdit" that they could not effect this, they used all the provocation they could to draw them forth, charging them with "cowardice and want of courage, and swearing and avowing that at the nixt meeting they sould have our lyffes." They crave summons against them. [On the back] "*Apud Halgyruidhous, decimo quinto die Maij 1628. Fiat ut petitur.*" (Unsigned.)

127. Petition by Sir Thomas Hoip of Craighall, King's Advocate, and Oliver Gordoun, son to John Gordoun of Trinneis, as follows:—
 Though the bearing of hagbutts and pistols is strictly prohibited, yet on last, when the said Oliver was "upoun the Linkes of Aberdein, ryding upoun my awin hors, haveing a course to have runne with Johne Johnnestoun, servitour to the Laird of Clunie," John Gordoun of Ardlogie, who has a hatred and malice against the petitiouer, getting notice of this, came on horseback to the said links "with a bendit hacquebutt in his hand and a paire of pistolets at his belt, and Johne Dagleische, his servant, running at his hors foote with a paire of pistolets at his belt and a bendit gwune in his hand." When he spied the petitioner he made his way to him behind his back and had shot and slain him at unawares, if the said John Johnstone, seeing Ardlogie's intention, had not called to the petitioner to save himself. Ardlogie fired, but his hagbutt misgave, and the petitioner, who had neither sword nor armour upon him, having left the Links and "sett spurres" to his

against Robert
Tulloch and
William Hay,
whom they
charge with
assault.

16th May
1628.
Petition by
Oliver Gordon,
son to John
Gordon of
Trinneis, for
summons
against John
Gordon of
Ardlogie,
whom he
charges with
assault.

horse, he followed him upon horseback at his full speed with hagbut in hand "readie bendit" to shoot him. He craves summons against him. [On the back] "*Apud Halryuidhous, decimo sexto Maij 1628. Fiat ut petitur.*" (Unsigned.) Miscellaneous
Papers.

17th May
1628.

Petition by
John Hamilton
of Stenhouse
for summons
against John
Cunningham
in the College
of Lincluden,
whom he
charges with
seeking by
bangsterie and
oppression to
intrude him-
self on the
petitioner's
mill.

128. Petition by John Hamiltoun of Stainh . . . [torn], as follows:—He is heritable proprietor of the mill of Staikfuir, with the dam, water gangs, and other pertinents thereof, in the parish of and regality of Lincluden, and he and his predecessors have been in uninterrupted possession thereof past memory of man, till lately that John Cunninghame in the College of Lincluden has pretended some right to the said mill, at least to the dams and lade thereof, and disdainng to pursue his claim in a legal way, seeks by bangsterie and oppression to intrude himself and debar the petitioner. Thus on , he and a number of accomplices came armed "with swords, lances, long-stalfes, gantletts, plaitsleeves" and other weapons, "to the most speciall and proffitable damme of the said mylne callit the Lords mosse" and with "yrne fawes, gavelockes," and other instruments "not onelie pryssed and rave up the clouse [sluice] of the said damme bot also cutted and dang down the most speciall part thairof that dammit and held in the water," and so letting forth the water did what they could by the force thereof to have destroyed and washed away both the mill and the houses adjoining it. Providentially the petitioner got timely advertisement and "by the force of men, timber, stones and divvetts, prevented the same and sett the water by aff the mylne another way." Further, the said John, naving thus dried the said dam, not only casts and wins peats there, but by "his great ditches, seuches and peatpotts" which he has made, he withholds the water from the petitioner's mill, which has thus become unprofitable to him, and disappointing to the neighbours, who have to go elsewhere to get their corn ground. He craves summons against him. [On the back] "*Apud Halryuidhous, decimo septimo Maij 1628. Fiat ut petitur.*" (Unsigned.)

Petition by
James, Arch-
bishop of
Glasgow, and
the moderator
and brethren
of the Pres-
bytery of
Paisley for
summons
against Claud
Hamilton,
brother to the
Earl of
Abercorn, and
Claud Algeo,
his servitor,
whom they
charge with
apostasy, and

129. Petition by James, Archbishop of Glasgow, and the moderator and brethren of the Presbytery of Paisley, for their interest, and George Ramsay, kirk officer of Paisley, as follows:—Claud Algeo, servitor to Claud Hamiltoun, brother to the Earl of Abercorne, "haveing made shamefull defectioun and apostasie frome the trew religioun, and by his profest avowing of Poprie in reasoning aganis the trew religioun, he being become verie offensive and scandalous within the toun of Paisley," the said Presbytery resolved to cite him before them, and instructed the said George Ramsay to warn him. Accordingly on the 15th instant Ramsay served the citation expecting that his office and the authority of the Presbytery would secure him a respectful reception, but, instead thereof, the said Claud Algeo, as soon as he got the charge, and with the

Miscellaneous
Papers.

allowance and approval of his said master, attacked the said officer "threw me to the ground under his feete and with his whole force and strenth punsed me with his hands and feete, birsed my bowells and intralls, and with his falded niffes dang and dadded me upoun the eyes to the great hazard and perrell of my eyes and losse of my sight, and gave me manie blae and bloodie straiques till I fell a swowning." Thinking the officer dead, Algeo went to his master and told what he had done, "who most kyndelie and cheerefullie ressaved him, alloweing and approveing all that he did." When in a few hours the officer had recovered and went to complain to the said Claud Hamiltoun, who was in the dwelling house of the Laird of Beltreis, the said Claud Algeo, who was also present, set upon the petitioner of new, and wounded him with "a number of blae and bloodie straiques," in the presence and with the approval of his master. The said petitioner thereupon went to the bailies of Paisley with his complaint, who went to "Beltreis yett" to apprehend the said Claud Algeo, which when the said Claud Hamiltoun saw, he came forth "and in a verie bousteous and threatning maner he upbraidit thame with manie disgracefull and reproachefull speeches, calling thame beasts and foles, how durst they presooome or mint to take ordour with anie of his servants; and with that he and his man come to the streets, and walked up and down the streets a long tyme boasting and threatning all these that durst presooome to meddle with thame," and so the bailies were obliged, for fear of their lives, to desist from taking the said Claud Algeo. Summons is accordingly craved against him and his master. [On the back] "*Apud Halyruidhous, decimo septimo Maij 1628. Fiat ut petitur.*" (Unsigned.)

130. Petition by Sir Thomas Hoip of Craighall, King's Advocate, and Robert Tulloch in Boghill, son to the deceased Alexander Tulloch of Tannacheis, as follows:—The bearing of hagbuts and pistols is straitly prohibited by law, yet on 7th May instant, when the said Robert Tulloch was peaceably walking alone and unarmed on the Hie Street of Forres, Robert Dumbar, son to the deceased William Dumbar of Hemprigs, seeing him, and, on some preconceived malice, resolving to take advantage of him, "first under simulat and faire termes he ingyred himselfe in my companie and interteanned a familiar discourse with me till he spyed James Dumbar, his brother, who with wer lying at await in the toun of Forresse attending his advertisement to persew me of my lyffe." As soon as he called them they came, and then he began to use "reproachefull and disgracefull speeches and strake me upoun the faice with his neiff and than they all drew thair swords and bendit thair pistolets' and gave him "diverse deidlie wounds" on his head, right arm and hand, to the great effusion of his blood, and then left him "as a deid man lying on the calsey." They then went "after a bragging maner east and west the calsey with thair drawin swords and bendit pistolets

the said Claud Algeo in special with assault on George Ramsay, the kirk officer of Paisley. See ante, p. 327.

20th May 1628.
Petition by Robert Tulloch in Boghill, son to the deceased Alexander Tulloch of Tannachieis, for summons against Robert Dunbar, whom he charges with bearing hagbuts and pistols, with assault on himself, and with threaten- ing the magistrates and inhabitants of Forres. See ante, p. 408.

in thair hands threatning and minassing the magistrats and inhabitants of the toun." Summons is craved against them. [On the back] "*Apud Halryuidhous, vicesimo Maij* 1628. *Fiat ut petitur.*" (Unsigned.) There is also on the back of this paper the name M. Rich. Taillour. Miscellaneous
Papers.

23rd May
1628.

Petition by Sir Ludovick Houston of that Ilk, knight, for summons against John Tennent of Cairns, whom he charges with defying the decree of the Council.

131. Petition by Sir Ludovick Howstoun of that Ilk, knight, as follows:—On 27th July 1626 John Tennent of Caernes was put to the horn for not removing from the lands of Wester Caernes, belonging to the petitioner, in the barony of Calder and shire of Edinburgh, and not paying £12 of expenses and collector silver, contained in a decree of the Lords of Session. He craves summons against him, and in case of his disobedience letters of caption against him to the Sheriff of Edinburgh and his deputes. (On the back] "*Apud Halryuidhous, vicesimo tertio Maij* 1628. *Fiat ut petitur.*" (Unsigned.)

27th May
1628.

Petition by Robert Stewart against Cuthbert Hamilton, whom he charges with assault on himself and with abusing of his Majesty's lieges.

132. Petition by Robert Stewart in , as follows:—On 28th February last he was going quietly from towards , when Cuthbert Hamiltoun in , hearing thereof and supposing the petitioner would have some money upon him, resolved either to have his money or his life. Accordingly he lay in wait for the petitioner in the highway, attacked and gave him "diverse deidlie and cruell wounds," and would have slain him and taken his purse if two gentlemen coming by at the time had not rescued him. This Cuthbert "abuses all his Majesteis lieges dwelling about him, and upoun counterfoote letters whilk he writts and formes in his awin name be himselfe charges people sometyes to compeir before your Lordships and sometyes before the Lords of Sessioun, and thairby drawes thame to great fashrie, vexatioun and trouble." He craves summons against him. [On the back] "*Apud Halryuidhous, 27 die Maij* 1628. *Fiat ut petitur.*" (Unsigned.)

28th May
1628.

Petition by Mr. Patrick Murray, Abbot of Inchaffrey, for warrant to make a new tax-roll for the said abbey.

133. Petition by Mr. Patrick Murray, Abbot of Inchaffrey, as follows:—He is charged for payment of the first, second, and third terms' payment of the taxation of October 1625 for the Abbacy of Inchaffrey; but the time appointed for making a "taxt roll" of the said Abbacy, with advice of the feuars, tacksmen, and parishioners, expired before the petitioner was provided thereto. He therefore craves warrant from their Lordships to make it now; and he also craves letters charging all the vassals, subvassals, feuars, tacksmen and pensioners of the said Abbacy to meet with him and his chamberlains and factors at Perth on for making of such roll in proportion to every man's free rent, with certification that if they compear not, it will be proceeded with in their absence. [On the back] "*Apud Halryuidhous, 28 May* 1628. *Fiat ut petitur.*" (Unsigned.)

2nd June 1628.

134. Petition by Mr. Walter Quhytfurd, parson of Moffatt, as

Miscellaneous
Papers.

follows:—On 18th January last Andrew Davidsoun, messenger in Moffat, was put to the horn for not compearing before their Lordships to answer to the falsifying of his promise to leave the country with Alexander, Lord of Spynie, thus abusing their Lordships in this as in other points mentioned in the complaint; but of this horning he takes no heed, goes about the country at pleasure, and is reset by James Johnestoun of that Ilk, William Johnestonn of Ginmenbie, Archibald in Blackfuird, William Johnestoun of Brigmure, Ninian Halyday in , Robert Johnestoun of Wamfray, William Storie in Hawes, Lucke M^cCerie in Annand, Gilbert Tailyeour messenger in , Katharine Johnestoun in Spedlings, Thomas and John Davidsoun in Rigschaw, John Frenche in Quacleuche, Thomas Frenche there, William Frenche in Kirkbrydrig, Gilbert M^cNacht in Coitts, Christiane Johnestoun in Newtown, James Halyday in Coreheid, John Johnestoun in Recluche, Robert Wauche in Dyke, John Johnestoun in Moffat, Robert Johuestoun there, John Davidsoun there, John Achesoun there, Nicol Achesoun there, John Bell there, William Bell there, George Mayne there, and Robert Boyd there, so that the commission granted by their Lordships to the petitioner for apprehending the said rebel and exhibiting him before them is very far hindered and rebels encouraged. He craves summonses against the persons named. [On the back] "*Apud Halyruidhous, secundo die mensis Junij 1628. Fiat ut petitur.*" (Signed) Sanctandrews, I.P.D.

135 .Another petition by the same in reference to the same matter, as follows:—In pursuance of the said commission the petitioner on last, assisted by William Scot and Gavin Johnestoun, his servants, and John Achesoun in Corriefrane, went to the dwelling house of John Davidsoun in Moffat, where, according to his information, the said rebel had lodged that night and then still was. The said John, however, getting word of the petitioner's purpose, with the assistance of William French in Quacleuche and others, "shifted and privatlie conveyed the said Andrew Davidsoun away." The petitioner having found the said Andrew's horse and saddle in the stable of John Davidson, seized them, when the said John Davidsoun and William French and others reviled the petitioner "with reproachfull and contumelious speeches, and after the countrie maner most seditiouslie stirred up the people of the toun of Moffat to joyne with thame" against the petitioner, and notwithstanding that he then held his Majesty's commission they assailed him, wounded the said John Achesoun, breaking "twa ribs of his side, and so birsed him by throwing of great stones at him that he hes ever lyin bedfast sensyne in great hazard and perrell of his lyffe, and being lying on the ground as a deid man, they pulled his whingear out of his scheith" and would "have stobbed him throw the bodie" if some persons present had not interfered; and they did what

Petition by Mr. Walter Whiteford, parson of Moffat, for summons against James Johnstone of that Ilk and others, whom he charges with resetting Andrew Davidson, messenger in Moffat, now at the horn for failing to leave the country with Alexander, Lord of Spynie.

Petition by the same for summons against John Davidson in Moffat, William French, and others, whom he charges with assault on himself and John Anderson while they were legally seeking to arrest the aforesaid Andrew Davidson.

they could to take the said horse from William Scot, to whose keeping the petitioner had intrusted it. He craves summons against the persons above complained upon. [On the back] "*Apud Halyruidhous, secundo die mensis Junij* 1628. *Fiat ut petitur.* (Signed) Sanctandrews, I.P.D."

Miscellaneous
Papers.

3rd June 1628.

Petition by William Gordon of Rothiemay and others for summons against James Crichton of Fren draught and others, whom they charge with continually lying in wait for their lives, and with assault on their servants.

136. Petition by Sir Thomas Hoip of Craighall, King's Advocate, and by William Gordoun of Rothemay, John Gordoun, younger, his son, and John Gordoun of Innermarkie, as follows:—Though the wearing of hagbuts and pistols has been often strictly prohibited, yet James Crichtoun of Fendraucht, Mr. John Horne of Balgonye, and James Clerk of Pennyburne, out of preconceived malice and hatred against the petitioners, continually lie in wait for their lives, armed with these forbidden weapons. In particular, on last, knowing that the petitioners would be attending their servants' fishing at their own salmon fishings on the water of Doverne, they came thither, armed with "musketts, hacquebuts, pistols, swords, stalffes, lances, speirs" and other weapons, and threatened to use their firearms if some of the more peacefully disposed persons in their company had not restrained them, "and thairafter maisterfullie they dang our servants aff the waters quhair they wer fishing," so that they dare no longer fish there for fear of their lives. They crave summons against the persons above complained upon. [On the back] "*Apud Halyruidhons tertio Junij* 1628. *Fiat ut petitur.*" (Unsigned.)

5th June 1628.

Resettlers of fugitive soldiers.

137. Copy of the Act of Council for a commission to try the resettlers of soldiers fugitive from the regiment of Colonel Mackay, printed *ante*, p. 325. Signed by Mar, Sanctandrews, Hadinton, Stormöt, Melvill, Carnegy, Hamilton.

Petition by William Gordon of Rothiemay for protection from caption that he may appear before the Council in obedience to the summons served against him.

138. Petition by William Gordoun of Rothemay, as follows:—He has been served with two charges at the instance of James Crichtoun of Fendraucht and Thomas Nicoll in Durtlie, his servant, and his Majesty's Advocate, to compear before their Lordships on 19th June instant to answer to their complaints against him, and he is most willing to appear, but, as his party knows, he cannot without incurring the danger of caption on some civil hornings, on which if he did appear they would have him arrested, and if he does not, then they will lead probation in his absence and so prejudice him. He therefore craves their Lordships' protection so that he may come and go safely. [On the back] "*Apud Halyruidhouse, quinto Junij* 1628. *Fiat ut petitur, fra* the sexteene to the tuentie tua day of Junij instant, the supplicant finding caution to compeir the day within mentionat. (Signed) Sanctandrews, I.P.D."

Miscellaneous
Papers.

139. Petition by John Campbell of Barnlochane, as follows:—On 12th June 1628. last, being Sunday, he was standing in the kirkyard of Kilmichocharmick intending to go into the kirk, in which the kirk-session were sitting at the time and by whom he had been sent for, when Neil Og M^cNeill, Malcolm M^cNeill and Donald M^cNeill, sons of John M^cNeil of Calchylie, Neil Reoch M^cNeill in Dunnaclochy, and Donald M^cLeich, smith in Barneselag, waited for him, thinking it the “fittest plaice” to take his life; and as he was going at the kirckdoor the said Neil Og M^cNeill gave him a stroke on the head with a great baton, felled him to the ground, and then “strake and dammished” him as he lay on the ground with the said baton till he broke it in pieces upon him; and the said Malcolm M^cNeill came on him with a drawn sword to dispatch him as he lay, when the minister and elders of the kirk drew the petitioner in and closed the door upon his assailants. He craves summons against them. [On the back] “*Apud Halyruidhous, 12^o Junij 1628. Fiat ut petitur.* (Signed) Mar.”

140. Petition by John Dow in Monydie, tenant to Mr. Alexander Omay, minister at Erroll, Mr. Patrick Omay, minister at Monydie, his son, and the said Mr. Alexander, for his interest, as follows:—The said Mr. Alexander is heritable proprietor of the meadow haugh lands of Easter Lowstoun and has possessed the same without interruption till now that Mr. Alexander Ireland, minister at Kinclavin, pretends some right thereto, but instead of pursuing the same in a legal way, is resolved by way of “deid, oppressioun and bangsterie” to appropriate the same. On May last he sent some of his servants to the “saids lands and caused thame teill the same after they had beene teilled be my servants some dayes before”; and on 30th May the said John Dow having at his said master’s command “past to the saids lands with a sheit about my craig to have sawed the same,” alone and unarmed, Mr. John Ireland, son to the said Mr. Alexander, at his father’s instigation, ran at him furiously “with a drawin sword of purpose to have clovin me to the verie teeth if I had not cast up my left arme and diverted the straike aff my head.” He sustained a severe wound on the arm with great effusion of blood. When the said Mr. Patrick Omay came to John Dow’s aid, Mr. John Ireland pursued him likewise with the drawn sword and had slain both “wer not our awin better defence.” Summons is craved against the minister of Kinclavin and his son. [On the back] “*Apud Halyruidhous, decimo sexto Junij 1628. Fiat ut petitur.* (Signed) S^r J. Scottistarvett.”

141. Petition by Mr. Gilbert Powre, minister at Stamkirk, as follows:—On 26 May last he was peaceably attending his servants casting peats in the moss of , whence for thirty years past he has been in uninterrupted use to cast them, when Andrew and John

summons against Andrew and John M'Dowall and others, whom he charges with assaulting his servants while lawfully working on his lands.

McDowall in My, and some others armed with swords and other weapons came to the said moss, and after they had, in an imperious manner threatened the petitioner and his servants, they pursued the servants of their lives, wounded them in various parts of their bodies, thrice in one day chased them off the said moss, threw their peats in "the mosse pott," and threatened to take their lives if they ventured to cast peats there again. He craves summons against them. [On the back] "*Apud Halyruidhous, 17^o Junij 1628. Fiat ut petitur.* (Signed) Sr J. Scottisturvett."

Miscellaneous Papers.

Petition by Mr Herbert Gladstaines, minister at Troqueer, for summons against Adam Sturgeon in Troqueer, whom he charges with slaying one of his cows, and with threatening his own life.

142. Petition by Mr. Harbert Gladestaines, minister at Traqueir, as follows:—Though the goring and houghing of oxen is strictly prohibited by law, yet Adam Sturgeoun in Traqueir, having no respect to the law nor to the petitioner, his ordinary pastor, came on 29th May last to the lands of _____, where the petitioner's "ky" were pasturing, and killed one of them, avowing that if he had the petitioner there he would do the like to him. He therefore craves summons against him. [On the back] "*Apud Halyruidhous, decimo septimo Junij 1628. Fiat ut petitur.* (Signed) Sr J. Scottisturvett."

Petition by John Gibsoun, servitor to Wilkin Johnstone, merchant burges of Edinburgh, for summons against Alexander Fareis in Sibbalbie, whom he charges with assault.

143. Petition by John Gibsoun, servitor to Wilkin Johnstone, merchant burges of Edinburgh, and the said Wilkin, for his interest, as follows:—On 22nd November last the said John Gibsoun went at his said master's command and delivered to Alexander Fareis in Sibbalbie a copy of a charge for cutting some green wood belonging to him, which the said Alexander Fareis no sooner read than he drew his whinger and gave the said John Gibsoun "three or foure bloodie wounds upoun the head." Summons is therefore craved against Fareis. [On the back] "*Apud Halyruidhous, 17^o Junij 1628. Fiat ut petitur.* (Signed) Sr J. Scottisturvett."

Petition by Alexander Phin of Cowperhill for allowance to act as proxy anent the teinds of George Leslie of Urquhill and John Grant of Easter Caldwell.

144. Petition by Alexander Phyn of Cowperhill, as follows:—George Leslie of Urquhill and John Grant of Easter Caldwell, his sons-in-law, having lands and teinds which come under the compass of his Majesty's revocation, but "being impeidit to cum hither be ressoun of thair teillage and labouring now in tyme of feriot aitseed and beirseede tyme," they took occasion of the petitioner's coming and authorised him by their commission dated 7th May last to appear and subscribe for them. He therefore prays that their Lordships will receive him in this capacity, or else appoint a convenient day for them to come personally. [On the back] "*Apud Halyruidhous, decimo septimo Junij 1628. Fiat ut petitur.* (Signed) Sr J. Scottisturvett."

18th June 1628.
Petition by

145. Petition by Patrick Strauchane of Kinnady, as follows:—After a decret of their Lordships he obtained letters charging John Fraser in

Petition by David Homeholie and James Homeholie for summons against Andrew Ker and William Davidsoun in Morebattle, whom they charge with assault.

148. Petition by David Homeholie and James Homeholie, his son, in Marbotle, tenants and servants to John Ker, apparent of Lochtowre, and the said John Ker, for his interest, as follows:—On June last the two Homholeis were building a "faill dyke" upon the said lands of Morbattle when Andrew Ker, son to Sir John Ker, called of Jedburgh, and William Davidsoun in Morbattle, of forethought, malice and hatred, came to them and wounded the said David Holmeholie with a drawn sword on the head and hand, and James also on the hand, which they have mutilated, to the great effusion of their blood. Moreover, they continually ever since threaten their lives so that they dare not labour their master's lands. They crave summons against these persons. [On the back] "*Apud Halvruidhous, decimo nono Junij 1628. Fiat ut petitur.*" (Signed) S^r J. Scottistavrett."

Miscellaneous
Papers.

Petition by James M^cEane Handiche in Dellifowre, servitor to Duncan Grant of Kumermonie, for summons against Patrick Grant of Culquhoiche, whom he charges with assault.

149. Petition by James M^cEane Handiche in Dellifowre, servitor to Duncan Grant of Kumermonie, and his said master, for his interest, as follows:—On 27th April last, "being Sunday," the said James coming home from his parish kirk was carrying home his father's "plew yrnes" lest they should have been stolen, when Patrick Grant of Culquhoiche furiously ran at him "and first brake my head to the effusioun of my blood and thairafter with ane drawin whingear gave me a bloodie straike in the left side." They crave summons against him. [On the back] "*Apud Halvruidhous, 19^o Junij 1628. Fiat ut petitur.*" (Signed) S^r J. Scottistavrett."

Petition by Thomas Gray and others that James Ayton and others may be put under caution for indemnity.

150. Petition by Thomas Gray at Bowrig Mill, Gilbert Gray at the kirk of Carlowke, and James Gray at Belstane, as follows:—James Aittoun in Pedder, Gilbert Inglis in Castill, Thomas Inglis in Cowhoble, John Dick in Stainburnhead, Thomas Barrie, William Barrie, and John Barrie, sons of David Barrie in Foulburne, of hatred and malice not only trouble them daily, but continually threaten their lives and goods. They crave these persons may be put under caution for their indemnity. [On the back] "*Apud Halvruidhous, decimo nono Junij 1628. Fiat ut petitur ilke persone under the panes of foure hundreth merkes.*" (Signed) S^r J. Scottistavrett."

Petition by William and John Kenzeauche Bwy against William, Lord Berridale, for illegal imprisonment.

151. Petition by William and John Kenzeauche Bwy, sons of Kenzeauche Bwy in Calder, as follows:—On last William, Lord Berridall, with a number of his friends, household men and servants, came by way of hamesucken under cloud and silence of night to their dwelling house in , when they were in their beds, and surrounded it. The petitioners being awaked and informed that the said Lord was there, caused open the doors to admit him, whereupon they were violently seized and carried as prisoners to his castle, called Castle Sinclair, and he laid them there in irons, and still detains them so, they being

Miscellaneous Papers. his Majesty's free lieges, and the said Lord having no commission for their apprehension. They crave that he may be charged to appear and produce them before the Council, or show cause why. [On the back] "*Apud Halyruidhous, decimo nono Junij 1628. Fiat ut petitur.* (Signed) Sr J. Scottistarvett."

152. Petition by Mr. John Dick, sheriff and chamberlain depute of Orkney and Zetland, as follows:—It is notour that these countries and isles lie open to the invasion of foreign enemies "as the lait cruell invasion of the Dunkirkeris in Zetland gives pruif, to the terrour of the naikit armourles people, quho ar naturallie resolute for thair awin and cuntries defence, give thay wer sufficientlie conductit and provydit thairto; for these cuntries ar ane prey to his Majesteis ennemeis in respect of thair situatioun, quhairas his Majesteis ennemeis and utheris trafiqueris with Spaine makis thair retreat in cuming and going to and fra Spaine upone the coistis and within the soundis, creikis and herberies thairof, pretending freindship to the poore people at thair first cuming and at thair departure spoyling the poore inhabitantis of thair cattell and guidis to the impoverishing of the cuntrie and inhabilitating thame to pay his Majesteis rentis." These things might be prevented by advice and conference between the well affected in the country. He craves commission to put forth a ship or two for keeping the coasts and promises to show himself "a loyall subject to his hienes and a faithfull lover of my cuntries saiftie." He craves power also to seize all trafickers in forbidden goods to and from Spain as well as his Majesty's enemies. [On the back] "*Apud Halyruidhous, xix Junij 1628.* "The Lordis remittis the petitition and the ansuering thairof to the Lord Admirall. (Signed) Mar."

153. "Worthye and beloved Sir, I did laitlie see a letre off yours written to Sir William Alexander and therein a copie off King James his letre concerneing the late Earle of Louthian, which I hope hathe produced suche good effects as no harme is to be expected ffrom the pretenses grounded upon meere phantasies. Some bissie men their amongst your selves may easilie mak men beleive anything heir when they have litle other witt in their heads then what is prompt by others; and self opinion is so comon as *nosce teipsum* is quyt gone out off the memorie off many. I am intreated to wryt to yow ffor the late Lord Wchiltrie his discharges off his lieutenandrie off the Borders and lieutenandrie off the Iles. I pray yow, Sir, cause extract the same and send the same to me under your hand, ffor which I will be your debtor, but I pray yow at any hand lett them be sent by the next packett. Matters off this State doeth goe so wnconstantlie that I neither can or ought to wryt any newes ffrom hence other then what is obvious unto all, with which I will not trouble your patience. Onlie I may wryt now that the most of all our Scottis bissienes heir are groweing towards ane

Petition by Mr John Dick, sheriff and chamberlain depute of Orkney and Zetland, for a commission to put forth a ship or two for the defence of the said islands against his Majesty's enemies.

20th June 1628. Letter from Secretary Acheson to the Clerk to Council.

end. The Lord President hathe taken his leave, and Mr. Jon Hay for the Burrowes, and the rest is to tak leave verie shortlie. So remembering my love and service to your bedffellow and Mr. Gilbert and his wyffe, I shall ever rest wnto yow all as bound to be, Youris verie loving ffreind to serve yow. (Signed) Arch. Acheson. Whythall, 20 Junij 1628. [Addressed] To my verie worthye and assured good ffreind, James Prymrois, Clerk of his Majesties most honourable Privie Counsell at Edinburgh, these. Sealed with a small oval seal, bearing a shield with a double-headed eagle, and, on a chief, two stars, above the shield being the initials S. A. A. Miscellaneous
Papers.

21st June
1628.

Petition by
George Burn-
side for sum-
mons against
James Burn-
side in Brand-
field, whom he
charges with
assault.

154. Petition by George Burnesyde, lawful son to Alexander Burnesyde in Gandburne, as follows :—On April last, “being Sunday,” he was coming home from hearing sermon at his parish kirk to his dwelling house in Low, when James Burnesyde in Brandfeild and armed with swords, long staves and whingers, who had lain in wait for him all the time of the sermon, attacked him, gave him “manie sad and blae straike upon the head and others parts of my bodie and thairwith feld me to the ground,” and wounded him in the arm with a whinger, so that he fears the loss of his arm, and at least he “will be mutilat thair of for ever.” He craves summons against his assailants. [On the back] “*Apud Halyruidhous, 21° Junij 1628. Fiat ut petitur.* (Signed) S^r J. Scottistarvett.”

23rd June
1628.

Petition by
Robert Max-
well in Ark-
land and
Marion Max-
well, his
spouse, for
summons
against Mr
Homer Max-
well, their son,
whom they
charge with
assault.

155. Petition by Robert Maxwell in Arkland and Marion Maxwell, his spouse, as follows :—Mr. Homer Maxwell, their son, shaking off the respect which by the law of God and nature he owes them has long “verie inhumanelie and unnaturallie misbehaved himselfe toward us, not onelie by maisterfull and violent reaving and away taiking of our meanes,” but threatening them, and their children, and servants and tenants, so that they dare not go out of the house for fear of his cruelty. “His rage and furie is come to that hight that upoun the fourtein day of Junij instant he come to our dwelling hous in Arkland about ellevin houres at night and entering within the same he tooke me the said Marioun Maxwell, his mother, be the craig, bladded and buffeted me with his hands and harled me to the fyre to have brunt out my eyes thairat, and had not failed to have done the same wer not Elizabeth Maxwell lappe to him and hindered him; quhairat begrudging, he gott up ane chandler quhilk wes standing on the table and thairwith gave me ane cruell and deepe wound upoun the head in to the harne panne to the effusioun of my blood in great quantitie.” They crave a summons against him. [On the back] “*Apud Halyruidhous, 23° Junij 1628. Fiat ut petitur.* (Signed) S^r J. Scottistarvett.”

24th June
1628.

156. Petition by Sir Robert Spotiswod of Newabbey, knight, one of the senators of the College of Justice, as follows :—He has been charged

for payment of the four terms' taxation of October 1625 for the kirks of Baro, Melginche, St. Katharines in the Hoipsis, Montlothiane, Kirkcudbright, Kirkcormo, Keltoun, Ure and Balmagie, of which he is patron, and he ought to have relief of the tacksmen of the teinds of the said kirks of Baro, Melginche, St. Katharines in the Hoips, Montlothiane, Keltoun and Balmagie, and of the subtacksmen and possessors of the said kirks of Kirkcudbright, Kirkcormo and Ure, but they refuse to meet with him and his chamberlains and factors for the making up of a stent roll thereof in terms of the Act unless they are compelled to do so. He craves their Lordships' letters charging them to this effect. [On the back] "*Apud Halyruidhous, 24 Junij 1628. Fiat ut petitur.*" (Unsigned.)

Petition by Sir Robert Spotswood of New-abley anent payment of the four terms' taxation of October 1625.

157. Petition by John Gib, son to the deceased Thomas Gib in Balgonie, as follows:—On 21st June instant he was walking on the High Street of the burgh of Kirkaldie, when Henry Miller, burgess there, forcibly apprehended him, carried him to the tolbooth and placed him in ward, petitioner being his Majesty's free liege, and the said Miller having no power nor commission so to do, "quhairthrow he hes usurped upoun him your princelie power and auctoritie in taiking and deteaning of me." He craves summons against him. [On the back] "*Apud Halyruidhous, 26 Junij 1628. Fiat ut petitur,* with the ordiner provision if the pairtye charged be a magistrat. (Signed) S^r J. Scottistarvett."

26th June 1628.

Petition by John Gib, son to the deceased John Gib in Balgonie, for summons against Henry Miller, burgess in Kirkcaldy, whom the petitioner charges with illegally warding him.

158. Petition by Patrick Bwy in Pitnusk and Bwy, his son, as follows:—On February last John M^oAndra Alaster in Moncrachie, Andrew M^oEane M^oAndra in Ballaclagene in Rothimurchus, John Schaw, lawful son to Ferquhar Schaw in Urie there, Alexander Grant otherwise M^oAllane in Letache in Abirnethie, John Schaw, lawful son to Alaster Schaw in Achirhetnache, John M^oAlaster in Dell of Rothimurchus, John and Alaster M^oAlaster, his sons, James and John Schaw in Rothimurchus and others, armed with swords, targes, bows and other weapons, came by way of hamesucken, under cloud and silence of night, to the petitioners' dwelling house in Pitnusk, where they were taking the night's rest, violently broke up the doors, took the said Patrick Bwy out of his bed, "buffetted and punsed" him with their hands and feet, and carried him out of his house to a hill side, where, after giving him "manie deip and deidlie wounds," they left him wallowing in his blood, as a dead man. His son, following them in order to relieve his father, was caught by them as they were returning and wounded in the head and other parts of his body, so that for a long time both lay bedfast "and nothing was looked for of us bot death." They crave summons against the persons named. [On the back] "*Apud Halyruidhous, 26 Junij 1628. Fiat ut petitur.*" (Signed) S^r J. Scottistarvett."

Petition by Patrick Bwy in Pitnusk and his son for summons against John M^oAndrew Alaster in Moncrachie and others, whom they charge with hamesucken and assault.

159. Petition by "Colonell Sir James Sinclare of Murcle," knight, and

Petition by Colonel Sir

James Sinclair
anent a bond
made by
William Dick
touching the
petitioner's
transport of
soldiers to
Germany.
See ante, p. 154.

William Dick, merchant burghess of Edinburgh, as follows:—Andro, Lord Gray and John, Lord Kinclaven, became cautioners for the said Colonel that he would transport a certain number of soldiers to Germanie, and they importuned him to cause William Dick on 22nd August last make and subscribe to them a bond for retaining in his hands £300 sterling of the money appointed to him and his officers for levying the men until he had shipped 300 men for his own company, and that no part of that sum would be given forth but for levying and transporting soldiers. Now it is well known that he has shipped 208 men of his own company, and that for their transport, freight and necessary entertainment "in the touns and raids, with drinking beir, butter, cheise, and bread," he has exceeded the said sum, as the skippers and transporters, and also his accounts, will testify, yet Mr. Lwes Stewart, in whose hands the said bond was deposited by Lords Gray and Kinclavin, will neither redeliver the bond nor take consideration of what has just been stated, "quhairthrow I am utterlie undone and refusit be the said William of anie forder advancement. And now I haveing schipit nyne scoir fyve men of Captane Stewartis cumpany at my awin charge can have no advancement of thair entertainment lyand in the roade of Leith, sua ather thai most starve in the schip for hunger or I most suffer thame go louse to my utter overthrow." He craves their Lordships to consider his case, try his accounts, and ordain the said Mr. Lwes Stewart to redeliver the bond, or find the bond fulfilled conform to its tenor. [On the back] "*Apud Halyruidhous, 26 Junij 1628.* The Lordis ordanis a maiser to pas and warne Mr. Lwes Stewart, advocat, to compeir upoun Twisday nixt to heir the desyre of the supplicatioun grantit or els to schaw a caus in the contrair. (Signed) S^r J. Scottistarevett, I.P.D."

Miscellaneous
Papers.

Petition by
James Dick-
son, minister
at Broughton,
for summons
against John
and Adam
Paterson and
others, whom
he charges
with seeking
his life and
injuring his
goods.

160 Petition by James Dicksoun, minister at Brochtoun, as follows:—John and Adam Paterson in Brochtoun have conceived a causeless but deadly hatred against him and continually seek occasion to take his life. On May last, being Sunday, when he was walking at the kirk end of Brochtoun, the said Adam came to him and disgracefully upbraided him as being "ane mansworne minister, and thairwithall patt his hand to his whingear avowing to take my lyff and to cutt my way in another plaice." On 23rd May the said Adam and John, seeing a horse belonging to the petitioner feeding in a grass park in the parish, broke its thigh with great rungs, and they afterwards on killed two sheep of his with great rungs and batons. On 6th June instant, when the petitioner was "going athort my parochiners desiring thame to fetche hame some materialls for repairing of our kirk," these two persons, with John Paterson, their brother, and Agnes Moffat, their mother, armed with long staves and great kents [staves] pursued him for his life, and had done him "some notorious insolence" if the well-dis-

miscellaneous
opera. posed people of the parish had not prevented them. He craves summons against these persons. [On the back] "*Apud Halyruidhous, 26 Junij 1628. Fiat ut petitur.*" (Signed) S^r J. Scottistarvett."

161. Petition by Archibald Morisoun, messenger, as follows:—On 27th June 1628. 25th June instant he was quietly walking in the fields beside Archibald Morison, messenger, for summons against Andrew Innerleith in the Parke of Jalrey, meeting him "at the Shireff gait neere to _____," assailed him with a great baton, and, having first felled him "with his falded neiff" to the ground, gave him sindrie cruell straiques" with the said baton, and cut his head to the effusion of his blood "in great abundance," besides many other "bauche and blae straiques," whereby he so "birsed and bruised" him that he could not stir, and lay as dead. He craves summons against him. [On the back] "*Apud Halyruidhous, 27 Junij 1628. Fiat ut petitur.*" (Signed) S^r J. Scottistarvett."

162. Petition by James Wischart, tenant to Makgill of 28th June 1628. Rankeillour, and his said master, for his interest, as follows:—On 23rd June instant James Wischart was casting some peats in his master's meadow of the Grange, when Alexander Johnestoun, younger, in the Berrihoill, came thither and, after some contumelious speeches, ran furiously and threw the petitioner's instruments which were lying beside him in the "peithoales." Then he "threw Wischart, my sonne, in the peitt hoale and punsed him with his feete, ranne upoun me, the said James, with his hands and feete, tooke my peit spaid out of my hand," intending to kill him with it. The petitioner's servant, Smart, interposing, the said Johnstoun in a great rage struck at him with the spade and wounded him, and he would have killed the petitioner or his son if some persons had not come for their relief. He avows to have one of their lives. Summons is craved against him. [On the back] "*Apud Halyruidhous, 28 Junij 1628. Fiat ut petitur.*" (Signed) S^r J. Scottistarvett."

163. Original of royal letter for the subscribing of the submissions by those who have not yet done so, printed *ante*, p. 371. At the foot; "xiiij *Julij* 1628." Addressed on the back to the Viscount of Duplin, Chancellor, the Earl of Menteith, President, and remanent noblemen and others of the Council.

164. Copy of the Act of Council for preventing a breach of the peace between the Earl of Cassillis and the Sheriff of Galloway, printed *ante*, p. 344. (Signed) Mar.

165. Petition by the feuars, gentlemen and others within Orkney and Zetland who are to buy and sell their teinds, as follows:—In the

men, and others within Orkney and Shetland for the appointment of a commission within these bounds to convene the teind buyers and sellers.

proceedings taken anent the teinds no mention has been made of Orkney nor Shetland, and there is no submission nor other order taken in these parts. They therefore crave that the Lords will appoint some as commissioners within these bounds to convene the teind buyers and sellers there and present for subscription by them a double of that submission and commission which has been exped through the rest of the kingdom, and to report to their Lordships at a certain day. [On the back] "*Apud Halryuidhous, primo Julij 1628. Fiat commissio ut petitur.*" (Signed) S^r J. Scottistarevett, I.P.D.

Miscellaneous
Papers.

2nd July 1628.

Petition by Bessie Wright, within the lordship of Scone, that she may be liberated from the Tolbooth of Perth where she has been warded by the magistrates of the said burgh.

166. Petition by Bessie Wricht at the Querrellmylne within the lordship of Skoone, as follows:—The taking of free persons by those holding no warrant for doing so is strictly prohibited by law, yet on June last, when she was peaceably going about her business within the burgh of Perth, the provost and bailies of that burgh caused apprehend her, put her in ward in their tolbooth, and refuse to liberate her though she has not been convicted of any crime. She craves they may be charged to produce her before their Lordships for her liberation [On the back] "*Apud Halryuidhous, secundo Julij 1628. Fiat ut petitur* with the ordinar provisioun. (Signed) S^r J. Scottistarevett."

Petition by Robert Henry, messenger, burghess of Culross, for summons against David Brand and others, whom he charges with assaulting him in the execution of his office.

167. Petition by Robert Henrie, messenger, burghess of Colrois, as follows:—He was employed by Henrie Andersone in Over Inzeort for execution of letters of poinding obtained by Anderson in terms of decret of the Lords of Council and Session against William Chattow, younger, in Culrois, for payment of an annual rent of 200 merks due for several years from certain lands and tenements at the west side of the strand of Culrois belonging to the said William, and while he was seeking for poindable goods in a dwelling house of the said tenement now possessed by David Brand, maltman in Culrois, tenant and occupier thereof, the said David Brand, Janet Chattow, his wife, Margaret Chattow, Kathrene Rowane, Isobel Penny, wife of Andrew Browne, wright, and the said Andrew Browne for his interest, assailed him, "pulld me be the craig and raiff my ruff and my abulimentis," struck him on the face with staves and other weapons, to the great effusion of his blood, and gave him many "bauch and blae straiques," so deforcing him in the execution of his office, and vilipending his Majesty's authority. He craves summons against them and for the summoning also of not more than ten witnesses. [On the back] "*Apud Halryuidhous, secundo Julij 1628. Fiat ut petitur.*" (Signed) S^r J. Scottistarevett.

3rd July 1628.

Petition by James and Robert Dunbar against William Hay

168. Petition by James and Robert Dunbar, sons of the deceased William Dunbar of Hemprigs, and servitors to James, Earl of Murrey, as follows:—On 24th June last William Hay of Struthers was at their instance convened before their Lordships and ordained before his

Miscellaneous
Papers.

departure to find caution in the books of Privy Council for the safety of Struthers, who has refused to find caution for the safety of the petitioners, which had been ordained by the Council. of the petitioners and their families, etc., but in contempt thereof he has departed and gone home without finding caution. They crave that their Lordships will call him before them and deal with him thereanent as becomes. [On the back] "*Apud Halyruidhous, tertio Julij 1628. Fiat ut petitur.* (Signed) Sanctandrews, I.P.D."

169. Petition by Sir John Ogilvie of Innerquharitie, knight, heritable bailie of the regality of Killymure, as follows:—The whole eight terms of the extraordinary taxation of August 1621, and the first five terms of that of October 1625, are now long since due, yet the persons inhabiting and dwelling within the said regality refuse to pay their parts thereof; that is, for their lent moneys as given up by them in inventory to the petitioner and his bailie clerk of the said regality, unless they are compelled. He therefore craves that he may have letters charging them to pay the same within twenty days, upon pain of horning and poinding. [On the back] "*Apud Edinburgh, tertio Julij 1628. Fiat ut petitur.* (Signed) S^r J Scottistarvett."

170. Petition by Andrew Youngsone in Auchinheif, and George Youngsone, his son, indweller in Wester Drum, as follows:—William Runsiman in Glengerok, David Runsiman in Achinheif, also John Loben, George Loben, Patrick Runsiman, Patrick Smith, George Thomsoun, Andrew Runsiman, John Tailyeour, Andrew Loben and Robert Elchenour there, of causeless hatred and malice, continually molest the petitioners and their tenants and servants in the labouring of their lands, threatening their lives; they therefore crave that messengers of arms be sent to take their oaths in the premisses and that these persons may be put under caution for their safety. [On the back] "*Apud Halyruidhous, quinto Julij 1628. Fiat ut petitur* under the panes of three hundreth merkes. (Signed) S^r J. Scottistarvett, I.P.D."

171. Petition by Alexander Fareis in Sibbalbiesyde, as follows:—Upon information made to their Lordships by John Gibsoun, servitor to Wilkine Johnestoun, merchant burges of Edinburgh, that the petitioner had hurt him with a whinger, Gibsoun obtained summons against him and intends now to put him to the horn for non-compearance. The petitioner never received the summons or he would have appeared, as now, for clearing his innocence. He is ready to find caution in their Lordships' books in 500 merks to compear on 17th July instant. He therefore craves charge against the saids Gibsoun and Johnstone to compear before their Lordships, and suspension of the horning meanwhile. [On the back] "*Apud Halyruidhous, quinto die mensis Julij 1628. Fiat summonitio ut petitur* to the xvij day of Julij and to suspend and discharge *ut infra* to the xxij day of the said moneth, becaus the

Petition by
Alexander
Fareis in
Sibbalbie for
suspension of
horning.
See ante, p. 349.

See ante, p. 349.

compleaner hes found caution to the effect withinwrittin as ane act made thairnent beares. (Signed) S^r J. Scottistarvett." Miscellaneous
Papers.

Petition by James Matheson, fiar of Broughton against Thomas Kincaid and others, whom he charges with threatening his life and injuring his goods.

172. Petition by James Matheson, fiar of Broughton, as follows:— Thomas Kincaid of Wareistoun, Archibald Kincaid, his brother, son to the said Archibald, and Alexander Simsoun in Quhythous, of causeless but deadly hatred and malice, molest him in labouring his lands, take away his corn out of his barn, kill his cattle and threaten his own life, so that he cannot safely move about the country. He craves that his cath be taken and they put under caution for his safety. [On the back] "*Apud Halyruidhous, quinto Julij 1628. Fiat ut petitur* under the paines following . . . (Signed) S^r J. Scottistarvett."

7th July 1628.

Petition by John Shaw in Holme of Riccarton for summons against William Wallace and others, whom he charges with hamesucken.

173. Petition by John Schaw in Holme of Rickartoun, as follows:— On 4th July instant William Wallace of Prestickhous and John Geddie in Neathertoun, accompanied by Hew Glasfuird, called sheriff officer of , "with others thair complices, dissolute and inordinate livers, come before the sunne rying" armed with swords, staves and other weapons, to the petitioner's dwelling house in Holme of Ricartoun, where he and his family were taking the night's rest, "and finding my doores closed they commandit the said Hew Glasfuird to breake up the doores." When he refused because they produced no warrant, the said William Wallace drew his whinger and wounded the said Hew in the head. "Thairafter they tooke ane great aikin syle [rafter] of ane hous and thairwith ranne at the doores untill they had brokin thame up," whereupon having entered they pursued the petitioner, his wife and family with their drawn whingers, wounded him in several places, and had slain them all if some neighbours had not come for their relief. He craves summons against these persons. [On the back] "*Apud Halyruidhous, septimo Julij 1628. Fiat ut petitur.* (Signed) S^r J. Scottistarvett."

8th July 1628.

Petition by Alexander Naughtie, servitor to John Fenton, burges of Brechin, for summons against Alexander Carnegie and others, whom he charges with assault.

174. Petition by Alexander Naughtie, servitor to John Fenton, burges of Brechin, and his said master for his interest, as follows:—On last the said Alexander was quietly doing his master's work in the haugh of Brechin when Alexander Carnegie, indweller in Brechin, with his wife and other persons came to him armed with staves, cudgels and other weapons, and masterfully took him with them "all the way cudgelling and battoning me to the effusioun of my blood untill they drave me to thair yaird dyke, and than the said Alexander Carnegie drew a knyffe of purpose to have cutted the lugges out of my head," which some neighbours prevented. Thereafter they "violentlie drew me in over thair yaird dyke and closed me within thair barn and than sent for twa or three horse bryddellis, cutted my breaches and stripped me naiked, and thairafter after ane barbarous and cruell maner brydellit me to the great effusioun of my blood and perrell of my lyffe,

Miscellaneous
Papers.

sua that I have ever sensyne bene lying bedfast under great paine and
doulour and thair is no lyffe looked for to me." He craves summons
against his assailants. [On the back] "*Apud Halyruidhous, octavo Julij*
1628. *Fiat ut petitur.* (Signed) S^r J. Scottistarvett."

175. Petition by Alexander Urquhart in Charrie, as father, 8th July 1628.
James and Henry Urquhart, as brothers, and the remanent kin and friends
of the deceased Alexander Urquhart, sometime servitor to Simon, Lord
Fraser of Lovatt, as follows:—On 6th September last Donald Dow
M^cWilliam V^cEane in Ardblair was put to the horn for the slaughter
of the said deceased Alexander Urquhart, and on 15th January last com-
mission was granted by their Lordships to certain persons to apprehend
him, whereupon the petitioners purchased letters in terms of which
proclamations were made throughout Inverness-shire prohibiting his
reset. Notwithstanding whereof the persons following have supplied
the said rebel with food and other comforts during the months of March,
April, May and June last, viz., William M^cEane V^cDonald Doyne, the
said rebel's father, in , Donald Dow M^cEane Doyne in Glen-
conoch, Donald Keill M^cEane V^cConell Doyne there, Donald Dow
M^cEane V^cConell Doyne there, Finlay M^cConell Roy in Fanblair, father-
in-law to the said rebel, John M^cConell V^cConell Roy in Glenconoch,
Donald M^cEane Dow M^cOneill Cheir there, John Dow Beg V^cOneill
Cheir there, Donald M^cFinlay M^cOnel Roy there, Hucheon M^cFindlay
M^cOnell Roy Cowper there, Donald Dow M^cWilliam V^cOnell Doue in
Killachie, Hew Fraser of Belladrum, John Fraser in Clonbake, Duncan
M^cKenzie in Garloche, Patrick M^cPhaill in Lochhow, and Malcolm
Fraser in Ellaneviriche, bailie to the Lord Lovatt. The petitioners
crave that these persons may be charged under penalties to desist from
this resetting. [On the back] "*Apud Halyruidhous octavo Julij 1628.*
Fiat ut petitur under the paines following (Signed)
Sanctandrews, I.P.D."

176. Petition by Patrick Bullo, burgess of Peebles, "metster," and 9th July 1628.
Mr. Theodore Hay, parson of Pebles, Mr. John Bennet, minister at
Kirkured, Mr. Thomas Hog, parson of Stobo, and Mr. John Hamiltoun,
minister at Lyntoun, as follows:—On 7th July Messrs. Hay, Bennet, and
Hog went, in terms of a commission from James, Archbishop of Glasgow,
to the kirklands of Lyntoun, and there, with concurrence of some
gentlemen of the parish of Lyntoun, at their command the said Patrick
Bullo proceeded to measure off four acres of these lands to be a glebe to
the said Mr. John Hamiltoun; whereupon John Tweedie in Lintoun,
and some others with him, came to them and, after some injurious and
reproachfull speeches against both their persons and calling, violently
stopped and hindered the measurer. When the said Mr. Theodore Hay
then charged him in his Majesty's name to desist from this lawless

interruption, the said John Tweedie laid hold of the measurer and threw him over a brae, hurting him in the ribs and elsewhere, and then "imperiouslie" commanded the petitioners "to goe away for we sould not gett leave to mett anie land thair." They crave summons against John Tweedie. [On the back] "*Apud Halyruidhous, nono Julij 1628. Fiat ut petitur.*" (Signed) S^r J. Scottistarevett." Miscellaneous Papers.

10th July
1628.
The teind
sellers and
buyers of
Orkney and
Shetland.

177. Copy of the Act of Council appointing commissioners for obtaining the signatures of the teind sellers and buyers of Orkney and Shetland, printed *ante*, p. 357. (Signed) Sanctandrews, Hadinton.

Education of
noblemen's
sons.

178. Copy of the Act of Council relating to the education of the children of noblemen and others abroad in Popish colleges, printed *ante* p. 358. Signed as above.

Petition by the
magistrates
and ministers
of Aberdeen.

179. Petition by the provost and bailies of Aberdein and by the ministers of Aberdeen, the terms of which are embodied in the Act of Council made in consequence hereof, printed *ante*, p. 360. [On the back] "*Apud Halyrudhouse, decimo Julij 1628. Fiat ut petitur,* within the toun and the auld toun. (Signed) Sanctandrews, I.P.D.

11th July
1638.
Petition by
James
Hamilton of
Quotquot that
David Murray
of Halmyre
may be put
under caution
for the safety
of the
petitioner.

180. Petition by Jonas Hammiltoun of Quotquot, as follows:—David Murrey of Halmyre, out of a deadly hatred against the petitioner, molests him and his tenants and servants in the peaceable possession of his lands, from which he intends by way of bangsterie and oppression to drive him, and then appropriate them to himself. He also threatens them of their lives. The petitioner therefore craves that his oath may be taken and the said David put under caution for his indemnity. [On the back] "*Apud Halyruidhous, undecimo Julij 1628. Fiat ut petitur* under the paine of ane thowsand merkes. (Signed) S^r J. Scottistarevett."

Petition by
Mr. Angus
M^cIntosh,
parson of
Kingussie, for
summons
against Donald
M^cJames, *alias*
Shaw, whom
he charges
with assault.

181. Petition by Mr. Angus M^cIntosche, parson of Kingussie, as follows:—On 17th October 1627 he was within his own dwelling house when Donald M^cJames, *alias* Schaw, one of his elders, accompanied by several others, all armed with swords, targes and dirks, came thither, under cloud and silence of night, entered the same, closed the door, and without respect to the petitioner's calling, or his own duty as an elder, assailed the petitioner and would have taken his life but for his own defence and the assistance of those in the house. Moreover, as the petitioner's servant pressed to deliver him, the said Donald gave him a deep wound on the head with a "lang durke," to the effusion of his blood. He craves summons against him. [On the back] "*Apud Halyruidhous, undecimo Julij 1628. Fiat ut petitur.*" (Signed) S^r J. Scottistarevett."

Miscellaneous
Papers.

182. Petition by James Naismith of Inwar, as follows:—On 12th July 1628. May last George Narne of Tullifergus, Gilbert Nairne, Petition by his brother, Andrew Halyburtoun in Mais, Andrew Blair, brother Naismith of to the Laird of Ardblair, Patrick Blair of Bankheid, John Ambrois Inwar for of Graystain, Harry Drummond in Perth, and Henry Haliburtoun summons against George in Elicht, “come to my dwelling house in Inwar and thair patt Narne of Tullifergus violent hands in my old and decrepit persoun, I being past three- and others, score and ten yeeres of age.” They violently carried the said James charges with with them over the Water of Brane to the burgh of Dunkeld, assault and illegal imprisoned him in the house of _____ and detained him there, warding. threatening him with all manner of violence until they forced him to give them security for certain sums of money which he was noways owing them, as also to discharge certain debts due to him by the deceased Laurence Nairne of Tullifergus, for which he had recovered decreets. He craves summons against the persons named. [On the back.] “*Apud Halyruidhous, duodecimo Julij 1628. Fiat ut petitur.* (Signed) S^r J. Scottistarvett.”
183. Copy of the Act of Council ordaining proclamation of a meeting 14th July 1628. of Parliament on 15th September next, printed *ante*, p. 367. (Signed) Meeting of Mar, Sanctandrews, Hadintoun, Wintoun, Seafort, Hamilton, S. Thomas Parliament Hope. [On the back] “To our lovittis Lyoun King of Armes and his brother heraldis _____ pursevants _____ messingeris, etc., and do and performe that quhilk to thair duetie and placeis apperteynis.”
184. Copy of the Act of Council as to the sequestration of the 14th July 1628. teinds of 1628, printed *ante*, p. 368. Signed by the same Lords. Sequestration of teinds.
185. Copy of the Act of Council as to the subscribing of the 14th July 1628. submission by those who have not yet done so. Printed *ante*, p. 371. Anent the Submission. Signed by the same Lords.
186. Copy of the Act of Council for proclamation for preserving 14th July 1628. his Majesty's game. Printed *ante*, p. 372. Signed by the same Lords. Preserving of game.
187. Copy of the Act of Council granting commission against Jesuits 15th July 1628. and their resettlers, printed *ante*, p. 375. (Signed) Mar, Sanctandrews, Commission against Hadintoun, Wintoun, Seafort, Hamilton, S^r Thomas Hope. Jesuits.
188. Copy of the Act of Council appointing Lord Ross and the 14th July 1628. Laird of Luss to examine the condition of Dumbarton. Printed *ante*, Anent Dumbarton. p. 377. Not signed.
189. Petition by Sir Alexander Gordoun of Cluny, knight, convener 14th July 1628. Petition by Sir Alexander

Gordou of Cluny, knight, convener of the Justices of Peace in Aberdeenshire for relief from preparing a roll of the fencible men in that shire, and from sending a report on the prices of wool, oxen, cattle, and sheep.

of the Justices of Peace in Abirdeenshire, as follows :—Their Lordships have burdened him with the preparation of a roll of the fencible persons in that shire “to the intent ordour might be gevin for dreilling and trayning of thame up in militarie exercises.” When the charge was given he was out of the country upon his Majesty’s service, and so was unable to obey the charge, and indeed knew nothing about it. Lately, their Lordships have written to him as convener foresaid to send his report of wool, oxen, cattle, and sheep at the several markets within the shire from the beginning of May till the beginning of August, so that they may ordain transport or the restraint thereof as seems fit. Now he is presently on some necessary business to go to Court, and so can attend neither the one service nor the other; and therefore he craves that their Lordships will relieve him of the duty, and also of the danger incurred by non-performance, and lay these tasks upon some other gentleman in the shire. [On the back] “*Apud Halyrudhouse, decimo quinto Julij 1628. Fiat ut petitur, and appointis the Laird of Wardes to discharge the services withinwritin in absence of Cluny Gordoun. (Signed) Mar Sanctandrews, Hadinton, Wintoun, Seafort.*”

Miscellaneous
Papers

Petition by the provosts, etc., of the Burghs of the Kingdom and others frequenting St. Serff’s fair, Bartill fair, and Laurence fair, that letters may be directed to Arthur, Lord Forbes, and others, charging them to uplift no higher dues at the said fairs than those contained in the decree of Council of date March 1st 1621.

190. Petition by the provosts, bailies, councils, communities and inhabitants of the Burghs of the kingdom, and others frequenting the fairs called “St Serffes faire, Bartill faire, and Laurence faire,” as follows :—In their controversy with Arthur, Lord Forbes, Alexander, Master of Forbes, his son, the deceased John Gordon of Newton and John Leith of Harthill, respecting the extraordinary customs exacted by these persons at the said fairs, and which had been frequently heard by the Council, their Lordships, after sufficient trial and probation, found that the customs complained of were far in excess of those in use to be paid thirty-one years since or thairby, and therefore by their decret, dated 1st March 1621, they discharged these persons from exacting any higher dues or customs than the following which they then appointed, “To witt, for ane great wob of claith and plaiding, aucht penneis; and for lesse wobs, sax or foure penneis; for ane hors load of quhatsomever commoditeis, aucht penneis; for everie foote lenth of ane merchants stand, twa penneis; for everie chapmans packe or burdein of geir, foure penneis; for everie seek of wooll, aucht penneis; for everie kow, ox and hors, foure penneis; for everie sheepe, twa penneis; and everie lambe, ane pennie; and that this custome for the ky and hors sould onelie be payed at thair comming in to the mercats; for everie daiker¹ or hors load of hydes, aucht penneis; for everie cordonnors stand for shoone four penneis; and for everie tent or pavillioun for selling of meate or drinke, ane quart of aill, or the pryce thair of.” But the said Lord Forbes

¹ The number of ten or, in practice, twelve hides.

Miscellaneous
Papers.

and his son, George Gordoun now of Newtoun, and John Leith of Hairt-hill continue to uplift the exorbitant dues complained of, and the petitioners therefore crave that letters may be directed charging them to uplift no other dues than those contained in the said decree as above. [On the back] "*Apud Halyruidhous, decimo quinto die mensis Julij* 1628. *Fiat ut petitur.* (Signed) S^r J. Scottistarvett."

191. Petition by Mr. Robert Ferquhar, David Andersoun, Andrew Meldrum, Robert Alexander, James and William Rolland, John Rae, Duncan Davidsoun, George Andersoun and David Jaffrey, heritable proprietors and possessors of that part of the salmon fishing on the Water of Dee called the Pott, as follows:—"One of the speciall temporall blessings whairwith it hes pleased God to inriche and beautifie the north pairts of this kingdome consists in the salmound fishing within the same, of the quhilkis fishings the Water and River of Dee, both for the abundance and goodnesse of the fish, wes among the first in accompt and estimatioun als weill in this countrie as ellis quhair, whair the commerce and intercourse of salmound wes interteanned, and by the quhilk the countrie ressavd credite, and great store of moneyes wer yeerlie imported." They did not think that any of their neighbours would have through envy and want of charity hindered "the course of God's good benefite proceeding immediatlie frome his divine bountie and favour"; yet _____, possessed "with some bad humour" against them and the commonwealth, came on 11th June last, under cloud and silence of night, five several times with two boats laden with great stones and cast the stones into the part of the water where their fishing was most productive, and not only filling the water thus with stones, but breaking and spoiling their nets; and in consequence that part of the river has become barren of fish. They have thought it proper to report this outrage to the Council that the perpetrators may be exemplarily punished, and they therefore crave summons against them. [On the back] "*Apud Halyruidhous, decimo quinto die Julij* 1628. *Fiat ut petitur.* (Signed) S^r J. Scottistarvett."

Petition by Mr. Robert Farquhar and others for summons against certain persons, whom they charge with casting stones into the Water of Dee thus spoiling the fishing and breaking the nets of the petitioners.

192. Petition by Duncan Wright, tenant and servant to William Blair of Fynniche, and the said William Blair, for his interest, as follows:—"Though the arresting and warding of free persons without lawful authority is strictly prohibited by law, yet on July instant, _____ Buchanan of that Ilk, Robert Buchanan, his servant, Thomas Buchanan in Boirland, Thomas Buchanan at the Mill of _____, and John Buchanan in Bellindorin, with others, armed with swords, staves and other weapons, came by way of hamesucken to the dwelling house of the said Duncan, forcibly seized him, and conveying him to the place of Buchanan, put him in the stocks there; nor will they release him unless they are compelled. Petitioners therefore crave

17th July 1628. Petition by Duncan Wright, tenant and servant of William Blair of Fynniche, against Buchanan of that Ilk and others, whom he charges with hamesucken.

that these persons may be charged to compear and produce the said Duncan to their Lordships. [On the back] "*Apud Halryuidhous, decimo septimo Julij* 1628. *Fiat ut petitur.* (Signed) S^r J. Scottistarvett, I.P.D." Miscellaneous
Papers.

Petition by Sir John Leslie of Wardes to be relieved from the office of Convener of the Justices of Peace of Aberdeenshire, and from reporting the prices of wool, etc.
See *ante*, p. 616.

193. Petition by Sir John Leslie of Wardes, as follows:—On occasion of the Laird of Cluny, who is convener of the justices of peace of Aberdeenshire, repairing to Court, their Lordships have appointed the petitioner to find out and report the number of fencible persons in the said shire to their Lordships; and also the prices of wool, nolt and sheep in the markets there. "Whiche service and burdyne I am unhable to undergoe, being a gentleman altogither unacquented with imploymentis of this kynd, never having beene charged with ony publict service, nor being a man of that place and authoritie whome the justices of peace will respect or conveene at my desyre." Moreover, he has some important causes to attend to before the Lords of Session, the neglect of which will seriously damage him. As there are several gentlemen in the shire of good credit, sufficiency, and judgment, who have been conveners of the justices and know how to conduct that business, he craves that their Lordships will choose one of them and relieve him. [On the back] "*Apud Halryrudhouse, xvij Julij* 1628. The Lordis nominatis and appointis Lesmore, younger, to discharge the service within mentionat. (Signed) Sanctandrews."

Petition by John Watson in Knock-castell for a letter of charge against the resetting of John Gray, now at the horn for the slaughter of John Watson.

194. Petition by John Watsoun, elder, in Knockcastell, as father, Gilbert and James Watsoun, as brothers, and the remanent kin and friends of the deceased John Watsoun, younger, as follows:—On 23d June last at their instance John Gray in Knock was put to the horn for not finding caution acted in the Books of Adjournal to underlie the law for the slaughter of the said deceased John Watsoun. He contemptuously remains at the horn, and is reset in all parts of the country. They crave letters charging the lieges by open proclamation not to reset the said rebel under the penalties provided by the law in such a case. [On the back] "*Apud Halryuidhous, decimo septimo Julij* 1628. *Fiat ut petitur.* (Signed) Mar."

22d July 1628.
The Countess of Abercorn.

195. Extract of the Act of Council for denouncing Dame Marion Boyd, Countess of Abercorn, printed *ante*, p. 392. Extracted by James Prymrois, but not signed.

Petition by Mr. Robert Nairn, advocate, proprietor of the barony of Strathord and lands of Inch-

196. Petition by Sir Thomas Hoip of Craighall, knight, His Majesty's Advocate, and Mr. Robert Nairne, advocate, proprietor of the barony of Strathord and lands of Inchstrevie, Catharine Prestoun, his spouse, and Alexander Archer, William Sprunt, George Fleming and , his tenants of these lands, as follows:—In violation of the Acts forbidding

Miscellaneous
Papers.

the bearing of hagbuts and pistols and convocation of the lieges in arms, trevie, and Catherine
on July 1627 John Creichtoun at the Mill of Segieden, Robert Preston, his
Fyff in Creichtoun in Benchellis, Robert Creichtoun spouse, and
at the Brigend of Tay, and others to the number of forty persons, armed summons
with spears, lances, swords, staves and other weapons, and the prohibited against John
hagbuts and pistols, came at the instigation of James Creichtoun Crichton at the
of Abircrombie, then their master, to the said Robert Nairn's muirs Mill of
of Inchstrevie, carried away the peat and fuel he and his said tenants Segieden and
had won for their winter's provision, destroying what they could not others, whom
carry away, and, pursuing and wounding the said with their staves, they charge
chased them home to their houses. Further, on 2d July instant the with hame-
said James Creichtoun of Abircrombie, Browne of Fordell, sucken.
George Clerk of Newtoun of Fordie, the said John Creichtoun at the
Mill of Segieden, Robert Creichtoun at the Brigend of Tay, Robert Fyff,
servitor to the said James Creichtoun, John and Peter Clerk, sons to
the said George Clerk, Ritchert Hay at the Mill of Arngosk, Luk Broun,
servitor to the said John Broun of Fordell, and others, armed as above,
came by way of hamesucken to the place of Strathord where the said
Catherine Prestoun and her family were, and the said James Creichtoun
and Robert Fyff struck her on the side with their feet, presented
"bendit pistolatis to hir bairns and servandis, threatening to kill thame
thairwith, hurt and woundit Elspit M^cKenzie, Jonet Dow, and Margaret
Jamesone," three of her servants; and the said George Clerk presented
a cocked pistol "to ane yowng infant, William Nairne, sitting on the
nurishe kne affirmeing he hade done worse turnes nor to shoote his
pistolet in the infantis wombe for his fatheris saik and avowing gif he
had his father in his rowme he wald doe no les nor schote him thair-
with; and quhen as the harmeles infant seing the cleir pistolet pat
furth his hand to pley with the sam, the said George after a barbarous
and dispytfull maner strak the infant on the hand thairwith thairby
causing the bairne and his nurische to cry in sutch fearfull maner as I
the said Catharene was so affryed thairby that I hef evir sensyne bene
in gryt seiknes and pane." Then they carried away a lot of turfs out
of the close, the said James Creichtoun crying out in contempt and
derision of justice, "Mr. Robert hes bene longsum with his law
(meaning of the proces quhilk I the said Mr. Robert haif presentlie
depending befor the Lords of Counsell and Sessioun aganes him), bot we
will shaw him our law." After this the whole assailants divided them-
selves into three companies, one of which kept the "foir yet," another
the "bak yet," and the third, with whom James Creichtoun was, came
into the close, making a great din and tumult, on hearing which the said
Catharine rushed out, when the said James Creichtoun caught her by
both her arms and held her. "Ane yowng woman, Margaret Nairne,
having followit hir oute allowed that she wald cast ane stane at his head
gif he wald not lat the said Catharene goe, the said James tuik bothe

the said Catharenes tua armes in his on hand and strak the said Margaret on the face with ane pattoun to the gryt effusioun of hir bluid; and thairefter the said James commandit Robert Fyff, his servitour, to lay hands on the said Catharene, quha at his command shak me be the armes and strak hir on the syde with his feit as said is, for quhilk the Laird of Fordell reproved him and willit him gif he desyrit to strick, to strick the rest of the servand women. The said James Creichtoun and George Clerk commandit thair complices to brak the wemens armes and gardies; and quhen as I the said Catharene complenit of that havie injurie and oppressioun in stricking my self, wemen and bairnes, the said George Clerk allowit be many aithes that he sould doe my selff a worse turne be making my selffe sum morneing ane widow and all the bairnes fatherles; lykeas the said James Creichtoun be many bludie aithes allowed gif he had my husband thair present he sould washe his handis in his hairt bluid." Moreover, the said John Creichtoun at the Mill of Segieden struck the said Margaret Jamesone "on the stot of her breist" with the end of a hagbut he had in his hand, through which she fell into a fever, and has since lain bedfast in peril of her life. Summons is craved against these persons, and also against witnesses. (Signed) Thomas Hope. [On the back] "*Apud Halyruidhous, xxij Julij 1628. Fiat ut petitur.* (Signed) S^r J. Scottistarvett."

Miscellaneous
Papers.

24th July
1628.

Petition by
Thomas Allan,
messenger,
for summons
against Sir
John Boswell
of Balmouto
and Dame
Janet Scott,
his spouse, the
latter of whom
he charges
with assault.

197. Petition by Thomas Allane, messenger, as follows:—On 20th July instant, being Sunday, he served letters raised at the instance of David Beatsoun of Carden upon Sir John Boswald of Balmowto, personally apprehended, whom he thereafter convoyed to the kirk of , and then took his leave. Anticipating no evil, especially seeing it was the Lord's day, he on the call of Dame Janet Scot, spouse to the said Sir John, returned to her, and she, after conference with her husband, having lighted off her horse, at his direction, disgracefully upbraided the complainer, "calling me dastard, deboshed villane, commoun theiff, how durst thow persooome to charge the Laird of Balmowto; and thairafter patt violent hand in my persoun, strake and buffeted me with her feitt and neiffes and threatned to putt ane whin-gear throw me," and she would have done it if the people had not restrained her. He craves summons against them both. [On the back] "*Apud Halyruidhous, 24^o Julij 1628. Fiat ut petitur.* (Signed) S^r J. Scottistarvett."

25th July
1628.

Petition by
John Maxwell,
sometime of
Monreith, and
Katharine
Maxwell, his

198. Petition by John Maxwell, sometime of Monrethe, and Katharine Maxwell, his spouse, as follows:—On last as the said John Maxwell was upon the lands of Blairsbow, Patrick M^cDowgall of Traloche, and M^cDowgall of , with some others, armed with swords and other weapons, came to him, violently appre-

Miscellaneous
Papers.

hended him and carried him prisoner to the house of where they kept him for eight days without bed or meat, and then warded him in the tolbooth of Dumfries: Also on May last, when the said Katharine was on the lands of More attending two nags which she had hired, the said John M^cDowgall, accompanied by John M^cKie of Glencruploche, came to her, struck her on the head with a great baton to the effusion of her blood, cast her among the horses' feet, "drew" them over her, and broke one of her ribs, through which she has been since in great "dollour, paine and hazard" of her life. They crave summons against these persons, and also against the provost and bailies of Dumfries for exhibition of the said John Maxwell. [On the back] "*Apud Halyrudhouse, 25 Julij 1628. Fiat ut petitur, with the ordiner provisioun. (Signed) Mar.*"

, spouse, for
summons
against
Patrick
M^cDougall and
others.

199. Petition by John Miccull, servitor to Patrick, Master of 25th July
Oliphant, as follows:—He was intrusted with the keeping of his 1628.
master's purse in which there were some 1200 merks of gold, and this Petition by
was on 3d July instant stolen from him, under cloud and silence of John Miccull,
night, in the Cannagait by Marion Short and Margaret Hannay "twa servitor to
maist unfamous persones quha for commoun thift, adulterie and fornica- Patrick,
tion hes bene dyverse tymes censurit befor the baillies of Edinburgh Master of
and Cannagaitt." He had complained to the bailies of the Cannagait, Oliphant, for
who apprehended and warded the two women in their tolbooth, "quhair the warding in
sensyne they have bene and yit ar fed and intertenneit with wyn, tent wyn,¹ the Tolbooth
seck and maist delicious fair that can be haid for moneyis, and ar let at of Edinburgh
libertie at thair pleasour by collusioun of the jewillir, quha wold seem of Marion
to be partner, at the least upoun the knowledge of the said thift." Short and
Little care is taken for their trial and punishment, so that he is not Margaret
likely to recover his money, and as he is unable to make redress to his Hannay, whom
master, he will be discredited and undone. He craves that their Lord- he charges
ships would ordain the bailies of the Cannogaitt to hand over the said with stealing
women in custody to the provost and bailies of Edinburgh to be 1200 merks of
imprisoned in their tolbooth where "thair is sure and straitt waird for gold.
sic persones and exact tryall tane and punishement gevin to sic male-
factours," until the trial of the said women. [On the back] "*Apud
Halyrudhousec, 25 Julij 1628. Ordanis the javelour of the tolbuith of
the Cannogait to be wairnit. (Signed) Mar.*"

200. Commission by John M^cClaude of Dunevagane, Lauchlane 26th July
M^cClane of Moirverne for himself, and taking burden for Hectour 1628.
M^cClane, younger of Dowart, his brother, Sir Lauchlane M^cFingon of Petition by
Strathordell, knight, and Hectour M^cClane of Lochbowie, for themselves John
"and in name and behalf of the remanent gentlemen of the Iles," M^cLeod of
narrating that at their desire a petition had been presented to his Dunvegan and
others in
behalf of the
gentlemen of
the Iales.

¹ *Vino tinto*—the wine of Alicante in Spain, so-called from its dark colour.

Majesty by the Right Honourable Sir Donald M^cDonald of Sleat, knight, in respect of which his Majesty had signified his pleasure to the Council by two letters, upon which a supplication had been at their instance given in to the Council, whose clerk has the petition and said letters in his custody. Owing to the present sickness of Sir Donald M^cDonald, to whom the subscribers have committed the business, the Council has postponed further consideration of the matter until his recovery. But the subscribers cannot wait any longer in Edinburgh, and they hereby appoint the said Sir Donald M^cDonald their commissioner to attend upon and insist in the business. Dated at Edinburgh, 26th July 1628, and subscribed before Alexander M^cKenzie of Achiltie, James Logie, indweller in Edinburgh, Hectour M^cClane of Kendlochalin, and Mr. John Moncreif, servitor to Mr. Francis Hay, Writer to his Majesty's Signet, writer of the commission. (Signed) J. Leod of Dunvegane; L. M^cLaine of Morverne, S. Laclom M^cHonzre; S. E. Ma^cRonnald; Alex^r M^cKenzie, wittnes; James Logye, witnes; M. J^o Moncreif, wittnes.

Miscellaneous
Papers.

28th July
1628.

Petition by three persons in Elgin for a charge to James and Robert Dunbar, servitors to the Earl of Murray, to pay certain expenses ordained by the Council.

201. Petition by Duff and doctor, burgesses of Elgin, and Mill there, as follows:—On 25th July instant they were produced as witnesses before their Lordships by James and Robert Dunbar, servitors to the Earl of Murrey, in their action against Robert Tulloch, son to the deceased Alexander Tulloch of Tannacheis, and their Lordships ordained the said James and Robert Dundar to pay £10 to each of the first two, being horsemen, and 10 merks to the last named complainer, for their expenses, which they refuse to do unless compelled. They therefore crave a charge against them to this effect. [On the back] "*Apud Halyruidhous, 28 Julij 1628. Fiat ut petitur.*" Not signed.

Petition by Alexander Urquhart of Ballachrie and others against the resetting of Donald Dow M^cWilliam V^cEane in Ardblair, who is now at the horn for the slaughter of Alexander Urquhart.

202. Petition by Alexander Urquhart of Ballacharie, as father, James and Henry Urquhart, as brothers, and the rest of the kin and friends of the deceased Alexander Urquhart, sometime servitor to Simon, Lord Fraser of Lovatt, as follows:—On 8th September last Donald Dow M^cWilliam V^cEane in Ardblair was put to the horn at their instance for not compearing before the Justice and his deputes to underlie the law for the slaughter of the said deceased Alexander, and thereafter the complainer purchased letters which were openly proclaimed at the market crosses of forbidding his reset, yet reset the said rebel. Charge is therefore craved against such resetters. [On the back] "*Apud Halyruidhous, vicesimo octavo die Julij 1628. Fiat ut petitur.*" Unsigned.

29th July
1628.

Petition by David Steels

203. Petition by David Steill, lawful son to the deceased Cuthbert Steill, merchant burges of Edinburgh, as follows:—On 22d July instant as he was going from his "merchant buith in Petheid after the

Miscellaneous
Papers.

ending of the Magdalene faire" at which he had been attending in the ordinary employment of his calling of merchandise and being in the way to the dwelling hous of Richard Rae there, he was assailed by Robert Melvill in the Cannogaitt, and William and David Melvill, in Pethheid, his brothers, with drawn swords and rapiers, who gave him two "deidlie wounds on the heid," another deep wound in his left arm, and left him for dead. They had lain in wait for him till 11 o'clock at night, when the attack was made. He has since been bedfast under the care of surgeons, who have taken two bones out of his head. He craves charge against his assailants. [On the back] "*Apud Halyruidhous, 29^o Julij 1628. Fiat ut petitur.* (Signed) S^r J. Scottistarvett."

for charge
against Robert
William, and
David Melville
on the ground
of assault.

204. Petition by Alexander Johnstoun, messenger, as follows:—On 20th July instant, "being Sunday," he went with letters raised at the instance of Alison Nisbitt to the dwelling house of Michael Hamilton in the Inshe to charge him. On inquiry he was denied to the complainer, who thereupon purposed to leave a copy of the charge and depart. But before he could do so Cristiane Dundas, spouse to the said Michael, came to the door "with ane great caber and ane staffe," accompanied with John King and Hans M^cGill, her servants, who, at the instigation of the said Michael, set upon him, "a poore sickelie man," struck him on the head, face and other parts of his body, so that he was not able to stir; and then they took his "going stalffe" from him and broke it in pieces upon him. He craves summons against these persons. [On the back] "*Apud Halyruidhous, 29 Julij 1628. Fiat ut petitur.* (Signed) S^r J. Scottistarvett."

Petition by
Alexander
Johnston,
messenger, for
summons
against
Cristian
Dundas,
spouse to
Michael
Hamilton,
whom he
charges with
assault.

205. "Right honorable and welbeloved in the Lord. Please yow our brother, Mr. Robert Moray, receivit frome us some informatioun concerning Bessie Wright, who is notoriously knowne to be an abuser of the people, aganst whom ther ar great and many presumptions of witchcrafte, and has bein the occasion of the death of diverse and sundrie persons be applying of physike, and whatever charme is done by her all is done under pretext and cullour of physike. Therefore our desyre was to have had a commission to the Shireff of Perth or provest and bailleis of the brugh of Perth to have tryed her further and after tryell (iff any of these points could have been qualified aganst her) to put her to an assyse that she may be punished, if not of her lyff, yet in some exemplarie maneir for her abuses. Now, Sir, thir presents ar to requeist yow to send us over the Counsells ansuer with this bearer, ane of her cheeff accusers, and if her sone or any in her name come to purchasse any letters for her releeff we requeist yow hold hand they be not geven; for besyds thir accusations aganst her, she was first put in ward for contravening an act made be her owne consent aganst her under a pecuniall pain in burrow buikis of Perth, whilke sowme she has not satisfied, and

Perth, 30th
July 1628.
Letter to the
Clerk of the
Council by Mr.
Henry Adam-
son, on behalf
of the ministers
of Perth,
anent Bessie
Wright, who
is charged with
witchcraft.

therefore cannot gudly be releaved. Thus, Sir, prayeing yow to excuse our homelynesse and intreatting yow to send us ane ansuer with the bearer, committs yow hairtely to the protectioun of God. Resting, Yours in all Christian deutie to power, etc. (Signed) Mr. Henry Adamsonsone at direction of the brethrein. Perth, July 30, 1628. [Addressed] To the right worshipfull James Prymrose, Clarke to his Majesties honorable Privie Counsell, thais." Miscellaneous
Papers.

31st July
1628.

Petition by the brothers and sisters of the late Earl of Lothian that the Council would call before them Margaret Unes and Jonet Shitlington, who as suspected witches are charged with evil practices against the late Earl.

206. "My Lordis of Secreit Counsail, unto your lordships humblie meanis and shawis, wee your servitouris the brethreene and sisteris of the lait Earle of Lotheane that quhair it hes pleased your lordships to grant ane commissioun for putting of Margaret Unes and Jonet Shitlington to the knowledge of ane assise for the cryme of wichcraft confest be thame as thair depositionis and confessionis at lenth bearis, quhairof becaus thair is some pairt (as we ar informed) that reflectis and dippis upoun the deathe of our umquhile brother and upoun the authouris and procureris of the same whiche is not so clearlie and larglie sett down as the nature of the bussynes requiris, and that some of thair depositionis hes bene abstracted and not presented to your lordships, and that thir twa weemen varyee in thair depositionis, denying one day what thay haif granted the other according as thay ar informed and wrought upoun be some personis who hes free access unto thame and who in the conscience of thair awin guiltines laboures by all meanes to hinder the tryall and discoverie of the treuth of that mater, wee will humblie beseeche your lordships inregaird of the nature and circumstances of the bussynes and qualitie of the persone whome the same concernis to gif ordour and directioun for continewing the executioun of the commissioun foirsaid for some certane tyme, and in the meanetyme to command the baillie of the regalitie of Dalkeith and baillie of Newbotle, to bring and exhibit the said Margaret Uns and Jonet Shitlintoun before your lordships to the effect your lordships may gif ordour for thair forder tryall and carefull examinatioun what thay knaw anent the deathe of the said Earle of Lotheane, by what meanes the same wes procured and who wer authouris or accessorie thairunto, quhairby this misterie being oppynit up God may be glorified, justice ministrat upoun the offendouris, and the honnour and reputatioun of that nobleman vindicated and releived. And your lordships ansuer. [On the back] *Apud Halyrudhouse, ultimo Julij 1628. Fiat ut petitur.* (Signed) Monteith, I.P.D."

1st August
1628.

Circuit Courts.

207. Copy of the Act of Council in favour of the Treasurer in reference to the commissions for the circuit courts, printed *ante*, p. 421.

The Lord of
Lorne.

208. Copy of draft of the Acts of the same date in favour of the Lord of Lorne in reference to the same, printed *ante*, p. 420.

Miscellaneous
Papers.

209. Petition by Henry Smith in Altacroy, as follows :—On 2nd August 1628.
last as he was leading home some peats Patrick Vaus, apparent of Barn- Petition by
barroch, having got word thairof, and having conceived malice against Henry Smith
the complainer because he understood he was to complain against him in Altacroy for
for former violence and injury, violently seized the complainer, bound his summons
hands behind his back, and taking him as a prisoner to his place of against Patrick
Mylnetoun, laid him in irons, keeps him yet in this condition, so that Vaus, ap-
none of his friends can have access to him, and scarcely allows him parent of
sufficient food to sustain life. His friends who have interceded for his Barnbarroch,
relief get no other answer “bot that I must redeeme my libertie by who has illeg-
disponing to the said Patrik of my whole estait.” If he did so he must ally warded
ruin and wreck his family. He craves summons against him for this the petitioner.
illegal arrest and to put him to liberty or present him before the Council. [On the back] “*Apud Halyruidhous, secundo die Augusti 1628.*
Fiat ut petitur. (Signed) Monteith.”
210. Copy of the Questions and Answers in reference to the pro- 8th August
cedure of the Judges of the Circuit Courts, printed *ante*, p. 436. 1628.
Circuit Courts.
211. Extract under the hand of James Prymrois of the Act of 28th August
Council dealing with the proposition by the Lord Advocate, printed *ante*, 1628.
p. 440. The Lord
Advocate.
212. Copy of the letter sent to the sheriff-nominate of Berwick, in 31st August
terms of circular letter, printed *ante*, p. 446. Signed by Monteith, 1628.
Hadinton, J. Erskyne, S. G. Elphinstoun, S^r Thomas Hope. [Addressed
on the back] “To our right trust freind the Laird of Rentoun, p.
Home. p. Home.”
213. Copy of charge against Mr. James Hay for appealing Colonel 3rd September
James Sinclair to the combat, printed *ante*, p. 447. 1628.
James Hay
and Colonel
Sinclair.
214. “Quhairas the Lordis of his Majesties Secreit Counsall hes gewin Dumbarton,
commissioun to me James, Lord Ross, and to Johne Colquhoun of Luss, 13th and 20th
to resort and repair to the burgh of Dunbartane to consididir the wattir September
warkis thairof and wthiris partis necessar to be repairit for with- 1628.
standing the violence and invasioun of the wattir and gif the said Letter by
burcht be in ony hazard to be indangered be wattir gif the saidis James, Lord
wattir warkis and wthiris requisite defences be not interteaned and Ross, to the
uphaldin, ordaning us to report our opinioun thairanent to the saidis Council anent
Lordis, as in the said commissioun of the dait at Halierruidhous the the state of the
fyftein day of Julij last bypast at lenth is contenit, according to the harbour of
quhilk I the said James, Lord Ross, appoyntit dyvers and sindrie dyettis Dumbarton.
for visiting the saidis wattir warkis and could nocht hawe the said
Johne Colquhoun of Luss with me. Thairfoir I accompanyit with

Johne, Lord Torphichen, Bryce Blair, fear of that Ilk, and William Sempill of Fulwod, shireff of the shireffdome of Dunbartane, past this day to the said burcht of Dunbartane and wattir warkis thairof and vissitt and sichtit the samyne, and efter consideratioun thairof, findis the saidis warkis verie grit and that the samyne with the said burcht ar in grit danger and hazard be the force and violence of the wattir of Levin; and that the samyne wattir warkis ar nocht aibill to stand gif thay be nocht yeirlie helpit, repairit, and interteaned and uphaldin. Be thir presentis subscrivit with my hand as followis, at Dunbartane the threttein day off September j^m vj^c twentie aucht yeiris. (Signed) J. L. Rose; Jo. L. Torphechen, witnes; B. Blair, yo^r, witnes; W. S. of Foulwod, witnes.

Miscellaneous
Papers.

Letter by
John Colqu-
houn of Luss
to the Council
anent the
same.

I, Johne Colquhoun of Luss, testifies be thir presentis to the rycht honorabill the Lordis of his Majesties Secreit Counsall, that albeit I could nocht be present with James, Lord Ross, at the visitatioun of the wattir warkis of Dunbartane for sindrie my necessar effairis quhilk hinderit me at that tyme thairfra, yit for obedience of the commissioun abonementionat gevin to his lordship and me, I past this day and vissitt and sichtit the saidis wattir warkis maid for defence of the said burcht, and findis the said burgh and wattir warkis thairof foirsaid in grit danger and hazard be the force and violence of the wattir of Lewin, and that thay ar nocht aibill to stand gif thay be nocht yeirlie helpit, repairit, and uphaldin. Be thir presentis subscrivit with my hand at Dunbartane the twentie day of September j^m vj^c twentie aucht yeiris. (Signed) J. Colquhoun of Luss; Johane Nepeir off Killmaheu, witnes; Robert Nepeir, witnes." [On the back] "The Lord Ross and the Laird of Luss reportis to the counsall of the estait of the wattir warkis of Dunbartane."

15th Septem-
ber 1628.
Peter Smart's
sermon.

215. Copy of the Act of Council against the printing or circulating the sermon by Peter Smart, printed *ante*, p. 449. Signed by Monteith, Hadinton, Wintoun, Linlithgow, A. Carre, Arch. Acheson, Hamilton, S^r Thomas Hope, S^r J. Scottistavett.

Parliament.

216. Copy of the Act of Council for the prorogation of the Parliament to 15th April next, printed *ante*, p. 448.

Dumbarton,
22nd Septem-
ber 1628.
Letter of the
Provost,
bailies, and
Council of
Dumbarton to
the Clerk of
Council anent
the state of the
harbour of the
said burgh.

217. "Worthie Sir, and lowing freind, our hertlie dewtie rememberit. Pleis we hawe imployit this gentilman our nyctbour, the Laird of Kilmahew, to cum to yow with that commissioun gevin be the Lordis of Privie Counsall to the Lord Ross and the Laird of Luss for visitatioun of our wattir warkis and the estait thairof togiddir with thair opinioun and report thairof. For, trewlie, gif thay be nocht helpit yeirlie thay can nocht stand; and gif thay fail our toun can nocht bot be distroyit be the wattir. And

Miscellaneous
Papers.

thairfor we merwill thair lordships delayit the granting of the renewing that gift of that lyttill impost quhairof we have the burrowis licence to impetrat the same. We have wairit moir on thaise warkis within thir thrie yeris nor that impost will be in sewin yeris. Johne Sempill, our lait proveist, left with yow the auld gift we haid of that impost togiddir with the Act of the Burrowis licentiating us to impetrat the renewing thairfor for nyntein yeris to cum. Quhairfoir, Sir, we pray yow at this nixt Counsall day to schaw and reid to the Lordis the report send be the Lord Ross and the Laird Luss and to get the said gift past and renewit to us thairupone of that impost for the helping to the uphold of thaise wattir warkis in respect of the grit necessitie thairfor, as we sall evir rest bund to yow. This gentilman will attend yow for the same and will satisfie thairfor to your awin contentment. Swa hoiping for your favour and furdurance of this so chirritabill and necessarie a wark, as we sall evir be reddie to plesour yow to our powar, we rest, Your lowing freindis at all powar verie assured, the Proveist, baillies and Counsall of Dunbartane, subscriwand be David Watsoun our clerk at our command. (Signed) D. Watsoun. Dunbartane the 22 of September 1628. [Addressed] To the rycht worthie and our speciall freind, James Prymrois, Clerk to his Majesties Privie Counsall, thaise."

218. Copy of the Act of Council in favour of the burgh of Dumbarton, 27th September 1628. printed *ante*, p. 466. Signed by Monteith, Hadinton, Wintoun, Rox-
burgh, Traquaire, Arch. Acheson, S^r J. Scottistarvett. Dumbarton.

219. Copy of the Act of Council freeing persons arrested or cited to Horners. the justice courts from arrest on civil hornings while there, printed *ante*, p. 467.

220. Copy of the Act of the Council respecting the new election of Crail. magistrates in Crail, printed *ante*, p. 468.

221. Copy of the warrant and commission by the Council to Katharine Alexander Veitch in Horsburgh for the arrest and examination of Katharine Young, an alleged witch, printed *ante*, p. 468. Signed by Mar, Monteith, Arch. Acheson. Young.

222. Copy of the warrant by the Council to the provost and bailies of Edinburgh to deliver Margaret Unes and Janet Shitlingtoun, printed *ante*, p. 468. Unes and Shitlington.

223. Copy of the Act of Council appointing the annual observance of the 5th of November, printed *ante*, p. 473. 30th October 1628. 5th of November.

- Commissioners
to Parliament. 224. Copy of the charge to the Sheriffs to appear before the Council in the matter of the confirming of the elections of the Parliamentary commissioners for another year, printed *ante*, p. 474. Miscellaneous
Papers.
- Janet Boyd. 225. Copy or scroll of the Act of Council approving of the commission granted by the Earl of Menteith for trying Janet Boyd for witchcraft, printed *ante*, p. 476.
- 7th November
1628.
Sir George
Ogilvie. 226. Original of royal letter in reference to Sir George Ogilvie of Banff's slaughter of James Ogilvie in Podula, printed *ante*, p. 484. Addressed on the back to the Viscount of Duplin, Chancellor, the Earl of Menteith, President, and remanent members of Privy Council.
- 11th November
1628.
Surrenders. 227. Copy or scroll of the Act of Council appointing the commissioners for the surrenders in each shire to report the names of non-subscribers, printed *ante*, p. 478.
- 18th November
1628.
Sir George
Ogilvie. 228. Copy or scroll of the Act of Council in favour of Sir George Ogilvie of Banff, printed *ante*, p. 484.
- Alexander
Nairn. 229. Copy or scroll of the Act of Council in favour of the overture of Alexander Nairn, printed *ante*, p. 486.
- 25th November
1628.
Caution for
Grants. 230. Scroll or copy of the Act of Council in favour of John Grant, apparent of Ballindallach, printed *ante*, p. 491. It has been framed to include also Patrick Grant, his brother, John and Gregor Grant, and Adam Leslie, his servants, William Grant, apparent of Cardells, James M^oIntoshe in Downe of Rothimurchus, and Archibald Grant of Delwey, the caution of Patrick, William and Archibald Grant, being fixed at 1000 merks each, and of the others at 500 merks each. But these additional names are struck out.
- The same. 231. Another copy or scroll of this Act, also containing the additional names and cautions as above.
- The same. 232. Copy of the Act of Council charging the above named persons and others to compear before the Council on 27th January next, printed *ante*, p. 492.
- The same. 233. Copy of the warrant for deserting the trial of the Grants in the above case, printed *ante*, p. 492.
- 25th November
1628.
Petition by Sir
Thomas Hope,
King's Advo- 234. Petition by Sir Thomas Hope of Craighall, King's Advocate, as follows :—Their Lordships had heard at length the question raised by Sir George Elphinstoun, Justice Clerk, against the complainer's priority of

Miscellaneous
Papers.

precedency before him as settled by their Lordships' Act dated in February 1623, and in hope of a friendly agreement being come to they had deferred judgment till 20th November instant. On that day there being no appearance of agreement the complainer brought forward the question, and craved the Council's determination, but the said Justice Clerk, in order to secure delay, absented himself till the business had been put off in consequence of his absence, and then he came in; but their Lordships promised that decision would be given this day, the 25th, without further delay. Meanwhile the said Justice Clerk, taking advantage of this delay to the complainer's prejudice, has raised a reduction of the said Act of Council, but pending the legal decision thereof, Sir Thomas says, "I aucht not to be frustrat of the benefeit of the said Act whilk standis as ane Act of Counsell ay and quhill it be reduceit, and that the said Sir George with some peace of neglect and diminutioun to the honour and authoritie of the supreme seate, ceases not to arguat to himself the precedencie without that dew respect and reverence to your Lordships Act, whilk it becomes all the subjectis bot most of all counsellouris, to obtemper and obey in all humble submissioun. Heirfor and for keeping of comelie and decent ordour and avoyding of contestatioun, it is necessar that your lordships give furth your will and determinatioun without delay," and he craves that a macer be ordained to go and warn the said Sir George to compear this day, "to heir and sie your lordships future determinatioun gevin furth in the premissis." [On the back] "*Apud* Edinburgh, 25 November 1628. *Fiat ut petitur.* (Signed) Hadinton." Day and year beforewritten Mr. William Dowglas, macer, passed and warned Sir George Elphinstoun, personally apprehended, in terms of the above warrant, to compear this day; witnesses, Mr. William Chalmer, keeper of the registers of the "Thesaurarie and Comptrollarie," and Adam Keltie, one of the Clerks of his Majesty's Exchequer. (Signed) M. Wm. Dowglas, maiser. (Signed also) J. Prymrois. [Noted on the margin] "xxv November 1628, pairtyis personalie. Continewit to Thurisday nixt and ordanis this bill to be first hard. xxvij November 1628, pairtyis personalie. Allowis advocattis to the Justice Clerk to compear and pleade aganis the desyre of this supplicatioun. Continewit to the secund of December."

235. Petition by Thomas Nairne of Delnachapell and Thomas Stewart in Rirorie, as follows:—In July last a decree and certification was given against them on the charge of concealing moneys, with the provision that if they came in during the present month of November their oath would be received. They had now come to Edinburgh for this purpose, a distance of "nynescoir myllis," and having extracted their Act appeared before their Lordships yesterday, who thereupon ordained that their oaths should be taken in the afternoon. The said Thomas Nairn then produced his "qualified aithe" and sent it to Archibald Prymroise with

cate, for the Council's decision anent the question of precedence pending between the said Advocate and the Justice-Clerk.

See ante, p. 510.

26th November 1628. Petition by Thomas Nairn of Delnachapell and Thomas Stewart in Rirorie anent a charge against them of concealing moneys.

his man, but he absolutely refused to accept it. They therefore, in respect of their poverty and far distance from home, crave their Lordships' command to Mr. Alexander Hay, clerk of the processes, to receive their oaths "efternoone quhidder Archibald Prymroise come or come not." [On the back] "26 November 1628. *Fiat ut petitur.* (Signed) AL Gibsone, I.P.D. Miscellaneous Papers.

- 2nd December 1628.
Huntly. 236. Copy of the Act of Council charging the Marquis of Huntly to produce certain of his dependants and servants, printed *ante*, p. 497. Signed by Hadinton, Wintoun, Linlithgow, Galloway, Lauderdaill, Ad. B. of Dunblane, Arch. Acheson, Hamilton, S. Thomas Hope, Sr J. Scottistarvett.
- Papists. 237. Copy of the Act of Council giving commission to George, Marquis of Huntly, and Simon, Lord Fraser of Lovat, to apprehend certain Papists in their bounds, printed *ante*, p. 497. Signed by the same Lords.
- The same. 238. Copy of the Act of Council giving another commission to the Marquis of Huntly in the same matter, and with charge to the lieges to assist therein, printed *ante*, p. 499. Signed as above.
- Reset of Priests. 239. Copy of the Act of Council for proclamation prohibiting the reset of priests and others, printed *ante*, p. 501. Signed as above.
- The same. 240. Copy of the Act of Council for another proclamation to the like effect, printed *ante*, p. 502. Signed as above.
- Papists. 241. Copy of the Act of Council granting commission to Patrick, Bishop of Aberdeen, and the provost and bailies of Aberdeen for the arrest of Papists in their bounds, printed *ante*, p. 503. Signed as above.
- Pasquils. 242. Copy of the Act of Council charging Mr. Alexander Irving and others as the alleged authors and promulgators of certain pasquils to compear before the Council, printed *ante*, p. 505. Signed as the preceding.
- Papists. 243. Copy of the Act of Council directing archbishops, bishops and presbyteries to proceed against resettlers of Jesuits and Papists, printed *ante*, p. 506. Signed as above.
- The same. 244. Copy of the Act of Council charging the Marquis of Huntly to remove all excommunicated Papists and rebels from offices under him, printed *ante*, p. 506. Signed as above.

Miscellaneous
Papers.

245. Copy of the Act of Council directing the Treasurer and Director Papists. of Chancery as to their proceedings about the estates of excommunicated Papists, printed *ante*, p. 507. Signed as above.
246. Scroll or draft copy of the last named Act, not signed. The same.
247. Copy of the Act of Council in favour of George Lauder of Bass and his mother, printed *ante*, p. 509. Signed by Hadinton, Wintoun, Linlithgow, Lauderdaill, A. Carre, Arch. Acheson, S. Thomas Hope, S^r J. Scottistarvett. Lauder of Bass.
248. Petition by the reliot and bairns of the deceased John Grant of Carroun, the terms of which are stated in the Act of Council thereon the same day, printed *ante*, p. 514. [On the back] "*Apud Halyrudhouse, quarto Decembris* 1628. *Fiat ut petitur.*" Unsigned. 4th December 1628.
Grant of Carron.
249. Petition by John Grant, fiar of Ballindalloche, the terms of which are stated in the Act of Council thereon the same day, printed *ante*, p. 514. [On the back] "*Apud Halyrudhouse, quarto Decembris* 1628. *Fiat ut petitur.*" Unsigned. Ballindalloch.
250. Copy of the Act of Council giving warrant to George Cockburne of Ormestoun to apprehend some persons suspected of witchcraft, printed *ante*, p. 518. Signed by Hadinton, Wintoun, Linlithgow, Galloway, Lauderdaill, Ad. B. of Dunblane, Arch. Acheson, Hamilton, S. Thomas Hope, and S^r J. Scottistarvett. 9th December 1628.
Witches.
251. Petition by the provost and bailies of Edinburgh, the terms of which are stated in the Act of Council thereon of same day, printed *ante*, p. 521. [On the back] "*Apud Halyrudhouse, undecimo Decembris* 1628. The Lordis exoneris the supplicantis of all blame that they may incur for not preparing of ane bark for transport of his Majestie in respect of the Admirall his declaratioun that he wald haif a care and provid for quhat concerns him in the dewtie of his office. (Signed) Monteith, Wintoun, Ad. B. of Dunblane, Arch. Acheson, Hamilton, S. G. Elphinstoun." 11th December 1628.
Ferry boat for the King.
252. Copy of the Act of Council granting warrant for the apprehension of certain persons in arrears of payment of the taxation, printed *ante*, p. 521. Signed by the same Lords. Taxation.
253. Scroll copy of the shorter Act of Council in the dispute for precedency between the Advocate and the Justice Clerk, printed *ante*, p. 532. 16th December 1628.
Advocate and Justice Clerk.

Sir John
Ogilvie of
Craig.

254. Copy of the Act of Council giving warrant to the captain, constable and keeper of the Castle of Edinburgh to receive and detain Sir John Ogilvie of Craig, printed *ante*, p. 532. Signed by Hadinton, Wintoun, Linlithgow, Buccleuche, Galloway, Lorne and Traquaire. Miscellaneous
Papers.

Act of Council upon a petition by the noblemen, barons, gentlemen, and whole inhabitants of the North and South Isles of Scotland against the power granted to the Lord of Lorn, as heritable justiciary of the whole Isles, of holding Courts wherever he pleases. The petitioners maintain that, by an Act of James IV., Dingwall or Inverness for the North Isles, and Tarbert of Lochinkerron for the South Isles, are the places respectively fixed for holding Courts.

255. " At Halyruidhous the saxtein day of December the yeere of God j^m vj^c and twentie aucht yeeres, Anent the supplicatioun presented to the Lords of Secreit Counsell be the noblemen, barouns, gentlemen and hail inhabitants of the North and South Iles of this kingdome, makand mentioun, that whair they being trewlie informed that the Lord of Lorne had purchast a grant frome his Majestie of the heretable justiciarie of the whole Iles and of Moydert, Morverne, and sberifdomes of Argyle and Tarbert containing power to him to hold courts at whatsomever places or pairt within the bounds foresaid as he pleased, and the saids supplicants finding thair awin prejudice in this point, seing under the cullour of justice he might draw thame frome thair awin bounds and countreis to anie pairt of his bounds whair he pleased and thair to execute his commissioun aganis thame, they wer bold in all submissioun and humilitie to represent to his sacred Majestie thair just and trew greeves in this mater and the inevitable danger and hazard that they wer lyke to undergoe by the executioun of this commissioun in the forme intendit be the said Lord of Lorne; and his Majestie haveing tane thair just greeves to his royall consideratioun his Majestie wes gratuslie pleased out of his tender and royall care of the weale of his good subjects to give significatioun to the saids Lords of Prive Counsell of his princelie intentioun and meaning anent the saids Justice Courts, to witt, That the saids courts for the Iles sould not be indefinitelie haldin in anie place at the humour of the Lord of Lorne bot in the shyres whair the saids supplicants dwells and they to answeere thair allanerlie, that is to say, the inhabitants of the North Iles in the toun of Innernes or Dingwell, and the inhabitants of the South Iles in the Tarbert of Lochinkerrane as hes beene heertofore wiselie and providentlie ordained be his Majesteis most noble progenitours, as his Majesteis letter directed to the saids Lords at lenth beares. And the saids supplicants looking to have bruked the benefite of his Majesteis royall favour conforme to his princelie meaning signified to the saids Lords, yitt they ar informed that the said Lord of Lorne by some prive moyen purchast a new letter frome his Majestie to the saids Lords willing thame to take notice of the most convenient and fittest pairts for halding of Justice Courts whair the Ilanders sall be willing to compeir, and thair is a claus cassin in the end of the said letter that the course sua to be taikin be the saids Lords sould be but prejudice to the said Lord of Lorne to hold his courts in the meane tyme in anie pairt of the Yles whair he pleases, by the whilk letter and last claus thair of all the favour that his Majesty intendit to the saids supplicants by his first

Miscellaneous
Papers.

letter is overthrowin and they ar brought to that same hard estait and condition whairin they wer before they petitioned his Majestie, and the supplicants will crave pardoun to suspect that the last claus hes beene insert without his Majesteis allowance and privitie, seing the hail subject and tennour of the letter seemes to be conceaved in thair favours and to save thame from vexatioun and compeirance at the appetitt of the said Laird of Lorne whair he pleases, and they ar so confident of his Majesteis constancie and royall dispositioun to thame in this point that he would never wittinglie ranverse his former favour without thair hearing, and speciallie seing the last claus ingrossed in the end of the letter is direct aganis the lawes of this kingdome and 59 Act¹ of King James the Fourt his saxt Parliament bearing that the Justices in the North Iles sould have thair seate of justice in Innernes or Dingwell, and that the justices of the South Iles sould have thair seate of justice in the Tarbert of Lochkinkerrane, quhilk Act of Parliament as the supplicants conceaves secures thame fra compeirance at anie other part outwith the bounds prefixt in the said Act; and the rather seing the said Act is so weill strenthenned be his Majesteis letter foresaid sent to the said Lords. And if the said Lord under cullour of this claus subjoynned in the end of the letter sall proceid aganis the saids supplicants and for thair not compeirance sall denunce thame fugitives he will not faile by his power and forces to prosecute thame with all rigour and extremitie whilk may produce some dangerous consequents if the saids Lords of Privie Counsell foresee not some remeid; humblie desyring thairfoir the saids Lords to intimate of new to the Lord of Lorne his Majesteis former letter writtin unto thame whilk restraines his courts to the places conteaned in the Acts of Parliament, and thairwithall that they will discharge him of all putting of his commissioun to executioun aganis the saids supplicants in anie point till they be both heard before the saids Lords and thair reasouns and arguments concerning this bussines discust, and for this effect that they will assigne unto the said Lord of Lorne and the saids supplicants some competent day in the moneth of Julij nixtocome for thair compeirance before the saids Lords at whilk tyme the saids supplicants sall give in in writt to thame the just and trew reasouns whairfoir his Majesteis first letter sent down in thair favours sould be susteanned and obeyed; lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords and they being thairwith weill advised, the Lords of Secreit Counsell assignes unto the saids supplicants and unto the said Lord of Lorne, who wes personallie present, the last Counsell day of Marche nixtocome for thair compeirance before the saids Lords to give in thair reasouns in writt, *hinc inde* for and aganis the desyre of his Majesteis letters foresaids. *Extractum de Libris Actorum Secreti Consilii supremi domini nostri Regis per me, Jacobum Prymrois,*

¹ Acts of Parliament of Scotland, II., 249.

Clericum ejusdem, sub meis signo et subscriptione manualibus. (Signed) Miscellaneous Papers.
JACOBUS PRYMOIS."

The matter between the Lord of Lorne and the inhabitants of the Isles postponed till the first Council-day of June, 1629—the said Lord of Lorne meantime not to hold Courts or proceed against the said inhabitants.

256. The above petition itself, endorsed with the finding of the Lords of Council as above, dated "*Apud Halyrudhouse, xvj Decembris 1628,*" and also marked on the margin of the petition as follows:—" *Ultimo Martij 1629, The Earle of Seaforte and M^cCleud personalie, who produceit and gaif in thair reasonis whiche wer gevin up to the Lord Lorne and he ordanit to ansuer thairto upoun the fifteene of Aprile nixt to whiche the Lordis continewis this mater. xv Aprilis 1629, The Earle of Seaforte, Sir Donald Gorme, M^cLeud and the Capitane of Clanrannald personalie for thameselffes and as having warrand frome the inhabitants of the North Iles, except M^cKynnoun, with the Lord of Lorne who gaif in his ansueris in write to the supplicantis reassones. The Lordis continewis this mater till the first Counsall day of Junij and ordanis a copie of the articles contenit in the supplicantis petitioun exhibited this day to be gevin to the Lord of Lorne and ordanis him to ansuer thairto the day abonewrittin, whiche dyet ordanis bothe the parties to keepe be thame selffis or some other having thair power and dischargeis in the meanetye the Lord of Lorne of halding of courtis in the North Ilis or proceedinge aganis the inhabitantis thair of quhill the first Counsall day of Junij.*"

18th December 1628.
Mr. Robert Bruce.

257. Copy of the Act of Council charging Mr. Robert Bruce of Kinnaird to keep ward at his own house, printed *ante*, p. 536.

22nd August 1627.
Report from Duns anent the prices of cattle, sheep, and wool.

258. "Rycht worschipfull, We have veued the marcatis according to your directioun since the day ye gave ws command and findis the pryces as followes : videlicet, the pryce of comoun drawing oxen, betuixt xxiiij li and fourtie markis the peice ; item, castin oxen, being nocht abill to draw for aige, betuixt xx li. and saxtein pundis the peice ; item, ky and calffis, betuixt xvij li. and xxij li. the peice ; item, yeild ky, betuixt xv li. and xvij li. the peice. Pryces of scheip—Item, yowis and lambis, betuixt fyve markis and sax markis the peice ; item, wetheris, betuixt fyve and sex markis the peice ; item, yeild yowis, betuixt thrie pundis and fyve markis ; item, hogis, betuixt fyftie schillingis and thrie pundis the peice ; item, lambis, betuixt xx li. and xxiiij. li. the scoir. Pryces of wooll—Quhyt clean wooll, betuixt aucht and nyne pundis the stone ; auld laid scheipis wooll, betuixt aucht markis and ten markis the stone ; hog wooll, betuixt fyve and sex pundis the stone. Sir, we pray yow remember to get ws ane competent fiall for our pains and vewing of the marcatis thir nyne or ten weikis or ellis ye will get slack service heirefter. Sua restis, Youris worschapis servandis, (Signed) PATRIK COCKBURNE, THOMAS LYN. Dunse, the 22 of August 1629.¹ [Added at the foot in another hand] This is the roll sett

¹ This is evidently a mistake for 1627.

Miscellaneous
Papers.

doune by the tuo persones subscriyveris abone, to witt, Patrik Cokburne of Chapelleleuche, and Thomas Lin, bailye in Dunce, quha war apoynted by the Justices off Peace within the shireffdome off Berwik for viewing the mercatis off Dunce fra the beginning off Maij last bypast to August instant 1627. (Signed) J. HOME. [Addressed on the back] To the rycht worschipfull the Larde off Blakader [and endorsed by the Clerk of Council] Reporte of Beruick."

259. "Loving friend, When my Lord Chancelar went by he desired me to have care of the publike affaires ānd advertise what occurred. I must therefore entreat yow to write to me at all occasions what ye learne and think fit to be done at home or wretin to Court, and cause Master Patrik Browne send your letters with sure foot boyes, or if any of greater moment occur spare not to write by post. So wishing yow health and welfaire, I rest, Your assured friend at power, HADINTON. Tininghame, 3 Aprile, at night. [Addressed] To my assured good friend, James Primrois, Clerk of his Majesties Secret Counsell at Edinburgh." Sealed with a small oval seal bearing a shield with the arms of Hamilton of Byres surmounted by an Earl's coronet, and flanked and topped by the initials T.E.H.

3rd April
1628 (f)
Letter from
the Earl of
Haddington to
the Clerk of
the Council.

260. "Loving friend, Least ye sould werrie of idle set in this vacand time I have sent yow the store I received from Court by packets broght by the Laird of Thornton. This paper conteanes all I have heard. If I had received more it sould have beene better blecked. I pray yow cause deliver or send his Majesties letters in absence of my Lord Chancelar for ye may perceive them to be so directed, and the other letters as ye find occasion speciallie and most speedilie to noblemen, counsellors and men of qualitie. When ye have any subject of writing to me by any post or foot boy I pray yow send backe thir buistes [boxes] that I may returne to Court with such stuff as we sall haif for his Majesties service and friends. I recommend to yow the letters for Sir William Alexander, Robert Alexander, and my Lord Advocat. Those for the Earle of Mar may be sent to the Castell if ye get no sure bearer going to Couper race. I think fit that ye offer the letters for my Lord Chancelar to his Lady that by advice of friends whom sho trusts sho may either open them or send them backe to Court. So expecting your advertisement when ye have occasion I commit yow to God, and rest, Your loving friend at power, HADINTON. Tininghame, 4 Aprile, at night. [Addressed] To my assured good friend, James Primrois, Clerk of his Majesties Secret Counsell, and in his absence to his sonne, Maister Gilbert Primrois at Court." Sealed as the last.

4th April
1628 (f)
From the same
to the same.

261. "Loving friend, I have not yet learned by the letters I received from Court of anything done in our countrie affaires, but that his Majestie

20th May
1628 (f)
From the same
to the same.

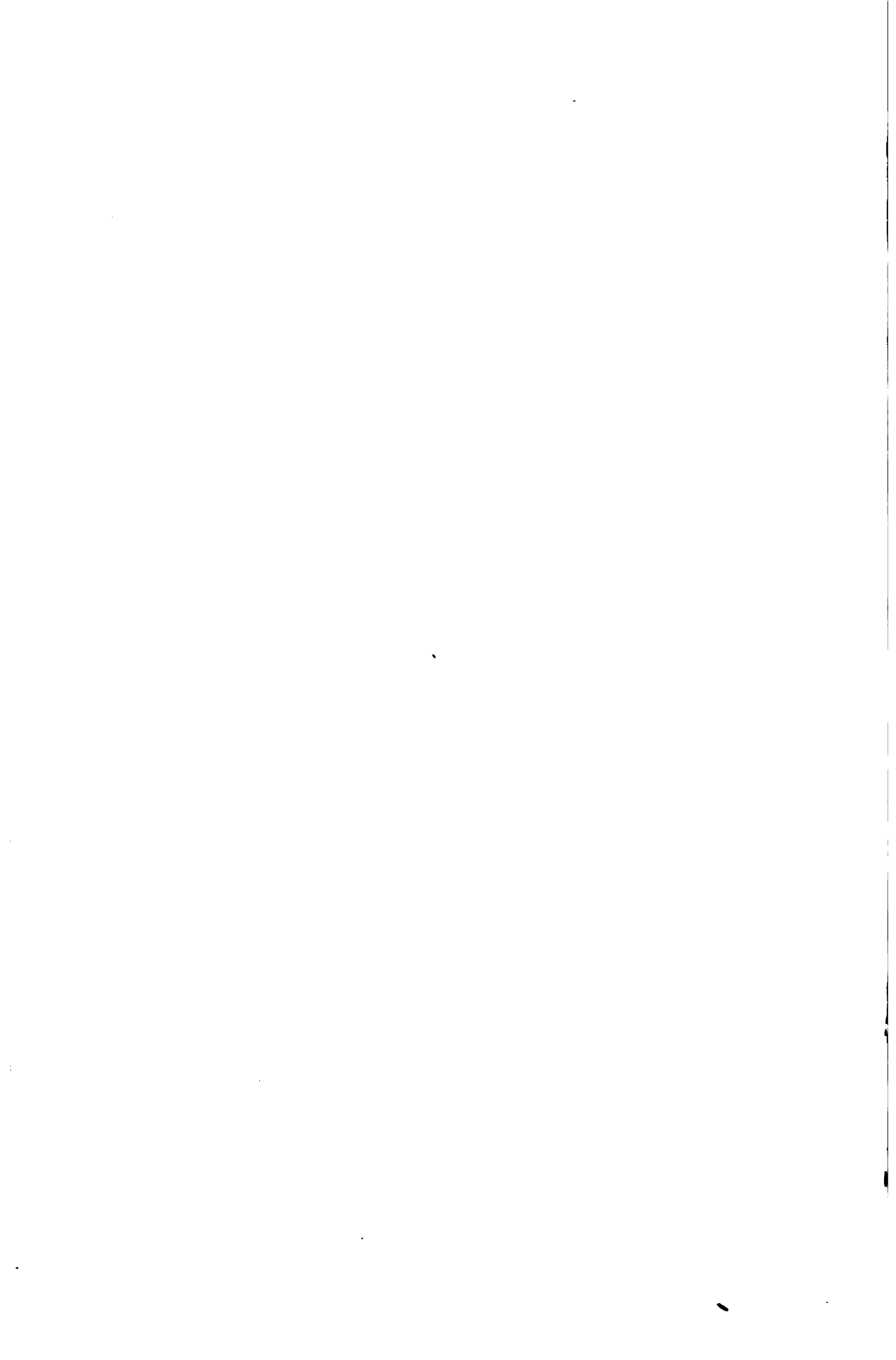
hes caused give fyve articles concerning the submission to sindrie noble-
men and others of our countrie willing them to returne to him in writ Miscellaneous
Papers.
their opinion thereanent, after which it is thought he will draw to a
publick meeting. There is good hope that things sall end in the
Parlement to his Majestie and the subjects contentment. I entreate
yow cause deliver the multitude of letters in thir thrie buistes, and when
any comes to yow to be sent to Court send them to me speciallie if there
be any subject of writing of publicke busines or letters for noblemens
important affaires who are at Court. So I wish yow all happieness, and
rest, Your verie assured friend, HADINTON. Tininghame, 20 May.
[Addressed] To my assured friend, James Primrois, Clerk of his Majesties
Privie Counsell, or to his sonne, Maister Gilbert Primrois."

Undated. 262. "Brother, Pas the Laird of Glenurquhyis suspensioun quhilk Mr.
D. Primrois to the Clerk of Johnne Archibald hes foryet. Grant the ressait of the consynit silver
Council anent the Laird of in my name for quhilk this salbe your warrand this morning. Your
Glenorchy. brother, (Signed) D. Prymrois. To his loving brother, James
Prymrois, Clerk to the Previe Counsell."

Undated. 263. "Richt worschippfull, my loving deutie remembered. About some
Letter from halfe yeir agoe I sent the rolls of my taxatione to your brother Archbald.
J. Gladstone to the Clerk of I knou not hou they ar losed. In his absence, Sir, I must have
Council anent the rolls of his recourse to you to intreat you to cause grant me letters upon theis rolls.
taxation. The former favours I have resaved mak me so homlie vith you, looking
for his cause quho is absent that you vill expied theis letters. Thus
committing you to God, I rest, Your loving and assured frind, (Signed).
J. Glaidstans. [Addressed] To the richt worschippfull James Prymrois,
Clerk to his Majesties Privie Counsell."

Undated, c. 264. Petition by William Wood, Adame Mayne, John Curle, Thomas
1627. Robertsons and John Scharpe, "all honnest menis bairnes and serwandis
Complaint by within the toun of Kelso," complaining that Andro Ker of Masindew,
William Wood and others, bailie thereof, six weeks since caused them to be apprehended by force
within the town of Kelso, without warrant, or any offence being committed by them, and imprisoned
against them in the tolbooth of Kelso for some weeks at their own costs, and
Andrew Ker of thereafter "sauld and coupit us over as sogeris to Capitane Touris,
Maisondieu for illegal imprisonment, threatning and minassing us to go to the wearis of France or ellisquhair
etc. the said Capitane pleasit," though they had never inlisted or received pay
from the said Captain or his subordinates. Meanwhile the said Andro
Ker had brought and imprisoned them in "the tolbuith and wairdhaus
of the Cannogait," where they have now lain for twenty days also on
their own charges. They allege that he intends to ship them off
forcibly under cloud and silence of night, and plead that their
Lordships would try their case and pity their poor distressed estate, and
"for Chrystis caus to grant us als mucche libertie and licence as to com-
peir befor your lordships to plead our caus."

INDEX.



INDEX.

- ABBOTRULL** (Abbotroull), kirk of, minister and session of, 203.
- Abercorn**, Earl of, James, xxviii, 327, 334, 596; disputes the leading of the teinds of Abercorn with the Earl of Linlithgow, 66, 67.
- Countess of, Marion Boyd, summoned before the Council, but excused on account of her infirmity, 343, 344.
- parish of, dispute about the teinds, 66, 67.
- Abercrombie** of Birkenbog, Alexander, commission to him, 376.
- Aberdeen** (Aberdein), Bishop of, Patrick Forbes, a member of the Privy Council, vi; letter to him from King James VI., 2, 3; consulted about the matter of Elizabeth Leslie, 19; letter by him to the Council about her case, 48-50; to consider as to the erection of beacons in his district, 54; written for to attend a meeting of the Commission for Surrenders, 331; commissions to him against Papists, 360, 361, 503-505, 630; his signature, 50; present in Council, 353, 357, 367, 374, 380, 383; signs Acts of Council, missives, etc., 363, 382, 386, 387.
- bishopric or diocese of, troubled with Papists, 375-377, 494-509, 630, 631.
- burgh of, 83, 148, 155, 209, justice-ayres held there, xxii; the provost to consider as to the erection of beacons in the district, 54; the commission for the erection of beacons to meet there, 54; recommendation and commission to the magistrates to build forts at their harbour mouth, xv, xvi, 57, 58; the magistrates petition about some pieces of ordnance, 83; the magistrates are desired to assist H.M. ship *The Thrissell*, 179; and to deliver this ship to the Admiral, 253; the composition for the taxation, 287; increase of Popery in the town, 360, 361, 503-505, xxvi, 49; petition by the provost and bailies, 360, 361, 614; commission to them to apprehend Papists, xxvi, 360, 361, 503, 505, 630; circuit-courts to be held there, 435; libels addressed to the provost and affixed to the kirk door, 505; the magistrates written to about base dollars in circulation, xxxv, 541, 545, 546; letter from the magistrates to the Clerk of Council about the teinds, and repayment of the money advanced for repairing the King's ship, 584; seal of the town, 584; documents dated there, 50, 584; proclamations at the market cross, 312, 502, 503, 573; the tolbooth, 361, 376.
- Aberdeen**, Links of, 595, 596.
- ministers of. *See* Dr William Forbes, Dr Robert Barron, Mr James Ross, and Mr James Sibbald.
- shire, 33, 34, 54, 92^a, 246, 248, 296, 325, 326, 573, 585; Papists there, xxv, xxvi; the submission of the teind-sellers and teind-buyers there, 312, 318, 479, 585; circuit-courts of judiciary to be held, 347, 435; preparation of a roll of the fencibles, 616, 618; the Sheriff, 496; summoned before the Council, 475; commission to him, 325, 326; charges and missives to the justices of peace, 12, 61; they are to report as to the fencibles, 168, 169; report by them, 558.
- University of, x, 8.
- Aberlemno** (Abirlemno), minister of. *See* Mr John Lindsay.
- parish of, survey of fencible persons there, 170.
- Abernethy** (Abirnethie), Norman, in Roch-noddie, charged with molestation, 533.
- Patrick, bailie of Salton, commission to him, 517.
- William, servant to Gordon of Rothiemay, charged with molestation, 534, 535.
- Abernethy**, in Perthshire, 594.
- in Strathspey, manse of, 572; minister at. *See* Mr Patrick Grant.

- Abortion, attempts to procure, 130, 162.
- Aboyne, Lord, Sir John Gordon, 497, 502.
- Abroad, license to go : Alexander, Master of Forbes, 115 ; John, Lord Madertie, 2.
- Adair, Thomas, bailie of Stranraer, complaints by him, 144, 193, 194 ; charged to appear before the Privy Council, 194.
- Adam (Adame), William, marrikin-maker, burgess of Edinburgh, caution by him, 81.
- Adamson (Adamesoun) of Graycruik, Mr William, charged to appear before the Privy Council, 441 ; commission to him, 470, 494.
- George, bailie of Dunbar, caution for his compearing before the Council, 66.
- Mr Henry, minister, writes to the Council on a case of witchcraft, 623, 624.
- John, to be produced before the Council, 36.
- John, messenger, executes a charge, 576.
- Thomas, charged with deforcement, 512.
- Adie, John, in Caribdin, charged to appear before the Privy Council, 146, 147, 561^a.
- Adinstone, George, baker, burgess of Edinburgh, caution by him, 75.
- Adjournal, Books of, references to the, 28, 329, 362, 618.
- Admiral, the Lord High, of Scotland, an officer of State, 526. *See* Duke of Lennox, and Alexander, Earl of Linlithgow.
- Lord, of England, desired to assist in the recovery of a Scottish ship at Plymouth, 20, 21.
- of France, 218.
- Admiralty, jurisdiction of the ; the Admiral to be sole judge of prizes, 208, 209 ; letters from the King, 221 ; right of admiralty claimed by the Earl Marischal for his lands on the coast by gift from the Duke of Lennox, 204, 215, 227, 239, 240, 564, 565 ; the Admiralty seal, 65.
- of England, letter from the Council to judges about certain ships, 381, 382, 551, 552.
- of Nova Scotia, and its seal of office, 271, 576.
- of Orkney and Shetland disjoined from that of Scotland, xlvi, 281, 282, 571.
- Adultery and incest, prosecutions for, 162^a, 202, 203, 263, 264, 562 ; to be dealt with by the circuit-courts, 457 ; case of Robert Burgie, 294, 295 ; Andrew Davidson, 183, 463 ; Jean Murdo, 265, 269 ; Thomas Paterson in Auchingray, 343 ; Thomas Sands and Bessie Peat, 85 ; Sir John Stewart, 336.
- Advocate, Lord or King's, Mr Henry Lauder, 525, 526, 531 ; Mr James Henderson, 525, 530 ; Mr Robert Crichton, 526 ; Mr David McGill, 526 ; Mr John Skene, 526 ; Mr William Oliphant of Newton, *q. v.* ; Mr Thomas Hope of Craighall, *q. v.* ; dispute as to the precedence of the office over that of the Justice-Clerk, 486, 490, 491, 510, 511, 524-532, 547, 628, 629, 631 ; the King's Advocates ordered to prosecute a person who committed an assault at the Council-house door, 96 ; directed to prepare a draft submission as to the teinds, 86-88 ; adjoined to the Justice in the trial of a case, 132 ; to inspect the charters of the town of Edinburgh, 159 ; to inquire into the Admiralty of Orkney and Shetland, 282 ; they prepare the submission, 268, 311, 312, 357, 478 ; and having to pursue all those who refuse to subscribe it, crave the Council's advice, 477, 478-480, 490, 518 ; to pursue the Lübeck ship as a prize, 227, 291 ; to report about the Admiralty of Orkney and Shetland, xlvi, 281 ; prosecution by them against importers and retailers of English beer, 261, 262, 289 ; against ravishers of women, 405 ; against exporters of tallow, 115 ; against wearers of firearms, etc., 110-112. *See* Hagbuta.
- the Faculty of : the Lords do not permit advocates to plead before them save in exceptional cases, 490, 527 ; petition by them respecting the taxation, 563 ; they make offer of a composition for their taxation, 569, 570 ; particular members— Mr Thomas Akinhead, 21 ; Peter Algeo, 516 ; Mr George Anderson, Aberdeen, 505 ; Mr Andrew Ayton, 3, 132, 364-366 ; John Belches, 271, 272, 464 ; Mr Robert Burnet, 106 ; Mr Henry Cheap, 230 ; Mr Robert Craig, 262 ; Mr Alexander Cumming, 80 ; Adam Cunningham, 406 ; Mr William Davidson, 97 ; Mr Patrick Forrest of Archerfield, 552 ; Mr Robert Foulis, 232, 562 ; Mr Thomas Hope, 3 ; James King, 84 ; Mr James Lawtie, 180, 241 ; Mr Robert Learmouth, 3, 117, 132, 332, 366 ; Mr Alexander McGill, 80 ; Mr Laurence McGill, 117 ; Mr Roger Mowat, 242, 515 ; Mr Thomas Nicolson, 26, 366 ; Mr James Nisbet, 444 ; Mr James Oliphant,

- 366, 406; Mr John Oliphant, 117; Mr John Paip, younger, 41, 71, 97, 144; Mr David Primrose, 105, 470, 494; Mr James Raith of Edmonstone, 431; Mr John Sandilands, 444; Laurence Scott, 267; Mr John Scrogie, 262; Mr Lewis Stewart, 132, 366.
- Agnew of Lochnaw**, Sir Patrick, provost of Stranraer and sheriff of Wigtown and Galloway, charged to appear before the Privy Council, 194; to take the subscriptions of the teind-buyers of Wigtownshire, 247; and to report the names of such as refuse to sign, 479; charged to keep the peace with the Earl of Cassillis, 344, 345, 348, 609; put under caution to keep the peace, 392; his precognition, 419.
- Aikenhead** (Aikenheid, Akinheid), Christian, wife of Robert Harper in Rottinraw, to be tried for witchcraft, 328.
- David, provost of Edinburgh, appears before the Council anent the fortifying of Leith, 125-128; charged to appear before the Privy Council, 193.
- Mr Thomas, advocate, registers a bond of caution, 21.
- Aikman**, Henry, chirurgion in Edinburgh, appears before the Council, 355; sues an executor for his account, 378.
- James, merchant burges of Edinburgh, charged with harsh imprisonment, 214, 215.
- James, charged with assault and molestation, 163.
- Mr William, servant to Lochinvar, witness to a writ, 272.
- Ailmyle**, lands of, 512.
- Ainslie**, Andrew, merchant burges of Edinburgh, caution by him, 26; his signature, 26.
- John, caution for his compearing before the Council, 82.
- Airds** (Airdries) Viscount of, Hugh Montgomerie, grant of tollage at Portpatrick to him, 64; writes to the Council that he is willing to surrender his charge at the western ports except Portpatrick, 321; written to by the Council to stay criminals fleeing to Ireland, 445.
- Airlie**, Lord, James Ogilvie, sixth, Justice of Peace for Forfar, inhibited from taking the musters of the vassals of the Lordship of Cupar, 30, 30 n., 31.
- Airlie**, Nether, parish of, survey of fencible persons there, 170.
- Over, parish of, survey of the fencible persons there, 170.
- Airth**, George, provost of Cupar, summoned before the Council, 178.
- Airth**, coalheuchs and saltpans of, 146, 561.
- Aitcheson** (Acheson, Achesoun) of Glencairny, Sir Archibald, Secretary of State for Scotland, member of the Privy Council, vi; his house in the Canongate, vi; his crest and motto, vi; his possessions in Ireland, vi; carries a letter to the King, 86, 87; appointed a member of the Privy Council and a Commissioner of the Exchequer, vi., 107, 558; his admission as a Lord of Session, 107 n.; patent appointing him Secretary for Scotland, 107, 108; a protest upon his appointment by the Treasurer, 108; the Signets and warrants of the Signet delivered to him by the late Secretary, 108, 109; on the committee about the fortification of Leith, 133; grants a discharge to the Earl of Haddington for the warrants of the Signet, 175; on the committee for revising and printing the statutes, 365, 366; present at Whitehall, 414; all copies of a suppressed sermon to be delivered up to him, 450; to receive rolls from the sheriffs of those who may be appointed justices of peace, 466, 473; on a commission about the office of Justice-Clerk, 484; to mediate between the Advocate and the Justice-Clerk, 491; ordered to write to the King about Thomas Dalzell, 521; letter from him to the Clerk of Council, 605, 606; his seal, 606; present in Council, 107, 112, 113, 117, 122^a, 131, 135, 140, 142, 144, 145, 150, 159, 167, 174, 176, 180, 189, 311, 319, 321, 448, 450, 456, 459, 466, 473, 478, 484^a, 490^a, 491, 494, 497, 513, 518, 521, 524, 535, 540; signs Acts of Council, missives, etc., 112, 130, 138, 139, 148, 155, 156, 157, 165, 171, 172^a, 175, 179, 189, 195, 317^a, 319, 320, 455, 456, 470, 471, 472, 473, 477, 482, 483, 489^a, 496, 513, 516, 517, 520, 539, 540, 542, 543, 545^a, 546, 585, 626, 627^a, 630, 631^a.
- of Newtoun Leyes, Mr John, disposes the Minthouse, and obtains a protection to come to Scotland, 429, 430; his protection extended, 469.
- David, in Blaikesk, charged with armed convocation, 410.
- Edward, in Blaikesk, charged with armed convocation, 410.
- Hector, indweller in Prestonpans, caution by him, 121; his signature, 121.
- Hew, in Blaikesk, charged with armed convocation, 410.

- Aitcheson, John, in Corrie-frane, servant to the person of Moffat, complaint by him, 463, 464; wounded, 599.
- John, in Moffat, charged with resetting a rebel, 599.
- John, General of the Mint, reports to the Council about the dog-dollars, 167, 168.
- Martin, in Hillhouse, caution for his compearing before the Justice, 518, 519.
- Nicol, in Moffat, charged with resetting a rebel, 599.
- Aitken (Aitkin, Aitkyne) of Hunderedge, George, caution by him, 66; his signature, 66.
- of Middlegrange, James, complaint by him, 381.
- Mr Harry, Commissary of Orkney, bond in his favour, 251.
- John, in Greenhead, caution for his compearing before the Council, 41.
- John, servitor of James Primrose, Clerk of the Council, witness to a writ, 41.
- Robert, an inhabitant of Dunfermline, called to account about some timber, 141.
- Robert, payment of £5000 to be made by him, 381.
- William, in Greenhead, caution for his compearing before the Council, 41.
- William, servant at the alehouse of Fiddes, to be apprehended as an idle and masterless person, 106.
- Ako, Simon, beadle of the kirk of Natoun, 432.
- Ale (ail), drinking of, 120; an act anent single and double, 195, 216; setting the prices of, 216, 337; that of Scotland as good as English beer, 261; barrels broken and ale spilt, 603.
- Alexander of Menstrie, Sir William, Secretary of State for Scotland, member of the Privy Council, vi; appointed principal Secretary of State for Scotland, 107, 107n., 108; a protest upon his appointment by the Treasurer, 108; the Signets and warrants of Signet delivered over to him by the late Secretary, 108, 109; appointed Admiral of Nova Scotia, and to have a seal of office, 271, 576; fugitives from his service in Nova Scotia to be arrested, 313, 314, 585; on the committee for revising and printing the statutes, 365, 366; letter to him from the Council desiring him to inform the King of the arrangements for his coronation, 405; other letters to him from the Council, 412, 544, 605; present at Whitehall, 414; letter to him from the Council in favour of Colonel Sinclair, 472; he has sent his son with a colony to Nova Scotia and Canada, xlix, 1, 443, 489; missives sent to him at Court, 47, 76, 405, 412; letters for him sent to the Clerk of Council, 635.
- Alexander, David, captain of the ship *The Alexander*, to assist the warships, 42, 43, 46; he claims remuneration for his services, 201; order for payment of him and his crew, 269, 270.
- Robert, in Aberdeen, petition by him, 617.
- Robert, written for to attend a meeting of the Commission for Surrenders, 331.
- Robert, burgess of Stirling, debt due to him, 541, 542.
- Robert, letter for him sent to the Clerk of Council, 635.
- Algeo (Aldgeo, Aldjeo), Claud, servitor to Claud Hamilton, charged with assault and molestation, 596, 597; xxviii, xxix, 327, 328.
- Peter, advocate, 516.
- Thomas, servant of the Countess of Abercorn, excommunicated for Popery and put to the horn, 343, 344.
- Allan (Allane), James, in Watstoun, fined for illegal convocation in arms, 355, 356.
- John, portioner of Kirkgunzeane, under the sentence of excommunication for abusing the minister and kirk session, 129, 202; not to be reset by the lieges 264.
- John, charged with deforcement, 512.
- Thomas, messenger, appears before the Council, 482.
- Walter, charged with deforcement, 512.
- William, in Preston, caution by him, 122; his signature, 122.
- Allardice (Allardes) of that ilk, John, caution for him, 82, 83; signs a report as a justice of the peace, 560.
- Thomas, in Glassindrum, caution for him, 82, 83.
- Allison (Alesoun), Andrew, in Pitlandie, charged with molestation, 401.
- William, burgess of Jedburgh, denounced as a defaulting witness, 251; caution for his compearing before the Council, 262; suspension of horning against him, 277.
- Allos (Aluay), letter dated there, 584.
- Alloway, Kyle of, in Mull, 340.
- Almond, Water of, 446.
- Alshender (Elsheoner), James, in Inver, to be apprehended, 97.

- Alshender, Robert, in Auchinheif, charge to find lawburrows, 611.
- Alves, kirk of, unseemly conduct in the, 404.
- Alyth (Alight), parsonage of, 522.
- Ambrose (Ambrois) of Graystain, John, charged with assault, 615.
- Ammunition, xxxiii; trade in, with Spain, forbidden, 10, 11; provided for the warships, 41, 42, 45; to be imported, 59. *See also* Gunpowder.
- Anderson (Andersoun) of Woodside, George, charged with unlawful convocation, 119-121.
- Bertie, servant to Hector Cranston, charged with armed convocation, 410.
- David, in Aberdeen, petition by him, 617.
- David, cordiner in the Canongate, ordered to liberate a prisoner, 377, 378.
- David, writer, appears before the Council, 3.
- David, W.S., appears before the Council, 132.
- Mr George, advocate in Aberdeen, a writer of pasquils, summoned before the Council, 506.
- George, in Aberdeen, petition by him, 617.
- Henry, in Over Inzeort, pointing at his instance, 610.
- John, elder, town-councillor of Perth, charged with illegal election of the provost, 233-235.
- John, in Redpath, charged with cutting and stealing trees, 398.
- Michael, in the Potterrow, caution by him, 82.
- Patrick, treasurer of Perth, charged with illegal election of provost, 233-235.
- Robert, an inhabitant of Dunfermline whose house was burnt, 141.
- Mr William, sheriff-clerk of Aberdeen, under process for Popery, and to be dismissed from his office, 507.
- William, schoolmaster in the Canongate, caution by him, 48; his signature, 48.
- William, in Lethame, charged with molestation, 401.
- William, in Redpath, charged with cutting and stealing trees, 398.
- Andrew (Androw), John, late deacon of the tailors of Perth, charged with illegal election of the provost, 233-235.
- Yulle, in Dysart, deceased, 135; caution for his widow, Katherine Christie, 135.
- Angus, Earl of, William, eleventh, a Commissioner for the Middle Shires, xx, 98, 99; accepts the commission for the Borders, and is sworn, 28, 30; ordered to report upon the state of the Borders, xx, 136, 137; his report, 143, 144; publication of his appointment as a Commissioner for the Borders, 172, 173; appointment of a number of persons to assist him on the Borders, xx, 98, 99; to repair the highways in his neighbourhood, 374; commission of justiciary to him, 28, 41, 301.
- Angus, John, his ship at Burntisland to be inspected, 109.
- Angus, sheriffdom of, 580. *See* Forfarshire; sheriff of. *See* Sir Harry Wood of Bonyton.
- Aniseed, cargo of, in a wrecked Lübeck ship, xl, 199, 227, 270, 275, 276.
- Annan (Annand), Captain Alexander, gives in a roll of resettlers of deserters, 326.
- James, burges of Dundee, prosecuted for importing English beer, 289.
- Annan, burgh of, proclamation at the market cross, 264.
- river, slayers of salmon or black fish to be dealt with by the circuit courts, 438.
- Annandale (Annanderdail, Annerdail), Earl of, John Murray, first, member of the Privy Council, vi; an absentee from Council meetings, viii; the King writes in his favour to the Council, 158, 159; a Commissioner for the Middle Shires, xx, 98, 99; publication of his appointment as a Commissioner for the Borders, 172, 173; to obtain the gift of the escheat of Lord Herries and his son, 440; obtains Lochmaben Castle from King James, 473.
- stewardry and district of, 31, 33, 34, 162, 184, 265, 435, 562; among the Border counties, 173; warrant to the Border Commissioners and others to arrest excommunicated persons there, 224, 225*, 568, 569; the fencibles there, 445; commission to the Steward, 148, 229, 230; he is summoned before the Council, 475; charges and missives to the Justices of Peace there to report upon the fencibles, 168, 169.
- Anne of Denmark, Queen of King James the Sixth: one of the ladies of her bed-chamber marries the Laird of Myre-cairnie, 364, 365.
- Anniversary of the Gunpowder Plot to be observed, 473, 474, 627.
- Annual rents. *See* Taxation.

- Anointing of the King, 394.
- Anstruther, a fort to be built there, 58 ; English beer imported there, 261 ; proclamations at the market-cross of, 18, 566.
- Apprentice, the town of Edinburgh sued for refusing to register an, 193, 216.
- Arbirlot (Abirlot), parish of, survey of fencible persons there, 170.
- Arbitration, cases of : between Buchanans and Macgregors, 330 ; Robert Callendar in Torryburn and his son, 219 ; Fraser of Elrig and Patrick Strachan, 83 ; Ker of Ancrum and Mr William Jamieson, 83.
- Arbroath (Aberbrothock, Arbroth), burgh of, 89 ; the Hie Street, 23 ; the bailies peremptorily ordered to report the number of fencible persons in their town, 170, 171 ; presbytery of, the inhabitants therein to hold their wapenschaw at the burgh of Arbroath, 88-90.
- Arbuthnot of that Ilk, Sir Robert, to consider as to the erection of beacons in his district, 54 ; to take the subscriptions of the teind-sellers of Kincardineshire, 246 ; commission to him, 325, 326 ; present at a justice of peace court, 553, 554 ; signs a report as a justice of the peace, 560.
- J., signs a report as a justice of the peace, 560.
- Archduchess, the, war with the, 11, 13, 14.
- Archibald, Mr John, 636.
- . . . , in Blackford, charged with resetting a rebel, 599.
- Argyle, Earl of, Archibald, fifth, resigns, by his son, Lord Lorne, the office of Justice General, 364.
- — — , afterwards Marquis of, Archibald, during the period of the volume styled Lord Lorne, a member of the Privy Council, vii ; to take the subscriptions of the teind-sellers of Argyleshire and Tarbet, 246 ; he reports the submission by the teind-sellers of Argyle, 309 ; he produces a letter from the Earl of Perth in Council, 330 ; he is appointed a member of the Privy Council, 331, 332 ; the holding of justice courts in the Islands, xxiv, 363 ; he resigns the office of Justice-General, 364 ; he is to concur with the judges of the circuit courts, 373 ; but these courts are not to prejudice his heritable right of justiciary over the Isles, 420, 624 ; nor yet the commission of Justice-General to the Earl of Menteith, 421, 424 ; the Islesmen petition against his claim to hold justice courts wherever he pleases, 535, 632-634 ; he appears before the Council, and answers the Islesmen, 634 ; commission to him, 405 ; present in Council, 334, 335, 339, 351, 353, 357, 367, 374, 380, 388, 391, 397, 402, 406, 412, 420, 425, 524, 535, 540 ; signs Acts of Council, missives, etc., 336, 339, 342, 367, 386, 387, 390^a, 391, 393, 405^a, 406, 411, 416, 539, 545, 632.
- Argyleshire, xxiv, 33, 34, 246, 248, 632 ; circuit-courts of justiciary to be held, 347 ; the sheriff summoned before the Council, 475 ; the submission of the teind-sellers and teind-buyers there, 479 ; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Arkland, 462, 606.
- Armagh, vi.
- Armour, to be imported, 59 ; for the inhabitants of Kincardineshire, 228, 229, 559, 560, 571 ; the different pieces of, 571.
- Arms, a Book of Arms to be made by the Lyon, 139 ; the Lyon and heralds empowered to visit all arms and prosecute those who illegally bear or use them, 164, 165 ; false officers of arms to be dealt with by the circuit-courts, 437.
- Armstrong (Armestrag), Christopher, in Barngleish, killed by an Englishman, 539.
- David, a fugitive Scotsman, killed at Bolton Fell, 539.
- Hugh, a fugitive Scotsman, killed at Bolton Fell, 539.
- Arnott (Arnot) of Barcaple, David, Chamberlain of Galloway and Steward depute of Kirkeudbright, complaint by him, 133, 134, 139 ; commission to him, 542.
- George, merchant burghess of Edinburgh, caution by him, 26 ; his signature, 26.
- Dame Helen, wife of Sir George Home of Manderston, complains that her husband has violently carried off her goods, 511, 512.
- James, burghess of St Andrews, caution by him, 68, 69 ; his signature, 69.
- John, in Cockburnspath, commission to him, 540.
- John, summoned as a witness in a case, 154.
- Robert, bailie of Perth, interferes in a fray in the town council, 213 ; charged with illegal election of the provost, 233-235.

- Arran, Earl of. *See* James, Marquis of Hamilton.
- Arrestments, used to enable soldiers to evade their service, 37.
- Arson, by a madman, 22. *See also* Fire-raising.
- Arthur (Archer), Alexander, tenant in Strathord, complaint and petition by him, 399, 400, 618-620.
- John, in Kilkerran, charged with molestation, 543.
- Artillery, two "demye culverinis" lent to Captain David Robertson, 26, 36; iron "demyculverings" at Leith to be lent to Aberdeen, 57, 58; and Anstruther, 58; ammunition for the guns of the warships, 41, 42, 45; the casting of iron ordnance at home, xxxiii, 64; eight pieces of ordnance to be lent to Montrose, 74; some ordnance transported from Leith to Aberdeen, 83; bringing ordnance from Ireland, 95; cannon and ammunition required for the defence of Leith, 187; ordnance forbidden to be carried to Danish ports in possession of the enemy, 280, 281.
- Assault, case of, at the Council-house door, 95, 96; committers of wilful assault to be dealt with by the circuit-courts, 437.
- Assignations of Crown lands in payment of pensions, 155, 156.
- Assise of herring, 18, 566, 567.
- Assithement, cases of, for slaughter, 99, 100, 216, 226, 287; the King settles a disputed case, 130, 131.
- Assurance, sitters under, from thieves, to be dealt with by the circuit courts, 438.
- Athie, Laird of. *See* Carnegie.
- Athole, Earl of, John, 142.
- Athole, bailie of. *See* Robert Stewart of Balleachin.
- Auchindinny (Auchindynnie), bridge of, to be repaired, 469.
- Auchinleck (Afflect) of Balmanno, Sir George, to repair the highways in his neighbourhood, 374; signs letters to the King, 513, 546.
- William, in Prestonpans, caution by him, 121.
- Auchmoutie (Auchinmowtie), James, captain of H.M. ship *The Thrissell*, reports his ship damaged in a storm, 179; his warship disposed of, 209; obtains a loan of money from Aberdeen for repairing his ship, 584.
- John, in charge of the King's household stuff, 20.
- Auchterhouse (Oughterhouse), parish of, survey of fencible persons there, 170.
- Auchterlonie, John, execution of summons against him, 552.
- Augustine, Emanuel, writer in a Lubeck ship, 135.
- Auld, Marion, widow of John Russell in Westerglen, horning at her instance, 112.
- Auldbar (Aldbar), Laird of, to consider as to the erection of forts in his district, 53.
- Ayr, Viscount of, William Crichton, 247; member of the Privy Council, vi; an absentee from Council meetings, viii; to repair the highways in his neighbourhood, 374.
- Ayr (Air), burgh of, a French ship there to be restored to her owners, 67; Convention of the Burghs there in July 1627, 234; the provost and bailies written to by the Council to stay criminals fleeing to Ireland, 445; proclamation at the market-cross, 573; documents dated there, 144.
- Ayrshire, 33, 34, 246, 248, 303; the submission of the teind-sellers and teind-buyers there, 310, 479; circuit-courts of judiciary to be held, 346; commission to the sheriff to deal with reseters of deserters, 303, 304, 582; he is summoned before the Council, 475; charges and missives to the justices of peace, 12, 61; they are to report as to the fencibles, 168, 169.
- Ayton (Aittoun) of Logie, Mr Andrew, advocate, appears before the Council, 3, 132; petitions the King for confirmation of his blench holding of the lands of Myrecairnie, 364, 365; on the committee for revising and printing the statutes, 365, 366; pleads as an advocate before the Council, 511, 527.
- Mr James, to consider as to the erection of forts in his district, 53; signs a letter to the Council about the forts, 70; on a committee of arrangements for the King's coronation, 385.
- James, bailie of the Canongate, charged to produce a prisoner, 480.
- James, in Pedder, charged to find law-burrows, 604.
- Troyalus, in Watschapel, fined for illegal convocation in arms, 355, 356.
- BADENOCH (Badzenoche), John McThomas, in Altinslanache, prosecuted for failure to assist in the execution of a commission, 585.

Badenoch, bailie of, 506, 507.

— Wolf of (Sir Alexander Stewart, Earl of Buchan), xlv.

Bagshot (Baghote) royal letters, etc., dated there, 45, 51, 55, 56, 58.

Bailies of baronies, regalities, etc.: of Athole, 329; Badenoch, 506, 507; regality of Broughton, 470; depute of Broughton, 96; Carrick, 444, 464; regality of Dalkeith, 624; regality of Glasgow, 329; regality of Kirriemuir, 611; Melville, 114; Newbattle, 624; of Niddrie, Mr Hew Douglas, 444; of the Earl of Roxburgh, 94; Strabogie, 497, 506.

— of burghs: Aberdeen, 57, 360; Canon-gate, 315, 480; Cupar, 178; Dalkeith, 114; Dumfries, 148, 224, 264, 305, 568; Dunbar, 66, 94; Dundee, 71, 451; Dunfermline, 154; Duns, 635; Dysart, 53, 83, 122, 135, 142, 143; Edinburgh, 56, 125-128, 193, 327, 378, 428, 443, 480, 482; Haddington, 130; Hamilton, 119; Hawick, 85, 97, 98, 105, 106; Jedburgh, 494; Kinghorn, 53; Kinross, 153; Kirkcaldy, 53; Leith, 114, 119, 362, 452, 494; Linlithgow, 144, 422, 423; Musselburgh, 481; Paisley, 353; Perth, 81, 234; Preston-pans, 121; Queensferry, 422, 423, 424; Selkirk, 441, 442, 555, Stirling, 556; Stranraer, 144, 193, 194; Tain, 489, 576; Wigtown, 283.

Baillie (Baillie) of Bakkie, Alexander, to assist the Earl of Angus upon the Borders, 98.

— of Crimpramp, Mr James, caution for his compearing before the Council, 180.

— of Lamington, Sir William, to take the subscriptions of the teind-buyers of Lanarkshire, 247; to report the names of such as refuse to sign, 479; he reports the submission by the teind-buyers of Lanarkshire, 310; fined for illegal convocation in arms, 355, 356.

— of Lochend, Sir James, collector-general of the taxation, to prosecute certain persons in arrears, 6, 7; as Treasurer of the Navy, he undertakes to furnish the King's three warships for fifteen days, 22, 23, 23 n., 26; ordered to victual the fleet, 37, 39, 40; his accounts of the taxation to be audited, 59; prosecutes the vassals of Lindores for payment of the taxation, 65; undertakes the victualling of the three warships for ten weeks, 67; order for payment to him,

74; recommended to the King on his going to Court, 76; his outlays in the public service, 76, 77; Act for his security of repayment, 78; consents to a commission about the Lübeck ship, 190; he is to advance money to the skipper and crew of it, 191; to account with the captains of the warships, 208; he gives in the accounts of the captains, 209; is authorized to pay them, 210; Act for his relief regarding a bond for the public service, 253, 574, 575; his engagement for the payment of the crews of the warships, 274, 275, 276, 279; he is present at Whitehall, 414; he is to have a preference of payment from the Exchequer, 414; as an old servant of King James, he is appointed to superintend the arrangements for the King's visit, 471, 472; advises the commission to John Kinross in the case of the Lübeck ship, 564, 575.

Baillie, Alexander, burghess of Inverness; appears before the Council, 8; caution by him, 9^a; his signature, 9.

— Archibald, in Hinchaw, fined for illegal convocation in arms, 355, 356.

— John, in Hinshaw, fined for illegal convocation in arms, 355, 356.

— Robert, merchant burghess of Edinburgh, caution by him, 80; his signature, 80.

— Roland, in Watcarrick, charged with armed convocation, 410.

— William, in Watstoun, fined for illegal convocation in arms, 355, 356.

— William, to assist the Earl of Angus upon the Borders, 98.

Bails (Bales). *See* Beacons.

Bain (Baine). *See* Bayne.

Bains, Isobel, wife of Harry Walker, citizen of London, 207.

Baird of Kilquhinzie, Gilbert, assault upon him and his house, 543.

— Elspet, widow of . . . Scot in Leith, to be tried for witchcraft, 494.

— Leonard, in Gedloch, summoned as a witness in a case, 514.

Bairdie. *See* Brodie.

Balbirnie, Laird of. *See* Clerk.

Balcanquall (Balcalquall), John, in Kirkcaldy, fined for illegally selling English beer, 261, 262.

Balcarras (Baocarasse), Laird of. *See* Lindsay.

Balcomie (Balcolmie), Laird of. *See* Learmonth.

- Bald (Bauld), David, captain of the ship *The Hoipweill of Crail*, obtains letters of marque, 15, 20; caution for him, 21; his signature, 21.
- Balderston (Baderstoun), James, in Niddrie, 444; his wife, Janet Wright, to be tried as a witch, 444.
- Balfour of Burleigh, Lord, . . . , to consider as to the erection of beacons in his district, 54; as a Commissioner for the Surrenders and Teinds, he is charged to attend meetings, 106, 324, 331; to repair the highways in his neighbourhood, 374.
- of Drumtennent, David, caution by him, 16; his signature, 16.
- of Kinnaird and Denmiln, Sir James: references to his *Annales*, xxiii, 23 n., 27 n., 37 n., 38 n., 51 n.
- Sir Andrew, 230; David, his son, caution by and signature of, 230.
- David, servitor to the Viscount of Stormont, witness to a writ, 230.
- Patrick, in the Canongate, 333; John, his son, sent to the wars in Germany, 332.
- William, in Kirkcaldy, caution by him, 174.
- Balfour, Laird of. *See* Beaton.
- Balgais, lands of, 586.
- Ballastradie, lands of, 105.
- Ballinriche, land of, 458, 459.
- Balmagie, kirk of, 607.
- Balmain, Laird of. *See* Ramsay.
- Balmanno of Carlungie, Peter, caution by him, 84.
- Alexander, servitor to Mr Roger Mowat, advocate, intimation to him, 242.
- Balmanno, Laird of. *See* Auchinleck.
- Balmerino (Balmerinloch), Lord, John, peremptorily ordered to report the number of fencible persons in the parish of Kirknewton, 115; released from his cautionary for James of Crombie, 147, 148; he is superior of a part of Leith, 186; letter to him from the Council 307, 308^s; commission to him, 494.
- Balmouto, Laird of. *See* Boswell.
- Balnaves, Mr Alexander, minister, at the horn for not paying his taxation, 522.
- William, minister, at the horn for not paying his taxation, 522.
- Balthyock, Laird of. *See* Blair.
- Banff (Bamff), Hill of, 211.
- house of, xlv, 592.
- shire of, 3, 33, 34, 92, 211, 246, 248, 585; the wapenshawing, 145; the submission of the teind-sellers and teind-buyers there, 321, 479; circuit-courts of justiciary to be held, 347; the sheriff summoned before the Council, 475; the sheriff depute, 534; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Banff, Water of, 564.
- Banishment, sentence of, 226^s, 227, 253; on Sir Michael Preston, 31.
- Bankes, John, in Huntly Cot, slain in a quarrel, 99, 100, 131, 131.
- Bannatyne, William, in Lauder, to be apprehended. *See also* Bellenden.
- Banquetters, superfluous, to be dealt with by the circuit-courts, xxiii. 438.
- Barbary (Barbarie), 3, 4.
- Barbers. *See* Chirurgeons.
- Barclay of Mathers, David, signs a report as a justice of the peace, 560.
- Robert, Burgess of Forres, summoned as a witness in a case, 290; suspension of horning against him, 488.
- Bark, customs upon, 466.
- Barker, John, in Over Cramond, caution for him, 48; his signature, 48.
- Barkers of leather. *See* Tanning Reform.
- Barmour, 577.
- Barns, John, skinner in Haddington, charged with defying the burgh authorities, 593; he is assoilzied, 335.
- Baro, kirk of, 607.
- Baron of Parliament, creation of Lord Drumlanrig as a, 309; Lord Weymes of Eloho, 317.
- Baronets, to register their arms upon their creation, 165.
- Baronies and lordships: Branzholme, 430; Broughton, 127, 127 n.; Calder, 335, 598; Coupar, 30, 31, 65; Lindores, 6, 65, 73, 74; Newbattle, 6, 73, 74, 624; Scone, 610; Strathord, 399, 618; Woodhouselee, 134.
- Barons and freeholders, small: question as to the standing of their commissioners, 440, 441; an election by them at Kirkcudbright, 133.
- Barratt, parish of, the minister peremptorily ordered to report the number of fencible persons in his parish, 94, 95.
- Barricades, xvi. *See* War.
- Barrie, David, in Foulburn, 604; Thomas, William, and John, his sons, charged to find lawburrows, 604.
- Barron (Baroun), Dr Robert, minister of Aberdeen, petition by him, 360, 361, 614.

- Barrowman, Margaret, to be tried for witchcraft, 482.
- Bartane, William, in Queensferry, charged with assault, 423.
- Bartill Fair, *xlvi*, 616.
- Bass, craig of the, 509.
- Laird of. *See* Lauder.
- Bassendean (Bassindein), 258.
- Bathgate (Bathcat), Marion, in Eastbarns, to be tried for witchcraft, 540.
- Batons, assaults with, 140, 352, 400, 408, 423, 450, 588, 589, 591, 601, 608, 609, 612, 620, 621.
- Bavelaw (Bavillaw), house of, 589, 590.
- Baxter, Margaret, in Dunbar, to be tried for witchcraft, 540.
- Patrick, in Dundee, caution by him, 174.
- Bayne (Bain, Baine) of Ardwaill, Ronald, commission to him, 194.
- of Tulloch, John, commission to him, 194.
- of Wester Logie, Duncan, commission to him, 194.
- John, in Badarrach, 489; his wife, Elspeth Simpson, to be tried for witchcraft, 489.
- Margaret, in Longniddry, to be tried for witchcraft, 516, 517.
- Beacons and baillies, the erection of these proposed, 53, 54, 65, 92, 244, 628. *See* also War.
- Beatisoun, William, in Hawick, to be exhibited before the Council as a masterless person fit for the wars, *xii*, *xiii*, 84, 85, 97, 98, 105, 106.
- Beaton (Beatoun, Betoun) of Balfour, . . . , to consider as to the erection of beacons in his district, 54.
- John, in Inchoure, caution by him, 82; his signature, 83.
- Captain Thomas, of the regiment of the Lord of Spynie, 97^a; masterless men to be delivered to him, 105, 106, 165.
- Beattie (Baittie, Beatie), David, in Caldkin, charged with armed convocation, 410.
- Euphame, in Colledge, under the sentence of excommunication for Papistry, 128, 129, 202; not to be reset by the lieges, 263, 264.
- John, workmen, in Dumfries, and Agnes Dungalsen, his wife, 328.
- John, in Watcarrick, charged with armed convocation, 410.
- Rovie, charged with armed convocation, 410.
- Beck, John, in Balmaclail, caution for his indemnity, 69.
- Beer, English or foreign, the Laird of Bogie's patent against importers of, 112; the Acts against importers to be enforced, 116; prosecutions under the penal statutes, 138, 174, 176, 289; English beer to be imported for the King's houses in view of his Majesty's visit to Scotland, *xxxviii*, 380, 414.
- Bees, stealers of skeps to be dealt with by the circuit courts, 438.
- Begg (Beg), Donald, in Rangoke, to be apprehended and tried for incest, 317; Janet Sutherland, his wife, 317.
- Beggars, masterful, to be dealt with by the circuit-courts, 437.
- Beith (Beath), minister at. *See* Mr James Fullarton.
- Bell, George, burges of Wigtown, witness to a writ, 283.
- John, in Moffat, charged with resetting a rebel, 599.
- John, in Woodend, caution for his indemnity, 69.
- John, complaint by him, 420.
- John, servitor to John Maxwell, charged with hamesucken, 431.
- Robert, in Arkinholm, slain, 411.
- William, in Fordell, assaulted, 401.
- William, in Moffat, charged with resetting a rebel, 599.
- William, in Rottenrow, and Janet Ireland, his wife, 328.
- Bellenden (Ballenden, Bannatyne) of Auchnoll, Mr Thomas, Justice-Clerk in 1540, 525, 531.
- Sir John, his son, Justice-Clerk in 1562, 525, 531.
- Sir Lewes, his son, also Justice-Clerk, 526; obtains the Barony of Broughton, 127 n.
- of Broughton, Sir William, peremptorily ordered to report the number of fencible persons in the parish of Holyroodhouse, 114; some of his lands in Glencorse, 134; as baron of Broughton he is superior of part of Leith, 186.
- of Stenhouse, Adam, caution by and for him, 21.
- George, son of Adam, of Stenhouse, caution by and for him, 21.
- Captain James, in the service of the King of Sweden, 319.
- Mr Walter, bailie-depute of Broughton, seriously assaulted, 96.

- Belshes (Belcheis) of Tofts, John**, nominated as a commissioner for the Tweed fisheries dispute, 75, 76.
- John, advocate, 464; acts as procurator, 175, 271, 272.
- Beltrees, Laird of.** See *Semple*.
- Benholme, Laird of.** See *Keith*.
- Bennet of Chesters, Raguel**, prosecuted for wearing firearms, 251, 254, 279; caution for and signature of, 253, 262; complaint against him, 278.
- of the Grange, William, complaint by him, 250, 251, 254, 262; horning at his instance, 278; complaint by him, 279.
- Adam, payment of £5000 to be made by him, 381.
- Andrew, in Chesters, denounced as a defaulting witness, 251; caution for his comparing before the Council, 262; suspension of horning against him, 277, 278.
- George, merchant-burgess of Edinburgh, caution by and signature of, 253.
- Mr John, minister at Kirkurd, complaint and petition by him, 378, 379, 613, 614.
- John, in Turing, charged to find lawburrows, 587.
- William, in Turing, charged to find lawburrows, 587.
- Benvie, parish of**, survey of fencible persons there, 170.
- Berridale (Berridail), William, Lord Sinclair of**, 420; charged to appear before the Privy Council for hamesucken, 604, 605.
- Berwick on Tweed, burgh of**, 72, 92, 146, 512, 561; circuit-courts of judiciary to be held, 347; the highway thence to Had-dington to be repaired, 374.
- shire of, 33, 34, 92, 245, 247, 315, 573, 576; a Border county, 173; the sheriff-courts usually kept at Duns, 235; appointment of Sir Alexander Nisbet of West Nisbet as sheriff, 56; he is to receive a prisoner from the Northumberland justices, 269, 294; the sheriff charged to apprehend Home of Eccles and his sons, 314, 315, 322; the submission of the teind-sellers and teind-buyers there, 309, 320, 479; the signing of the submission, 581; charge to the sheriff, 379; letter from the Council to the Laird of Renton as sheriff nominate, 446, 625; the sheriffship conferred upon him, 451; he is summoned before the Council, 475; commissions to him, 516, 540; dispute about the sheriff-clerk-
ships, 205, 216, 235; charges and missives to the justices of peace, 12; to report as to the fencibles, 168, 169; report by the justices of the peace, 634.
- Besiegers of houses to be dealt with by the circuit-courts**, 438.
- Bigamists to be dealt with by the circuit-courts**, 437.
- Billie, Robert**, town-councillor of Perth, charged with illegal election of the provost, 233-235.
- Billisdail, bridge of**, to be repaired, 469.
- Binning (Bynning), James**, captain of the ship *The Gift of God* of St Monans, obtains letters of marque, 23; caution for and signature of, 35.
- John, painter in Leith, 194.
- Birth brief to be granted to Dr William Davidson at Paris**, 324.
- Bishop (Bischope), Francis**, burgess of Inverness, caution for and by him, 9; his signature, 9; prosecuted for failure to assist in the execution of a commission, 585.
- Bisset (Bissat) of Lessinidrum, Mr Robert**, bailie of Strabogie, excommunicated for Popery and to be apprehended, 497, 498, 502, 506, 507, 508.
- John, in Lowstoun of Luncarty, charged with hamesucken, 399, 400.
- Black (Blak), James**, in Barndarroch, caution for his indemnity, 69.
- Jerome, in Newburgh, 106; Gilbert, his son, to be apprehended as an idle and masterless person, 106.
- Walter, in Glencapreoch, caution for his indemnity, 69.
- Blackadder (Blacader, Blaccader) of Tuliallan, Sir John**, commission to him, 112; charged to appear before the Privy Council, 146, 147, 561²; charged not to accept dog-dollars in payment of coal or salt, 162; Blackadder, in Berwickshire, 259.
- Blackburn (Blackborne), . . .**, charged with riot, 322.
- Blackhall (Blakhall) of Ley, William**, 505; Thomas, his son, a writer of pasquills, summoned before the Council, 505.
- Jean, in Musselburgh, 590.
- Blackie, Frederick**, witness to a writ, 553.
- Blackmailers to be dealt with by the circuit-courts**, 438.
- Blackness, Castle of**, xliv, 176, 177, 524.
- Blair of Ardblair, . . .**, 615.

- Blair of Bagillo, Sir John, charged to appear before the Privy Council, 201.
- of Balthyck, Thomas, signs a report as a justice of the peace, 555.
- of Bankhead, Patrick, charged with assault, 615.
- of that Ilk, Bryce, fiar, signs a report about Dumbarton, 626.
- of Finnich, William, petition by him, 617.
- Alexander, mariner, burghess of Dundee, prosecuted for exporting tallow, 115.
- Andrew, brother of the Laird of Ard-blair, charged with assault, 615.
- Captain James, in Lord Spynie's regiment, raising men for the wars, 71, 97^r; masterless men to be delivered to him, 105, 106, 165; horning at his instance, 229, 253.
- John, charged with assault, 142.
- John, in Queensferry, charged with assault, 423.
- Blair, parsonage of, 523.
- Blairsbow, lands of, 620.
- Blake (Blaik), Helen, widow in Dumfries, to be tried for witchcraft, 323.
- Thomas, notary, writes a bond, 26, 27.
- Blantyre, Lord, Walter Stewart, to examine and report upon Dumbarton Castle, 52.
- Blinshells (Blansells), Mr Umphra, registers a bond of caution, 69.
- Blockhouses, to be built, xvi, 146; at Leith, 159-161.
- Blyth, George, in Ledgertwood, and Katharine Moes, his wife, to be tried for witchcraft, 517.
- Bogie (Bogy), Laird of. *See* Wemyss.
- Boig (Boog), Mr John, merchant in Edinburgh, has a man in prison for a debt, 443.
- Boltoun Fell, 539.
- Bonds of Manrent. *See* Manrent.
- Bonfires, on Saints' days, 579.
- Bonjedburgh (Bonjedward), Laird of. *See* Douglas.
- Bonytoun, Laird of. *See* Wood.
- Booke, John, in Thankerton, complaint by him, 180.
- Books: dissemination of Popish books, 358; suppression of a published sermon, 449, 450, 626.
- Boots and shoes, prices of, 178, 300, 301.
- Bordeaux, xxxiii.
- Borders or Middle Shires, the, state of, during the period of this volume, xx, xxi; some proposals for the government of the Borders by Mr Walter Whiteford, 19; acceptance of commission by the Earl of Angus, 28, 30; the counties included in the Borders, 173; the Commission by King James the Sixth, 539; composition of the Commission of the Middle Shires, the names of the commissioners, 98, 99; appointment of assistants under the Earl of Angus, 98, 99; appointment of the Laird of Dalryell as a commissioner, 95; persons appointed to assist the Earl of Nithsdale, 129, 130; the commissioners ordered to report the reason of the growth of disorder, 136, 137; they are charged to appear before the Council, 141, 142; their report on the probable causes of the misrule, 143, 144; commission to them to apprehend Sir John Maxwell of Conhaith and his sons for murder, 148; James Maxwell of Kirkconnel sworn in as a commissioner, 171; letter to the commissioners from the Council to come to Holyrood to consider the state of matters, 171, 172, 174; publication of the names of the commissioners, 172, 173, 174; renewed summons to them to attend the Council, 198; the Council examine the Laird of Johnstone about the disorders, 198; William Douglas of Drumlanrig sworn in as a commissioner, 206; the commissioners report that the disorders are due to the intermission of the courts of the conjoined commissioners of England and Scotland, 223; this commission having expired, the Council crave its renewal, 223, 224, 228; another meeting of the Commissioners ordered, 223, 225; the commissioners empowered to apprehend and ward excommunicated persons within the stewartry of Annandale, 224, 225, 568, 569; the King orders a new joint commission to be prepared, li, 254; letter from the King about the Borders, 274; to assist the judges of the circuit-courts, 373; their registers to be made patent to the Justice Clerk, 447; slaughter of the clerk of the Border Commission, 447 (*see* John Young); the Earl of Buccleuch accepts office as a commissioner, 148; the Earl of Nithsdale gives a list of his assistants, who are appointed, 148, 149; caution by the Laird of Johnstone to produce his men on summons before the commissioner, 519; challenging of Sir John Charteris for the slaughter of two Irvines, 538, 539; mention of Lord Ochiltree as late lieutenant of the Borders, 605.

- Borrowman, Margaret, in Easthouses in Newbattle, to be tried for witchcraft, 471.
- Borthwick, Lord, . . . , his death supposed to have been caused by witches, xli, 442.
- of Newbyres, James, petition by him, 442; death of his wife and children, supposed to have been caused by witchcraft, xli, 442.
- Captain . . . , soldiers handed to him for the service of the King of Sweden, 267.
- Borthwick, parish of, minister of. *See* Mr Patrick Turner.
- Boswell (Boiswall, Boisuille, Bosuall, Boswald) of Balmowto, Sir John, to consider as to the erection of forts in his district, 53; also as to the erection of beacons there, 54; signs a letter to the Council about the forts, 70; to superintend the waponschaw of the inhabitants of the presbytery of Dunfermline, 90; charged with riot, 102; a summons served against him, 620; Dame Janet Scot, his wife, resents it, 620.
- of Pittedie, John, to consider as to the erection of forts in his district, 53; signs a letter to the Council about the forts, 70.
- Bothwell of Glencorse, Adam, peremptorily ordered to report the number of fencible persons in the parish of Glencorse, 114.
- Adam, Bishop of Orkney, 127 n. *See* Orkney.
- Adam, bailie of the Canongate, stops some building proceedings, 315; charged to produce prisoners, 480, 538.
- Bound, place of, 258.
- Bowar, James, in Dundee, caution by him, 174.
- Bowie, Alexander, stabler in Edinburgh, prosecuted for wrongful imprisonment, 520, 547.
- William, in Balbrogo, charged with assault, 401. *See also* Bwy.
- Bowman, David, merchant burghess of Edinburgh, charged with assault upon his servant maid, 278.
- John, charged to find lawburrows, 587.
- Bowmen, proposal to raise 200 in the Highlands for the French war, 56.
- Bows, references to, 458, 607.
- Bowallie (Bousila), Mr James, discharge by him, 209; Margaret Collace, his wife, 209, 210.
- Boyd, Robert, Lord, dispute between him and Sir James Clelland of Monkland as to the settlement of the kirk of Monkland, xlii, xliii, 119, 120; commissions to him, 171, 329.
- Janet, in Prestonpans, to be tried for witchcraft, 439.
- Janet, wife of Robert Neill, burghess of Dumbarton, to be tried for witchcraft, 476, 477, 628.
- John, servitor of John Crocket, charged with hamesucken, 603.
- Dame Marion, Countess of Abercorn, the enforcing her escheat postponed, 392, 618; ordained to find caution to remain in Edinburgh, 433.
- Marion, wife of Francis Cookburn of Temple, summoned before the Council, 314.
- Mr Robert, brother of Marion, *supra*, appears before the Council for her, 314.
- Robert, in Moffat, charged with resetting a rebel, 599.
- Boyle of Kelburne, . . . , to take the subscriptions of the teind-buyers of Ayrshire, 248; and report the names of such as refuse to sign, 479; he reports the submission by the teind-buyers of Ayrshire, 310.
- Boyter of Netherliff, James, caution by him, 71.
- Alexander, burghess of Dundee, caution by him, 174.
- Braan (Brane), Water of, 615.
- Braemar, 278.
- Braidzet, Roger, in Ardwell, caution for his indemnity, 69.
- Braint, Marcus, mariner in a Lübeck ship, 135.
- Brand, David, maltman in Culross, and Janet Chatton, his wife, charged with deforcement, 610.
- Branxholme, lands and barony of, 430, 590.
- Brawne, Robert, burghess of Stirling, witness to a proclamation, 574.
- Bread, setting the price of, 337.
- Brechin, Bishop of, David Lindsay, peremptorily ordered to report the number of fencible persons in the parish and town of Brechin, 170, 171; as a Commissioner for the Surrenders and Teinds, he is charged to attend meetings, 106, 331, 483; signs missives, 513, 546.
- Dean of. *See* Mr Dugald Campbell.
- deanery of, 522.
- burgh or city of, 89; the bailies peremptorily ordered to report the num-

- ber of fencible persons in their town and parish, 170, 171; hunting forbidden within eight miles of, 372; the highway thence to Dundee to be repaired, 374.
- Brechin, haugh of, 612.
- parish of, survey of fencible persons there, 170.
- parsonage of, 522.
- presbytery of, the inhabitants therein to hold their waconschaw [at the city of Brechin, 88-90.
- treasurership of, 522.
- Bremen, xiii.
- Bridges: some built by William Park of Roseberry, 203; the Acts for repairing them to be enforced, 346; of Auchindinnie, 469; Billisdaill, 469; East Linton, 451; Stirling, 72.
- Bridling, cases of, 612; of a woman, 515.
- Brig, James, called Callent, charged with deforcement, 512.
- James, called Easter James, charged with deforcement, 512.
- James, called Laird, charged with deforcement, 512.
- James, called Redhoill, charged with deforcement, 512.
- Brimmer, James, servitor to the Earl of Athole, charged with assault, 142.
- Brisbane (Birsbane) of Bishopton, John, claims the lands and castle of Stanelie, 147, 175.
- Britain (Brittane) Isle of, xxviii, 433.
- Broadland Sands, 417.
- Brodie, Alexander, chamberlain of Kinloss, caution by him, 286, 287.
- (Bairdie), William, in Whitehouse in the Banks of Scrabster, complaint by him, 516, 547.
- Brok, Alexander, witness to a summons, 562.
- Broughton (Brouchtoun), Barony of, in Midlothian, 127, 127 n.; baron of. *See* Bellenden; commission to the bailie of the regality and his deputes, 332, 470, 538.
- Lady, pays a sum of money, 214.
- in Peeblesshire, 406.
- parish and kirk of, 608; minister there. *See* James Dickson.
- Brown (Broun, Browne) of Baglee, Gilbert, to be apprehended, 242.
- of Corbellie, Gilbert, under the sentence of excommunication for Papistry, 128, 129, 202; not to be reset by the lieges, 263, 264; apprehended as a Papist, 285, 579.
- of Fordell, John, charged with hame-sucken, 619, 620.
- Brown of Inglistoun, Gilbert, 536; his wife, Katherine Brown, prosecuted as a Papist, 536.
- of Lochhill, John, and . . . Johnstone, his wife, to be apprehended, 203; not to be reset, 263, 264; prosecuted as Papists, 343, 536.
- of Stevenston, Mr William, 563.
- Agnes, wife of Francis Lindsay, prosecuted as a Papist, 536.
- Agnes (or Jean), wife of Homer Maxwell of Trostane, prosecuted as a Papist, 536.
- Alexander, baker, burgess of Burntisland, deceased, 480; his wife, Margaret Stirk, prosecuted for wrongful imprisonment, 480.
- Andrew, wright, in Culross, 610; Isobel Penny, his wife, charged with deforcement, 610.
- Mr Charles, in New Abbey, under the sentence of excommunication for Papistry, 128, 129, 202; not to be reset by the lieges, 263, 264; apprehended as a Papist, 285, 579; complaint against his wife, Katharine Stewart, 285, 286, 579, 580.
- Christopher, in Simprim, complaint by him, 464.
- Father, son to the deceased James Brown in Edinburgh, a Popish priest, to be apprehended, 500-502.
- Florence, in New Abbey, charged with assault and molestation, 579.
- George, in Simprim, complaint by him, 464.
- Mr Harbert, in Trostane, to be apprehended, 203; not to be reset by the lieges, 263, 264; prosecuted as a Papist, 536.
- Herbert, a Papist, in Antrim in Ireland, produced before the Council and warded, 535.
- Harbert, in Auchinlarie, to be apprehended, 242.
- James, complaint by him, 83.
- James, saddler, caution by him, 318^a.
- Janet, Lady Auchenskeoch, prosecuted as a Papist, 536.
- Jean (or Agnes) wife of Homer Maxwell of Trostan, under the sentence of excommunication for Papistry, 128, 129, 202; not to be reset by the lieges, 263, 264.
- John, in Drephane, complaint by him, 343.
- John, at the Bridgend of Dumfries, caution for his indemnity, 101.

Brown, John, in Gorgie Mill, caution by and signature of, 148 ; complaint by him, 163, 164, 176.

— John, in Kirkton, caution for his com-
 appearing before the Council, 41.

— Katharine, wife of Gilbert Brown of
 Ingliston, prosecuted as a Papist, 536.

— Katharine, in Lauder, to be tried for
 witchcraft, 517.

— Luke, servitor to Brown of Fordell,
 charged with homicide, 619, 620.

— James, im,
 542.

— James Paterson in
 tence of excom-
 129, 202, 343 ;
 ages, 263, 264.

— James, by her against
 r, 278.

— James, Earl of Nithsdale,
 431.

— James, se the justice-
 36 ; to forward

— James, of Perth, mur-
 derer, 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

— James, of
 ddingham, com-
 125.

Bruce of Kinnaird, Mr Robert, warded within
 Kinnaird and three miles about, l, li, 536,
 537, 634.

— Alexander, in Caribdin, son of Sir
 George of Carnock, to consider as to the
 erection of forts in his district, 53 ; an
 exporter of coal and salt, 74 ; charged to
 appear before the Privy Council, 146, 147,
 561² ; charged not to accept dog-dollars in
 payment of coal or salt, 162 ; a ship of
 his wrecked, 199.

— Col. Sir Harry, Master of the Artillery,
 some ordnance to be delivered to him, 26 ;
 lends cannon to Captain Robertson, 36 ;
 to consider as to the erection of forts in
 his district, 53 ; visits Montrose to see
 where forts are to be built, 71, 557 ; to
 visit it again, 74, 75 ; his report on the
 fortifying of Inchgarvie, 561.

— Mr James, indweller in Edinburgh,
 caution by him, 48 ; his signature, 48.

— Robert, in Inchorsie, charged with
 molestation, 533, 534, 535.

— Robert, meddles with the Holland ship
 at Unst, 125.

— Thomas, bailie of Stirling, signs a
 report as a justice of the peace, 556.

Bruche, James, to be exhibited before the
 Council as a masterless person fit for the
 wars, 82.

Bruke, Martin, skipper in Burntisland, and
 Massie Tod, his wife, prosecuted for
 wrongful imprisonment, 480.

Brunton, John, deacon of the candlemakers
 in Edinburgh, complaint by him, 299, 300.

Bryce, Thomas, in Watstoun, fined for
 illegal convocation in arms, 355, 356.

Bryson (Brusoun, Brysoun), Alaster, in
 Drumcairn in the forest of Elicht, horning
 at his instance, 279.

— John, in Derculliche, suspension of
 horning against him, 283, 284.

— Patrick, enlisted for the service of the
 King of Sweden, 319 ; complaint by him,
 327.

Buccleuch, Earl of, Walter Scott, first, a
 member of the Privy Council, vi, 410 ;
 a Commissioner for the Middle Shires, xx,
 98, 99 ; he accepts office as a commissioner,
 148 ; publication of his appointment as a
 Commissioner for the Borders, 172, 173 ;
 desired to attend a meeting of the Com-
 missioners, 198 ; makes a report, 223 ; to
 take the subscriptions of the teind-sellers
 of Selkirk, 245 ; letter to him to attend
 the Council, 321 ; complains of destruction

plaint by him, 38

— of Clackmann

the subscription

Clackmannanshir

names of such as

reports the submi

of Clackmannansh

highways in his me

— of Kincaivill, Mr

him, 144² ; his sign

take

of

the

he

ers

he

y

- of his woods, 430, 590; present in Council, 27, 50, 144, 159, 167, 176, 180, 189, 195, 200, 204, 209, 210, 217, 222, 231, 232, 256, 270, 274, 289, 293, 343, 521, 524, 535; signs Acts of Council, missives, etc., 63, 189, 203, 207, 215, 220, 221, 286, 293, 302*, 539, 563, 580, 632.
- Buchan, Earl of, James, peremptorily ordered to report the number of fencible persons in the parish of Auchterhouse, 170, 171; signs a report as a justice of the peace, 560.
- Henry, servitor to Crichton of Fren-draught, complaint by him, 534.
- William, burgess of Arbroath, com-plaints of assault, 23, 24; caution for his indemnity, 28.
- Buchanan of that Ilk, . . . , to examine and report upon Dumbarton Castle, 52; premonition against him, 64; charged with hamesucken, 617.
- . . . , younger, caution for his compearing before the Council, 19; commission to him, 112.
- of Leny, . . . , settling of his feud with the Clangregor, 282, 302, 303, 330.
- Duncan, stabler, burgess of Edinburgh, caution by and signature of, 262.
- Harry, petition by him for liberation, 139.
- John, in Bellindorin, charged with hamesucken, 617.
- Robert, servant of Buchanan of that Ilk, charged with hamesucken, 617.
- Thomas, in Borland, charged with hamesucken, 617.
- Thomas, at the Mill of . . . , charged with hamesucken, 617.
- William, servitor to John Belches, advocate, witness to a writ, 272; acts as procurator, 464.
- Buchanan, place of, 617.
- Buckholme (Buchane), John, charged with deforcement, 512.
- Buckingham, Duke of, George Villiers, a member of the Privy Council of Scotland, v; his disastrous policy in foreign wars, ix, xxxvi, 285 n.; his expedition to Rochelle, xvi, 38, 38 n., 51 n., 62 n.
- Bullets: for the warships, 42, 45; lead stolen off a house for making, 590.
- Bulloch (Bullo), Patrick, burgess of Peebles, measurer, complaint and petition by him, 378, 379, 419, 613, 614.
- Burgess (Borges), Margaret, wife of John Gillespie in Nether Cramond, to be tried for witchcraft, 494.
- Burgh, John, messenger, complaint by him, 142.
- William, at the Mill of Auld Cluny, deceased, 142; Malcolm, his son, to be apprehended, 142.
- Burghs: history of the burghs during the period of this volume, xlvi-xlviii; they obtain from the King a letter discharging the enforcement of the penal statutes, xxxvii, 122, 123, 137, 138; the tanning business, 133; their commissioners com-plain against the coalmasters for raising their prices, 176; also against the Vis-count of Stormont for violating the Acts anent magistrates, 233; their Convention at Ayr in July 1627, 234; the Convention warns Perth to obey the Acts of Parlia-ment, 234; letter from the King as to election of magistrates, 274; the King exempts the burghs from his revocation, 323; Convention at Perth on 3rd July 1628, xlvii, 377; to be consulted as to the creation of Stornoway as a royal burgh, 337, 357; they give in their objections, 379; the Earl of Seaforth's reply, 383; the burghs' reply to this, 396, 397; their right to pursue interveners, 364; position of their commissioners at the King's coronation, 393; their rights as to the appointment of markets and fairs, 409; object to the Earl of Linlithgow's patent for the manufacture of saltpetre, 426, 439; case of illegal election of magistrates at Crail, 468, 627; represented on the teinds question of Mr John Hay, 606; petition by the burghs regarding undue exactions at fairs, 616, 617; Acts of the Burghs, 213.
- Burgundy, commerce with, prohibited, 10, 11.
- Burgye, Laird of. *See* Dunbar.
- Burlic, Lord. *See* Balfour of Burleigh.
- Burlimakie, . . . , an agent for the King of Denmark, 472.
- Burn (Burne), David, elder, candlemaker, burgess of Edinburgh, complaint by him, 299, 300.
- James (John), in Queensferry, charged with assault, 423.
- Burnet (Burnett) of Barnes, John, commis-sions to him, 267, 444.
- Burnet of Leyes, Sir Thomas, to consider as to the erection of forts in his district, 53; also as to the erection of beacons, 54; to arbitrate in an Aberdeen matter, 57, 58; signs a report as a justice of the peace, 560; commission to him, 376.

- Burnet, Sir J., signs a report as a justice of the peace, 560.
 — Christian, charged with oppression, 83.
 — Mr Robert, advocate, 106; appears in a witchcraft case, 143.
- Burnside (Burnesyde), Alexander, in Gandburn, 352, 606; George, his son, petition and complaint by him, 351, 352, 419, 606.
 — James, in Brandfield, charged with assault and molestation, 351, 352, 419, 606.
- Burntisland (Bruntilland) to be fortified, xv, xvi, 53; the commissioners for building the fort to meet there, 53, 65, 67, 68, 70; suggestions as to how it should be fortified, 70; disturbed by riotous soldiers awaiting transports, xi, 79; the magistrates ordered to take caution from their officers, 79; a transport ship there to be inspected, 109; the highway thence to Falkland to be repaired, 374; bailies of, 71; proclamation at the market cross of, 84.
- Burrell, James, in Kirkcaldy, fined for illegally selling English beer, 261, 262.
- Bute, Tutor of, the, reports the submission by the teind-buyers of Bute, 311.
- Bute (Boote), shire of, 248; the submission of the teind-sellers and teind-buyers there, 311, 479; circuit-courts of justiciary to be held, 347; the sheriff summoned before the Council, 475.
- Butler of Kirkland, Mr George, complaint against him, 465.
 — Mr George, in Blance, commission to him, 517.
- Butter of Gormock, Patrick, commission to him, 207.
- Butter not allowed to be exported, 115; trade with France in, 340.
- Butterquhat, lands of, 588.
- Bwy, Kenzeauche, in Calder, 604; petition by William and John Kenzeauche, his sons, 604, 605.
 — Patrick, in Pitnusk, petition by him and his son, 607.
- Bynkes, John, a prisoner in Dunkirk, complaint by him, 251, 252, 254.
- Byres, Mr George, minister, interferes in a quarrel, 257, 259.
 — John, merchant burghess of Edinburgh, on the committee for revising and printing the statutes, 365, 366.
- CABER, assault with a, 429, 623.
- Cader, river, 208.
- Cadiz (Cales), expedition of, 46.
- Cairgan, Water of, 306.
- Cairncross (Cairnecroce), Nicol, in Redpath, charged with cutting and stealing trees, 398.
 — Robert, servitor to Patrick Hamilton, writes a bond, 180.
- Cairnie (Kairnie), Finlay, in Kilkerran, charged with molestation, 543.
 — John, in Kilkerran, charged with molestation, 543.
- Cairns (Caernes, Cairnis, Carnes), James, an inhabitant of Dunfermline whose house was burnt, 140, 175.
 — of Tor, Robert, some of his houses burnt, 22.
 — Wester, lands of, 335, 596.
- Caithness, Bishop of, John Abernethy, a Commissioner for the Surrenders and Teinds, charged to attend meetings, 106, 324, 331, 419, 483; signs a letter, 255.
 — Commissary of. *See* Robert Monro of Aldie.
 — Earl of, George, summoned before the Council, 515.
 — shire of, 3, 33, 34, 246, 248, 296; the men of, roast their bishop, xlv; the submission of the teind-sellers and teind-buyers there, 312, 379; circuit-courts of justiciary to be held, 347; commission to the sheriff, 317, 336.
- Calais (Calice), in France, 20, 218; the Governor of, 218.
- Calder, Alexander, *alias* Cattell, rescued from Forres prison, 289, 290.
- Calder, barony of, 335, 598.
 — parish of, 115.
- Calderwood, John, bailie of Musselburgh, charged to produce a prisoner, 481, 487.
- Callendar, Mr John, servitor to the Clerk of Council, writes a bond, 262^a; witness to a writ, 272.
 — Robert, in Torryburn, complains against his son, Andrew, 218, 219; Marjory Stewart, wife of Andrew, 218.
- Calps, uplifters of, discharged by Act of Parliament, to be dealt with by the circuit courts, 438.
- Caltie, John, in Bidderbie, charged with molestation, 586; charged to find lawburrows, 587.
- Cameron (Camron) of Lochiel, Allan, commission to him, 517.
- Campbell of Ardkinglass, . . . , redresses damage done by a kinsman, 516.
 — of Barnlochane, John, petition by him, 601.

- Campbell of Calder, . . . , younger, ordered to present his uncle, Mr William Campbell, before the Council, 28.
- of Crunan, Alexander, charged to appear before the Privy Council, 201; to take the subscriptions of the teind-buyers of Perthshire, 248; and report the names of such as refuse to sign, 479; reports the submission by the teind-buyers of Perthshire, 320.
- of Edinample, Patrick, commission to him, 329.
- of Glenorchy, Sir Duncan, ordered to produce one of his men before the Council, 302, 303; a suspension in his favour, 636; commissions to him, 282, 577.
- — Colin, fiar, commission to him, 329.
- of Lawers, James, court held by him at Perth in 1614, 283.
- — Mungo, fiar, commission to him, 329.
- of Lochinyell, . . . , bond of caution by him, 22.
- of Lundie, Colin, peremptorily ordered to report the number of fencible persons in his parishes, 170, 171; appointed Sheriff of Forfar, 451.
- of Parbreck, Mr Donald, caution by him, 402, 405.
- Archibald, brother of the Laird of Lawers, horning at his instance, 283, 284; signs letters to the King, 513, 546.
- Mr Dugald, Dean of Brechin, at the horn for not paying his taxation, 522.
- John, in Baltersane, caution for his indemnity, 80.
- Mr John, in Corkamure, denounced for spoiling a ship, 341.
- Robert, son of Duncan of Glenorchy, commission to him, 282, 577.
- Robert, in Auchinghie, charged with molestation, 543.
- Mr William, brother of the Laird of Calder, to be produced before the Council, 28.
- William, servitor to Lord Kinclaven, witness to a writ, 80.
- . . . , Captain of Dunoon, 515; Archibald, his son, obtains suspension of a horning against him, 515, 516, 547.
- Canada, a patent for the colonisation of, xlix, 1, 489.
- Candlemakers of Edinburgh, 299, 300.
- Cannon. *See* Artillery.
- Canongate (Cannogait), 137, 315, 335, 589, 593; the Captain of Clanranald warded there, 135; orders to the magistrates, 480; the bailies ordered to release a prisoner, 538; they apprehend two thieves, 621; document dated there, 210; the tolbooth, 208, 333, 480, 621, 636; the jailor undertakes to maintain the soldiers, prisoners in the tolbooth, 208; complaint against the jailor, 547, 621; minister there. *See* Mr James Hannay.
- Cant of St Geillis Grange, Mr John, peremptorily ordered to report the number of fencible persons in the parish of St Cuthberts, 115.
- James, burgess of Wigtown, witness to a writ, 283.
- Carrington (Caringtoun), parish of, 114.
- Carkettle (Carkettill) of Markle, Patrick, protection to him to come and treat about his teinds, 134, 188, 189, 229.
- Carlisle (Carlile), Earl of, James Hay, first, a member of the Privy Council, vi.
- town of, the highways thence to Dumfries to be repaired, 374.
- Carmichael of Balmedie, D., signs a report as a justice of the peace, 555.
- of that ilk, Sir John, commission to him, 242.
- of Meadowflat, Sir John, caution by him, 41; caution for his indemnity, 50.
- James, at Carmichael Boat, to be apprehended, 301.
- James, servitor to Francis Stewart, witness to a writ, 80.
- Robert, mariner, burgess of Dundee, prosecuted for exporting tallow, 115, 139.
- Carmyllie, parish of, survey of fencible persons there, 170.
- Carnbee (Carnebie), parish and parish church of, 361, 362, 592, 593.
- Carnegie, Lord, David, member of the Privy Council, vi; assiduous in his attendance, viii; to consider as to the erection of forts in his district, 53; also as to the erection of beacons, 54; signs a letter to the Council about the forts, 71; a cautioner for Sir John Stewart of Traquair, 153, 157, 158; to take the subscriptions of the teind-sellers of Forfarshire, 246; written for to attend a meeting of the Commission for Surrenders, 331; signs a report as to the forts at Montrose, 557; to repair the highways in his neighbourhood, 374; commission to him to deal with the case of the cordiners of Cupar, 300, 301; relieved of his duty in a trial for other services, 294,

- 295, 580; his seal, 557; present in Council, 1, 3, 6, 9, 16, 19, 21, 22, 50, 61, 140, 142, 144, 150, 159, 167, 217, 222, 225, 229, 231, 233, 236, 245, 252, 256, 262, 269, 270, 274, 280, 285, 293, 303, 311, 319, 325, 374, 380, 383, 440, 450, 456, 459, 466; signs Acts of Council, missives, etc., 6, 9, 15, 16, 20, 21, 23, 25^a, 62, 64, 148, 155, 157, 203, 220, 221, 224, 228, 230, 242^a, 243, 245, 265, 266, 279, 280, 284, 293, 317^a, 329^a, 339, 363, 386, 387, 444^a, 445, 472, 568, 569, 571^a, 576, 580, 582^a, 585; indorses petitions, etc., 573, 586, 600.
- Carnegie, Master of, David, peremptorily ordered to report the number of fencible persons in his parishes, 170, 171; to consider as to the erection of beacons in his district, 54.
- of Dunnechin, Robert, to consider as to the erection of beacons in his district, 54; peremptorily ordered to report the number of fencible persons in the parishes of Dunnechin and Forfar, 170, 171.
- of Ethie, Sir John, to consider as to the erection of forts in his district, 53; to superintend the waonschaw of the inhabitants of the presbytery of Arbroath, 90; peremptorily ordered to report the number of fencible persons in his parishes, 170, 171; signs a letter and report to the Council about the forts, 71, 537.
- Alexander, uncle of the Master of Carnegie, peremptorily ordered to report the number of fencible persons in the parish of Fearn, 170, 171.
- Alexander, indweller in Brechin, and his wife charged with assault and molestation, 612, 613.
- Carnoquhen, Andrew, smith in Mains of Cardines, caution for his indemnity and that of his son, William, 69.
- John, caution for his indemnity, 69.
- Carr, Andrew, to assist the Earl of Angus upon the Borders, 98.
- Robert, merchant, licence to him to arrest for debt the goods of some Frenchmen, 103, 104, 166.
- Carre, A. *See* Sir Andrew Ker, Master of Jedburgh.
- Carrick (Carick), bailiary of, 33, 34, 246; commission to the bailie, 444, 445; order to him, 464; he is summoned before the Council, 475; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Carrick, Earldom of, conferred by the King on John, Lord Kinclaven, but this objected to on account of its being a royal title, 391, 392, 395.
- poursuivant. *See* Alexander Neilson.
- Carrilie, Bessie, in Twynholme, to be tried for witchcraft, 542.
- Carruthers of Butterwhat, George, charged with assault, 587, 588.
- of Holmend, John, deceased, 588; Nicolas Jardine, his wife, 588.
- — John, charged with assault, 587, 588.
- George, son of John Carruthers of Holmend, deceased, charged with hamesucken, 588.
- George, in Butterwhat, charged with hamesucken, 588.
- George, charged with assault, 587, 588.
- Carstens, Jacob, mariner in a Lübeck ship, 135.
- Cas (Case) of Fordell, Mr Robert, apparent, commissions to him, 410, 444, 471, 482.
- Cassillis, Earl of, John, charged by the Earl of Galloway with acting unjustly as the King's bailie, xliv, 81, 82; to take the subscriptions of the teind-sellers of Carrick, 246; charged to keep the peace with Sir Patrick Agnew of Lochnaw, 344, 345, 348, 609; put under caution to keep the peace, 392; his precognition, 419.
- Castlehall, lands of, 134, 188.
- Castlemilk, Laird of. *See* Maxwell.
- place of, 429.
- Castles, to be supplied with guns and ammunition, 338; of Blackness, xliv, 176, 524; Dumbarton, 52, 65, 131, 133, 149, 150-153, 156-158, 174, 176, 200, 201, 252, 560, 564; Edinburgh. *See* Edinburgh; Finhaven, 176; Sinclair, 604.
- Cathcart, Allan, complaint by him, 546.
- Cattell, Alexander. *See* Calder.
- Cattle, exportation of, restrained, 61, 62, 73, 91, 99, 102; the fines of exporters to be paid to the Earl of Annandale, 473; impost and tollage on, 64, 466; customs paid for them at fairs, 616; ill usage by maiming or killing, 355, 356, 458, 602; cutting off their tails, 428; the slayers or houghers of oxen to be dealt with by the circuit-courts, 437; prices of cattle to be sent in yearly by the justices of peace, xxix, xxx, 12; reports of the prices, 363, 380, 553-556, 616, 618, 634.

- Catto, Alexander, seaman in Newburgh, to be apprehended as an idle and masterless person, 106.
- Cautions, Register of, end of a volume of the, and hiatus in it, 268 n.
- Cavan, in Ireland, vi.
- Cavers, the pit of, 201.
- Certificate by the Council in favour of the crew of a Lübeck ship, 135.
- Challenges to single combat, 533, 534; Maxwell of Logan and Gordon of Buittle, 83; Captain Douglas and Arthur Douglas, 450, 459; Captain James Hay and Colonel Sinclair, 446, 447, 625.
- Chalmer, Mr William, Keeper of the Registers of the Treasury, witness to a writ, 629.
- Chancery, retours of services to the, 102; registers of, 526; a list of Papists to be given to the Director yearly, 507; he is not to issue deeds to Papists, 508, 631. *See* Sir John Scot of Scotistarvet.
- Chapel of Garioch. *See* Garioch.
- Chapman, Alison, to be tried for witchcraft, 444.
- Charles the First, King of Great Britain and Ireland, etc.: his policy, viii; his respect to his father's wishes, 3; his good intentions towards Scotland, li; his dealings with the Council, vi, vii, viiii; his domestic policy, xvi-xxvii; influence of his marriage to a Catholic wife upon the Papists, xxv; continues his father's antipathy to Mr Robert Bruce, l, li; his foreign wars, ix-xiv, 285 n.; effects of his foreign policy, li, lii; his war with Spain, 9 n., 16 n.; and with France, 16 n., 37-39; troops sent by him to the assistance of the King of Denmark, 27 n., 31 n., 32, 32 n., 36 n.; he buys three warships for guarding the Scottish coast, xiv, xv, 23 n.; he is to have a payment from the prize ships, 12, 324, 325; and to receive a proportion of Lochinvar's prizes, 271; his proposed visit to Scotland, xxxvii-xxxix; coming to receive the crown, 367, 367 n., 372, 380, 381; he is to visit Stirling, 389; his houses in Scotland ruinous and decayed, 386, 387; they are to be repaired, 414, 415, 416; officers of State lend money towards the expense of his majesty's visit, 413, 414, 415; preparations for his majesty's visit, certain matters to be attended to, 414-416; these entrusted to Sir James Baillie, 471, 472; it is suggested by the Council that his visit should be made in the end of Spring, 416; the King agrees to this, 448, 449; the ferrying of his majesty over the Firth of Forth undertaken by the Admiral, 521, 631; he remits the tanning reform to the Council, xxx; creates the Earl of Melrose Earl of Haddington, 58, 59; his designs in the General Revocation are to provide for the Kirk and give every man his own teinds, 86, 88; he assumes the position of arbitrator between the teind-buyers and the teind-sellers, 86-88; appoints Sir William Alexander and Sir Archibald Aitcheson Secretaries for Scotland, 107, 108; grant by him of the barony of Broughton, 127 n.; he interposes in the case of John Lawson, 226; a petition presented to him by the Isleamen, 622.
- Charles the First. Letters from the King to the Privy Council and others—arranged in order of date: about the Tweed fisheries dispute, 26th March 1627, 75, 76; the provisions for the ministers of Edinburgh, Whitehall, 16th May 1627, 1, 2; about the Laird of Strickmartine, 2; requiring Elizabeth Leslie and her sons to be released from horning, Oatlands, 3rd July 1627, 2, 3; to engrave a seal for the Lord Admiral, 3rd July 1627, 16, 17, 551; as to the departure of the levies for Denmark, Theobalds, 15th July 1627, 32; to consider proposals by Mr Walter Whiteford about the Borders, Theobalds, 17th July 1627, 19; to empower Alexander McNaughton to enrol 200 bowmen for the French war, Windsor, 12th August 1627, 56; to take precautions for guarding the coast against foreign ships, Bagshot, 17th August 1627, 44, 45, 555; to expedite a commission to the Earl of Morton for the French expedition, Bagshot, 17th August 1627, 50, 51; as to the disposal of the three ships of war, Bagshot, 17th August 1627, 55; postponing the dispatch of the troops to the King of Denmark, Bagshot, 17th August 1627, 55, 56; the Bishop of Aberdeen, 49, 50; the Earl of Suffolk and Wedderburn, 58; to be informed about the slaughter of John Hardie by one Dickson, Theobalds, 13th September 1627, 69, 70; the settlement of the church of Monkland, Theobalds, 18th September 1627, 120, 121; discharging the execution of the penal statutes, Theobalds, 19th September 1627, 122, 123, 557; to deal with the Earl of Cassilis in

reference to some complaints against him, Hampton Court, 26th September 1627, xliv, 81, 82; that he will arbitrate upon the questions about the teinds, Hampton Court, 30th September 1627, 87, 88; the Earl of Galloway, 99; about the tanning reform, Whitehall, 18th October 1627, 101, 102; to extend the time for giving in the inventories of lent money, Whitehall, 18th October 1627, 103; to permit the arrestment of the goods of Frenchmen in Scotland, Whitehall, 18th October 1627, 103, 104; to admit Sir Archibald Aitcheson upon the Council and Exchequer, Whitehall, 18th October 1627, 107, 558; to deliver the Privy Seal to the Earl of Haddington, Whitehall, 18th October 1627, 110; desiring an investigation into the working of the tanning reform, Whitehall, 18th October 1627, 123; as to the quorum of Council and their meeting place, Whitehall, 1st November 1627, 113; respecting fugitive soldiers from the wars in Germany, Whitehall, 1st November 1627, 113, 114; to sanction the meetings of the teind-buyers, Whitehall, 1st November 1627, 167, 558; as to the arrestment of French goods and money in Scotland, Whitehall, 14th November 1627, 116, 117; gift of the sheriff-clerkship of Berwick, dated at Whitehall, 14th November 1627, 205; as to the assithement to be paid by John Lawson, Whitehall, 23rd November 1627, 130, 131; requiring the erection of blockhouses for defence, Whitehall, 23rd November 1627, 145, 146; as to the payment of the crews of the ships of war, Whitehall, 12th December 1627, 149; to secure execution of a decree in favour of the Earl of Annandale, Whitehall, 17th December 1627, 158, 159; the detaining of goods of French subjects, Whitehall, 19th December 1627, 166; for the arrest of the slayers of John Young, Whitehall, 19th December 1627, 166, 167, 280; to admit Mr Thomas Hope as a member of the Council, Whitehall, 28th December 1627, 180, 181; to enforce the penal statutes, Whitehall, 28th December 1627, and the Council's reply, 182, 183; approving the appointment of Sir John Stewart of Traquair as keeper of Dumbar-ton Castle, Whitehall, 7th January 1628, 200, 564; appointing William, Earl of Menteith, President of the Council, Whitehall, 15th January 1628, 233; in favour of Mr

James Strachan, 195^a; to countenance William Park in building bridges, Whitehall, 22nd January 1628, 203, 564; appointing the Earl of Linlithgow, Admiral, sole judge of prizes, Whitehall, 26th January 1628, 209, 210, 566; for delivering the Lübeck ship to the Admiral, Whitehall, 30th January 1628, 298, 299; as to the importation of French wines and goods, and the Admiralty, 221; referring to their consideration a proposal for entrenchments by Alexander Nairn, Whitehall, 11th February 1628, 225, 486; as to a complaint made to him of the abuse of law-burrows, Whitehall, 12th February 1628, 228, 571; as to the election of magistrates in burghs, Whitehall, 19th February 1628, 231, 232; the admiralty of Orkney and Shetland, Whitehall, 19th February 1628, 281; to authorise Sir Donald Mackay in raising troops, Whitehall, 19th February 1628, 297; to admit Alexander, Earl of Galloway, as a member of the Privy Council, Theobalds, 21st February 1628, 266, 267; to prepare a new joint commission for the Borders, Newmarket, 3rd March 1628, 254; authorising the payment of the crews of the warships from the cargo of the Lübeck ship, Newmarket, 3rd March 1628, 277, 279; about Cluny Gordon, and the Council's answer, 254, 255; forbidding transport to Danish ports taken by the enemy, Whitehall, 13th March 1628, 281; on Border matters, magistrates of burghs, and the Lübeck ship, 274; deserters from the Earl of Morton's regiment, Whitehall, 26th March 1628, 285, 308, 577; as to the importation of French wines, Whitehall, 26th March 1628, 307, 308; desiring the commissioners of the teind-buyers to come to Court, Whitehall, 28th March, 1628, 291, 292, 308; for the repression of Papists, Whitehall, 28th March 1628, 359, 360; to expedite the transport of Colonel Sinclair's men for the King of Denmark, Whitehall, 11th April 1628, 308, 309; the children of noblemen educated abroad, 308; to grant a Birth brief to Dr. William Davidson at Paris, Whitehall, 14th May 1628, 324; appointing Lord Lorne a member of the Privy Council, Whitehall, 23rd May 1628, 331, 332; to admit Colin, Earl of Seaforth, as a member of Council, Whitehall, 24th May 1628, 354; for payment of the goods in the Lübeck ship, Whitehall, 14th June

1628, xl, 417, 418; about the Earl of Linlithgow's patent for making saltpetre, Whitehall, 20th June 1628, 337; confirming certain privileges of the burgh of Edinburgh, Whitehall, 20th June 1628, 337, 338, 397; to grant a commission to Lieut.-Col. Cunningham for levying soldiers for Sweden, Whitehall, 25th June 1628, 397, 398; for the prorogation of the submissions, Whitehall, 30th June 1628, 369, 371; to compel the signing of the submissions, Whitehall, 30th June 1628, 371, 372, 385; as to the holding of justice-courts, Whitehall, 30th June 1628, 373, 374; directing that Parliament be summoned for 15th September next when he is coming to be crowned, Whitehall, 5th July 1628, 367; granting an allowance to Dame Margaret Hamilton, Whitehall, 5th July 1628, 374, 375; as to the arrangements for his coming to Scotland and attendance at Parliament in robes, Whitehall, 9th July 1628, 384, 385, 386; as to the holding of justice-courts in the Isles, 363; Mr Andrew Ayton and the lands of Myrecairn, Whitehall, 11th July 1628, 365; to license Sir George Keith to raise 500 soldiers for the King of Denmark, Whitehall, 11th July 1628, 457; to secure such officers of State as have advanced money towards the expenses of his Majesty's visit, Whitehall, 21st July 1628, 413, 414; to continue the present commissioners for shires in office, Whitehall, 21st July 1628, 413, 418; to enforce the payment of arrears of the taxation, Gilford, 22nd July 1628, xxxvii, 395, 396, 425, 426; about the Earl of Annandale and Lord Herries, 440; proroguing Parliament and postponing his visit, Southwick, 28th August 1628, 448, 449; as to the freighting of foreign ships, 445; for the observance of the anniversary of the Gunpowder Plot, Hampton Court, 10th October 1628, 474; to pay £900 to the Earl of Annandale on account of Lochmaben House, Hampton Court, 13th October 1628, 473; the education of the sons of Popish noblemen, and warding of Mr Robert Bruce, Whitehall, 28th October 1628, 537, 539, 540, 545; to postpone the trial of Sir George Ogilvie of Bamff, Whitehall, 7th November 1628, 484, 485, 628; about the Laird of Bass and Lady Bass, 483; requiring information as to the feud between the Grants of Ballindalloch and Carron, Whitehall, 19th November 1628, 493; to preserve the

justiciary rights of the Earl of Moray as King's lieutenant in the North, Whitehall, 19th November 1628, 493, 494; Lord Lorne's claim of justiciary over the Isles, 535, 632, 633. For letters from the Council to the King, *see* Privy Council.

Charles Island, colonisation of, by Sir Robert Gordon of Lochinvar, xlix, 13-15, 207, 208.

Charmers, ordained to be scourged and not to charm any more under pain of death, 419.

Charteris (Chartherous, Charters) of Amisfield, Sir John, a Commissioner for the Middle Shires, 99; publication of his appointment as a Commissioner for the Borders, 172, 173; makes a report, 223; horning at his instance, 230; apprehends Papists, 285, 579; written for to attend a meeting of the Commission for Surrenders, 331; to repair the highways in his neighbourhood, 374; letter to him from the Council about the registers of the Border Commissioners, 447; being challenged for the slaughter of two Irvines on the Borders, the Council inform the King that it was in the fulfilment of his duty as a Commissioner for the Middle Shires, 538, 539; signs a report as a justice of the peace, 556; signs a certificate by the presbytery of Dumfries, 586; commissions to him, 202, 203, 242, 264, 265, 328, 329, 411.

— of Buss, William, to assist the Earl of Nithsdale upon the Borders, 149.

— of Kelwod, Robert, commission to him, 229, 230.

— Agnes, widow in Dumfries, to be tried for witchcraft, 328.

— Hew, in Amisfield, horning at his instance, 230.

— Robert, servitor to the Laird of Amisfield, slain, 230; horning at the instance of Susanna Irving, his widow, and . . . his son, 230.

— Thomas, bailie of Edinburgh, to produce prisoners, 194, 327.

— William, witness to a writ, 553.

Chattan, Clan, persons charged with their reset, 9; commission to the Earl of Moray for their repression, 585.

Chattow, Janet, wife of David Brand, in Culross, charged with deforcement, 610.

— Margaret, in Culross, charged with deforcement, 610.

— William, younger, in Culross, pointing executed against him, 610.

- Cheap (Schaip), Mr Harrie, advocate, registers bonds of caution, 230.
- Cheese, trade with France in, 340.
- Cheyne of Ranistoun, Thomas, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- Children: the authority of parents over them during their minority, 7, 8; case of a Leith foundling, 118, 119, 139; cases of child murder, 162; three persons charged with, 130; Isobel Harcas, 332; Robert Morris in Inzian, 350, 351; Jean Murdo, 265, 269, 294, 577; Bessie Peat, 85; Isobel Tod, 20; William Whitelaw, 577, 265, 269, 294.
- Chirnside, Captain Alexander, recommendation in his favour by the King of Denmark, li, 321, 322; reply of the Council, 342; bond of caution by him, 472.
- Chirurgeons of Edinburgh, they imprison an unlicensed barber, 354, 355, 419.
- Chisholm of Comer, Alexander, commission to him, 194.
- Andrew, in Scandhope, complaint by him, 408.
- Thomas, elder, in Scandhope, complaint by him and Thomas, younger, his son, 408.
- Christian the Fourth of Denmark, King, his titles, 321; his campaign against Tilly, 27 n.; his Norwegian dominions, 218; driven by Wallenstein out of Holstein and Schleswig, 280, 280 n., 281; writes to the Council in favour of Alexander Chirnside, li, 321; to be written to about Colonel Sinclair, 472; levies for him from Scotland, 31 n., 32, 32 n., 33-40, 63, 83, 154, 155, 335; dispatch of the troops postponed, 55, 56, 56 n.; soldiers raised in Ireland for him, 316. *See also* Denmark.
- Christie (Chrystie, Crystie), Catherine, widow of Andrew Yule in Dysart, to be apprehended on a charge of witchcraft, xli, 122; caution for her, 135; ordained to find caution to stand her trial, 142, 143.
- David, an inhabitant of Dunfermline whose house was burnt, 141.
- John, weaver in Finnaughty, to be apprehended, 97.
- John, weaver in Finzeauch, given up as an idle and masterless person, 558.
- Patrick, burgess of Dysart, charged with malversation, 163, 176.
- . . . , called the Principal of Douay, a Popish priest, to be apprehended, 499, 500-502.
- Christie, . . . , a Popish priest, to be apprehended, 500-502.
- . . . , a Popish priest, to be apprehended, 500-502.
- Christison (Christiesoun, Crystiesoun), David, bailie of Dysart, protest by him, 364.
- Patrick, in Aberlady, mediates in a dispute, 361.
- Church and Religion: the King's policy towards the Church, xxix; his project for recovering the alienated property of the old Church, xvi-xx; his dealings with the Papists, xxv-xxix, 375-377, 615; General Assemblies under a ban, viii; the provision for the ministers of Edinburgh, xxix, 1, 2, 3; the King requires some Aberdeenshire persons at the horn for their religion to be relaxed, 2, 3; recommendation to the prelates and ministry of the case of a Scotsman in Barbary, 3, 4; the Bishop of Aberdeen complains to the Council of the Papists in his diocese, 48-50; the ministers of every parish to report as to the fencible persons therein, 93-95, 168-171; proceedings against recusants in Annandale, 224, 225², 568, 569; intimation to be made about the teinds in the parish churches, 247; assaults by the Papists of New Abbey on the parish minister and others, 285, 286, 579, 580; an Act of the Council about the taxation to be read in all parish churches, and reported by the moderators of presbyteries, xxxvii, 288; the bishops and clergy delay signing the Submission, xviii, 309, 310; special summons from the Council to the bishops to do so, 311; the moderators of presbyteries to report the names of Papists in their districts to the Council, 358-360; Churchmen and prelates to be at the King's coronation, 393, 394; a case referred to the Court of High Commission and the Archbishop of St. Andrews, 433; disturbers of the kirk in time of service to be dealt with by the circuit-courts, xxiii, 437; also non-communicants and abusers of the sacrament, 437, 438, suppression of a published sermon against the government and discipline of the Church, 449, 450, 626; the anniversary of the Gunpowder Plot to be observed as a day of thanksgiving, 474; prosecution of Papists in the dioceses of Aberdeen and Moray, 494-509, 630, 631; all prelates ordained to proceed against Papists in their dioceses,

- 506; they are summoned to give up the names of the Popish noblemen whose sons are to be educated, 539, 540; disputes about church seats, 593, 594; the taxation of some churches for 1625 not paid, 607; disturbances in and about particular churches, xlii, xliii, 203; disputed settlement of the kirk of Monkland, 119-121; destruction of church seats and desks in Carnbee, 361; opposition to the measurement of a glebe, 378, 379, 613, 614; unseemly conduct in the kirk of Alves, 404; and in the kirk of Natoun, 431-433; the kirk-session of Leith required by the Council to take charge of a founding, 119; General Assembly of 1638, vii.
- Churchyards, pasturing animals there forbidden, 111.
- Clackmannan, Laird of. *See* Bruce.
- town of, 210.
- shire of, 33, 34, 245, 248; the submission of the teind-sellers and teind-buyers there, 310, 318, 479; circuit-courts of judicatory to be held there, 347; the sheriff summoned before the Council, 475; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Clan Chattan. *See* Chattan.
- Clan Eane, their spoliation of Glasgow merchants, 363. *See* MacIan.
- Clan Gregor. *See* Macgregors.
- Clan Rannald, 274.
- Captain of. *See* MacDonald.
- Cleghorn, Daniel, in Queensferry, charged with assault, 423.
- John, charged with assault, 423.
- Clelland (Kneiland) of Monkland, Sir James, charged with unlawful convocation, xliii, 119-121.
- Alexander, brother of Sir James, *supra*, charged with unlawful convocation, 119-121.
- George, also brother of Sir James, *supra*, charged with unlawful convocation, 119-121.
- John, also brother to Sir James, *supra*, charged with unlawful convocation, 119-121.
- John, in Thornhill, to be apprehended, 301.
- Clephan (Clapen, Clepan), George, chamberlain to Crichton of Abercrombie, charged with molestation, 401.
- Nicol, Burgess of Burntisland, acts as procurator for Captain Innes of Crombie, 148.
- Clerk (Clark) of Balbirnie, . . . , 20; Edward, his son, not to be transported from the kingdom, 20.
- of Newton of Fordie, George, and John and Peter, his sons, charged with hame-lucken, 399, 400, 619, 620.
- —, Alexander, apparent, 400; assaulted, 401.
- of Pennyburn, James, charged with assault and molestation, 600.
- Daniel, complaint against him, 541, 542.
- David, mariner in Dysart, charged with slander, xlii, 143.
- John, in Newburgh, to be apprehended as an idle and masterless person, 106.
- John, weaver in Over Dormont, charged with assault, 587, 588.
- Matthew, Burgess of Dumfries, caution for his compearing before the Council, 82.
- Matthew, in Greenhead, Burgess of Dumfries, caution by him, 101.
- Patrick, charged with deforcement, 512.
- Clog, Steven, miller in Shireburn Mill, caution for his indemnity, 69.
- Cloth and Clothing, 460; trade with France in, 340; customs paid at fairs for cloth and plaiding, 616.
- Clovay, parish of, survey of fencible persons there, 170.
- Clowdan, Water of, 305.
- Cluny, Laird of. *See* Gordon.
- Clyde, Robert, in Watstoun, fined for illegal convocation in arms, 355, 356.
- Clyde, river, 203, 340.
- Coal: sale of, 162; special duty on coal exported from the Forth for building of blockhouses, xxxi, xxxii, 72, 73, 146, 147; complaint as to the raising of prices, 176; carried to Flanders, 381.
- Cobban, William, in Petmune, to be apprehended, 97.
- Cock, James, charged with assault and molestation, 163.
- Cockburn (Cockeburne, Cokburne) of Blacksmill, Robert, caution by him, 464.
- of Butterdean, Robert, to lead the toinds of Simprim, 464.
- of Chapelcleuch, Patrick, signs a report of the justice of peace court of Berwick, 634, 635.
- of Clerkington, Sir Richard, Keeper of the Privy Seal, member of the Privy Council, vi; demits the keepership of the Seal, vii; letter to him from the

- Council, 20; present in Council, 22, 45, 50, 61, 66; his death, 95.
- Cockburn of Langton, Sir William, leads the teinds of Simprim, 464; caution by him, 464.
- of Ormiston, George, commission to him, 518, 631.
- — Sir John, Justice-Clerk, 528; special reservation of precedency in his favour, 528.
- of Temple, Francis, his dispute with his brother, Mr William, 17, 65; he disposes Temple to his brother, 314; Marion Boyd, his wife, 324.
- Alexander, in Haddington, slain, 284.
- George, servitor of Lindsay of Glaspen, caution for him, 50.
- John, burghess of Haddington, mediates in a dispute, 361.
- Lancelot, tailor in Edinburgh, prosecuted for wrongful imprisonment, 519, 547.
- Laurence, chirurgion in Edinburgh, appears before the Council, 355.
- Sir Patrick, masterless men to be delivered to him, 101.
- Mr William, brother of Francis, of Temple, 17; complaint by him, 314; the keys of the house of Temple to be delivered to him, 314, 322.
- Cockburnspath, parish of, survey of fencible persons there, 94.
- Cockpen, parish of, 114.
- Coin and Coining: circulation of foreign coins, xxxiv, xxxv; the value of the dog-dollars in circulation, 168; act against the importation of Lyon- or dog-dollars, 192, 193, 563; description of a base Embden dollar in circulation, 540, 541, 545, 546; false coiners to be dealt with by the circuit courts, 438. *See also* Dollars, Mint, and Money.
- Coldingham, barony and parish of, 512; bailie court of, 219; minister of. *See* Mr Christopher Knolles.
- priory of, 6; charge for uplifting its taxation, 73, 74; claimed by John Stewart, 211.
- Colinsons, Thomas, bailie of Aberdeen, his signature to a letter, 584.
- Colinton, parish of. *See* Hailes.
- Coll (Coill), Laird of. *See* MacLean.
- Collace of Balnamoon, John, peremptorily ordered to report the number of fencible persons in the parish of Menmure, 170, 171.
- Collace, Margaret, wife of Mr James Bow-silla, charged to liberate a prisoner, 209, 210.
- Mr Patrick, makes a report for the Laird of Mey, 379.
- Collections and contributions recommended by the Council: to the northern counties for a countryman in slavery, 3, 4; for the Dunfermline fire, 140, 141, 161, 162, 175, 181, 196, 197, 210, 211, 216, 230, 232, 566; for building bridges, 203; for relief of the Sallee captives, 3, 251, 252, 254.
- Collier (Coilycar, Colzear), James, in Kirkcaldy, fined for illegally selling English beer, 261, 262.
- John, skipper, burghess of Kirkcaldy, owner of Kirkcaldy ships, 381, 382; witness to a summons, 561.
- Collector of the Taxation. *See* Sir James Baillie of Lochend.
- Collectors, the Lords, 71.
- College of Justice. *See* Session.
- Colonization of Charles Island, Nova Scotia, and Canada, xlix, l, 13-15.
- Colquhoun (Calhowme) of Luss, to examine and report upon Dumbarton Castle, 52; to inspect the condition of Dumbarton, 377, 380, 615; his report, 625, 626, 627.
- Colt, James, in Woodend, charged with molestation, 401.
- Coltherd (Cownterd), William, in Glendowie, prosecuted for riot, 181.
- Colville of Culross, Lord, James, member of the Privy Council, vi; to consider as to the erection of beacons in his district, 54; written for to attend a meeting of the Commission for Surrenders, 331; to be Master of Household during the King's visit, 385; present in Council, 50, 351.
- of Cleish, Robert, bailie of the lordship of Culross, commission to him, 85.
- — Robert, apparent, to arbitrate in a case, 219.
- Mr Alexander, Justice-Depute, on a commission about the office of Justice-Clerk, 484; to audit accounts between Sir Michael Preston and Sir Robert Hopburn, 542.
- Combat, challenges to the, 533, 534. *See* Challenges.
- Commerce and Trade: merchants to be dealt with to import armour and ammunition, 59; injured by the stoppage of the wine trade with France, 242, 243, 284, 305-308, 572, 582; trade with France in wool, skins, hides, plaiding, kerseys, and salmon, 243;

- also in butter, cheese, herring, and cloth, 340; in coal with Flanders, 381; and in salt with London, 381.
- Commissaries: summoned to produce their registers, 552; of Caithness. *See* Robert Monro of Aldie; of Dumfries, 587, 588; of Dunkeld. *See* Mr James Stewart of Ladywell; of Edinburgh, try a case of slander, 194; of Moray. *See* Hew Falconer.
- Commission, Court of High, 433, 497, 498, 502, 509.
- Commission of the Peace, to be established and upheld by the judges of the circuit courts, 346, 347. *See* Justices of the Peace.
- Commissions (general): for the Borders. *See* Borders; for the Surrenders. *See* Surrenders and Teinds; to Sir Robert Gordon of Lochinvar against the King of Spain and for colonizing Charles Island, 13-15, 207, 208, 210; for raising of bowmen for the French war, 56; to the magistrates of Aberdeen to build forts at their harbour mouth, 57, 58; to the Earl of Kinghorn to build forts and erect beacons, 65; for the erection of forts, 70, 71, 74, 75, 83; for settling the dispute between the Earl of Suffolk and Sir David Hume of Wedderburn, 75, 76; to examine persons charged with child murder, 130; for the relief of sufferers by the Dunfermline fire, 140, 141, 175, 181, 210, 211; for examination of Marion Kemp, 176; to Simon, Lord Lovat, as sheriff of Elgin and Forres, 236-238, 571; for the disposal of the cargo of the Lübeck ship, 238-240, 574, 575, 576; for convening the teind-sellers and teind-buyers to subscribe the Submission, 245-249, 478, 572, 628; to Sir Donald Mackay, to levy soldiers for Denmark, 295-297, 580; to James, Marquis of Hamilton, for equipping privateers, 324, 325; for holding circuit-courts of justiciary, 345-347, 373, 419, 420-422, 425, 427, 434-439, 445, 467, 624, 627; to William, Earl of Menteith, of Justice-General, 364, 421, 424; for revising the Statutes and Acts of Parliament, 365-367, 424, 491; against Papists in the diocese of Aberdeen, 375-377, 496, 504, 615; of inquiry into the office of Justice-Clerk, 484; against defaulters in payment of the taxation, 521-523, 621; for establishing the Council in March 1626, 527; for repressing the Clan Chattan, 585; one granted by the Lord Chief Justice ratified by the Council, 476, 628; prosecution for failure to assist in the execution of a commission, 585.
- Commissions for the apprehension of—the slayers of John Russell, 112; some excommunicated persons in Dumfriesshire, 202, 203; Papists and excommunicated persons, 494-509; a number of Highlanders for arson, 517; Gilbert Brown of Baglee and another, 242; James Carmichael and John Clelland, 301; Catherine Christie, as a witch, 122; the Earl of Crawford, 122; Andrew Davidson, 242; John Gowdie and his sons, 267; James Grant in Daltalies, 274, 389; Jaffrey Irving and others, 229, 230; John Kells and his servant, 28; Hector McAllan in Kendlochallan, 4, 5; Richard McCondochie and others, 278, 279; Ewen Allan VcEwan VcEane and others, 405; Robert McGowan in Mowlyne and his sons, 329; David McHuchean and his wife, 30; Allan McLeod of Pennywhome, for murder, 4; Duncan McEane Dwy Phail, 282, 577; Duncan McSorle Beg and his brother, 96; Donald Dow McWilliam VcEan in Ardblair, 96; Donald Dow McWilliam VcEane in Ardblair, 194; Sir John Maxwell of Conhaith and others, 148; William Paterson, a thief, 482; Hew Stewart in Clogholes and others, 171, 329; Katherine Young, 468, 627.
- Commissions of fire and sword—against James Grant in Daltalies, 274; Richard McCondochie and others, 278, 279; against ravishers, 405.
- Commissions of justiciary (general)—to William, Earl of Angus, 28; George, Earl of Winton, against witches, 482; over the rivers Dee and Don, 351; over the waters of Kirkcudbright, 305.
- Commissions of justiciary (particular) for the trial of—cases of incest, 317; some Papists in New Abbey, 286; resettlers of deserters from the army, 296, 297, 325, 326, 580, 600; thieves, 353; witches, 353, 379, 470, 471; about Dalkeith, 482; in Dumfries, 328, 329; in Lauder, 517; in Longniddry, 516, 517; in Prestonpans, 439; in Salton, 517; Andrew and Alexander Donaldson, for murder, 207; Archibald Elliot of Mewslie, 201, 202; of John Gowdie and his son, for murder, 2; William Gullan, in West Fenton, for murder, 284; Isobel Harcas, for child murder, 332; David Hood, for murder, 62; George Irving, for manslaughter, 411; Thomas

- Johnstone, for theft, 41; John McReadie, for incest, 516; Robert Morris, in Inzian, 350, 351; Jean Murdo and William White-law, for child murder, 265, 294, 580; Bessie Peat, for child murder, 85; Janet Reany, 317; Robert Rutherford, for murder, 25; Isobel Tod, for child murder, 20; Margaret Unes and Janet Shitlington, 410; William Walker, for theft, 520.
- Common (Commoun), Thomas, caution for his comparing before the Council, 82.
- Company for the making of iron cannon, 64.
- Comptroller, His Majesty's, a list of Papists to be given to him yearly, 507.
- Con, James, in Knockiemylne, excommunicated for Popery and to be apprehended, 498, 502, 508.
- Confections to be imported for his majesty's visit, xxiii, 414, 416.
- Confession of Faith, the, Papists excommunicated for not subscribing, 242.
- Congleton (Congiltoun, Congletoun) of that Ilk, William, at the musters on Gladsmuir, 129.
- Pett, witness to a writ, 552.
- Conhaith, Laird of. *See* Maxwell.
- Lady, 128; her daughter. *See* Agnes Maxwell.
- house of, 304, 582.
- Conies, stealers of, to be dealt with by the circuit courts, 438.
- Constable, the, an officer of State, 526; his duties at the King's coronation, 393-395; of Dundee. *See* Scrimgeour.
- Convention of Estates: one to be summoned for imposing a taxation, 416; in December 1598, 100 n.; of October 1625, 102, 103; of April 1626, 363.
- Convocation of the lieges, illegal, to be dealt with by the circuit-courts, 438.
- Conysoun, Mr John, minister, at the horn for not paying his taxation, 522.
- Cook (Cooke), William, in Foveran, 106.
- Cooper (Coupar, Cowper) of Gogar, John, peremptorily ordered to report the number of fencible persons in the parish of Corstorphine, 115; charged to appear before the Privy Council, 441.
- John, servant at the Hill of Fiddes, to be apprehended as an idle and masterless person, 106.
- Patrick, burgess and bailie of Dunfermline, a commissioner for the relief of the sufferers in the Dunfermline fire, 161; appears before the Council, 197^a.
- Cooper, Sibilla, ordered to be liberated from prison, 194, 216; complaint by her that she is not liberated, 206, 207, 216.
- Copenhagen, 321, 322.
- Cordiners of Cupar, the, 300, 301.
- Coronation of King Charles the First, the preparations for the, xxxvii-xxxix, 367, 372, 380, 381, 385, 426; the King's houses to be repaired, and furnished with beer, 380; a committee appointed for consideration of the solemnities requisite, 381; attendance there to be in becoming roles, 383-385; the Council feel straitened for time and money, and report so to Court, 381; the Lyon Herald ordered to report on the ancient form of coronation, 385, 387, 393; his report, 393-395; the nobility summoned, 388, 390, 393; the ceremonial to be in St Giles Church, xxxix, 389, 391, 392, 393, 405.
- Coroners (crowners) to be appointed for the justice-courts, 436, 437.
- Corrie (Currie), Archibald, servant to Johnstone of Gunmenbie, complains of being illegally imprisoned, 406, 407, 420; charged with malicious damage, 428.
- Walter, servant of William Johnstone, charged with malicious damage, 428.
- Corsar, . . . , complaint by him, 83.
- Corsbie, living of, 258, 259.
- Corshill, Laird of. *See* Cunningham.
- Coralets, 559, 571; to be imported, 59.
- Corstorphine, parish of, 115.
- Cortachy (Cortowhy), parish of, survey of fencible persons there, 170.
- Council. *See* Privy Council; of War, *see* war; Council and Session, *see* Session.
- Coupar (Cowpar, Cowper), Lord, James, inhibited from taking the musters of the vassals of the lordship of Coupar, xlv, 30, 31, 65.
- lordship of, 30, 31, 65.
- Angus, town of, proclamation at the market cross of, 30.
- of Grange, town of, 603.
- Court of High Commission, 433.
- of Pleas at Durham, 283.
- Courts, Circuit, establishment of, xxi, xxii, 364, 419, 420-422, 424, 425, 427, 434-439, 440, 445, 450, 451, 466, 624, 625; specification of the crimes to be tried in them, 436-439; protection for persons cited to these courts, 467, 468, 627.
- inferior courts not authorised to deal with resetting of rebels, 217; cases tried

- before the Council not to be tried by an inferior court, 219; order to hold a special justice-court in the tolbooth of Edinburgh, 226; retinues at trials to be small, 295.
- Coutts (Cowttis), Alexander, to be apprehended as an idle and masterless person, 165, 229; he has gone to West Flanders, 229.
- Helen, wife of Alexander Gordon, younger, of Carnbarrow, excommunicated for Popery, and to be apprehended, 498, 508.
- Covane, William, in Pitmunie, cooper, given up as an idle and masterless person, 558.
- Coven, river, 203.
- Covenant, National, renewed in 1638, vii.
- Cowane, John, merchant burgess of Stirling, caution by him, 26, 36; as a Commissioner for the Surrenders and Teinds, he is charged to attend meetings, 106, 324, 331, 419, 483; witness to a proclamation, 574; his signature, 26, 36.
- Margaret, wife of Henry Fenton in the Canongate, to be tried for witchcraft, 470.
- Cowdoun, commonty of, 428.
- Cowell, Malcolm, an inhabitant of Dunfermline whose house was burnt, 141.
- Cowie (Cowy), Alexander, in Mureton, action by him against Glengarrie, 241.
- Craig, Andrew, in Moyen, charged with molestation, 533.
- Mr Robert, advocate, registers a bond of caution, 262.
- Craig, land of, 443.
- Craighead, Thomas, at the Hill of Fiddes, 106.
- Crail (Carrail), burgh of, disagreement between the bailies, 205, 206, 216; charge to the electors to conform to the law in the election of their magistrates, 468, 627; ships of, 20; proclamation at the market-cross of, 18, 566; tolbooth, 206.
- Crambie, John, summoned as a witness in a case, 153, 154.
- Cramond (Crawmound), kirk of, 290; disturbance in the kirkyard, 290.
- Cranston, Lord, William, a member of the Privy Council, vi; an absentee from Council meetings, viii; a Commissioner for the Middle Shires, 99; deceased, 99; his conduct as a Commissioner for the Borders, 539.
- John, sends a fugitive back from England, 202.
- of Bassindean, Thomas, 258.
- Cranston of Corsbie, Patrick, charged with gross cruelty to his wite, Marion Home, 256-261; he is committed to the tolbooth, 261; caution for him, 262; his signature, 262.
- of that ilk, . . . , letter to him from the Council to send a roll of the teind-sellers of Edinburgh, 291; he reports the submission by the teind-buyers of Edinburghshire, 309; he is to repair the highways in his neighbourhood, 451; he is appointed Sheriff of Edinburgh, 451.
- of Skaittibus, John, peremptorily ordered to report the number of fencible persons in his parish, 94, 95; appointed to sequestrate certain teinds, 457, 458.
- of Thornedikes, John, interferes in a quarrel, 258; caution by him, 262; his signature, 262; commission to him, 517.
- George, in Newbigging, to be apprehended, 101.
- George, interferes in a quarrel, 257.
- Hector, in Holme, charged with armed convocation, 410.
- James, interferes in a quarrel, 257.
- Mr John, minister of Leith, complaint against him, 118, 119; he appears before the Council, 302.
- John, in Lauder, to be apprehended, 101.
- John, witness to a writ, 262.
- . . . , bastard son of Patrick, of Corsbie, 257, 260.
- Cranston, minister of. *See* Mr James Robertson.
- Riddill, lands of, 457, 458.
- Craw, Margaret, complaint by her, 322.
- Crawford (Craufurd), Earl of, George, permission to the Bishop of Ross and Lord Spynie to communicate with him, 27; to be apprehended, 122; further charge for his apprehension and the seizure of his houses, 176, 177, 563; his futile prosecution by Peter Reid, xliii, xliv, 524, 547; the Sheriff of Angus craves liberty to carry arms for his arrest, 580, 581.
- of Newton, Malcolm, commission to him, 329.
- James, in Kilquhinzie, charged with molestation, 543.
- William, *alias* Walker or Henry, in Weathercock, to be tried for theft, 353.
- . . . , flesher, 333; John, his son, sent to the wars in Germany, 333.
- Crawford Lindsay, parish of, 48.
- Cree, Water of, 305.

- Creirie, William, in Lochrutton, under the sentence of excommunication for adultery, 129; to be apprehended, 202; not to be reset by the lieges, 264.
- Crichton (Creichtoun, Creychtoun) of Abercrombie, James, tutor of Haltoun, 401, 482 charged with hamesucken, 399, 400, 619, 620; charged to find lawburrows, 401.
- of Fren draught, James, commission to him, 376; complaints by him against Gordon of Rothiemay, 533, 534, 547, 600; charged with assault and molestation, 600.
- of Haltoun, John, 401.
- of Lugton, . . . , peremptorily ordered to report the number of fencible persons in the parish of Liberton, 115; caution by him, 472.
- of Ruthvens, James, at the horn for not paying his taxation, 522.
- of Ryhill, Robert, brother to the Viscount of Ayr, steward-depute and bailie to the Earl of Annandale, appointed Sheriff of Dumfries, 56; to take the subscriptions of the teind-buyers of Dumfries-shire, 247; and report the names of such as refuse to sign, 479; commissions to him, 224, 328, 329, 568; petition by him, 583.
- Abraham, in Lowstoun, charged with hamesucken, 399, 400.
- Alexander, burges of Edinburgh, caution by him, 82; his signature, 82.
- James, in Benchellis, charged with hamesucken, 399, 400, 619, 620.
- James, in Blalake, charged with molestation, 401.
- James, execution of summons against him, 552.
- John, at the Mill of Segiden, charged with hamesucken, 399, 400, 619, 620.
- Matthew, messenger, witness to a writ, 27.
- Patrick, in Pitlandie, charged with assault, 401.
- Mr Robert, Lord Advocate, 526.
- Robert, at the Brigend of Tay, charged with hamesucken, 399, 400, 619, 620.
- William, in Ardonache, charged with assault and molestation, 401.
- . . . , 419.
- Crie (Cree, Krie), Patrick, deacon of the Braboners of Perth, charged with illegal election of the provost, 233-235.
- William, in Cultmalundy, caution for him, 36.
- Crieff (Creiffe), kirk of, 522.
- Criminal procedure: prosecution of the same person before different judicatories for the same offence illegal, 181, 182.
- Crocket (Croat), John, in Hill of Cowtie, charged with hamesucken, 603.
- Walter, in Hill of Cowtie, charged with hamesucken, 603.
- Cromartie (Cromertie), shire of, 3, 33, 34, 92, 246, 248, 573; circuit-courts of justiciary to be held there, 347; the submission of the teind-sellers and teind-buyers there, 479; the sheriff summoned before the Council, 475; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Crombie of Kemnay, Thomas, commission to him, 376.
- Thomas, deacon of the fleshers of Perth, charged with illegal election of the provost, 233-235.
- Crombie, house of, 148.
- Crookshanks (Cruikshanks), James, in Benchellis, charged with hamesucken, 397, 400.
- Crosshouse (Corsehouse), lands of, 134, 188, 229.
- Crown, the, not to be prejudiced by the revision of the statutes, 366; Crown lands dilapidated by assignations in payment of pensions, 155, 156.
- Crowners. See Coroners.
- Croy, William, elder, in Lethame, charged with molestation, 401.
- William, younger, in Lethame, charged with molestation, 401.
- Culross (Culrois, Culrosse), parish of, 85.
- burgh of, their composition for the taxation, 287; salt pans of, 146, 561; strand of, 610; the tolbooth, 85.
- Cumming (Cuming, Cummyng) of St Monans, James, proprietor of a ship, 46.
- Alexander, burges of Inverness, caution for him, 9; prosecuted for failure to assist in the execution of a commission, 585.
- Mr Alexander, advocate, registers a bond of caution, 80.
- James, in Dilschangie in Urquhart, horning at his instance, 517.
- James, burges of Inverness, caution for him, 9; prosecuted for failing to assist in the execution of a commission, 585.
- Thomas, jailor of the tolbooth of Forres, his keys demanded from him, 290.
- Cunningham (Cuninghame, Cunynghame) of Barns, A., caution by him, 21; his signature, 21.

- Cunningham of Bonytoun, John, caution by him, 180.
- of Boquhan, Adam, to take the subscriptions of the teind-buyers of Stirlingshire, 248, 574^a; and to report the names of such as refuse to sign, 479; reports the submission by the teind-buyers of Stirlingshire, 310.
 - of Corsehill, Alexander, to take the subscriptions of the teind-buyers of Ayrshire, 248; and to report the names of such as refuse to sign, 479; reports the submission by the teind-buyers of Ayrshire, 310.
 - Adam, advocate in Edinburgh, letter sent to him, 406.
 - Alexander, W.S., deceased, 217; Mr Alexander, his son, complains against the bailies of Dalkeith, 217.
 - Lieut.-Col. . . . , licence granted to him to levy soldiers for the King of Sweden, xiv, 397, 398.
 - Mr Cuthbert, notary, burgess of Dumfries, witness to a writ, 69.
 - Gabriel, a Commissioner for the Surrenders and Teinds, charged to attend meetings, 106, 324, 419, 483; signs a letter, 255.
 - George, goldsmith, burgess of the Canon-gate, caution by him, 21; his signature, 21.
 - Herbert, notary, late town clerk of Dumfries, deceased, 128, 263, 330, 535; Elizabeth Maxwell, his widow, 128, 129, 202, 262, 330; prosecuted as a Papist, 535.
 - Isabell, widow of Duncan Neish, in the Canon-gate, charged to liberate a prisoner, 538.
 - James, tailor, burgess of Edinburgh, to be liberated from the tolbooth of Edinburgh, 222, 223, 253.
 - James, in Dumfries, charged with hamesucken, 431.
 - John, in the College of Lincluden, charged with malicious damage, 596.
 - John, in Watstoun, fined for illegal convocation in arms, 355, 356.
 - William, in Dumfries, charged with hamesucken, 431.
- Cunningham, bailiary of, 33, 34, 246; the bailie summoned before the Council, 475; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Cupar (Cowpar, Cowper) in Fife, burgh of, 6, 594; the commissioners for the erection of beacons to meet there, 54; complaint by the cordiners against the magistrates for undue interference in their business, xxx, xxxi, 177-179, 216, 300, 301; meeting of justices of peace there, 555, 557; races there, 635; the tolbooth, xxxi, 178, 179.
- Cupar, Muir, 89.
- presbytery of, the inhabitants therein to hold their wapenschaw at Cupar Muir, 88-90.
- Carle, John, in Kelso, apprehended as an idle and masterless person, 636.
- Curra, Dandie, caution for his compearing before the Council, 82.
- Currie, James, pursuivant, keeps the house of Temple, 17^a, 65; order to him to deliver keys, 314; to be paid for keeping a house, 314.
- John, in Todshohauch, charged with cutting and stealing trees, 430.
- Cursen, Alexander, in Cardines, caution for his indemnity, 69.
- Andrew, in Cardines, caution for his indemnity, 69.
- Customs: customs officers to inform the Laird of Bogie of the importers of foreign beer, 116; the customs falling off through interruption of commerce, 227; on cattle and markets at Dumbarton, 466, 467; customs chargeable at fairs, 616, 617; defrauders of the customs to be dealt with by the circuit courts, 438; the Book of Rates, 334.
- Cuthbert, James, burgess of Inverness, appears before the Council, 8; caution by him, 9^a; his signature, 9^a.
- William, burgess of Inverness, caution for him, 9; prosecuted for failure to assist in the execution of a commission, 585.
- Cuthbertson, Beatrix, to be tried for witchcraft, 439.
- James, in Preston, charged with assault, 592; absolved, 326, 327.
- DAE, Thomas, charged to find lawburrows, 587.
- Daes, Mr James, minister at Earlstoun, interferes in a quarrel, 257.
- Dageris, William, in Ulstoun, to be tried for witchcraft, 494.
- Dalgarno of Fortrey, Arthur, commission to him, 28.
- Dagleish, John, burgess of Selkirk, claims a right of passage, 441, 442.
- John, servitor to Gordon of Ardlogie, 595.

- Dalgleish, Mr William, an inhabitant of Dunfermline whose house was burnt, 141; caution for him, 154; charged with receiving more than his due share of the Dunfermline fire money, 196, 197, 216; his signature, 154.
- Dalkeith, Lord, Robert Douglas, caution by him, 459.
- town of, 469; a nest of warlocks and witches, xlii; an act of the bailies rescinded, 217, 253.
- parish of, 114.
- presbytery of, petition by the, xlii, 469, 470.
- regality of, the bailie to produce prisoners, 624; commissions to the bailies, 410, 471, 482.
- Dalmahoy of that Ilk, Sir John, peremptorily ordered to report the number of fencible persons in the parish of Ratho, 115.
- Dalmeny (Dalmanie), minister at. *See* John Gibbieson.
- Dalry, near Edinburgh, 163.
- Dalton (Datoun), Little, parish and church of, 587, 588.
- Dalyell (Dalziell), Lord, . . . , patent of his creation as a baron of Parliament, 483. *See* Dalyell of that Ilk.
- of Binns, Thomas, appointed Sheriff of Linlithgow, 56; to take the subscriptions of the teind-buyers of Linlithgowshire, 247; and report the names of such as refuse to sign, 479; reports the submission by the teind-sellers and teind-buyers of Linlithgowshire, 309; to repair the highways in his neighbourhood, 374; disqualified to be a commissioner for Linlithgowshire, 521.
- of that Ilk, Sir Robert, brings a message from the King to the Council, 38, 39; appointed a Commissioner of the Middle Shires, 95, 99; also a justice of the peace for Lanark and Dumfries, 99 n.; publication of his appointment as a Commissioner for the Borders, 172, 173; exempted from a meeting, 223; created a Lord of Parliament, 483.
- of Eliok, Sir Robert, 26, 41; caution for the indemnity of his son John, 41.
- Janet, in the College, prosecuted as a Papist, 535.
- John, son of Sir Robert, of Eliok, caution for his indemnity, 26.
- William, servitor to Francis Stewart, witness to a writ, 80.
- Dantzic (Danskeene) "poldaveis," 10.
- Darien, a presage of the disaster of, xlix.
- Darling, Janet, spouse to David Thomson in Prestonpans, to be tried for witchcraft, 439.
- Darso, 559.
- Datoun, Little. *See* Dalton.
- David the First, King: justice ayres probably held during his reign, xvii.
- Davidson (Davidsoun), Alexander, put to the horn, 254.
- Andrew, messenger in Moffat, caution for him, 5; sent off to the wars in Germany, 31; charged to appear before the Privy Council, 162, 562, 563; put to the horn, 183, 184; to be apprehended, 242; not to be reset, 443; efforts to apprehend him, 463, 464, 599, 600; his signature, 5.
- Andrew, portioner of Ryperlaw, caution by him, 65, 79.
- Duncan, in Aberdeen, petition by him, 617.
- George, brother of Walter, in Belshes (*infra*), to be produced before the Council, 79.
- John, in Moffat, charged with assault, 463, 464, 599; charged with resetting a rebel, 599.
- John, in Rigshaw, charged with resetting a rebel, 599.
- John, servitor to Andrew Nimmo, writer, witness to a writ, 262.
- Ralph, in the Burn, to be exhibited before the Council as a masterless person fit for the wars, 65, 66.
- Robert, petition by him, 542.
- Rowie, and William, in Dalincover, his son, to be apprehended and tried, 444, 445.
- Thomas, bailie of Dundee, caution for him, 71.
- Thomas, in Rigshaw, charged with resetting a rebel, 599.
- Walter, in Belshes, to be exhibited before the Council as a masterless person fit for the wars, 65; caution for him, 79.
- Mr William, doctor of physick at Paris, craves a birth brief, 324.
- William, in Morbattle, charged with assault and molestation, 349, 604.
- William, lately in Salton, to be tried for witchcraft, 517.
- Mr William, advocate, witness to a writ, 97.
- Daw, Andrew, bailie of Crail, caution by him, 21; charged with factious conduct, 205, 206, 216; his signature, 21.

- Daw, John, captain of the ship *The Consort of Crail*, obtains letters of marque, 15, 20; caution for him, 21.
- Dawling (Dauling, Dawline), Euphame, her action against the bailies of Dysart, 83; her mother a prisoner for witchcraft, 83.
- James, in Queensferry, charged with assault, 423.
- Robert, in Queensferry, charged with assault, 423.
- Dawson, James, in Earlstoun, charged with cutting and stealing trees, 398.
- Deans (Deanis), Allan, miller in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xii, xiii, 84, 85, 97, 98, 105, 106; caution for his compearing before the Council, 107.
- Allan, in Hawick, charged with cutting and stealing trees, 430.
- Andrew, in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xiii, 85, 97, 98, 105, 106.
- George, servitor to Mr Robert Burnet, advocate, caution by him, 106.
- Thomas, caution for his indemnity, 29^a.
- Dearth of cattle and wool, 12.
- Debts: difficulties of recovering debts by legal process, 176, 177, 314, 315, 348, 350, 460-462, 480, 481.
- Dee, river, 305, 564; preservation of its fishings, 351; the salmon fishing there called the Pott, 617.
- Deer, killing of, prohibited, 372, 414, 416, 417; slayers of parked deer to be dealt with by the circuit-courts, 438.
- Deforcement, cases of, 514, 515, 547, 610; deforcers to be dealt with by the circuit courts, 438.
- Dempster, Agnes, in Prestonpans, to be tried for witchcraft, 379.
- Alison, wife of James Laycock, fisher in Leith, complaint by her, 362; to be tried for witchcraft, 470.
- William, bailie of Kinross, and factor for the Earl of Morton there, 153, 154.
- Denholm, Grizel, indweller in Edinburgh, charged to liberate a prisoner, 194; pursued for the maintenance of her prisoner, 206, 207.
- Denmark, soldiers levied in Scotland for the King of, ix, xiii, 27 n., 65, 69, 102, 106, 114, 139, 147, 148, 176, 281, 295-297, 303, 308, 325, 326, 335, 405, 406, 456, 457, 462, 472, 576, 580, 600.
- Denniston (Denneistoun), Herbert, in Cardines, caution for his indemnity, 69.
- Desertion from the army a grievous trouble, 285 n. *See also* Soldiers.
- Deskford, Lord, James, his feud with Ogilvie of Banff, xlv, 145; charged to keep the peace, 145; precognition against him, 216; to take the subscriptions of the teind-buyers of Banffshire, 248; and to report the names of such as refuse to sign, 479; commission to him, 376.
- Master of, Alexander, charged to keep the peace, 145.
- Deveron (Doverne), Water of, 533, 600.
- Dewar, Alexander, witness to a writ, 552.
- John, pretended sheriff-clerk of Berwick, 205, 216.
- Thomas, burges of Burttisland, prosecuted for wrongful imprisonment, 480.
- Dick (Dik) of Balmeil, John, younger, suspected of adultery, and charged with assault and molestation, 111, 112.
- Mr John, son of William Dick (*infra*), sheriff and chamberlain-depute of Orkney and Shetland, to safeguard the cargo of a wrecked Holland ship, 122, 124, 125, 139; to take the subscriptions of the teind-buyers and teind-sellers of Orkney and Shetland, 357, 358; petition by him, 605.
- John, in Mawie, charged with hamesucken, 603.
- John, in Stainburnhead, charged to find lawburrows, 604.
- Mungo, in Earlstoun, charged with cutting and stealing trees, 398.
- William, merchant-burges of Edinburgh, undertakes to provide gunpowder for the King's ships, 41, 42; advances money for the public service, 77; advances 4000 merks to the Admiral for his Majesty's ships, 93; order for payment to him of £2520 for supplying gunpowder to the ships, 109, 110; engaged about the transports, 148; has a mortgage on Colonel Sinclair's inheritance, 155; on a committee to consider about the dog-dollars, 181; commission to him to dispose of the Lübeck ship and its cargo, 238-240, 571, 574, 575; his offer for the cargo of the ship, xl, 270, 274-277; he lends money to pay the crews of the warships, 253, 274, 279, 304, 574, 576, 582; his accounts about the Lübeck ship to be audited, 427; he imprisons a soldier for debt, 327; assignation of a bond by him, 464; provides money for raising the military levies, 472; is prosecuted for wrongful imprisonment,

- 480; petition by him, 608; his son, Mr John. *See supra*.
- Dick, William, in Little Bauchlie, charged with hamesucken, 603.
- . . . , wife of Robert Mowbray at the Brigend of Cramond, complaint by her, 290.
- Dickieson, Charles, sinker of his majesty's irons, to engrave a seal for the Admiralty, 16, 17, 65; also to make a seal of Admiralty for Nova Scotia, 270, 271, 576.
- Dickson, George, called the Wran, in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xii, xiii, 84, 85, 97, 98, 105, 106.
- James, minister at Broughton, petition by him, 608, 609.
- John, indweller in Coldingham, complaint by him, 219.
- Patrick, to assist the Earl of Angus upon the Borders, 98.
- Robert, payment to him, 29.
- Mr, of H.M. ship . . . , making up his ship accounts, 39; not to suffer prejudice in his place or pay, 67.
- . . . , charged with killing John Hardie, 69, 70.
- Diderick, George, mariner in a Lübeck ship, 135.
- Dieppe (Deep), 20.
- Dillopie, parish of, survey of fencible persons there, 170.
- Dimeyton, river, 203.
- Dingwall (Dingwell), John, burgess of Crail, complains of being illegally imprisoned, 465, 466.
- Dingwall, town of, justiciary courts to be held there for the north isles of Scotland, xxiv, 632, 633.
- Dirks (durks), 594; long Highland, 407 assaults with, 134, 140, 219, 317, 595, 614.
- Dishingtoun, Laurence, complaint by him, 102.
- Dispensations with minority. *See* Minority.
- Dobie, Charles, in Baltarsane, caution for him, 80.
- William, servant at Gorgie Mill, assaulted, 163.
- Dobsoun, John, charged with deforcement, 512.
- Dodds (Dodis), James, complaint against him, 420.
- John, in Ingleston, denounced for destroying grain, 217.
- Dogs: hounding out a "mastisk" dog, 588; sleuth-hounds, 326, 592. *See also* Grew-hounds.
- Dollars: lyon- or dog-dollars in circulation and not to be accepted, xxxiv, 162, 192, 193, 562, 563; their value determined by the General of the Mint, 168; a committee appointed for deciding the course to be taken with them, 181; rex-dollars, 163; a base Embden dollar, xxxv, 540, 541, 545, 546.
- Don, river, preservation of its fishings, 351.
- Donald, Agnes Nein, in Bruach, to be tried for witchcraft, 489.
- Gressiche, Angus, a rebel at the horn for theft, 241.
- Roy, Marie Buy, a rebel at the horn for theft, 241.
- . . . , complaint by him, 322.
- Donaldson, Alexander, in Kinfauns, to be tried for murder, 207.
- Alexander, in Sauchton, caution for him, 148; suspension of horning against him, 188, 216.
- Andrew, in Kinfauns, to be tried for murder, 207.
- James, in Cavers, charged with destroying woods, 430.
- Thomas, servitor to Mr William Brown of Stevenstone, witness to a charge, 563.
- Captain . . . , bond of caution by him, 472.
- Dornoch, proclamation at the market cross, 576.
- Douay (Dowa), University of, 579.
- Douglas (Dowglas) of Baitford, William, to assist the Earl of Nithsdale upon the Borders, 149.
- of Barras, John, signs a report as a justice of the peace, 560.
- of Bonjedburgh, William, commission of justiciary to him, 2; letter to him from the Council, 25; he arrests a thief, 41; commission to him, 201, 202; appointed to sequestrate teinds, 469; complaint by him, 512, 513, 547; signs a report as a justice of the peace, 553.
- of Cavers, William, sheriff of Teviotdale, imprisons a thief, 41.
- of Drumlanrig, William, superior of the burgh of Hawick, 106; publication of his appointment as a Commissioner for the Borders, 172, 173; he accepts office as a Commissioner for the Borders, 208; is exempted from a meeting, 223; commissions to him, 202, 203, 242, 264, 265; two patents to him produced in Council—(1) creating him a baron of Parliament as Lord Drumlanrig, and (2) creating him

- Viscount of Drumlanrig, 309. *See* Drumlanrig.
- Douglas of Earlsmill, William, debt due by him, 578.
- of Glenbervie, Sir William, to consider as to the erection of beacons in his district, 54 ; to take the subscriptions of the teind-buyers of Kincardineshire, 248 ; and report the names of such as refuse to sign, 479 ; reports the submission by the teind-buyers of Kincardineshire, 320 ; signs a report as a justice of the peace, 560.
- of Kilspindie, . . . , peremptorily ordered to report the number of fencible persons in his parish, 94, 95 ; commission to him, 540 ; at a meeting in Musselburgh, 590.
- of Mordington, Sir James, brother of the Earl of Angus, to assist the Earl upon the Borders, 98.
- of Mouswald, Sir James, brother of William Douglas of Drumlanrig, masterless men to be delivered to him, 106.
- of Toftis, . . . , nominated by Wedderburn as a commissioner in his dispute with the Earl of Suffolk, 58.
- of Whittinghame, Sir Archibald, peremptorily ordered to report the number of fencible persons in his parish, 94, 95 ; his brother and nephew, 450.
- Mr Alexander, doctor of medicine in Banff, caution for his indemnity, 82.
- Sir Archibald, uncle of the Earl of Morton, 450, 459.
- Archibald, his house in Abernethy, 594.
- Arthur, cousin to the Earl of Morton, charged to keep the peace and forbear duelling, 450 ; cautions by and for him, 459.
- Captain Archibald, nephew of the Laird of Whittinghame, charged to keep the peace and to forbear duelling, 450 ; cautions by and for him, 459.
- Captain William, caution by and for him, 459.
- Francis, brother of the Earl of Angus, to assist the Earl upon the Borders, 98.
- Mr Gavin, commissary-clerk of Moray, execution of summons against him, 552.
- Henry, an inhabitant of Dunfermline whose house was burnt, 141.
- Mr Hew, bailie of Niddrie, commission to him, 444.
- Hugh, to assist the Earl of Angus upon the Borders, 98.
- Douglas, James, called of Morton, explains the non-appearance of a person before the Council, 154.
- James, bailie of Dalkeith, peremptorily ordered to report the number of fencible persons in the parish of Dalkeith, 114 ; an act made by him rescinded, 217.
- James, copies of letters under his hand, 2.
- John, in Andershaw, to assist the Earl of Angus upon the Borders, 98.
- John, in Lintalee, to assist the Earl of Angus upon the Borders, 98.
- John, called Hallas, charged with stealing trees, 590.
- John, signs a report as a justice of the peace, 560.
- Robert, indweller in Edinburgh, prosecuted for wrongful imprisonment, 462, 463, 465.
- Robert, to assist the Earl of Angus upon the Borders, 98.
- Mr William, serves a petition, 629 ; his signature, 629.
- Captain . . . , absent from his ship, 39 ; Act concerning his bringing ordnance from Ireland, 95.
- Dovecots, breakers of, to be dealt with by the circuit courts, xxiii, 438 ; builders of, illegally, to be dealt with by the circuit courts, 438.
- Dow, Harry, reports for the Earl of Mar anent the Submission, 318.
- Janet, servant to Nairn of Strathord, assaulted, 399, 619.
- John, slaughter of, 294, 295 ; his slayer prosecuted by his widow, 295.
- John, in Monedie, petition by him, 601.
- Dow, vicarage of, 522.
- Dowie, Thomas, in Benchellis, charged with hamesucken, 399, 400 ; suspension of horning against him, 482, 483.
- Downie, James, mariner in Leith, petition by him for his wages, 586.
- Dowry, a change of tenure given as part of a dowry, 364, 365.
- Driffin, 603.
- Drugs, inordinate users of, to be dealt with by the circuit-courts, xxiii, 438.
- Drun, bond dated there, 97.
- Laird of. *See* Irvine.
- Drumelzier (Drummalyear), 406.
- Drumlanrig, Viscount of, creation of Sir William Douglas of Drumlanrig as Lord and Viscount of, 309 ; to repair the highways in his neighbourhood, 374.

- Drumlanrig, the highways thence to Hamilton and Dumfries to be repaired, 374.
- Drummond of Woodcockdale, Mr John, a commissioner for the relief of the sufferers in the Dunfermline fire, 161, 197; charged not to accept dog-dollars in payment of his coal or salt, 162; on a committee of arrangements for the King's coronation, 385.
- Alexander, in Auchterarder, to be tried for witchcraft, 536; and conveyed from Stirling to Edinburgh, 536.
- Harry, in Perth, charged with assault, 615.
- James, town councillor of Perth, charged with illegal election of the provost, 233-235.
- John, deacon of the skinners of Perth, charged with illegal election of the provost, 233-255.
- Drysdale (Drysdail), Thomas, Islay Herald, prepares a Book of Arms of Scotland and is preparing the genealogies, 164, 165; a signature to be exp'd to him, 179; he produces the keys of the house of Conhaith, 304.
- William, portioner of Wester Itheardell, charged with abstraction of writs, 210.
- Duchil, Thomas, customar of Linlithgow, complaints by and against him, 422-424.
- Ducks (dookees), stealers of, to be dealt with by the circuit-courts, 438.
- Duddingatoun, parish of, 114.
- Dudgeon, Ninian, in Beniston, theft from his house, 482.
- Duelling, 450, 459; between Gordon of Rothiemay and Crichton of Fren draught, 533, 534. *See also* Challenges to the Combat.
- Duff, James, in Rothiemay, charged with carrying cartels, 533.
- John, shipmaster, charged to appear before the Privy Council, 322, 333, 537.
- Margaret, in Staniehill, has a man in prison for a debt, 464, 465, 481, 482.
- . . . , burghers of Elgin, petition by him, 622.
- Duke, Thomas, *alias* Learmouth, in Coldenknows, charged with cutting and stealing trees, 398.
- Dukes to register their arms upon their creation, 165.
- Dumbarton, burgh of, 133; the inhabitants ordered to assist in keeping the castle, 151; a Dumbarton ship wrecked at Mull, xlviii, xlix, 340; danger of the burgh from the sea and river, xlvii, 377, 380, 615; a duty and impost craved for providing a remedy, 377; a report on the matter, 625, 626; the magistrates send the report to the Council, 626, 627; the petition of the town granted by the gift of an impost for repairing the water works, 466, 467, 627; circuit-courts of judiciary to be held, 347, 435; depositions of a witch taken there in presence of the magistrates and the minister, 476; commission to the provost and bailies, 476, 477; proclamation at the market-cross, 151; letter and reports dated there, 626, 627.
- Dumbarton, castle of, 65, 149, 200, 201, 560, 564; called "the fetters of Scotland," xv; commission appointed for its examination in order to its repair, 52; neglected condition of, 131; a report on its ruinous condition to be made, 133; order to the constable and keepers, 133; appointment of Sir John Stewart of Traquair as captain, 150-153, 156-158, 176; report on its condition, 153; delivered over by Sir John Stewart of Traquair to a servitor of the Duke of Lennox, 252.
- minister of, 476.
- shire of, 33, 34, 246, 248, 268; the sheriff of, 52. *See* Semple of Foulwood; the sheriff-depute and the taxation, 65; the submission of the teind-sellers and teind-buyers there, 302, 310, 479; the sheriffship conferred upon Napier of Kilmahew, 451; he is summoned before the Council, 475; commission to him, 476, 477; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Dumfries (Drumfreis), burgh of, 101, 266, 286, 408, 556; the magistrates are ordered to imprison an insane person, 22; are charged with unlawful imprisonment, 112, 113; they are to keep the house of Conhaith, 305; to produce a prisoner, 621; commissions to them, 148, 202, 203, 224, 242, 264, 265, 328, 329, 411, 569; circuit-courts of judiciary to be held there, 347, 435; the highways thence to Carlisle and Drumlanrig to be repaired, 374; documents dated there, 69; proclamation at the market-cross, 99, 264; the jail and tolbooth, 22, 224, 328, 329, 411, 463, 568, 569, 621.
- commissariat of, 587, 588.

- Dumfries, minister of, to concur in a witchcraft trial, 328.
- presbytery of, 433, 441; complaint by the ministers against Papists, xxv, 128, 129, 315, 316, 535, 536, 540, 585; hornings at their instance, 202, 203; they grant a certificate to John Maxwell of Gribton, 585, 586.
- shire of, 33, 34, 99 n., 245, 247, 265; a Border county, 173; Papists there, xxv, xxvii; the submission of the teind-sellers and teind-buyers there, 302, 306, 479; justice-courts usually held there, 519; a sheriff-court held at Hawick, 518; former sheriffs, Sir William Grierson of Lag, Sir James Maxwell of Kirkconell, and Archibald Maxwell of Cowhill, 582; appointment of Robert Crichton of Ryhill as sheriff, 56; the sheriffship conferred upon Maxwell of Cowhill, 451; he is summoned before the Council, 475; commission to the sheriff, xxv, 148, 202-204, 242, 264, 265; non-payment by the sheriffs and others of the taxation for certain lands, 592, 583^a; charges and missives to the justices of peace, 12; to report as to the fencibles, 168, 169; report by them, 556.
- Dun (Din), Laird of. *See* Erskine.
- parish of, survey of fencible persons there, 170.
- Dunbar (Dumbar) of Balnaferrie, James, charged with rescuing a prisoner from the tolbooth of Forres, 289, 290, 402, 488.
- of Burgie, Robert, caution by him, 286; to be tried for incest, adultery, and slaughter, 294, 295, 477, 478, 580; Act against a numerous retinue at his trial, 295, 580.
- of Easter Alves, James, caution by him, 5; his signature, 5.
- of Grange, to take the subscriptions of the teind-buyers of Elginshire, 248; and report the names of such as refuse to sign, 479.
- of Grangehill, . . . , caution by him, 286.
- of Pankill, John, suspension of horning against him, 104, 139.
- of Hemprigs, William, 402; deceased, 597, 610; his sons, James Ninian, and Robert, *infra*.
- Alexander, younger, merchant in Forres, charged with assault, 403, 404.
- Alexander, *alias* Belde Sande, charged with assault, 403.
- Dunbar, Mr Gavin, chanter of Moray, caution by him, 286; complaints by him, 404, 420.
- James, son of Hemprigs, and servitor to the Earl of Moray, complaint and petition by him and his brother Robert, 339, 340, 594, 595, 610, 611; complaint by him and Tulloch, 402, 403, 420; complaint by Tulloch against him, 403, 404; another complaint against him, 404, 420; imprisoned for wearing fire-arms, 404; horning at his instance, 487, 488; he is charged with assault and molestation, 597, 598, 622.
- James, called Quartermaster, charged with assault, 403, 404.
- Janet, wife of Patrick Gordon of Bad, excommunicated for Popery, and to be apprehended, 498, 503, 508.
- Janet, wife of Patrick Gordon of Tillisoule, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- Nicolas, commissary-clerk of Moray, execution of summons against him, 552.
- Ninian, also son of Hemprigs, charged with rioting in the church and churchyard of Alves, 404.
- Robert, servitor to the Earl of Moray, 118; Jean Knowes, his wife, 118, 119, 139.
- Robert, son of Hemprigs, and servitor to the Earl of Moray, complaint and petition by him, 339, 340, 594, 595, 610, 611; complaint by him against Tulloch, 402, 403, 420; complaint by Tulloch against him, 403, 404; another complaint against him, 404, 420; imprisoned for wearing fire-arms, 404; horning at his instance, 487, 488; expenses paid to him, 488; charged with assault and molestation, 597, 598, 622.
- Dunbar, burgh of, the disorders at the herring drave, 17, 18, 65, 566, 567; names of the provost and bailies, 66; they are peremptorily ordered to report the number of fencible persons in the parish of Dunbar, 94, 95; ordered to deliver a prisoner, 60; the composition for their taxation, 287; commission to them, 540; the Tolbooth, 60, 540.
- Links of, 89.
- parish of, survey of the fencible persons there, 94.
- presbytery of, 89.
- Dunblane, Archdeanery of, 522.
- Bishop of, Adam Bellenden, member of the Privy Council, vi; to converse with

- the Captain of Clanranald about his religion, 137; letter to him to attend the Council, 321; as a Commissioner for the Surrenders and Teinds, charged to attend meetings, 106, 324, 331, 483; to examine the accounts of Colonel Sinclair, 357; on the committee for revising and printing the statutes, 365, 366; on a committee of arrangements for the King's coronation, 385; present in Council, 1, 85, 122^a, 131, 135, 140, 142, 144, 150, 159, 167, 174, 176, 189, 195, 200, 204, 209, 269, 270, 274, 280, 285, 293, 303, 334, 335, 343, 347, 351, 353, 357, 367, 374, 380, 383, 388, 391, 397, 402, 412, 420, 425, 434, 450, 456, 459, 466, 491, 494, 497, 513, 518, 521, 524, 535, 540; signs Acts of Council, missives, etc., 135, 138, 269, 280, 305, 334, 336, 342, 351^a, 363, 366, 387, 393, 395, 396, 416, 440, 496, 513, 517, 520, 539, 545, 546, 582^a, 630, 631^a.
- Dunbreck, Father, a Popish priest, to be apprehended, 500-502.
- Duncan (Duncane) of Ratho, James, charged to appear before the Privy Council, 44.
- Elspet, in Cranston, to be tried for witchcraft, 471, 482.
- John, servant of Graham of Fintry, to be exhibited before the Council as a person fit for the wars, 81.
- William, bailie of Musselburgh, charged to produce a prisoner, 481, 487.
- William, servitor to William Congleton of that Ilk, complains of being assaulted, 129, 139.
- Dundas of Arniston, Sir James, on a committee of arrangements for the King's coronation, 385; to be a Master of the Household during the King's visit, 385; written for, 388; he accepts the office, 391; commissions to him, 410, 444 (Sir John, *lege* Sir James); his death and burial, 470.
- of that Ilk, . . . , to consider as to the erection of forts in his district, 53; to build the fort upon Inchgarvie, 74; to superintend the wapenschaw of the inhabitants of Linlithgow, 90.
- of Newliston, John, 66; precognitions against him, 83, 175; charged to appear before the Privy Council, 136, 139; caution for him and for his indemnity, 144^a; to audit some accounts, 252; signs a report as a justice of peace, 553; his signature, 144.
- Christian, wife of Michael Hamilton, charged with assault, 429, 623.
- Dundas, David, son of John Dundas of Newliston, at feud with Whitehead of Park, 66; to appear before the Council, 136, 139; caution for him and for his indemnity, 144^a; his signature, 144.
- Gilbert, servitor to the Earl of Caithness, charged with assault, 515.
- Henry, in Mure-end, charged to appear before the Privy Council, 267, 576.
- Thomas, in New Brigend, charged to appear before the Privy Council, 267, 576.
- Dundee (Dundie), burgh of, the idle and masterless men there to be delivered for the wars, 71; wapenschaw to be held there, 89; English beer imported there, 261, 289; the highways thence to Perth and Brechin to be repaired, 374; the bailies to be summoned for refusing to open their tolbooth to the clerks of the justice-courts, 451; the magistrates written to about base dollars in circulation, xxxv, 541, 545, 546; the provost, as a Commissioner for the Surrenders and Teinds, is charged to attend meetings, 106, 324, 331, 483; documents dated there, 71, 84.
- constable of. *See* Scrimgeour.
- ferry of, the highway thence to Falkland to be repaired, 374.
- parish of, 71.
- outland parish of, survey of fencible persons there, 170.
- presbytery of, the inhabitants therein to hold their wapenschaw at the burgh of Dundee, 88-90.
- Dunfermline, burgh of, 161; the wapenschaw to be held there, 89; the provost and bailies summoned before the Council, 154; commission to them, 317; the highways thence to Stirling and Falkland to be repaired, 374; action against the commissioners for relieving the sufferers by the fire, lxxviii, 83, 154; charge against some persons for refunding the excess of money they had received over their losses by the fire, 140, 141, 175; the distribution of the contribution for the fire, 161, 162, 196, 197, 216, 230, 232; Sir John Scot appointed to examine the books and accounts of the commissioners for the fire, 181; a day appointed for hearing them, 210, 211, 566; proclamation at the market-cross, 211; the tolbooth, 317.
- minister at. *See* Mr Harry McGill.
- palace of, 372.

- Dunfermline**, presbytery of, 594; the inhabitants therein to hold their wapenschaw at the burgh of Dunfermline, 88-90.
- regality of, the bailie to superintend the wapenschaw of the inhabitants of the presbytery of Dunfermline, 90; commision to him, 317.
- Dungalsoun**, Agnes, wife of John Beatie, to be tried for witchcraft, 328.
- Andrew, in Ardwell, caution for his indemnity, 69.
- Dunglas**, parish of, survey of the fencible persons there, 94.
- Dunipace** (Donypace), Laird of. *See* Livingstone.
- Dunkeld**, Bishop of, Alexander Lindsay, a member of the Privy Council, vi; letter to him to attend the Council, 321; to examine the accounts of Colonel Sinclair, 357; as a Commissioner for the Surrenders and Teinds, he is charged to attend meetings, 106, 324, 331, 419, 483; signs a report as a justice of the peace, 554, 555; present in Council, 177, 229, 231, 232, 330, 331, 353, 357, 367, 374, 380, 450, 456, 494, 497, 514; named as absent, 457; signs Acts of Council, missives, etc., 331, 332, 363, 382, 386, 387, 496, 513, 546.
- chancellery of, 522.
- commissary of. *See* Mr James Stewart of Ladywell.
- burgh of, 615; document dated there, 21.
- Dunkirk**, 47; Scottish seamen prisoners there, xlvi, 251, 252, 254; sinking of a Dunkirk ship, 64; Dunkirkers capture a Leith ship, 20; and invade Shetland, 605.
- Dunlop**, Thomas, servitor to Laurence Scot, prosecutes in a case, 430.
- Dunnechin**, Laird of. *See* Carnegie.
- Dunnichtin**, parish of, survey of fencible persons there, 170.
- Dunrod**, Laird of. *See* Lindsay.
- Duns** (Dunce, Dunse), presbytery of, petition the Council in the case of William Whitelaw, 581.
- town of, 205, 235, 581; report dated there, 634, 635; markets of, 635; proclamation at the market-cross, 573, 577; the tolbooth, 205, 265, 294, 581.
- Duplin**, Viscount of, George Hay, Lord High Chancellor of Scotland, a member of the Privy Council, v; letter to him from King James VI., 2, 3; notifies the Council about the foreign ships, 47; to meet with the magistrates of Edinburgh about the forts at Leith, 57; presents in Council the patent of the Earl of Melrose as Earl of Haddington, 58; to hear the report of Sir James Baillie upon the taxation, 59; to take charge of the Submission for the teinds, xvii, 86-88; arrests Captain John Seton, 63, 221; to examine some masterless men, 85; masterless men to be produced before him, 98; as a Commissioner for the Surrenders and Teinds, is charged to attend a meeting, 106; produces the patents for the Secretaries in Council, 107, 108; also of the Earl of Haddington as Lord Privy Seal, 109; produces letters and other documents in Council, 113^a; the submissions of teinds to be subscribed in his presence, 196; to take the subscriptions of the teind-sellers of Perthshire, 246; the Earl of Perth requested to take his place, as the Chancellor is infirm and sick, 292; Act for his relief regarding a bond for the public service, 253, 574, 575; his engagement for payment of the crews of the warships, 274, 275, 276, 289; alleged derisive allusion to him, 290; going to Court, 303; absent from the Council, 323; to repair the highways in his neighbourhood, 374; at Court, and desired to represent the inopportuneness of a royal visit at present, 396, 387; on the committee for revising and printing the statutes, 365, 366; to be examined about the arrears of the taxation, 396, 426; his duty at the King's coronation, 395; present at Whitehall, 414; to decide a controversy between some Douglasses, 459; sues the Earl of Nithsdale for payment of taxes, 481; his opinion wanted about the release of Robertson the Jesuit, 562; warrant issued by him against the Earl of Crawford, 580; petition by him, 583; gone to Court, 635; letters for him to be sent to his Lady, 635; letters addressed to him, 365, 551, 556, 557, 558^a, 566, 571^a, 576, 577^a, 609, 628; present in Council, 1, 3, 9, 16, 19, 21, 22, 27, 30, 31, 36, 39, 45, 50, 61, 66, 71, 75, 76, 81, 85, 102, 107, 112, 113, 117, 112^a, 131, 135, 174, 176, 180, 189, 195, 200, 204, 209, 210, 217, 222, 225, 229, 231, 232, 236, 245, 252, 262, 266, 269, 270, 274, 280, 285, 293; signs Acts of Council, missives, etc., 2, 6, 15, 16, 20^a, 21, 22, 23, 24, 25^a, 26, 37, 41, 47, 48, 62^a, 63^a, 64, 68^a, 76^a, 80, 85, 96^a, 100, 101,

- 112, 115, 130, 135, 138, 139, 158, 165, 172^a, 179, 189, 195, 198, 199, 202, 203, 208, 215, 220, 221, 224, 228, 230, 242^a, 243, 244, 265, 266, 267, 269^a, 274, 279^a, 284^a, 291, 301, 302^a, 563^a, 565, 568, 569, 571^a, 576^a, 577, 580^a; indorses petitions, etc., 571^a, 572, 573, 581^a.
- Durham of Kinnell, Mr James, peremptorily ordered to report the number of fencible persons in the parish of Lunan, 170, 171.
- of Pittarrow, James, peremptorily ordered to report the number of fencible persons in the parish of Monikie, 170, 171; on a committee of arrangements for the King's coronation, 385.
- Durham, 449; Court of Pleas there, 283; justices of peace there, 283.
- Durie of Craigluscar, George, a commissioner for the relief of the sufferers in the Dunfermline fire, 161, 197.
- Mr James, in Nethertown of Dunfermline, a commissioner for the relief of the sufferers in the Dunfermline fire, 161.
- Robert, cordiner, burgess of Cupar, complaint by him, 177-179, 216.
- Dyot, Robert, smith, witness to a writ, 144.
- Dyke, minister at. *See* Mr William Falconer.
- Dysart (Dysert), burgh of, 135, 419; witchcraft cases there, xli, 83, 142, 143; the bailies to consider as to the erection of forts in their district, 53; commission to the bailies, 122; coalheuchs and salt pans, 147, 561; English beer imported there, 261; a burgess renounces his burgess-ship, 364; a ship of Dysart recovered from French pirates, 381, 382; proclamation at the market-cross, 84; the tolbooth, 142.
- minister at. *See* Mr William Nairn and Mr William Spittle, 143.
- kirk-session of, xli, 135, 143.
- EARLS**, fees paid to the heralds on their creation, 121; to register their arms upon their creation, 165.
- Earlston (Ersiltoun), minister at. *See* Mr James Daes.
- East, question of facing the, 405.
- Easterline trade, 244.
- Easton (Eistoun), James, servant to James Aikman in Edinburgh, 214.
- Eccles (Eckills), house and place of, 444.
- Edem, William, accused of adultery, 332.
- Edgar (Edzer), Edward, bailie of Leith, complaint against him, 119.
- Edgebuckline brae, 446.
- Edinburgh, burgh of: the Commission for Surrenders to meet there, xvii; justice-ayres held there, xxii; a taxation to be imposed for support of the ministers of the town, xxix, 1, 2, 3, 132; a certificate by the magistrates, 20; the magistrates required to build two forts at Leith, 44; the commissioners for the erection of beacons to meet there, 54; a diet appointed for the magistrates to answer as to the forts at Leith, 56, 57; the magistrates ordered to receive a prisoner from Dunbar, 60; act of the magistrates relating to the services of heirs, 102; the magistrates offer to fortify Leith on certain conditions, 125-128; they purchase the superiority of Leith, xlvi, xlvii, 126 n.; question as to the duty of the College of Justice to contribute to the support of the town ministers, 132; the Council reply to the proposals about the fortifying of Leith, 159-161; the provost before the Council, 161; reply to the Council on the question of the fortifications of Leith, 181, 184-188; the magistrates decline to produce the town charters to the Lords Advocate, 185; Leith cannot be disjoined from Edinburgh without undoing it, 185, 187; the burgh books, 193: action by an officer of the Mint for the registering of his apprentice, 193, 216; the magistrates charged with illegal imprisonment, 207, 216, 299, 300; their articles anent the fortification of Leith to be answered, 225, 232, 285; assaults in or near the town specially punished, 272; the composition for the taxation on annual rents, 287; complaint by the candlemakers, 299, 300; order of the election of deacons of the crafts, 299, 300; decret arbitral by King James between the merchants and craftsmen, 300; the submission of the teind-sellers and teind-buyers there, 318; the magistrates required to sign the Submission, 318; they obtain an exemption out of the King's revocation, 323; letter from the King confirming certain privileges of the burgh, and that the south side of Leith make their weaponshawing at Edinburgh, 337, 338; the magistrates consulted as to the proposed creation of Stornoway as a royal burgh, 337, 379, 383, 396, 397; the surgeons or barbers, 354, 355; the Parliament to meet there on 15th September 1628, 367; the highways thence to Haddington and Linlithgow to be repaired,

- 374; the hammermen of Edinburgh, 378; the magistrates asked to lend money towards the expense of the King's visit, xxxviii, 380, 381; they report that their funds wont permit of it, 383; preparation for the King's entry, 384; the provost and bailies at the inspection of St Giles Church, 389, 393; they object to the removal of a partition wall in the church, 391; the magistrates object to the Earl of Linlithgow's patent for digging for saltpetre, xxxii, 425, 426, 439; the magistrates claim right to the harbour of Leith, 453-455; the provost and bailies circumvented, 460; bridges on the road thence to Peebles to be repaired, 469; the provost, David Aikenhead, a Commissioner for the Surrenders and Teinds, and charged to attend meetings, 106, 483; he signs a letter, 255; commission to the magistrates, 520; the magistrates relieved of the duty of building a boat for transporting his majesty over the Forth, 521, 631; the magistrates to receive a prisoner from Linlithgow and ward him, 536; the magistrates to search for base dollars in circulation, xxxv, 541; customar of. *See* George Grieve; meetings of the Privy Council there, 44, 100, 101 n., 252; wardings in the town, 134, 135, 286, 318, 320, 321, 323, 330, 324, 339, 392, 407, 433, 603; documents dated there, 41, 47^a, 48, 175, 184, 262, 267, 272, 611, 622, 629; charges and remits to the magistrates, 110, 112, 136, 194, 207^a, 209, 210, 215, 223, 226, 227, 319, 349, 350, 355, 377, 378, 409, 420, 428, 461, 462, 463, 465, 468, 481, 482, 519, 520, 542, 621, 627; miscellaneous references, xx, xxii, xxvii, xxxviii, 6, 38, 44, 63, 77, 78, 113, 118, 134, 136, 137, 140, 189^a, 193, 204, 211, 222, 225, 245, 247, 250, 293, 312, 313, 406, 430, 432, 433, 478, 491, 510, 514, 520, 523, 565, 629; town clerk of. *See* Alexander Guthrie, 472; kirk-session of, 207.
- Edinburgh, particular streets and buildings: Blackfriars' Wynd, 429; Cardinal's lodging at the foot of Blackfriars' Wynd, 429, 430; mansion of Sir Archibald Acheson in the Canongate, vi; Greyfriars' Kirk, 433; Halkerston's Wynd, 355; Laigh Council-house, 101 n., 133; Magdalene Chapel, 378; markets and market-cross, 12, 417; execution at the market cross, 96; proclamations there, 8, 44, 91^a, 131, 195, 247, 250, 287, 306, 322, 348, 369, 371, 451, 477, 502, 503, 509, 560, 583; the Mint-house, 429, 430; Nether Bow, setting heads upon the, 96; St Giles Church, xxxix, 384, 391; the Tolbooth, xiii, xxvii; prisoners begging out of the window, 215; trials and meetings to be held there, 132, 143, 226, 295, 446; wardings in the tolbooth or wairdhouse, 29, 60, 96, 98, 99, 104, 106, 112, 120, 129, 136, 144, 188, 193, 194, 197, 198, 206^a, 207, 222, 226, 229^a, 231, 261, 278, 282, 290, 316, 330, 332, 349, 350, 352, 354, 361, 378, 403, 404, 407, 409, 423, 442, 443, 461, 462, 463, 464, 465^a, 480, 481, 482, 488, 509, 512, 515, 519, 520^a, 535, 536, 542, 562; exposing a criminal's hand upon the Water Yett, 96; West Port, 272.
- Edinburgh, Castle of, munition-house there, 42; order to the captain, constable, and keeper, 446, 532, 533, 632; wardings in the Castle—the Viscount of Stormont, xliii, 214, 326; Claud Hamilton, xxix, 328, 334; Sir John Stewart, 332; Captain James Hay, 446, 466; Archibald Tod, bailie of Leith, 455; Sir John Ogilvie of Craig, 532, 632.
- University of, injured by some of the students being decoyed by recruiting officers into the army, x, 7 8.
- shire of, 34, 35, 43, 54, 92, 134, 189^a, 229, 231, 246, 247, 335, 598; reports from some of the parishes as to the fencibles, 114, 115, 116; the submission of the teind-sellers and teind-buyers there, 305, 309, 479; circuit-courts of judiciary to be held, 346; to hold their wapenschaw at the Links of Leith, 88-90; appointment of Sir Alexander Lauder of Halton as sheriff, 56; to superintend the wapenschaw of the inhabitants of Midlothian, 89; charges to him, 110, 112, 186; death of the sheriff, and provision made for dealing with the vacancy, 117; appointment of Sir Lewis Lauder of Gogar as sheriff, 181; commission to him, 335; to repair a highway in his neighbourhood, 434; the sheriffship conferred upon the Laird of Craneton, 451; he is summoned before the Council, 476; charge to him, 598; charges and missives to the justices of peace, 12, 61; to report as to the fencibles, 93, 165.
- Edmond, Thomas, servitor to the Viscount of Stormont, witness to a writ, 230.
- Edmonstone (Edmistoun) of Edman, Sir John, protection to him to come and treat about his teinds, 189.

- Edmonstone of Shank, Mr Patrick, commission to him, 471.
- of Wolmet, Patrick, caution for him, 16; he and his wife, Anna Edmonstone, charged with breaking into an aisle in Natoun kirk, 431-433; caution by him, 433; commission to him, 444; his signature, 16.
- Anna, wife of Patrick Edmonstone of Wolmet, charged with malicious damage, 432.
- Edmonstone, lands of, 431.
- Education of the children of Popish noblemen, 358, 359, 360, 537, 545, 614.
- Edzell (Edyell), parish of, survey of fencible persons there, 170.
- Laird of. *See* Lindsay.
- Eglintoun, Earl of, Alexander, to take the subscriptions of the teind-sellers of Cunningham, 246; he signs a letter as a Commissioner for the Surrenders, 255; written for to attend the meetings, 324, 331.
- Eidwie, parish of, survey of fencible persons there, 170.
- Elachie, Donald Dow, charged with assault and robbery, 458, 459.
- Elbing (Elving), li, 558, 559.
- Elder, Matthew, complaint by him, 350.
- Elgin (Elgen), burgh of, 488; sheriff-courts to be held there, 237; proclamations at the market-cross, 237, 502, 503.
- shire of, 3, 33, 34, 92, 246, 248, 585; circuit-courts of judiciary to be held, 347; the submission of the teind-sellers and teind-buyers there, 479; Simon, Lord Lovat, continued in the sheriffship of Elgin and Forres, 236-238, 571; the sheriff summoned before the Council, 475; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Elicht, forest of, 279.
- Elliot (Eliot, Elliot) of Mewslie, Archibald, to be tried for theft, 201, 202.
- Gavin, his slaughter, 547.
- James, dempster at Selkirk, present at a justice of peace court, 555.
- William, bailie of Selkirk, present at a justice of peace court, 555.
- Ellie (Eleis), Patrick, merchant in Edinburgh, prosecuted for wrongful imprisonment, 461, 462.
- Patrick, bailie of Leith, commission to him, 494.
- Robert, charged with assault, 518.
- Elphinstone (Elphingstoun), Master of, Alexander, Lord Kildrummie, a member of the Privy Council, vi; an absentee from Council meetings, viii; to take the subscriptions of the teind-sellers of Linlithgowshire, 245; warrant to him to deliver some writs to the Clerk of Council, 253; letter to him to attend the Council, 321; present in Council, 66, 225, 229, 231, 233, 245, 252, 254, 256, 270, 347, 351, 357, 367, 374, 380, 383, 391, 397, 402, 406, 412, 473, 494, 497, 513, 518, 521, 524, 540; signs Acts of Council, missives, etc., 228, 386, 387, 393, 405^a, 406, 411, 477, 496.
- Elphinstone of Blytheswood, Sir George, Lord Justice-Clerk, a member of the Privy Council, vi; to send a depute to attend the circuit-courts, 345-347; his office not to be prejudiced by the appointment of the Justice-General, 364; on the committee for revising and printing the statutes, 365, 366; to produce the practicks of the justiciary-courts to the Commission for revising the statutes, 366; a commission of justiciary to him, 379; to investigate witchcraft cases, 442; to have access to the registers of the Border Commissioners, 447; obtains a commission of inquiry into the jurisdiction and privileges of his office of Justice-Clerk, 484, 490; dispute between him and the Lord Advocate as to the precedency of their respective offices, 1, 486, 490, 491, 524-532, 547, 631; a committee appointed to mediate between them, 490, 491; craves that advocates be allowed to plead for him, 490; accused of delays in the case, 510, 620, 629; advocates allowed to plead for him, 511, 629; present in Council, 440, 450, 456, 459, 466, 478, 484^a, 490^a, 491, 494, 497, 513, 518, 524, 535, 540; signs Acts of Council, missives, etc., 445^a, 446^a, 472^a, 482, 483, 489^a, 513, 546, 625.
- of Shank, John, protection to him to come and treat about his teinds, 231.
- Harry, in Stirling, witness to a proclamation, 574.
- Laird of. *See* Johnstone.
- Elaheoner (Elchenour). *See* Alahender.
- Elamelie, James, in Inver, given up as an idle and masterless person, 558.
- Elve, river, 552.
- Embden, base dollars of that city circulating in Scotland, xxxv, 540, 541, 545, 546.
- England, 37 n., 51, 143, 207, 254, 265, 315, 334, 538, 542; the English Parliament disapproves the foreign policy of the

- King, ix ; money straits, xxxvi ; league between France and Spain against England, 47 n. ; the battle of Flodden, 80 n. ; the English Border Commissioners, 143, 144 ; the conjunct Border Commission, which expired with the death of King James, to be revived, 223 ; English ships captured by the Sallee rovers, 252 n. ; English beer to be imported, 289, 380 ; prosecution of retailers of it, 261, 262 ; exportation of guns from England, 338 ; some of the nobility coming to Scotland with the King, 372 ; letter from the Council to certain mayors and judges of Admiralty, 381, 382 ; a sermon printed there, 449 ; attempt by English explorers to invade Scottish interests in Canada and Nova Scotia, xlix, 1, 489 ; Englishmen on horse and foot brought by Sir George Home of Manderstone to his wife's house to spoil it, 512 ; an English fleet blockades Hamburg, 551 n. ; the Admiralty Court to be guided by English law and the laws of other nations, 551, 552 ; ships not to bring French goods, 567 ; fugitives thither from justice, xx, 202, 223, 294, 581.
- English Channel, xii.
- Enkhuizen (Encusane), in the Zuyder See, 124.
- Enzie (Einzie), chamberlain of. *See* Adam Smith ; a copy of the King's letter on the tanning reform sent to him, xxx, 123, 124.
- Erections, Lords of, 268, 292, 293, 305, 357, 440, 478 ; meeting in Holyrood Palace to subscribe the Submission, xviii, 195, 196 ; they subscribe the Submission, 245-247 ; charged to appear before the Commissioners for Surrenders, 476, 477 ; their titles to be inspected, 513.
- Erroll, Earl of, Francis, to consider as to the erection of beacons in his district, 54 ; written for to attend a meeting of the Commission for the Surrenders, 331.
- minister at. *See* Mr Alexander Omay.
- Erskine (Areskine, Erskain), Lord, John, a member of the Privy Council, vi ; on the committee about the fortification of Leith, 133 ; produces a letter from the King about the tanning, 133, 135 ; his reply to the tanners, 165, 168, 181 ; their answer given to him, 193 ; the Council decides in the matter, and Lord Erskine is to erect a tanning-house, 196 ; to take the subscriptions of the teind-sellers of Stirling and Clackmannan, 245 ; on a committee of arrangements for the King's coronation, 385 ; present in Council, 1, 3, 107, 112, 113, 117, 122*, 131, 135, 140, 142, 144, 150, 159, 167, 174, 176, 180, 189, 204, 209, 210, 217, 222, 332, 334, 335, 339, 343, 347, 351, 353, 357, 367, 374, 380, 383, 388, 391, 397, 402, 406, 412, 420, 425, 440, 450, 456, 459, 466 ; signs Acts of Council, missives, etc., 6, 112, 115, 155, 156, 165, 172*, 195, 199, 207, 215, 220, 221, 332, 334, 336, 342, 347, 351, 353*, 364, 386, 387, 390*, 391, 393, 405*, 406, 411, 412*, 416, 446*, 472, 563, 625.
- Erskine of Balgonie, . . . , on a committee of arrangements for the King's coronation, 385.
- of Dun, Alexander, to consider as to the erection of forts in his district, 53 ; and as to the erection of beacons, 54 ; signs a letter to the Council about the forts, 71 ; to superintend the wapenschaw of the inhabitants of the presbytery of Arbroath, 90 ; peremptorily ordered to report the number of fencible persons in his parishes, 170, 171 ; signs a report as to the forts at Montrose, 557.
- of Innerteill, Sir George, to consider as to the erection of forts in his district, 53 ; signs a letter to the Council about the forts, 70 ; to repair the highways in his neighbourhood, 374.
- of Pittodrie, . . . , commission to him, 376.
- Dame . . . , Countess of Marischal. *See* Marischal.
- Harry, to be a Master of the Household during the King's visit, 385.
- John, signs a report as a justice of the peace, 556.
- Robert, indweller in the Canongate, charged with harsh imprisonment, 350 ; said to hate his brother, Simon, 350.
- Simon, indweller in the Canongate, commission to him to proceed against defaulters anent the taxation, 521-523.
- . . . , complained against, 419.
- Esk (Ersk), North, river, 564.
- Eskdale (Eskdail), lands of, 582.
- Espick, David, tenant in Ballinriche, assaulted, 458.
- John, tenant in Ballinriche, assaulted, 458.
- Essie, pariah of, survey of fencible persons there, 170.

- Essie**, parsonage of, 522.
- Ethie**, Laird of. *See* Carnegie.
- Europe**, warlike preparations in various parts of, 88, 89, 91.
- Ewen** (Ewin), John, in the Powes, caution for him, 232.
- Ewin Dwy**, Rannold Nein, widow of John Ewin McEane Oustich, horning at her instance, 96.
- Ewing** of Cukispow, John, caption against him, 381, 419.
- Ewisdaill**, lands of, 582.
- Exchequer** of Scotland, the Lords of, 102, 185, 209, 237, 412, 413, 473; prize ships to be accounted for to them, 21; Act of, in favour of Sir James Baillie, 78; appointment of Sir Archibald Aitcheson upon the Commission, 107; empty state of and difficulties of replenishing, xxxv, xxxvi, li, 156, 274, 277, 279, 386, 387; the displeased condition of the coffers represented to the King, 227, 228; the Commissioners to receive the fines from the circuit-courts, 346, 347; to repay the proceeds from the Lübeck ship, xl, 418; the Lords to give no signatures to Papists, 509; orders to the commissioner and clerk, 440, 535; Books of, 414.
- Exchequer House**, 209, 357.
- Excise herring**, the, 65.
- Excommunication**: the law to be enforced against excommunicated persons, 24, 202, 203, 262-265; persons in the presbytery of Dumfries under this sentence, 123, 129; warrant for the arrest of such persons in Annandale given to the Border Commissioners, 224, 225, 568, 569; they and their reseters to be dealt with by the circuit-courts, 437.
- Exportation** of goods, xxiii; of cattle, sheep, and wool, xxix, xxx, 73, 91, 99, 102; to be prosecuted under the penal statutes, 138; of coal and salt, xxxi, 72, 73, 74, 83; of gold and silver, to be prosecuted under the penal statutes, 138; of tallow, 139.
- Extortion**, penalties threatened for, 18, 567.
- Eyemouth** (Haymouth), town of, 6.
- FAIRBAIRN** (Fairbarne), John, charged with deforcement, 512.
- Fayrhar** (Fairhyre), Peter, notary, witness to a writ, 230.
- Fairlie** of Braid, Sir Alexander, peremptorily ordered to report the number of fencible persons in the parishes of Penicuik, Mount Lothian, and St. Catharines, 114.
- Fairlie**, of Braid, Sir Robert, charged to appear before the Privy Council, 441.
- Mr James, minister of Leith, complaint against him, 118, 119.
- James, in Longniddry, 471; his wife, Elspet Hislop, to be tried for witchcraft, 471.
- William, complaint by him, 419.
- Fairs**, xlviii; Rood Fair at Inverness on 14th September, 5; one held at Queensferry, 422; Magdalene Fair at Pathhead, 427, 623; "Lambmesse" and "Patrikmesse" Fairs at Dumbarton, 466, 467; Bartill, Laurence, and St Serfs Fairs, 616; refreshment booths at fairs, 616.
- Fala** (Fawla, Fawlay), lands of, 189.
- parish of, the minister peremptorily ordered to report the number of fencible persons in his parish, 94, 95.
- Falahall** (Fawlahall), lands of, 189.
- Falconer** of Halkerton, Sir Alexander, to consider as to the erection of beacons in his district, 54; he signs a report as a justice of the peace, 560.
- Hew, Commissary of Moray, to produce his registers, 552; execution of summons against him, 552.
- Mr William, minister at Dyke, grants a certificate, 340.
- Falconers**, the King's, their payment, 473.
- Falkland**, burgh of, the highways thence to Perth, the Ferry of Dundee, St Andrews, Dunfermline, and Burntisland to be repaired, 374.
- palace of, 372; the King wishes to see it, 384.
- Falla**, Michael, charged with deforcement, 512.
- Fallesdaill**, Thomas, burgess of Dumbarton, to assist in inspecting Dumbarton Castle, 133.
- Fallow**, Mr R., 389 n.
- Falmouth**, xii.
- Fantoun**, Laird of, to send a roll of the teind-sellers of Edinburgh, 291.
- Fareis** (Fairies), Alexander, in Sibbalbie, charged with assault and molestation, 349, 419, 602; petition by him, 611.
- Farmer** (Fermour), John, servitor to the Viscount of Stormont, witness to a writ, 230.
- Farnell** (Fernall), parish of, survey of fencible persons there, 170.
- Farquhar** (Ferquhar), of Hlandchoche, Alexander, commission to him, 278.

- Farquhar of Invercauld, John, commission to him, 278.
- of Inverey, James, commission to him, 278.
- of Monaltrie, Donald, commission to him, 278.
- Mr Robert, in Aberdeen, petition by him, 617.
- Faw, Patrick, gipsy, to be tried for manslaughter, 444.
- Fawsyde of that Ilk, . . . , charged to appear before the Privy Council, 146, 147, 561^a.
- Fees payable to the heralds on creation of nobles, 121.
- Feg, John, an inhabitant of Dunfermline whose house was burnt, 141.
- Fencibles: ordered to disband, 43, 44; the fencible men in each parish to be enrolled and trained, 61, 62; appointed to meet for weaponslawing, 88-90; order to be ready to rendezvous at certain places on occasion, 91, 92; survey of, 93-95, 114-116, 557; orders and charges for making reports upon them, 165^a, 168, 171, 230; in Aberdeenshire, 616, 618; of Annandale, 445; Fife, 285, 557; Kincardineshire, 559, 560; East and West Lothian, 74; Selkirkshire, 584.
- Fenton (Fentoun), Lord, Alexander Erskine, to superintend the waponschaw of the inhabitants of East Lothian, 89.
- Alexander, servitor to Silvester Rattray of Perse, charged with assault and robbery, 458, 459.
- Henry, maltman in the Canongate, 470; his wife, Margaret Cowan, to be tried for witchcraft, 470.
- John, burgess of Brechin, petition by him, 612.
- Ferdinand II., his name on an Embden dollar, 541.
- Ferguson (Fergusson) of Kilkerran, Mr John, charged with assault, 543; complaint by him, 543, 544, 546.
- John, bailie of Tain, witness to a charge, 576.
- William, bailie of Tain, commission to him, 489.
- William, servant of Scott of Scotstarvet, charged with falsehood, 139.
- Ferne, parish of, survey of fencible persons there, 170.
- Feuds: between the Earl of Abercorn and the Earl of Linlithgow, 66, 67; Blair of Bagillo and Campbell of Crunan, 201; Buchanan of Leny and the Macgregors, 282, 302, 303, 330; the Earl of Cassillis and Sir Patrick Agnew of Lochnaw, 344, 345, 348, 392; Crichton of Abercrombie and Nairn of Strathord, 399-401, 618-620; James, Lord Deskford, and Sir George Ogilvie of Banff, xlv, 145; Captain Douglas and Arthur Douglas, 450, 459; Dundas of Newliston and Whitehead of Park, 66; the Grants of Ballindalloch and Carron, xlv, 451, 455, 456; Lord Ogilvie and Lord Coupar, xlv, 30, 31, 65; the Scotts and Turnbulls, 572.
- Fifeshire, 33, 34, 54, 92, 246, 248; report of the commissioners for the erection of forts, 70, 75; a report of the fencibles in every parish to be given to the Council, 230, 285; the waponschawing, 88-90; circuit-courts of justiciary to be held, 347; the submission of the teind-sellers and teind-buyers there, 310, 479, the sheriff summoned before the Council, 475; charges and missives to the justices of peace, 12, 61; they are to report as to the fencible persons, 93, 165, 168, 169; they deal with the magistrates of Cupar about the cordiners, 300, 301; report by the justices of the peace, 555, 557; their convenor. *See* Wemyes of that Ilk.
- Fines: for assault, 278; intercommuning with the Macgregors, 283, 284; wearing firearms, 279.
- Finlay (Findlay), John, witness to a writ, 232.
- Finlayson (Finlasoun), Margaret, assaulted, 538, 547.
- Thomas, his majesty's printer, proclamations printed by him, 573, 574.
- Walter, in Prestonpans, 439; Janet Strachan, his wife, to be tried as a witch, 439.
- Finnevin (Phynnevin), house of, xliii, xlv, 176, 177, 524.
- Fintry, Laird of. *See* Graham.
- Fires and fire-raising, 459, 517; the burning of Dunfermline, xlvi, 140, 141, 175; fire-raisers to be dealt with by the circuit-courts, 437; an accidental fire in Glasgow, 516.
- Fire-vessel, the King's, 380.
- Fish and fishing: measures for the preservation of order at the herring drave of Dunbar, 17, 18, 65, 566, 567; fishing apparatus, 18, 566; the dispute between the Earl of Suffolk and Home of Wedderburn as to the Tweed fishings, 74,

- 75; slayers of red and black fish prosecuted under the penal statutes, 138; protection of the Kirkcudbrightshire waters, 305; of the rivers Dee and Don, 351; takers of fish in close time, 438; holders of cruives or yairs, and slayers of salmon or black fish in the rivers Tweed and Annan, to be dealt with by the circuit-courts, 438; a dispute as to the Water of Deveron, 600; destruction of a salmon fishing on the Dee, 617.
- Fisher (Fishear), George, merchant burghess of Edinburgh, prosecuted for wrongful imprisonment, 460-462.
- Flamburgh head, 45.
- Flanders, xxxiii, lii, 552; trade in coal with, 381; Flemish ships, 243; French wines brought by them, 285, 284; not to bring French goods, 567.
- West, 47, 229, 362, 593.
- Fleet (Fleitt), Water of, 305.
- Fleming (Fleeming, Fleyning), Alexander Rid, in Ballinriche, complaint by him, 458, 459; . . . , Robertson, his wife, assaulted, 458.
- Alexander Rid, son to Thomas Rid, charged with assault and robbery, 458, 459.
- Duncan Rid, in Easter Downie, complaint by him, 458, 459.
- George, tenant in Strathord, complaint and petition by him, 399, 400, 618-620.
- James, in Loichcoittis, to be apprehended, 112.
- John, younger, 458; Alexander Reid Fleming, his son, charged with assault and robbery, 458, 459.
- John, messenger, executes a charge, 60.
- Margaret, indweller in Edinburgh, to be put to liberty, 209, 210, 216.
- Patrick, caution for his compearing before the Justice, 519.
- Fleshers, xxiii; prohibited from killing and selling flesh in Lent, 250; any acting against the law to be dealt with by the circuit-courts, 438.
- Fletcher (Flehour, Fletchor) of Innerpeffer, Sir Andrew, on the committee for revising and printing the statutes, 365, 366; commission to him to hold circuit-courts of justiciary, 347, 425, 435; he accepts the commission, 427.
- Mr George, advocate, appears before the Council as an agent, 527.
- John, bailie of Selkirk, present at a justice of peace court, 555.
- Fletcher, Robert, accused of intercommuning, 547.
- Flockhart (Flokhir, Flookiehir), Patrick, in Fairnieknows, complaint by him, 231, 253.
- Flodden, battle of, 79 n.
- Fools, feigned, to be dealt with at the circuit-courts, 437.
- Forbes, Lord, Arthur, to consider as to the erection of beacons in his district, 54; commission to him, 376; charged with extortion at fairs, 616, 617.
- Master of, Alexander, receives a licence to go abroad for five years, 115; commission to him, 376; charged with extortion at fairs, 616, 617.
- of Balnagask, John, commission to him, 376.
- of Blacktoun, James, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- of Bothley, Alexander, commission to him, 28.
- of Brux, John, commission to him, 28.
- of Craigievar, Mr William, commission to him, 28; petition by him, 591.
- of Creichie, John, caution for him, 228.
- of Haughton, Mr James, caution by him, 212, 216.
- of Leslie, John, complaint by him, 211, 212; assolizied from a charge of wearing firearms, 212; commissions to him, 350, 351, 376.
- of Melrose, Richard, 28; Mr Walter, his son, commission to him, 28.
- of Milbigging, Arthur, mistaken for another person, 212.
- of Monymusk, Sir William, caution for him, 97; commissions to him, 350, 351, 376; signs a report as a justice of the peace, 558.
- of Pitsligo, commission to him, 376.
- of Pittelloquhy, William, commission to him, 28.
- of Reres, . . . , to consider as to the erection of beacons in his district, 54.
- of Thanestoun, Walter, commission to him, 28.
- of Tolquhoun, William, commissions to him, 28, 376; to arbitrate in an Aberdeen matter, 57, 58.
- Alexander, in Innerquhomrie, horning at his instance, 28; Isobel Forbes, his wife, 28.

- Forbes, Alexander, in Mill of Towie, deceased, 591; Alexander, his son, charged with assault and molestation, 591.
- Arthur, provost of Forres, the keys of the tolbooth demanded from him, 290.
- Arthur, burges of Forres, summoned as a witness in a case, 290.
- Arthur, in Inchcorsie, charged with molestation, 533.
- Duncan, provost of Inverness, caution by him, 9; his signature, 9.
- John, son of Thomas, in Ballask, *infra*, slain, 28.
- John, in Rara, commission to him, 28.
- Margaret, Lady Torrie, charged to appear before the Privy Council, 146, 147, 561^a.
- Patrick, merchant burges of Edinburgh, caution by him, 97; his signature, 97.
- Thomas, in Ballask, Alexander, Mr Abraham, Walter, and Thomas, his sons, and Isobel, his daughter, horning at their instance, 28.
- Dr William, minister of Aberdeen, petition by him, 360, 361, 614.
- William, saddler, burges of Perth, exempted from going with the French expedition, 104, 105.
- Ford, parish of, 577.
- Fordoun (Fordone), kirk of, meeting of the gentlemen of Kincardineshire there, 559, 560.
- Foreigners only to be naturalised with consent of the Council, 426.
- Forest of Elicht, 279. *See* Woods.
- Forestallers of markets to be dealt with by the circuit-courts, 437.
- Forfar, burgh of, the commissioners for the erection of beacons to meet there, 54; the provost and bailies peremptorily ordered to report the number of fencible persons in their burgh, 170, 171; circuit-courts to be held there, 435; proclamation at the market-cross, 524.
- parish of (outland), survey of fencible persons there, 170.
- shire of, 30 n., 33, 34, 54, 84, 92, 246, 248, 557; to contribute to the erection of the forts at Montrose, 71; the wapenschaw of, 88-90; the submission of the teind-sellers and teind-buyers there, 310, 320, 479; circuit-courts of justiciary to be held, 347, 435; appointment of Harry Wood of Bonnington as sheriff, 56; letters for dispensation with a minority directed to him, 96; charged to apprehend the Earl of Crawford, xliv, 176, 177; the sheriffship conferred upon Campbell of Lundie, 451; he is summoned before the Council, 475; ignored in an election of commissioners, 477; those who interrupted the election of commissioners are to be prosecuted, 477; charges and missives to the justices of peace, 12, 61; they are to report as to the fencibles, 93, 94, 165, 169, 170, 171.
- Forks: assaults with, 140, 163; a corn fork, 256.
- Forres, burgh of, 339, 595, 597, 598; rioting in the streets of, 402, 403; the High Street, 339, 403, 597; sheriff courts to be held there, 237; the tolbooth broken into and a prisoner rescued, 289, 290; proclamation at the market-cross, 237; commission to the magistrates, 28; provost of. *See* Arthur Forbes.
- minister of. *See* Mr Patrick Tulloch.
- presbytery of, 340.
- shire of, 3, 33, 34, 92, 246, 585; circuit-courts of justiciary to be held, 347; the sheriff summoned before the Council, 475; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Forrest of Archerfield, Mr Patrick, advocate, summons at his instance against the commissaries, 552.
- Alexander, subscribes a bond, 262.
- Forrester (Forester) of Corstorphine, Sir George, peremptorily ordered to report the number of fencible persons in the parish of Corstorphine, 115; commission to him, 482.
- David, messenger, executes a charge, 576.
- Duncan, burges of Burntisland, complains of harsh imprisonment, 480.
- John, town clerk of Tain, witness to a charge, 576.
- Forsyth (Foirsayth, Foirsyth) of Dyke, William, charged with unlawful convocation, 119-121.
- James, in Kinknokie, to be apprehended as an idle and masterless person, 106.
- William, in Forres, summoned as a witness in a case, 290.
- Forth, firth of, 45, 53, 67, 84, 92, 146, 162, 561; impost on coal and salt exported to pay the cost of the forts to be erected, xxxi, xxxv, 72, 73, 83; the ferrying over

- of his majesty claimed by the Admiral, 521, 631.
- Forthergill, kirk of, 522.
- Forts and Fortifications: xv, xvi, xxxi, xlvi, xlvii; forts to be built at the harbour mouth of Aberdeen, 57, 58; at Anstruther, 58; at Burntisland, 53, 67, 68, 70, 75; on the Forth, 53, 72, 83; at Inchgarvie, 53, 149; at Montrose, 53, 70, 71, 74, 75, 556, 557; at Leith, 44, 57, 65, 149; negotiations with Edinburgh as to building those at Leith, 125-128. *See also* Edinburgh.
- Fortune (Fortoun), Thomas, servant of Lundie of Newhall, caution for him, 16.
- Fotheringham of Powrie, Thomas, to consider as to the erection of beacons in his district, 54; to superintend the wapenschaw of the inhabitants of the presbytery of Dundee, 90; peremptorily ordered to report the number of fencible persons in his parish, 170, 171; to be written to for the prices of wool, nolt, and sheep, 380.
- Foulford (Foulefqorde), lands of, 134, 189, 289.
- Foullis (Foulls, Fowlles) of Colinton, Sir James, peremptorily ordered to report the number of fencible persons in the parish of Hailes or Colinton, 115.
- of Leidholl, Thomas, caution for him, 48.
- George, master-coiner to his majesty, 48; disposition to him of the Mint-house, 429, 430; petition by him, 469; his son George, caution by him, 48; his signature, 48.
- Mr Robert, advocate, petition by him, 562, 563.
- Mr Robert, advocate, registers a bond of caution, 232.
- Foulwood, Laird of. *See* Semple.
- Foveran (Foverne), parish of, 107.
- Fowl, wild, proclamation against the slaughter of, 372, 388, 389, 414, 416, 117.
- Fowler (Fouller), Donald, burgess of Inverness, caution for him, 9.
- James, indweller in Coldingham, complaint by him, 219.
- Walter, in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xiii, 85, 97, 98, 105, 106.
- Fowlis (Foulls), parish of, survey of fencible persons there, 170.
- Frame, Robert, in Bourig, fined for illegal convocation in arms, 356, 356.
- France, lii, 551 n., 552; the ancient alliance with Scotland not forgotten, xxxiii; the French troops in Leith in 1559, 126 n., the Scots Guard in France, 221; leagues with Spain against England, 47 n.; the war with France for the relief of the Huguenots, ix, xiii, xiv, xvi, xxxiii, 37, 37 n., 38, 38 n., 39, 42 n., 50, 51, 52, 62 n., 63, 71, 72, 90, 104, 105, 166, 218 n., 243, 636; the troops for France, 55, 56; 200 Highland bowmen to be raised, 56; transporting of the troops thither, 71, 72, 75, 76, 78, 79, 84, 92; goods belonging to Frenchmen in Scotland to be arrested by such as have goods detained in France, xxxiii, xxxiv, 103, 104, 116, 117, 195, 228; letter from the King on the subject, 166; restrictions on the importation of goods and wines from France, 217, 218, 221, 242, 243, 253, 265, 266, 284, 305-307, 567, 568, 572, 573, 582; Scottish trade with France in wool, skins, plaiding, kerseys, and salmon, 243; and in herring, butter, cheese, and cloth, 340; a French ship at Ayr to be restored to its owners, 67; one taken in a Norwegian port, 217, 218; Scottish ships recovered from French pirates, 381, 382; references to the King of France, 37, 38, 63, 104, 243, 221; to the Admiral, 218.
- Fraser of Belladrum, Hew, charged with resetting a rebel, 613; commission to him, 96*, 194.
- of Culbockie, Hew, younger, commissions to him, 96, 194.
- of Elrig, John, his dispute with Patrick Strachan, 83; caution for him, 141; suspension of horning against him, 188; charged with contempt of horning and retention of a sword, 602, 603.
- of Kirkhill, James, commission to him, 194.
- of Little Clinterlie, John, complaint by him, 232.
- of Lovat, Simon, Lord. *See* Lovat.
- of Muckalls, . . . , to consider as to the erection of beacons in his district, 54.
- of Sanock, Thomas, deceased, 232; Michael, his son, caution for his compearing before the Council, 232.
- of Stanywood, Andrew, commission to him, 376.
- of Strichen, Thomas, action by him against Glengarie, 241, 242, 254; commission to him to take the subscriptions

- of the teind-buyers of Inverness-shire, 311, 312, 321, 585; other commissions to him, 86^a, 194, 376.
- Fraser, Andrew, sheriff-clerk of Inverness, witness to a charge, 576.
- Andrew, clerk of the taxation, 578.
- Andrew, commissary of Inverness, execution of summons against him, 552.
- John, in Clonbake, charged with resetting a rebel, 613.
- John, bailie of Wigtown, imprisons a deserter, 283.
- John, goldsmith, petition by him, 542.
- John, witness to a writ, 552.
- Malcolm, in Ellaneviriche, bailie to Lord Lovat, charged with resetting a rebel, 613.
- . . . , complaint by him, 216.
- Freebooters, privateers so called, 277, 304.
- French, John, in Quacleuch, charged with resetting a rebel, 599.
- Thomas, in Quacleuch, charged with resetting a rebel, 599.
- William, in Kirkbriderig, charged with resetting a rebel, 599.
- William, in Quacleuch, charged with assault, 463, 464, 599.
- Frendraught, place of, 534.
- Friermure, teinds of, 562.
- Frissell, Luke, in Mid Clauchrie, charged with hamesucken, 431.
- Fritz, Hans, cook in a Lübeck ship, 135.
- Fullerton (Foullertoun, Fullartoun) of Carleton, John, to take the subscriptions of the teind-buyers of Kirkcudbrightshire, 248; to report the names of such as refuse to sign, 479; reports the submission of the teind-buyers of Kirkcudbrightshire, 310; commission to him, 542.
- Mr David, to be sent to Court with letters, 381.
- Mr James, minister at Beith, opposition to his settlement at Monkland, xlii, xliii, 119, 120^a, 121.
- Fünen, Island of, 280 n.
- Fyfe (Fyffe), James (or Philip), in Easton, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- Mr John, minister, at the horn for not paying his taxation, 522.
- Robert, servitor to Crichton of Abercrombie, charged with hamesucken, 399, 400, 619, 620; suspension of horning against him, 482, 483.
- William, execution of summons against him, 552.
- GALASHIELS (Galascheilis), letter dated there, 584.
- Galloway, Bishop of, Andrew, horning at his instance, 242.
- Earl of, Alexander, member of the Privy Council, vii; created Earl of Galloway in 1623, 266 n.; admitted as a member of Council, and takes the oaths of office as a Privy Councillor, 266, 267; complains to the King against the Earl of Cassillis, xlv, 81, 82; letter from the King about him, 99; he is to take the subscriptions of the teind-sellers of Wigtownshire, 245; commissions to him, 202, 203, 242, 264, 265; present in Council, 285, 494, 497, 513, 518, 521, 524, 535; signs Acts of Council, missives, etc., 267, 291, 444^a, 445, 446^a, 447, 496, 513, 517, 520, 539, 580, 630, 631^a, 632.
- Mr James, Master of Requests, craves remission of rent for five years, 64; patent granted to him for casting ordnance, xxxiii, 338, 339; his signature, 564.
- Galloway, shire of, 303, 344, 392; commission to the sheriff to deal with resetters of deserters, 303, 304, 582.
- Game to be preserved for the King's coming to Scotland, xxxviii, 367, 372, 373, 385, 388, 389, 414, 416, 417, 615.
- Gararie, 140.
- Garden (Gardyne), D., signs a letter to the Council about the forts, 71; also a report as to the forts at Montrose, 557.
- Gardiner (Gairdner), Katharine, widow in Edinburgh, caution for her, 520.
- Dr, historian, references to his historical works, xiii, 27 n., 31 n., 38 n., 252 n., 551 n., 559 n.
- Garioch, Chapel of, 420; a weekly market established there, 409.
- Garter, the order and robes of the, presented to the King of Sweden, 559.
- Garvald (Garvell), parish of, the minister peremptorily ordered to report the number of fencible persons in his parish, 94.
- Garvie, James, in Balbrogo, charged with assault, 401.
- Patrick, in Garvie, charged with molestation, 401.
- Gauntlets, references to, 289, 543, 596, 603.
- Gavelocks, 596.
- Geddes (Geddeis) of Kirkland, James, 267.
- Gilbert, in Abernethy, charged with assault, 594.

- Geddes, John, in Blaetwood, burges of Dumfries, caution for him, 112, 113,
 — Robert, brother of James, of Kirkurd, commission to him, 267.
- Geddie, John, in Nethertoun, charged with hamesucken, 612.
 — Robert, merchant burges of Edinburgh, complaint by him as a prisoner for debt, 316, 322.
- Geijer, writer of a history of the Swedes, 559 n.
- Gellatly (Gellatlie), Patrick, in Ardonochie, charged with assault, 401.
- Germany (Germanie), 81, 113, 148, 154, 155, 162, 183, 241, 333, 406, 470, 562; soldiers enlisted and sent to the wars there, x, xii, xvi, 27, 27 n., 31, 77, 78, 106, 113, 333, 470.
- Gib, Thomas, in Balgonie, deceased, 607; John, his son, petition by him, 607.
- Gibson (Gibsoun, Gibbesoun) of Durie, Sir Alexander, to consider as to the erection of beacons in his district, 54; as a Commissioner for the Surrenders signs a letter, 255; on the committee for revising and printing the statutes, 365, 366; signs letters to the King, 513, 546; indorses a petition, 630.
 — James, in Looke, charged with assault, 401.
 — James, acts as procurator, 443.
 — John, minister at Dalmeny, to audit some accounts, 252.
 — John, servitor to Wilkin Johnstone, complaint and petition by him, 349, 419, 602; horning at his instance, 611.
 — Peter, in Crawford, caution for him, 36.
 — Thomas, action against him, 216.
- Gilford, royal letter dated there, 396, 427.
- Gillespie, Mr John, minister at Kirkealdy, appointed to try an alleged witch, 143.
 — John, boatman in Nether Cramond, 494; his wife, Margaret Burgess, to be tried for witchcraft, 494.
- Gillimichell, Marion Nein, in the parish of Eddertain, to be tried for witchcraft, 489.
- Gilmertein, servant of Mr John Campbell, in Corkamuir, denounced for spoiling a ship, 341.
- Gilpatrick, Archibald, burges of Jedburgh, witness to a charge, 577.
- Gilzane, William, servitor to Sir Alexander Hamilton of Redhouse, petition by him, 589.
- Girdles, ringing of, every twelfth night, a Popish observance, 579.
- Gladsmuir (Glaidsmure), 89; wapona-hawing there, 129.
- Gladstanes (Glaidstaines, Gledstanes), Mr Halbert, minister at Troqueir, caution for his indemnity, 101; he appears before the Council, 316, 441; petition by him, 602.
 — James, bailie of Hawick, to exhibit before the Council masterless persons fit for the wars, 98.
 — J., letter from him to James Primrose, Clerk of Council, 636.
 — Thomas, merchant burges of Edinburgh, a debt due to him, 316; he is to support a prisoner, 316, 322.
- Glamis, parish of, survey of fencible persons there, 170.
- Glassford (Glasfuird), Hew, sheriff officer, charged with hamesucken, 612.
- Glasgow, Archbishop of, James Law, a member of the Privy Council, v; action by him in the settlement of the kirk of Monkland, xlii, xliii, 119-121; to take the subscriptions of the teind-sellers of Renfrewshire, 246; letters to him from the Council to attend, 308, 319; complaint and petition by him, xxviii, 327, 328, 596, 597; as a Commissioner for the Surrenders and Teinds, he is charged to attend meetings, 106, 331; he is to aid in convincing Papiets, 359; he grants a commission for measuring a glebe, 378, 613; written to by the Council to attend to the instructions from the King as to the education of the sons of Popish noblemen, 545; present in Council, 380, 383, 391, 397, 402; signs Acts of Council, missives, etc., 386, 387, 393, 395, 396.
 — burgh of, some merchants robbed by the Clan Ean, 28, 363; the composition for the taxation, 287; the highway thence to Hamilton to be repaired, 374; deed dated there, 516; the tolbooth, 351, 516; commissions and orders to the provost and bailies, 171, 329, 351, 419; minister of, Mr Robert Scott, 119, 120.
 — regality of, the bailie of the, 329; commission to him, 171, 329.
 — sub-deanery of, 119-121.
 — University of, x, 8.
- Glass windows, 352, 353.
- Glen, Robert, petition by him, 542.
 — . . . , complaint by him, 176.
- Glenbervie, Laird of. See Douglas,

- Glencairn, Earl of, James Cunningham, seventh, a member of the Privy Council, v ; an absentee from Council meetings, viii.
- Glencorse (Glencorce), parish of, 114, 134.
- Glendinging, Bertie, servant to Hector Cranston, charged with armed convocation, 410.
- Katharine, wife of David Maxwell, called of Newark, to be apprehended, 203 ; not to be reset by the lieges, 263, 264.
- Katharine, Lady Conhaith, elder, prosecuted as a Papiat, 535.
- Martin, imprisons a man for debt, 327.
- Glegarie of . . . , John, commission to him, 517.
- Glenisla (Glenylla), parish of, survey of fencible persons there, 170.
- Glenkindie, Laird of. *See* Strachan.
- Glentriploche (Glencruploch), 621.
- Goad, an iron, 257.
- Gold and silver, the exporters of, prosecuted, 138 ; theft of gold rings, 194 ; of gold, 621.
- Gonoghy, Henry, tenant in Strathord, complaint and petition by him, 399, 400, 618, 619.
- Goodlet (Guidlet), Alexander, chamberlain to the Earl of Linlithgow, charged to appear before the Privy Council, 146, 147, 561^a.
- Gordon, Lord, George, eldest son of the Marquis of Huntly, member of the Privy Council, vi ; to take the subscriptions of the teind-sellers and teind-buyers of Inverness, Cromartie, Caithness, and Sutherland, 246, 248, 573 ; reports the same, 321 ; to report the names of such as refuse to sign, 479 ; his absence from the country, 455 ; commissions to him, 296, 297, 405, 517 ; present in Council, 1, 3, 200, 209, 210, 225, 229, 231, 232, 245, 293, 305, 323 ; signs Acts of Council, missives, etc., 228, 301, 302, 305^a, 307, 323^a, 582^a ; indorses petitions, etc., 593, 594.
- of Abergeldie, Sir William, commission to him, 278.
- of Ardlogie, John, to be apprehended for failing to raise soldiers for the King of Denmark, 405, 406 ; charged with assault and molestation, 595, 596.
- of Ardwell, John, caution for his indemnity, and that of John and James, his sons, 69 ; commission to him, 542.
- of Auchland, John, apparent, to assist the Earl of Nithsdale upon the Borders, 149.
- Gordon of Bad, Patrick, and Janet Dunbar, his wife, excommunicated for Popery, and to be apprehended, 498, 503, 508.
- of Buckie, John, to be summoned before the Council, 485, 486 ; commission to him, 376.
- of Butill, . . . , charged with directing cartels, 83.
- of Cairnfield, Mr William, brother-uterine of John Gordon of Buckie, to be summoned before the Council, 485, 486.
- of Carnbarrow, Alexander, apparent, and Helen Coutts, his wife, excommunicated for Popery, and to be apprehended, 498, 508.
- of Cluny, Sir Alexander, 595 ; convener of the justices of peace in Aberdeenshire, 616 ; to consider as to the erection of beacons in his district, 54 ; to arbitrate in an Aberdeen matter, 57, 58 ; complaint by him to the King, 228, 571 ; letter from the King about his arresting a person, 254, 255 ; written for to attend a meeting of the Commission for Surrenders, 331 ; he is going to Court, 616, 618 ; petition by him, 615, 616 ; commissions to him, 325, 326, 376.
- of Craig, John, apparent, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- of Creich, Harry, complains of the destruction of his corn, 217, 253.
- of Dalpersie, George, caution for him, 165, 166 ; suspension of horning against him, 229, 253 ; commission to him, 389.
- of Drumquhail, Alexander, chamberlain of Strabogie, excommunicated for Popery, and to be apprehended, 497, 498, 502, 508 ; also Bessie Gordon, his wife, 498, 508.
- of Dunkintie, Alexander, charged with bearing firearms, but assoilzied, 211, 212 ; complains of molestation, 212, 216 ; complaint against him, 228 ; commission to him, 389.
- of Earlston, Alexander, commission to him, 542.
- of Embo, John, reports the submission by the teind-buyers and teind-sellers of Inverness, 321.
- of Fola, John, caution by him, 165, 166 ; his signature, 166.
- of Invermarkie, John, petition by him, 600.
- of Knockaspick, . . . , apparent, sheriff-depute of Aberdeen, commission to him, 378.

- Gordon of Leamoir, Sir James, elder, commission to him, 376.
- Sir James, apparent, to take the subscriptions of the teind-buyers of Aberdeenshire, 248; to report the names of such as refuse to sign, 479; appointed to do certain duties of the convener of the justices of peace in Aberdeenshire, 618; commission to him, 376.
- of Letterfourie, James, bailie of Badenoch, a Papist and resetter of priests, 506, 507.
- of Lochinvar, Sir Robert, promises to bring all Spanish prizes taken by him on this side of the Equinoctial line to this kingdom, xlix, 11, 12, 12 n.; commission to him for operating against the King of Spain and planting his colony in Charles Island, 13-15, 207, 208; deceased, 207, 208; a ship of Middleburgh taken by his servants, 64, 65.
- —, John, son of Sir Robert, patent to him to carry on his father's projected colonisation of Charles Island, 207, 208; engages to pay the proportion of his prizes to the King and Admiral, xiv, 271, 272; to take the subscriptions of the teind-buyers of Kirkeudbrightshire, 248; and report the names of such as refuse to sign, 479; he is to be a Master of the Household during the King's visit, 385; complaint by him, 464; he produces Herbert Brown, a Papist, 535; commissions to him, 202, 203, 242; his signature, 272.
- of Newton, John, charged with extortion at fairs, 616, 617.
- of Rothiemay, William, pursued as a cautioner, 211; charged with molestation and inciting to the combat, 533, 534, 535, 547; petition by him, on which he obtains a protection, 600.
- — John, younger, son of William, charged with molestation and inciting to personal combat, 533, 534, 535, 547.
- — John, petition by him, 600.
- of Straloch, . . . , on a commission, 312 n.
- of Tilligreg, Alexander, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- of Tillisoule, Patrick, excommunicated for Popery, and to be apprehended, 497, 498, 508; also Janet Dunbar, his wife, 498, 508.
- of Trinneis, John, 595; petition by his son Oliver, 595, 596.
- Gordon, Agnes, wife of Alexander Leslie in Convach, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- Alexander, in Bardarroch, caution for his indemnity, 69.
- Alexander, in Badenoch, excommunicated for Popery, and to be apprehended, 498, 503, 508.
- Andrew, in Bardarroch, caution for his indemnity, 69.
- Bessie, wife of Alexander Gordon in Drumquhaill, excommunicated for Popery, and to be apprehended, 498, 508.
- George, executes a charge, 553.
- Harry, in Ruthven, summoned as a witness in a case, 514.
- Harry, in Tomachlagan, summoned as a witness in a case, 514.
- James, notary in Cardines, caution for his indemnity, 69.
- James, in Dunkinty, excommunicated for Popery, and to be apprehended, 498, 503, 508.
- John, in Bountie, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- John, in Little Mill of Rathven, excommunicated for Popery, and to be apprehended, 497, 498, 503, 508.
- John, in Troupsmyle, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- John, horning at his instance, 81.
- Margaret, wife of Robert Innes, in Elgin, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- Margaret, goodwife of Cormellat, excommunicated for Popery, and to be apprehended, 497, 498, 502, 508.
- Robert, in Bardarroch, caution for his indemnity, 69.
- Robert, in Cushnie, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- Robert, in Haddo, excommunicated for Popery, and to be apprehended, 497, 498, 503, 508.
- Thomas, at the Walkmill of Rothiemay, charged with carrying cartels, 533.
- William, burgess of Banff, caution for him, 82; his signature, 82.
- Gorgie Mills, 163.
- Gotterstoun, John, in Lauder, to be apprehended, 101.
- Gourlay (Gourlie) of Wester Grange, Gilbert, to arbitrate in a case, 219.

- Gourlay, Gilbert, in Newton, caution for his indemnity, 69.
- Gow, Helen, wife of Finlay McAllan in Tain, to be tried for witchcraft, 489.
- Gowdie, John, in Broomhouses of Rutherford, and James, his son, to be tried for murder, 2; they and John, also son of John, to be apprehended as deserters, 267.
- Gowrie Conspiracy, 1.
- Graham (Græme) of Balgonie, John, deceased, court held by him at Perth in 1614, 283.
- of Claverhouse, Sir William, caution for him, 84; peremptorily ordered to report the number of fencible persons in his parishes, 170, 171; to take the subscriptions of the teind-buyers of Forfarshire, 248; and report the names of such as refuse to sign, 479; reports the submission by the teind-buyers of Forfarshire, 310.
- of Claypotts, . . . , 81; caution by his son James, 81.
- of Fintry, David, 85, 310; to consider as to the erection of beacons in his district, 54; caution for him, 81; to superintend the wapenschaw of the inhabitants of the presbytery of Dundee, 90; peremptorily ordered to report the number of fencible persons in the parish of Kirriemuir, 170, 171; to take the subscriptions of the teind-buyers of Stirlingshire, 248, 574*; and report the the names of such as refuse to sign, 479.
- of Inchbrakie, Mr George, fiar, witness to a writ, 230.
- of Morphie, Sir Robert, to consider as to the erection of forts in his district, 53; also as to the erection of beacons, 54; signs a letter to the Council about the forts, 71; signs a report as a justice of the peace, 560; signs a report as to the forts at Montrose, 557.
- Mr James, brother to David Graham of Fintry, caution for him, 85; reports the submission by the teind-buyers of Stirlingshire, 310; his signature, 85.
- Walter, lawful son to Sir William Graham of Claverhouse, caution by him, 84.
- Patrick, son of Mr George, fiar of Inchbrakie, witness to a writ, 230.
- Grain or Victual: trade in corn and victual with Spain prohibited, 10, 11; cautions taken for the legal sale of, 121, 122; selling or buying with a peck to the boll to be prosecuted under the penal statutes, 138; and to be dealt with by the circuit-courts, 438; exporters of grain to be dealt with by the circuit-courts, 437; keepers-back of grain in time of scarcity to be dealt with by the circuit-courts, 438; cases of spoiling and destroying grain, 163, 164, 217, 588; destroyers of corn to be dealt with by the circuit-courts, 437.
- Grange, Meadow of the, 609.
- Grant of Ballindallach, Patrick, his feud with Grant of Carron, xlv, 411, 451, 455, 456; summoned before the Council for the slaughter of Grant of Carron, 492, 493; a debt due by him, 578.
- — John, apparent, commission to him, 273, 274, 389; letter from the King on his feud with Grant of Carron, 490, 493; protection to him to appear at the trial, 491, 628; charged to appear, 492; on his petition a protection is granted to his witnesses, 514, 631.
- of Easter Caldwell, John, arrangement about his teinds, 602.
- of Cardells, Thomas, 411; horning at his instance, 274; his son, Patrick, slain, 411.
- of Cardells, William, apparent, charged to appear before the Council, 492; caution by him, 628.
- of Carron, . . . , 411; his feud with the Grants of Ballindalloch, xlv, 451, 455, 456; letter from the King on his slaughter by Grant of Ballindalloch, 490-493; his widow, Margaret Sinclair (*q.v.*), and sons and brothers charged to appear before the Council, 492, 493; on their petition a protection is granted to their witnesses, 514, 631.
- of Corrimonie, John, commission to him, 517.
- of Culquoich, Patrick, commissions to him, 274, 389; charged with assault and molestation, 604.
- of Dalvey, Archibald, charged to appear before the Council, 492; caution by him, 628.
- of Delnabo, John, brother of Ballindalloch, killed, xlv, 411; his son, 411.
- of Devy, Thomas, commission to him, 273, 274, 389.
- of Freuchie, Sir John, commissions to him, 96^s, 278, 517.
- of Glenmoriston, John, commissions to him, 96^s, 517.
- — Patrick, younger, commissions to him, 96^s, 194, 517.

- Grant of Kumermonie, Duncan, petition by him, 604.
- of Rumoir, James, 274, 278, 389.
- Adam, burges of Perth, a debt due to him, 316.
- Alaster, brother of John Grant of Carron, charged to appear before the Council, 492.
- Alexander, *alias* McAllane, in Lettache, charged with hamesucken, 607.
- Duncan, in Garture, debt due by him, 578.
- George, servitor to Ballindalloch, summoned as a witness in a case, 514.
- Gregor, servant to Ballindalloch, 628; charged to appear before the Council, 492.
- James, brother of John Grant of Carron, to be apprehended for his lawless proceedings, 411; charged to appear before the Council, 492.
- James, in Daltaleis, to be apprehended, 274, 389.
- John, son of John Grant of Carron, charged to appear before the Council, 492.
- John, second son of John Grant of Glenmoriston, commission to him, 517.
- John, brother of James of Rumoir, commissions to him, 274, 278, 389.
- John, in Nether Connegas, 572; John and Thomas, his sons, charged with assault and molestation, 572.
- John, servant of Ballindalloch, 628; charged to appear before the Council, 492.
- Mungo, charged with assault and molestation, 572.
- Patrick, son of Patrick Grant of Ballindalloch, commissions to him, 273, 274, 389; charged to appear before the Council, 492; caution by him, 628.
- Patrick, son of John Grant of Carron, charged to appear before the Council, 492.
- Mr Patrick, minister at Abernethy, petition by him, 572.
- Patrick, in Little Innercheltrie, summoned as a witness in a case, 514.
- Patrick, in Lettach, slaughter of, 274, 389.
- . . . , to be punished and transported, 74.
- Grants, the, disorders among them, 451, 455, 456, 491-493, 514.
- Gray, Lord Andrew, to consider as to the erection of beacons in his district, 54; cautioner for Colonel Sinclair, 155, 308, 440; caution by him, 608.
- Gray, Abraham, servant to the Laird of Wolmet, charged with molestation, 432.
- Andrew, skipper in Dundee, prosecuted for importing English beer, 289.
- Andrew, late Dean of Guild of Perth, complains against the provost of Perth, 213, 214, 217; cautions for his indemnity, 230.
- Andrew, notary, signs a bond, 144.
- Gilbert, at the Kirk of Carluke, petition by him, 604.
- James, at Belstane, petition by him, 604.
- James, mealmaker in Edinburgh, complaint by him, 163, 164.
- John, burges of Dundee, caution by him, 174.
- John, in Knock, charged with manslaughter, 618.
- Patrick, creelman in Inverkeithing, complains of being illegally imprisoned, 538, 547.
- Mr Patrick, caution by him, 424.
- Robert, indweller in Coldingham, complaint by him, 219.
- Thomas, at Bowrig Mill, petition by him, 604.
- Walter, caution for his compearing before the Council, 82.
- William, merchant of Edinburgh, authorised to receive the goods in the Lübeck ship, 220, 222; joined in the commission with John Kinross, 222; another commission to him, 238-240, 571, 574, 575; lends money to pay the crews of the warships, 253, 274, 279, 574, 575, 576; his offer for the cargo of the ship, xl, 270, 274-277; his accounts about the Lübeck ship to be audited, 427.
- William, charged with deforcement, 512.
- . . . , prosecuted for selling English beer, 176.
- Great Seal. *See* Seal.
- Greenelaw (Greenlaw), Robert, notary, instrument by him, 148.
- Greig (Greg), John, in Bavelaw, 589; James, his son, charged with poaching, 589, 590.
- Greir, or Greirson, of Lag, Sir William, a Commissioner for the Middle Shires, 99; ordered to report upon the state of the Borders, xx, 136, 137; his report, 143, 144; publication of his appointment as a Commissioner for the Borders, 172, 173; makes another report, 223; apprehends Papists, 285, 579; cautions by him, 320, 433;

- letter to him from the Council about the registers of the Border Commissioners, 447; signs a report as a justice of the peace, 556; as Sheriff of Dumfries, he is charged with non-payment of the taxation of 1621, 582, 583; commissions to him, 202, 203, 229, 230, 242, 264, 265, 286, 411; his seal, 556.
- Greir, or Greirson, of Lag, Sir Robert, younger, son of Sir William, to take the subscriptions of the teind-buyers of Dumfriesshire, 247; and to report the names of such as refuse to sign, 479; he reports the submission by the teind-buyers of Dumfriesshire, 309; he signs a report as a justice of the peace, 556; commission to him, 229, 230.
- John, in Dalskeith, caution for his indemnity, 101.
- Robert, indweller in Coldingham, complaint by him, 219.
- Thomas, burghess of Dumfries, caution for him, 69.
- Greirster, Thomas, in Scandhope, complaint by him, 408.
- Grewhounds, hunting with, 372.
- Gribton, Lady. *See* Johnston.
- Grievances, Commission for, a complaint by the burgh of Inverness, referred to it, 5.
- Grieve (Greeve, Greiff), customar of Edinburgh, caution by him, 81, 85; his signature, 81, 85.
- Groceries to be imported for his majesty's visit, 414, 416.
- Guard, his majesty's, two gentlemen of, employed to collect the arrears of the taxation, 523.
- Gullane, Robert, in Dunbar, apprehended as an idle person, 66.
- William, in West Fenton, to be tried for murder, 284.
- Gunpowder, provision of, xxxii, xxxiii; price of, 42; to be imported, 59; the masters of the transports to supply themselves with ammunition, 92, 93; price of that supplied by William Dick, 109, 110; patent to the Earl of Linlithgow for making, 333, 334, 337, 425, 426, 434, 439.
- Gunpowder Plot: its anniversary to be observed, 473, 474, 627.
- Guns, references to, 495, 595.
- Gustavus Adolphus, King of Sweden, receives the Order of the Garter, li, 559, 559 n.
- Guthrie of that Ilk, David, to consider as to the erection of forts in his district, 53; signs a letter to the Council about the forts, 71; peremptorily ordered to report the number of fencible persons in his parishes, 170, 171; signs a report as to the forts at Montrose, 557.
- Guthrie of Mains, William, peremptorily ordered to report the number of fencible persons in the parish of Tannadice, 170, 171.
- Mr Alexander, town-clerk of Edinburgh, caution by him, 472; appears before the Council on the saltpetre patent, 538.
- James, in Arbroath, 23.
- James, writer, charged to liberate a prisoner, 222.
- Guthrie, parish of, survey of fencible persons there, 170.
- Gypsies, or Egyptians, 444; to be dealt with by the circuit-courts, 437.
- HADDINGTON, Earl of, Thomas, formerly Earl of Melrose (*q.v.*), Secretary of State for Scotland, afterwards Lord Privy Seal, vii; patent of his creation, dated at Bagshot, 17th August 1627, presented in Council, 58, 59; as a Commissioner for the Surrenders and Teinds, he is charged to attend a meeting, 106; to hear the report of Sir James Baillie upon the taxation, 59; to superintend the wapenschaw of the inhabitants of Edinburgh, 89; as late Secretary, he hands over to his successors the Signets and warrants of the Signet in his possession, 108, 109; he is appointed, and receives his patent, as Lord Keeper of the Privy Seal, 109, 110; the Privy Seal delivered to him, 109, 110; on the committee about the fortification of Leith, 133; receives a discharge from the Secretary for the warrants of the Signet, 175; to take the subscriptions of the teind-sellers of Haddingtonshire, 245, 573; appointed to preside in the Council in the absence of the Chancellor and President, 303; reports the submission by the teind-sellers of Haddington, 309; produces in Council the patent of John, Lord Stewart of Traquair, 357; on the committee for revising and printing the statutes, 365, 366; sends submissions to the King, 379; on a committee of arrangements for the King's coronation, 381, 385; charges several people with destroying his woods of Sorrolesfield, 398, 399, 420; on a commission about the office of Justice-

- Clerk, 484; his opinion wanted about the release of the Jesuit Robertson, 562; letter to him from the Earl of Mar, 584; three letters from the Earl to the Clerk of Council, 635, 636; his seal, 635; present in Council, 61, 66, 71, 75, 76, 81, 85, 102; as Lord Privy Seal, 107, 112, 113, 117, 122^s, 131, 135 (as prases, 140), 142, 144, 150, 159, 167, 176, 180, 189, 195, 200, 204, 209, 210, 217, 222, 274, 280, 285, 309, 311, 319, 323, 325, 330, 331, 334, 335, 339, 343, 347, 351, 353, 357, 367, 374, 406, 412, 420, 425, 434, 448, 450, 456, 459, 466, 478, 484^s, 490^s, 491, 494, 497, 513, 518, 524, 535, 540; signs Acts of Council, missives, etc., 62^s, 63^s, 64, 68^s, 76^s, 80, 85, 96^s, 100, 101, 112, 115, 130, 135, 138^s, 139, 148, 155, 156, 157, 158, 165, 171, 172^s, 179, 189, 195, 198, 199, 202, 203, 208, 215, 220, 221, 279, 280, 284^s, 291, 293, 311, 317^s, 323^s, 329^s, 331, 332, 334, 336, 342, 347, 351^s, 353, 363, 364, 367, 379, 382, 386, 410, 412^s, 416, 419, 439, 440, 446^s, 470, 471, 472^s, 482, 483, 489^s, 494^s, 496, 513, 516, 517, 520, 539, 540, 546, 563^s, 565, 568, 576, 577, 580, 585, 614, 615^s, 625, 626, 627, 630, 631^s, 632; indorses petitions, etc., 586, 593, 594, 600, 616, 629.
- Haddington, burgh of, 130, 326, 329, 330, 335, 589^s, 592; order to the magistrates to pass on a prisoner from Dunbar, 60; commission to them, 130, 176, 517; complaint and petition by them, 335, 593; circuit-courts of justiciary to be held there, 347; the highways thence to Berwick and Edinburgh to be repaired, 374; proclamations at the market cross, 450, 573; the tolbooth, 130, 284, 335, 593.
- presbytery of, 89, 90.
- shire of, 33, 34, 54, 92, 245, 247, 537, 573; the east part to hold their wapenschaw at the Links of Dunbar, 88-90; the west part to hold their wapenschaw at Gladsmure, 88-90; the submission of the teind-sellers and teind-buyers there, 309^s, 479; appointment of Robert Richardson of Pencaitland as sheriff, 56; commissions to him, 130, 176, 284; the sheriffship conferred upon Sir Robert Hepburn, 451; he is summoned before the Council, 475; charges and missives to the justices of peace, 12, 61; they are to report as to the fencible persons, 74, 165; action of the justices in the survey of the fencibles, 94, 95^s.
- Haddo, Archibald, in Bourig, fined for illegal convocation in arms, 355, 356.
- Haffnia. *See* Copenhagen.
- Hagbuts and pistols, 352; prosecution of wearers under the penal statutes, 137, 138; cases of prosecution, 16, 23, 26, 110-112, 139, 211, 212, 216, 250, 251, 253, 262, 279, 289, 290, 339, 343, 352, 399-401, 402-404, 410, 458, 459, 483, 488, 511, 512, 533, 534, 543, 544, 546, 547, 586, 589, 590, 595, 596, 597, 598, 600, 618-620; offenders to be dealt with by the circuit courts, 437.
- Haigie, Robert, servitor to Mr Richard Kene, writer, witness to a writ, 262.
- Hailes (Hales), parish of, 115.
- Hairschaw, John, in Hinschaw, fined for illegal convocation in arms, 355, 356.
- Haistie, James, in Prestonpans, caution by him, 121; his signature, 121.
- Robert, in Queensferry, charged with assault, 423.
- Haitlie, Leonard, ensign to Sir Thomas Kellie, complaint against him, 319.
- Halberts, references to, 120, 355, 356.
- Haliburton (Halyburtoun) of Foderance, Mr George, commission to him to hold circuit-courts of justiciary, 345, 346, 347, 435; he accepts office, 440; attests an oath, 579.
- of Pitcur, William, to superintend the wapenschaw of the inhabitants of the presbytery of Meigle, 90; peremptorily ordered to report the number of fencible persons in his parishes, 170, 171.
- Andrew, in Mais, charged with assault, 615.
- Henry, in Elicht, charged with assault, 615.
- Thomas, provost of Dundee, caution for him, 71.
- Haliday (Halyday), James, in Corhead, charged with resetting a rebel, 599.
- John, in Smailholm, murdered, 2, 267.
- Ninian, in Beddacolme, complaint by him, 410; caution by him, 443.
- Ninian, charged with resetting a rebel, 599.
- Halkett (Hilthead) of Pitfirran, Sir Robert, a commissioner for the relief of the sufferers in the Dunfermline fire, 161, 197; complaint by him, 381, 419.
- Halkhead, place of, 352.
- Hall, David, in Turing, charged to find law-burrows, 587.
- Hallowdail, Strath of, 336.
- Hallowmass, 215.

- Hamburgh (Hamburrough), city of, complaint that two warships of Hamburgh have seized a Scottish ship, for which the Council ask his majesty to seek redress, 540, 544, 545; blockaded by the English fleet, 551 n.; trial of prize ships belonging to Hamburgh ordered by his majesty, 551, 552.
- Hamesucken, cases of, 140, 175, 236, 352, 353, 431, 572, 588, 603, 604, 607, 614, 615, 617.
- Hamilton (Hammiltoun), Marquis of, James, to take the subscriptions of the teind-sellers of Lanarkshire, 245; commission to him, 301; he obtains a commission to equip five privateers, xiv, xv, 324, 325; written for to attend a meeting of the Commission for Surrenders, 331; to repair the highways in his neighbourhood, 374.
- of Binns, Alexander, appointed Sheriff of Linlithgow, 451.
- of Blackburn, Sir George, to consider as to the erection of forts in his district, 53; signs a letter to the Council about the forts, 70; charged to appear before the Privy Council, 146, 147, 561; charged not to accept dog-dollars in payment of his coal or salt, 162; he renounces his burges-ship of Dysart, but the Act is deleted, 364.
- of Blantyre, William, charged with unlawful convocation, 119-121.
- of Broomhill, James, charged with unlawful convocation, 119-121.
- of Byres, . . . , arms of, 635.
- of Cander, Mr James, deceased, 343; William, his son, charged with assault and molestation, 343.
- of Gilkersleugh, John, younger, commission to him, 301.
- of Holmhead, Alexander, prosecuted for riot, 181.
- of Innerwick, Sir Alexander, peremptorily ordered to report the number of fencible persons in his parish, 94, 95; pays a sum of money, 214; deceased, 335.
- Sir Alexander, younger, raises a company of soldiers in Ireland for the wars, and obtains a protection for transporting them to Scotland, xiii, 241; his protection extended, 316, 335, 336, 407, 420, 470; his troops not yet embarked, 407, 408.
- of Kinglass, Mr Alexander, to consider as to the erection of forts in his district, 53; an exporter of coal and salt, 74, charged to appear before the Privy Council, 146, 147, 561²; charged not to accept dog-dollars in payment of his coal or salt, 162.
- Hamilton of Letrick, Sir John, as a Commissioner for the Surrenders and Teinds, he is charged to attend meetings, 106, 324, 331.
- of Magdalene, Sir John, Lord Clerk Register, member of the Privy Council, vi; letter to him from the Council, 20; to hear the report of Sir James Baillie upon the taxation, 59; to consider the claims of the captains of the war ships, 201, 209; to revise the contribution books for Dunfermline, 232; on the committee for revising and printing the statutes, 365, 366; to examine the accounts of Colonel Sinclair, 357; to produce the Rolls and Registers of Parliament to the Commission for revising the statutes, 366; to inspect the King's wardrobe, etc., 380; on a committee of arrangements for the King's coronation, 385; sues the widow of a sheriff-clerk for her husband's registers, 398, 420; to mediate between the Advocate and the Justice-Clerk, 491; present in Council, 6, 9, 41, 45, 50, 61, 66, 71, 75, 76, 81, 112, 113, 117, 122, 131, 135, 140, 142, 145, 150, 167, 176, 195, 200, 204, 210, 225, 231, 236, 245, 252, 254, 256, 262, 266, 270, 274, 280, 293, 303, 309, 311, 321, 323, 325, 330, 331, 334, 335, 339, 343, 347, 351, 353, 357, 374, 380, 388, 391, 397, 402, 406, 412, 420, 425, 434, 440, 448, 478, 484², 490, 491, 494, 497, 513, 518, 521, 524, 535, 540; signs Acts of Council, missives, etc., 2, 9, 15, 47, 48, 64, 68, 80, 148, 155, 156, 171, 199, 208, 220, 221, 228, 242², 243, 245, 266, 267, 280, 284², 293, 305, 311, 317², 323², 329², 331, 332, 334, 336, 339, 342, 351, 353, 367, 379, 386, 387, 390², 391, 393, 395, 396, 405², 406, 410, 411, 412², 416, 439, 440, 444², 445², 482, 489², 496, 517, 520, 539, 540, 542, 543, 545², 546, 563, 571², 576², 580, 582², 585, 615², 626, 630, 631²; in-dorses petitions, etc., 573, 593, 600.
- of Millburn, Robert, caution by him, 82; charged with unlawful convocation, 119-121; his signature, 82.
- of Preston, Sir John, charged to appear before the Privy Council, 146, 147, 561²; commission to him, 353, 439.
- of Little Preston, Mr Patrick, commissions to him, 444, 471, 482.
- of Quotquot, Jonas, complaint by him, 420; petition by him, 614.

- Hamilton of Redhouse, Sir Andrew, 329, 589.
- of Samuelston, . . . , protection to him to come and treat about his teinds, 115, 139.
 - of Stenhouse, John, petition by him, 596.
 - of Turneley, James, charged with unlawful convocation, 119-121.
 - of Uddingston, John, charged with unlawful convocation, 119-121.
 - of Wishaw, William, charged with unlawful convocation, 119-121.
 - Alexander, vagabond, to be apprehended for witchcraft, 518.
 - Mr Andrew, minister at Kilbarchan, signs a certificate of health, 344.
 - Claud, brother of the Earl of Abercorn, charged with abetting an assault on a church officer, xxviii, xxix, 327, 328, 596, 597; he is warded in the Castle of Edinburgh, 328; released from ward and fined, 334.
 - Cuthbert, charged with assault and molestation, 598.
 - Gavin, vicar of Kilbarchan, signs a certificate of health, 344.
 - Hew, petition by him, 542.
 - James, called the Black Laird, charged with unlawful convocation, 119-121.
 - James, summoned as a witness in a case, 317.
 - John, chamberlain of Arbroath, fined for assault and wearing firearms, 23, 24; caution for him, 26.
 - John, at the Bridgend of Dumfries, caution for his indemnity, 101.
 - Mr John, minister at Linton, complaint and petition by him, 378, 379, 613, 614.
 - John, messenger, witness to a writ, 180.
 - Dame Margaret, wife of Sir John Stewart of Methven, appeals to the King for maintenance from her husband's estate, 336; she receives an allowance from it, 374, 375.
 - Michael, in the Inch, charged with assault, 429, 623; also Christian Dundas, his wife, 429, 623.
 - Patrick, locksmith, burges of Edinburgh, and a printer of the Mint, complaint by him, 193, 216.
 - Patrick, writer, witness to a writ, 180.
 - Robert, brother of Sir John of Preston, charged to appear before the Privy Council, 146, 147, 561^a.
- Hamilton, Robert, burges of Glasgow, goods stolen from him, 19.
- Mr Robert, M.D., signs a certificate, 344.
 - William, son of the Countess of Abercorn, appears before the Council for his mother, 344.
 - William, bailie of Linlithgow, caution by him, 144; his signature, 144.
 - Mr William, minister at Mouswald, petition by him, 587, 588.
 - William, in Watstoun, fined for illegal convocation in arms, 355, 356.
- Hamilton, the highways thence to Glasgow and Drumlanrig to be repaired, 374.
- presbytery of, 120.
- Hammermen of Edinburgh, their beidmen of the Magdalene Chapel, 378.
- Hampton (Hamptoun), . . . , in Balhagartie, 81; Robert, his son, sent wrongfully to the German wars, to be brought back, 81.
- Hampton Court, royal letters dated there, 82, 88, 473, 474.
- Hanna (Hannay) of Kilphillan, Alexander, denounced for destroying grain, 217, 253.
- of Kirkdail, Patrick, seizes an English prisoner as a deserter, 283.
 - Captain Alexander, in the service of the King of Sweden, 283; raises men for him, 163, 176.
 - David, brother of Captain Alexander, enlists soldiers for his brother, 283.
 - Mr James, minister of the Canongate, complaint by him, 163, 176.
 - Margaret, an infamous person, charged with theft, 621.
- Hannes (Hanse) towns, 10.
- Harcus (Harcas), Isobel, wife of Magnus Kendelie, to be tried for child-murder, 332.
- Hardie, James, notary, attests a bond, 27.
- John, candlemaker in Edinburgh, complaint by him, 299, 300.
 - John, slain, 69.
- Hares, hunting and killing of, prohibited, 372.
- Harlabanks (Laurabanks), John, in Huntlycot, slaughter of, 226, 253.
- Harlaw, John, braibner in Perth, murdered, 62.
- Harper of Watstoun, John, fined for illegal convocation in arms, 355, 356.
- Robert, in Rottenraw, and Christian Aitkenhead, his wife, 328.

- Hart (Hairt), James, merchant burghess of Stirling, charged with assault and molestation, 339.
- Mr John, bailie and burghess of the Canongate, deceased, 315, 589, 590.
- Mr John, his son and heir, complains against his brother, Patrick, 315, 322, 589, 590.
- John, messenger, witness to a summons, 561.
- Patrick, son of Mr John, deceased, maltman, burghess of the Canongate, complaint against him, 315, 322; charged to find caution, 589.
- Harvest: inopportuneness of the King's visit in harvest time, 387.
- Harvest circuit-courts, 373.
- Harvie, Alexander, in Inverury, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- Hassinden, Andrew, in Earlstoun, charged with cutting and stealing trees, 398.
- Hawick, burgh of, the bailies charged to exhibit before the Council certain masterless persons fit for the wars, 85; one of them fined for not doing so, 97, 98; the men are produced, 105, 106; a sheriff-court of Dumfries held there, 518.
- Trinity lands of, 430, 590.
- Hawks, stealers of, to be dealt with by the circuit-courts, 438; harriers of nests, and hawking by improper persons, to be dealt with by the circuit-courts, xxiii, 438.
- Hay of Yester, Lord, John, publication of his appointment as a Commissioner for the Borders, 172, 173; desired to attend a meeting of the Border Commission, 198; horning at his instance, 408, 420; imprisons his cousin, Tweedie of Drumelzier, and seizes his lands, 428.
- of Barro, Mr James, charged to keep the peace, 447, 448, 625.
- of Keillor, J., signs a report as a justice of the peace, 555.
- of Easter Kennet, Mr John, caution for his indemnity, 29, 31, 273, 280; his arrangements with Sir Michael Preston, 272, 273.
- of Maynes, James, 289, 488.
- of Netherliff, Sir George, formerly Clerk of Register, now Chancellor, 398. *See* Viscount of Kinnoull.
- of Rannes, Mr James, commission to him, 376; charged with assault, 595.
- of Smithfield, to take the subscriptions of the teind-buyers of Peeblesshire, 247; to report the names of such as refuse to sign, 479.
- Hay of Struthers, William, charged with assault, 339, 340, 594, 595; imprisoned for wearing firearms, 402, 403; suspension of horning against him, 487, 488; charged with neglecting to find caution, 610, 611.
- Mr Alexander, clerk of the Session and processes, son of Mr John Hay of Easter Kennet, caution for his indemnity, 29, 31, 273, 280; he appears before the Council, 132; he is appointed third clerk to the Commission for Surrenders, but is objected against, 255; his arrangements with Sir Michael Preston, 272, 273; appointed to take an oath, 630.
- Alexander, indweller in Leith, caution for his indemnity, 29.
- Alexander, provost of Tain, commission to him, 489; witness to a charge, 576.
- Andrew, W.S., appears as a procurator, 408.
- Andrew, signs the submission for the teind-sellers of Peeblesshire, 311.
- Mr Francis, W.S., 622.
- Sir George, engaged in the French expedition, 104, 105.
- Captain James, to be apprehended and warded in the Castle of Edinburgh for challenging to a duel, 446, 447; liberated, 466; bond of caution by him, 472.
- Mr John, town clerk of Edinburgh, as a Commissioner for the Surrenders and Teinds, is charged to attend a meeting, 106; he signs a letter, 255; on the committee for revising and printing the statutes, 365, 366; he acts as procurator for Edinburgh in a case with the Admiral, 453, 454; appears at Court for the burghs, 606.
- Mr John, brother of James Hay of Rannes, charged with assault, 595.
- Mr John, minister at Lathord, grants a certificate, 340.
- Mr John, minister of Paisley and moderator of the presbytery of Paisley, appears before the Council, 328, 392; excommunicates Papists, 344.
- Mr John, commissary of Moray, execution of summons against him, 552.
- John, complaint by him, 420.
- Dame Marion, wife of Sir Michael Preston, provision for her maintenance, 273.

- Hay, Richard, at the Mill of Arngask, charged with hamesucken, 619, 620.
- Mr Theodore, parson of Peebles, complaint and petition by him, 378, 379, 613, 614.
- Mr William, depute-keeper of the Privy Seal, appointed to act in the vacancy of the keepership, 95; exonerated of the charge of the Privy Seal, 109.
- Mr William, clerk of the Commissary Court of Edinburgh, 194.
- William, brother to James Hay of Maynes, complaint by him, 289, 290; horning at his instance, 488.
- William, servant of the Laird of Wolmet, charged with malicious damage, 432.
- William, in Cruvie, caution for his indemnity, 41.
- Haymouth. *See* Eyemouth.
- Haynes, James, caution for his compearing before the Council, 82.
- Headpieces (knapskulls), 355, 356, 559, 560, 571.
- Hebrides, justice-courts established in the, xlv.
- Hegits, Father, a Popish priest, to be apprehended, 499-502.
- Heirs of such as fall in the French wars to be exempted from ward, relief, and marriage casualties, 79, 80, 80 n.; Act in favour of the town of Edinburgh regarding services of heirs, 102.
- Hempsefeld, Laird of. *See* Charteris of Amisfield.
- Henderson (Hendirsoun, Henrysone) of Chesters, Mr Thomas, commission to him to hold circuit-courts of justiciary, 347, 435; he accepts the office, 447; on the committee for revising and printing the statutes, 365, 366.
- Agnes, in St Ninians parish, to be tried for witchcraft, 353.
- Alexander, servant to Mr James Graham, to be exhibited before the Council as a masterless person fit for the wars, 85.
- Allan, in Prestonpans, caution by him, 121; his signature, 121.
- Euphame, to be apprehended and tried for incest, 317.
- George, in Strowie, complaint by him, 153, 154, 176.
- Hendrick, merchant owner of a Holland ship wrecked at Unst, 125.
- Mr James, Lord Advocate in 1495, 525, 530.
- Henderson, James, an inhabitant of Dunfermline whose house was burnt, 141.
- Jock, in Quhitcheester, charged with stealing trees, 590.
- William, officer, caution for his compearing before the Council, 318; assoilzied from a charge, 332.
- Henry (Henrie), Prince, styled Earl of Carrick, 391, 395.
- John, servitor to the Earl of Caithness, charged with assault, 515.
- Norman, in Petmillane, to be apprehended as an idle and masterless person, 106.
- Robert, messenger, burges of Culross, petition by him, 610.
- Robert, in Weathernocke, to be tried for theft, 353.
- William (or Walker, *alias* Crawford), in Weathernock, to be tried for theft, 353.
- Hepburn of Alderston, Sir Robert, peremptorily ordered to report the number of fencible persons in his parish, 94, 95; charged with the penalty of a caution, 431, 432; appointed Sheriff of Haddington, 451; to repair the highways in his neighbourhood, 451.
- of Barefute, Sir Robert, his dispute with Sir Michael Preston of Fentonbarns, 542, 547.
- of Gilmerton, Mr John, commission to him, 540.
- of Wauchton, Sir Patrick, to consider as to the erection of beacons in his districts, 54; nominated as a commissioner for the Tweed fishings dispute, 58, 75, 76; to superintend the waconschaw of the inhabitants of East Lothian, 89; thefts from him, 482; his house of Luffness broken into, 520.
- Mr Adam, appears as procurator for the Earl of Haddington, 398, 399; complaint against him, 546.
- Mr Alexander, appears before the Council, 509, 510.
- Andrew, burges of Haddington, mediates in a dispute, 361.
- Dame Isobel, Lady Bass, protection to her to settle with her creditors, 509, 510, 631.
- Mr Thomas, complaint against him, 546.
- Mr . . . , parson of Auldhamstocks, peremptorily ordered to report the number of fencible persons in his parish, 94, 95.

- Heralds and pursuivants, charge to them, 150; Islay herald. *See* Thomas Drysdale; Ross herald. *See* Thomas Hunter. *See also* Lyon King of Arms.
- Herbert, Alexander, petition by him for liberty, 83.
- Heriot, James, servant at Gorgie Mill, assaulted, 163.
- Heriot, parish of, 114.
- Heriot's Hospital, the Governors buy the barony of Broughton, 127 n.; Steven's History of, 127 n.
- Herminsoune, Adrian, merchant, owner of a Holland ship wrecked at Unst, 125.
- Herries (Hereis), Lord, John, process against him by the Earl of Annandale, 158, 159; complaint against him, 176; commission to him, 224, 568; his escheat and that of his son, the Master, to be given to the Earl of Annandale, 440; to repair the highways in his neighbourhood, 374.
- Master of, John, commission to him, 224, 568.
- of Mabie, John, an excommunicated Papist, denounced, 315, 316, 535; *also* Helen Maxwell, his wife, 535.
- of Maidenpap, William, 128, 202; and Agnes Johnstone, h.s. wife, to be apprehended, 128, 129, 202; prosecuted as Papists, 263, 535.
- of Lochmoir, John, 535; his wife, Elspet Herries, prosecuted as a Papist, 535.
- Bessie, wife of Robert Herries in Milnetoun, prosecuted as a Papist, 535.
- Isabel, in Kirkgunzeon, under the sentence of excommunication for incest and adultery, 129; to be apprehended, 202, 203; not to be reset by the lieges, 264.
- Robert, in Milnetoun, 535; his wife, Bessie Herries, prosecuted as a Papist, 535.
- Hering (Herring), Adman, merchant of Amsterdam, complaint by him, 139.
- William, writer in Edinburgh, caution by him, 318².
- Herring fishing at Dunbar, 65; customs on, 466; herring exported from the Clyde to France, 340, 341; exporters before Michaelmas yearly to be dealt with by the circuit courts, 438. *See also* Fishing.
- Hewat, Patrick, servant of the Laird of Wolmet, charged with malicious damage, 432.
- Hiddlestoun, John, at the Mill of Templeland, complaint by him, 408, 420; Janet Kirkpatrick, his wife, assaulted, 408.
- Hides, exportation of, xxxiii; customs paid for at fairs, 616.
- Highlands and Islands, 229; appearances before the Council of some of the Islesmen, and proceedings against absentees, 8, 19, 20, 28, 363, 402; the Captain of Clanranald warded in Edinburgh, 134, 135; released and allowed to go home, 136, 137; a list of Papists in the Isles to be given in, 20; commission against Papists, 28; proposal to raise 200 Highland bowmen for the French war, xii, 56; their subsequent history, xii; a Lübeck ship wrecked among the Western Islands, 131, 135; bands of sorners in Strathspey and elsewhere, 274, 458, 459; commotions among the Grants there, 411, 451, 455, 456; proposal for the erection of Stornoway into a royal burgh to aid in civilising the Islands, xlvi, 336, 337, 379, 383, 396; the people of Mull spoil a ship wrecked on their coast, 340, 341; letters from the King in favour of the Islesmen, 363; the establishment of justice-courts in the Hebrides, xxiii, xxiv, xlv; Lord Lorne claims the heritable right of justiciary over the Isles, 421; the chiefs petition against the powers claimed by Lord Lorne of holding justiciary-courts wherever he pleases, 535, 632, 633, 634; MacLeod and MacLean adhere to the petition, 379; the Islesmen appoint Sir Donald McDonald of Sleat their commissioner to insist in their petition, 621, 622; no remissions to be passed to the Islesmen till they pay their duties to the Bishop of the Isles, 535; Lord Ochiltree, late Lieutenant of the Isles, 605.
- Highways and causeways to be repaired for the King's coming, xxxviii, 367, 374, 382, 385, 414, 416, 434, 446, 451, 469; the Acts for repairing them to be enforced; 346; charges to justices of the peace and sheriffs for this end, 382.
- Hill, David, messenger in Musselburgh, charged with assault and molestation, 590, 591.
- George, in Caldercruik, charged with unlawful convocation, 119-121.
- Robert, bailie of Queensferry, appears before the Council, 252; charged with assault, 422, 423; complaint by him, 423, 424.

- Hill, Thomas, merchant in Duns, witness to a charge, 577.
- Walter, in Netherfield, caution for his compearing before the Justice, 519.
- William, servant to Thomas Wichtane, witness to writs, 71, 84.
- Hilthead. *See* Halket.
- Hislop, Elspet, wife of James Fairlie in Longmidry, to be tried for witchcraft, 471.
- Hogg (Hog, Hoge), John, in Burnfoot, charged with assault, 407.
- John, in Dunbar, apprehended as an idle person, 66.
- Robert, in Ireland, caution for him, 542.
- Mr Thomas, parson of Stobo, complaint and petition by him, 378, 379, 613, 614.
- . . . , in the Potterrow, 139.
- Hoill, lands of, 588.
- Holburne, James, charged with deforcement, 512.
- Holland, Low Countries, xxvii, xxxiv, 40, 47, 64, 218, 265, 284, 572; trade with, 243, 244; the ships carrying goods thence to Spain to be seized, 10, 11; a ship of Holland wrecked at Unst, 122, 124, 125; tallow exported thither, 115; a Jesuit banished thither, 132, 226, 227; treaty between England and the States-General, 551 n.
- Holstein, 280 n.
- Holyrood (Haliruid, Halyrud), Chapel of, proposed as the place for the coronation of the King, 384; but found not suitable, 392; keeper of. *See* Robert Weir.
- Palace of, or Holyroodhouse, 59, 115, 142, 211, 225, 372, 560, 577; the meeting-place of the Privy Council, viii, xviii, 113, 477; case of assault there, 95, 96; meetings of the Commissioners for Teinds there, 348, 371, 372, 477, 483; the highways thence to the Thiggate Burn to be repaired, 434; meetings of the Council there, 1, 3, 6, 9, 12, 16, 19, 21, 22, 27, 30, 31, 36, 39, 41, 44, 45, 50, 61, 66², 71, 75, 76, 81, 95, 100, 101, 101 n., 102, 107, 112, 113, 115, 117, 122², 131, 135, 140, 142, 144, 150, 159, 167, 171, 172, 174, 176, 180, 189, 195, 196, 200, 204, 209, 210, 211, 217, 222, 225, 229, 231, 332, 236, 245, 254, 256, 262, 266, 269, 270, 274, 280, 285, 293, 303, 305, 309, 311, 319, 321, 325, 330, 331, 334, 335, 339, 343, 347, 351, 353, 357, 367, 374, 380, 383, 388, 391, 397, 402, 406, 412, 420, 425, 434, 440, 448, 450, 456, 457, 459, 466, 473, 478, 484², 490², 491, 494, 497, 513, 518, 521, 524, 535, 540, 561, 582, 572; documents dated there, 4, 6, 9, 15, 16, 21, 22, 24, 25², 26, 37, 38, 52, 62, 63², 68, 76², 80, 100, 101, 135, 138², 139, 142, 155, 156, 157, 158, 179, 183, 198, 199, 220², 224, 228, 243, 244, 255, 269, 279, 284, 291, 293, 302², 303, 308, 319, 320, 323², 331, 336, 342, 382², 386, 387, 390², 391, 393, 395, 396, 405, 406, 412, 416, 419, 440, 445², 446², 447, 455, 456, 472², 473, 483, 488, 496, 539, 545², 546², 560, 561, 562, 563², 565, 566, 567, 571², 572², 581², 583², 585, 586², 587, 588², 589², 590², 591², 592², 593², 594², 595, 596², 597, 598², 599, 600², 601², 602², 603², 604², 605², 606², 607², 608, 609², 610², 611², 612², 613², 614², 615, 616, 617², 618², 620², 621², 622², 623², 624, 625², 631², 632, 634.
- parish of, the ministers peremptorily ordered to report the number of fencible persons in their parish, 114.
- Holyroodhouse, Lord, teinds held by him, 134.
- Home (Hoome, Hume), Earl of, James, 209; to superintend the wapenschaw of the inhabitants of East Lothian, 89; peremptorily ordered to report the number of fencible persons in his parishes, 94, 95; ordered to refrain from prosecuting some tenants of Coldingham, 219, 253; to take the subscriptions of the teind-sellers of Berwick, Roxburgh, and Lauderdale, 245, 573, 576, 577; to repair the highways in his neighbourhood, 374.
- of Ayton, Sir Patrick, complaint by him of being wounded, 75, 83, 102; charged with riot, 83; assaulted in Coldingham, 219; to take the subscriptions of the teind-buyers of Berwickshire, 247; and to report the names of such as refuse to sign, 479.
- of Bassendean, George: he and Alexander, his son, receive a protection to come to Edinburgh and treat about their teinds, 112, 139, 226, 420; caption against him, 379, 419; charged with cutting and stealing trees, 398.
- of Blackadder, J . . . , derided by Cranston of Corsbie, 259; signs a report as a justice of the peace, 635.
- of Eccles, Sir James, with Sir George, his eldest son, and Alexander, also his son, prosecuted for debt by William Watts, 282, 314, 315, 322.

- Home of Eccles, Sir George, apparent: he is taken by letters of caption but allowed to escape, 282, 318, 332, 349; is stated to be abroad with Sir William Alexander in Nova Scotia, 443, 444.
- of Ford, George, commission to him, 540.
- of Hardysmylne, William, protection to him to come and treat about his teinds, 112, 139, 226, 250.
- of the Haugh, Robert, peremptorily ordered to report the number of fencible persons in his parish, 94, 95.
- of Manderston, Sir George, prosecuted for coming with armed Englishmen and spoiling his wife of her goods, 511, 512, 547.
- of North Berwick, Sir John, caution for him, 80; peremptorily ordered to report the number of fencible persons in the parish, 94, 95^a.
- of Renton, letter to him from the Council as sheriff nominate of Berwick, 446, 625; appointed Sheriff of Berwick, 451.
- of St Leonards, Mr Alexander, commission to him, 517.
- of Wedderburn, Sir David, letter from the King about him, 58; he nominates commissioners for his part in the fishing dispute with the Earl of Suffolk, 58, 75, 76; protection to him to attend the Commissioners of Surrenders, 83, 110, 134, 189, 222, 250, 291; he raises men for military service, 291.
- Alexander, son of George Home of Bassindean, caption against him, 379, 419.
- Alexander, son of Sir James of Eccles, abroad in service with the Earl of Morton, 443, 444.
- Andrew, portioner of Ridpath, charged with cutting and stealing trees, 398.
- James, an elder of Leith kirk, complaint against him, 119.
- John, town councillor of Perth, charged with illegal election of the provost, 233-235.
- Marion, wife of Patrick Cranston of Corsbie, grievously complains of her husband's cruelty, 256-261; alimant appointed for her, 262.
- Mark, servitor to Lord Spynie, complaint by him, 289, 290; horning at his instance, 488.
- Home, persons of the name of, in the Merse, 259.
- Homeholie, David, in Marbotle, petition by him and James, his son, 604.
- Homes, Mr . . . , servitor of the Duke of Lennox, receives the Castle of Dumbarton for his master, 252.
- Hood, David, in Cots of Elcho, to be tried for murder, 62.
- Hope (Hoip) of Craighall, Sir Thomas, Lord Advocate, a member of the Privy Council, vii; his distinguished services, vii; he reports upon the case of the widow of Sir James MacDonald, 2, 8, 9; produces the Privy Seal to be delivered to the Earl of Haddington, 109, 110; to deal with applicants about their teinds, xvii, xix, 86, 112; admitted as a member of the Privy Council, 180, 181; he protests in Council against a decision of the Lords, 182; appointed to inspect the charters of Edinburgh, xlvi, 185; appointed to examine David White in Nenthorn, 354, 412; and to prosecute him for murder, 521; the Submission drawn up by him, 245-248, 357, 478; as a Commissioner for the Surrenders he signs a letter, 255; on the committee for revising and printing the statutes, 365, 366; he produces a royal letter in Council, 373; he is to see to the securities of Lady Margaret Hamilton, 374, 375; he objects to the Earldom of Carrick being conferred on Lord Kinclaven as it is a royal title, 391, 395; he produces the commissions for the circuit-courts, 420; to take the oaths of the judges of the circuit-courts, 427, 440; petitions about the Mint-house, 429, 430; appointed to deal with the question of the effect of the submissions upon the commissioners for the shires, 440, 441, 625; to investigate witchcraft cases, 442; craves advice as to the pursuit of Burgie, 477, 478; on a commission about the office of Justice-Clerk, 484; dispute between him and the Justice-Clerk regarding the precedence of their respective offices, l, 486, 490, 491, 524-532, 547, 631; a committee appointed to mediate between them, 490, 491; petition by him in the case, 628, 629; approval of a previous Act ranking him first, 510, 511; he produces the names of those who have not signed the Submission, 490; he prosecutes Home of Manderston, 511, 512; letters for him sent to the clerk of Council, 635; petitions by him, 469, 586, 589, 591, 595, 596, 597, 600, 618-620; prosecution at his instance, 83, 110-112, 115, 352, 431, 451-455; for

- wearing firearms, 23, 24, 110-112, 211, 212, 250, 251, 279, 289, 290, 533, 339, 343, 399-401, 402-404, 410, 420, 458, 459, 483, 488, 533^a, 534, 543, 544, 618-620; for illegal election of magistrates, 233-235, 254; for illegal convocation in arms, 355-357; present in Council, 180, 189, 195, 200, 204, 217, 222, 225, 229, 233, 236, 245, 252, 262, 269, 270, 293, 305, 334, 335, 339, 343, 347, 351, 353, 357, 367, 374, 380, 383, 388, 391, 397, 402, 406, 412, 420, 425, 434, 440, 448, 450, 456, 459, 466, 473, 478, 484^a, 490^a, 491, 494, 497, 513, 518, 521, 524, 535, 540; signs Acts of Council, missives, etc., 189, 195, 199, 202, 203, 220, 221, 228, 243, 245, 269, 293, 307, 308, 334, 342, 347, 351^a, 364, 367, 379, 393, 395, 396, 405, 406, 410, 412^a, 416, 419, 439, 440, 444^a, 445^a, 446^a, 447, 456, 472, 473, 477, 482, 483, 489^a, 496, 513, 516, 520, 539, 540, 542, 543, 545^a, 546^a, 563, 565, 580, 615^a, 625, 626, 630, 631^a.
- Hope, William, servitor of Andrew Johnstone of Durmoir, complaint by him, 429.
- Hopper (Hoppar) of Bourhouse, James, action against him, 430.
- James, bailie to the Earl of Roxburgh, peremptorily ordered to report the number of fencible persons in his parish, 94.
- James, indweller in Coldingham, complaint by him, 219, 253.
- Mungo, indweller in Coldingham, complaint by him, 219.
- Horne of Balgonie, Mr John, charged with assault and molestation, 600.
- Andrew, in Torryburn, witness to a summons, 562.
- David, son of Andrew, *supra*, witness to a summons, 562.
- Horner of Calfaddock, Henry, caution by him, 26.
- Horners for capital crimes to be dealt with by the circuit-courts, 438.
- Horsburgh of that Ilk, . . . , deceased, 230; William, his son, caution by him, 230.
- Horses: tolls and imposts on, 64, 466, 616; riding over a person with a horse, 180; one killed, 588; ill-treatment of one, 608.
- Hounds, stealers of, to be dealt with by the circuit-courts, 438.
- Houston (Howstoun) of that Ilk, Sir Ludovick, complaint and petition by him, 335, 598.
- of Skelpie, John, caution by him, 144; his signature, 144.
- Howatson, Andrew, messenger, placed in charge of Eccles, 444.
- Isobel, in Riddell, to be tried for witchcraft, 471.
- Howname (Hownem, Hownome), Andrew, in Chesters, denounced as a defaulting witness, 251.
- David, and James, his son, complaint by them, 349, 419.
- Walter, son of David, *supra*, appears before the Council for his father, 349.
- Huguenots, the, King Charles takes measures for the relief of, ix.
- Hunter (Huntar) of Over or Little Carnbee, Patrick, deceased, 361, 593.
- — David, his eldest son, sells a seat in Carnbee kirk, 361, 362, 593.
- of Polmood, Norman, horning at his instance, 408.
- James, in Polmood, horning at his instance, 408.
- David, in Preston, caution by him, 121; his signature, 121.
- George, in Polmood, horning at his instance, 408.
- Patrick, bailie of Crail, complaint by him, 205, 206, 216.
- Thomas, Ross herald, executes letters of treason, 176, 524.
- Walter, in Polmood, horning at his instance, 408.
- Captain, his house, 214.
- Hunting in the snow, to be dealt with by the circuit courts, xxiii, 438.
- Huntly, Marquis of, George Gordon, first, a member of the Privy Council, v; to consider as to the erection of beacons in his district, 54; to take the subscriptions of the teind-sellers of Aberdeenshire, 246, 573; written for to attend a meeting of the Commission for the Surrenders, 331; letter to him to apprehend John Gordon of Ardlogie, 405, 406; letter to him to suppress the disorders among the Grants, 451, 455; charged to apprehend papists and excommunicated persons in his employment and district, 496-507, 630; present in Council, 1, 3; signs Acts of Council, missives, etc., 2^a, 4^a.
- Hurlabanks, John, killed, 216^a.
- Hutton, James, an inhabitant of Dunfermline whose house was burnt, 141.
- John, messenger, commissioned to uplift taxes, 481.
- John, an inhabitant of Dunfermline whose house was burnt, 141.

- Hutton, Laurence, weaver, an inhabitant of Dunfermline whose house was burnt, 141.
 — Laurence, another inhabitant of Dunfermline whose house was burnt, 141.
- IAN, Clan, the, goods stolen by them from some Glasgow burghesses, 19.
- Importation of French wines and English beer, xxxiii, xxxiv, xxxviii, 305-307; of wine, beer, confections, and groceries for his majesty's visit, 414, 471.
- Impost on coal and salt exported from the Forth, for defraying the expense of building forts, 72, 73, 83, 146, 147, 561; of a groat upon all hides, 123; on wines, 307; at Dumbarton, 466, 467; at Auchindinny Bridge, 469.
- Imprisonment: the sustenance of prisoners, 443; the expenses of prisoners to be defrayed by themselves, 470; prisoners alleged to be entertained on wines, 621; complaints of harsh, 194, 214, 215, 316, 348, 349, 419, 519, 520; of illegal, 207, 216, 588, 591, 592, 625.
- Incest, cases of, to be dealt with by the circuit-courts, 437; cases of incest in Caithness, 317; Robert Morris with his wife's daughter, 350, 351; John McReadie, 516.
- Inchaffrey, Abbey of, 598.
 — Abbot of. *See* Mr Patrick Murray.
- Inchebrayock, parish of, survey of fencible persons there, 170.
- Inchgarvie, island of, a fort to be erected there, xv, xvi, 53, 65, 74, 149, 561.
- Inchmartin, Laird of. *See* Ogilvie.
- Inchstrevie, lands of, 399, 618.
 — Muirs of, 399, 619.
- Inglis of East Scheill, Thomas, commission to him, 301.
 — of Murdistoun, Thomas, charged with unlawful convocation, 119-121.
 — Gilbert, in Castle, charged to find lawburrows, 604.
 — Thomas, in Cowhoble, charged to find lawburrows, 604.
 — Thomas, merchant in Edinburgh, prosecuted for wrongful imprisonment, 461, 462.
- Innerney, D., Laird of, signs a report as a justice of the peace, 555.
- Innerwick (Innerweeke), parish of, survey of the fencible persons there, 94.
- Innes (Inneis) of Balveny, Robert, to take the subscriptions of the teind-buyers of Banffshire, 248; to report the names of such as refuse to sign, 479.
- Innes of Coittis, Alexander, commission to him, 30.
 — of Crombie, Captain John, undertakes to raise a company of soldiers for Denmark, 147, 148, 154.
 — of Drynie, Robert, commission to him, 389.
 — — James, debt due by him, 578.
 — of Innerbrakie, Walter, apparent, commission to him, 489.
 — of that Ilk, . . . , debt due by him, 578.
 — Alexander, fiscal of the Earl of Moray, horning at his instance, 585.
 — Robert, in Elgin, 498, 503; his wife, Margaret Gordon, excommunicated for Popery, and to be apprehended, 498, 503, 508.
 — Robert, burghess of Elgin, debt due by him, 578.
- Innkeepers, twelve at New Abbey, 579.
- Insane paupers in ward supported by the Government, 22.
- Inschamure, Muir of, 355, 356.
- Interests, taking of, before the term, to be dealt with by the circuit-courts, 438.
- Inveraray (Inneraray), proclamation at the market cross, 574.
- Inveravon (Innerawin), Kirkton of, 518.
- Invergowrie, parish of, survey of fencible persons there, 170.
- Inverkeillor, parish of, survey of fencible persons there, 170.
- Inverkeithing, the magistrates oppose the granting of a seat in the kirk, 593, 594; petition by the minister and kirk-session of, 593, 594.
- Inverleith, Alexander, in the Park of Jalrey, charged with assault and molestation, 609.
- Inverleith, Leith formerly known as, 126 n.
- Inverness, burgh of, Rood fair held there on 14th September, 5; petition by the burgh against the Earl of Moray, 5; complaint by the magistrates, 5; commission to them, 28; the composition for the taxation, 287; the provost written for to attend a meeting of the Commission for Surrenders, 331; justiciary-courts to be held there for the North Isles of Scotland, xxiv, 632, 633; proclamations at the market-cross, 502, 503, 573, 576.
 — commissary clerk of. *See* Alexander Logan.
 — shire of, 3, 33, 34, 92, 246, 248, 296, 573, 613; the submission of the teind-sellers and teind-buyers there, 311, 312,

- 321, 379, 479, 585; circuit-courts of judiciary to be held there, 347; the sheriff of, 496; he is summoned before the Council, 475; sheriff-clerk of. *See* Andrew Fraser; sheriff-depute of. *See* Alexander Paterson; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Inverquharity (Inneraritie), parish of, survey of fencible persons there, 170.
- Laird of. *See* Ogilvie.
- Inverteill, Laird of. *See* Erskine.
- Invergie, letter dated there, 199, 200.
- Inwar, 615.
- Ireland, Mr Alexander, minister at Kincleven, 601; Mr John, his son, charged with assault and molestation, 601.
- Janet, widow of William Bell in Rottinraw, to be tried for witchcraft, 328.
- Ireland, vi, 143, 144, 152, 153, 156, 157, 283, 334, 444, 469, 523; criminals fleeing thither, xx, 444, 445; Sir John Stewart of Methven there, xv; ordnance brought thence by Captain Douglas, 195; soldiers raised there for the King of Denmark, xiii, 241, 316, 335, 336; butter, cheese, and cloth exported thence, 340, 341; plantation of, 445.
- Irnesyde, James, at the old mill of Foveran, to be apprehended as an idle and masterless person, 106.
- Ironworks to be maintained in the Lewis, 337.
- Irvine (Irwin, Irwing) of Cleuchheads, James, caution for his compearing before the Justice, 519.
- of Drum, Alexander, to consider as to the erection of beacons in his district, 54; to arbitrate in an Aberdeen matter, 57, 58; caution for him, 97; suspension of horning against him, 105; commission to him, 376.
- Alexander, apparent, caution by him, 97; disposition of lands to him by his father, 105; Dame Margaret Scringeur, his wife, 105.
- of Kincousie, 97; Alexander, his son, witness to a writ, 97.
- Mr Alexander, burghess of Aberdeen, excommunicated for Popery, and to be apprehended, 497, 498, 502, 508; as a writer of pasquils, he is summoned before the Council, 505, 630.
- Alexander, he and Robert, his brother, sons of Elizabeth Leslie, to be relaxed from the horn, 2, 3; the Bishop of Aberdeen on their case, 48.
- Irvine, David, called of Sarksheils in Kirk, caution for his compearing before the Justice, 519.
- George, in Mosspebble, to be tried for manslaughter, 411.
- Jaffray, and John and Habbie, his sons, to be apprehended for manslaughter, 230.
- James, in Newburgh, to be apprehended as an idle and masterless person, 106.
- John, called Brunt Willie's son, in Middle Shaw, to be apprehended for manslaughter, 230.
- Margaret, complaint by her, 83.
- Robert, burghess of Aberdeen, excommunicated for Popery, and to be apprehended, 498, 502, 508; summoned, as a writer of pasquils, before the Council, 505.
- Susanna, widow of Robert Charteris, horning at her instance, 230.
- Thomas, called Thome of Kirkpatrick, caution for his compearing before the Justice, 519.
- Thomas, messenger, complaint by him, 514, 515.
- two of the name slain on the English borders, 538, 539.
- Islay (Ila), 28.
- herald. *See* Thomas Drysdale.
- Isles, Bishop of the, the Islesmen to be coerced to pay their duties to him, 535.
- North, justice-courts there, xxiv. *See* Highlands and Islands.
- JACKS, references to, 339, 402, 403, 428, 431, 543, 559, 571, 595.
- Jacobsoun, Albert, merchant owner of a Holland ship wrecked at Unst, 125.
- Jaffray, Mr Alexander, bailie of Aberdeen, sent to Edinburgh about the teinds, 584.
- David, in Aberdeen, petition by him, 617.
- William, in Garloche, complaint by him, 407, 420.
- James the Second, King, justice-ayres in his reign, xxii.
- the Third, King, justice-ayres in abeyance in his time, xxii.
- the Fourth, King, his Parliament in 1495, 525, 530; his sixth Parliament, 633; revives justice-ayres, xxii; Act of his Parliament in 1504, xxiv; at Twiselhaugh, 79 n., 80 n.
- the Fifth, King, justice-ayres neglected in his reign, xxii; his Revocation in 1540, 525, 531.

- James the Sixth, King, his influence in reducing the Borders, xx; revives justice-ayres, xxii, 434; his procedure against Papists, xxv, 375; his quarrel with Mr Robert Bruce, l; reference to letters from him, 2, 3; he writes about Elizabeth Leslie, 24, 25, 48-50; about the late Earl of Lothian, 605; letter from him of 26th January 1610, fixing the quorum of the Council, 100 n.; grant by him of the barony of Broughton, 127 n.; he ratifies the Seal of Cause of the Candlemakers of Edinburgh, 299; decret arbitral by him between the merchants and craftsmen of Edinburgh, 300; changes a ward holding to blench as part of the dowry of a lady of the Queen's bed-chamber, 364, 365; reference to his visit to Scotland, 382; inquiry as to who served him as Masters of Household, 385; he appoints Sir John Hamilton of Magdalenes Clerk of Register, 398; he confers a charter on the burgh of Linlithgow, 422; his eleventh Parliament, 525; his Commission for the Borders, 539; general references to him, 158, 254, 337, 467, 471, 472, 474, 563, 569; to his death, 223.
- Jamieson (Jamesoun), Andrew, charged with deforcement, 512.
- David, in Bidderdy, charged to find lawburrows, 587.
- David, bailie of Cupar, appears before the Council, 178, 179.
- David, an elder of Leith kirk, complaint against him, 119.
- John, servitor to James Stewart in Glasgow, witness to a writ, 560.
- Margaret, a servant to Nairn of Strathord, assaulted, 399, 619.
- Mr William, his process against Ker of Ancrum, 83; dispute about his teinds, 469; charged with deforcement, 512, 513, 547.
- Jardine, Nicolas, widow of John Carruthers of Holmend, charged with hamesucken, 588.
- Jedburgh, Master of, Sir Andrew Ker, member of the Privy Council, vi, 349; assiduous in his attendance, viii; a Commissioner for the Middle Shires, 99; ordered to report upon the state of the Borders, xx, 136, 137; his report, 143, 144; publication of his appointment as a Commissioner for the Borders, 172, 173; desired to attend a meeting of the Border Commissioners, 198; to consider the claims of the captains of the warships, 201, 209; makes another report, 223; signs a letter as a Commissioner for the Surrenders, 255; appointed to try Dunbar of Burgie, 294, 295, 580; commission to him to hold circuit-courts of justiciary, 347, 435; he accepts the office, 451; present in Council, 1, 6, 9, 19, 22, 27, 30, 31, 36, 41, 45, 50, 61, 71, 75, 76, 122, 131, 135, 140, 142, 144, 150, 159, 167, 195, 200, 204, 209, 210, 222, 229, 233, 245, 254, 256, 262, 266, 269, 270, 274, 280, 285, 293, 303, 305, 309, 311, 319, 448, 450, 456, 459, 466, 484, 491, 494, 497, 513, 518, 521; signs Acts of Council, missives, etc., 9, 21, 47, 48, 64, 80, 267, 269, 280, 293, 305, 311, 489^a, 513, 516, 546, 582^a, 626, 631.
- Jedburgh, burgh of, the magistrates ordered to deliver up a prisoner, 41; complained upon for not delivering two soldiers, 322; commission to them, 494; circuit-courts to be held there, 435; a report dated there, 553; proclamation at the market-cross, 99^a, 573, 577; the tolbooth, 2, 41, 201, 202.
- Jesuits, resettlers of, to be dealt with by the circuit-courts, 437.
- Jo, Margaret, in Musselburgh, to be tried for witchcraft, 481; she objects to her judges, 487.
- Johnstone (Johnnestoun) of Beatock, John, caution for his compearing before the Justice, 519.
- of Brigmure, William, caution for his compearing before the Justice, 519; charged with resetting a rebel, 599.
- of Brumell, William, 518.
- of Caskieben, Sir . . . , commission to him, 376.
- of Dadarrane, James, commission to him, 242.
- of Elphinstone, Samuel, peremptorily ordered to report the number of fencible persons in the parish of Ormiston, 94, 95; charged to appear before the Privy Council, 146, 147, 561^a; he is to take the subscriptions of the teind-buyers of Haddingtonshire, 247; and to report the names of such as refuse to sign, 479; he reports the submission by the teind-buyers of Haddingtonshire, 309; commissions to him, 353, 439.
- of Elahiesheills, Archibald, commission to him, 229, 230.
- of Girthhead, George, 236; John, his son, charged with assault and molestation, 236, 254.

- Johnstone of Gunmenbie, William, complaint by him, 406, 407, 420; charged with resetting a rebel, 599.
- of that ilk, James, 235, 236; summoned to attend the Council in reference to the exemption of him and his clan from the jurisdiction of the Earl of Nithsdale, 171, 172, 174; in conference with the Council as to the exemption, 198; desired to attend a meeting of the Border Commissioners, 198; to attend a meeting of the Council on the Borders, 223; commissions to him, 224, 568; complaint by him, 410, 420; caution by him, 433; on his petition is exempted with his servants from appearing before the circuit-court at Dumfries, 518, 519, 547; charged with resetting a rebel, 599.
- of Turmoir, Andrew, complaint by him, 429.
- of Wamphray, Robert, charged with resetting a rebel, 599.
- Agnes, wife of William Herries, under the sentence of excommunication for Papistry, 128, 129, 202, 535; she is not to be reset by the lieges, 263, 264.
- Mr Alexander, servitor to Mr Lewis Stewart, witness to a writ, 80; receives Lord Dalziel's patent, 483.
- Alexander, younger, in Berrihoill, charged with assault and molestation, 609.
- Alexander, in Pitcaithly, caution for him, 36.
- Alexander, messenger, executes a charge, 68, 69; complaint and petition by him, 429, 623.
- Archibald, in Blackford, charged with malicious damage, 428.
- Dame Barbara, Lady Gribton, xxvii, xxviii; under the sentence of excommunication for Papistry, 128, 129, 202; not to be reset by the lieges, 263, 264; to remain three months in Edinburgh for receiving religious instruction, 318; caution for her to this effect, 320; she cannot see her way to change her religion, and is to leave the country, 433, 434; caution by her, 433; petition by her, 603.
- Catherine, in Spedlings, charged with resetting a rebel, 599.
- Christian, in Newton, charged with resetting a rebel, 599.
- Edward, fleaher, burges of Dumfries, caution by him, 69.
- Gavin, servant to the parson of Moffat, 599.
- Johnstone, George, in Aberlady, complains of harsh imprisonment, 361; complaint by him, 409.
- George, in Colstoun Mill, complaint and petition by him, 326, 327, 592; he is charged with assault and molestation, 579; and is fined, 329, 330.
- George, merchant burges of Dumfries, deceased, 69; John, his son, witness to a writ, 69.
- George, notary in Dumfries, witness to a writ, 69.
- Gilbert, called of Revox, caution for his compearing before the Justice, 519.
- Gregor, late bailie of Perth, charged with illegal election of the provost, 233-235.
- James, brother of William Johnstone of Brumell, caution for his compearing before the Justice, 518, 519.
- James, in Granton, caution for his compearing before the Justice, 519.
- James, in Rattinraw, charged with assault, 272.
- James, in Scaffinbiggimane, caution for his compearing before the Justice, 519.
- James, servitor to Gilbert Taylor, notary, caution for his compearing before the Justice, 519.
- Mr James, a minister presented to the kirk of Monkland, 120.
- James, merchant, licence to him to arrest the goods of some Frenchmen for debt, 103, 104.
- James, charged with riot, 83.
- James, complaint by him, 409.
- Janet, wife of John Brown in Lochhill, to be apprehended, 203; not to be reset by the lieges, 263, 264; prosecuted for nonconformity as a Papist, 343, 536.
- John, merchant burges of Edinburgh, claims French goods in Scotland, 116, 166, 195.
- John, writer in Edinburgh, writes a bond, 80.
- John, indweller in Edinburgh, caution by him, 5; his signature, 5.
- John, in Moffat, charged with resetting a rebel, 599.
- John, in Raecleuch, charged with resetting a rebel, 599.
- John, in Samuelston, charged with assault and molestation, 589; assoilzied, 329, 330.
- John, in Whitecastles, caution for his compearing before the Justice, 519.

- Johnstone, John, agent for the Laird of Johnstone, gives a promise to the Council, 223.
- John, caution for his compearing before the Council, 82.
- John, servitor to the Laird of Cluny, racing at Aberdeen, 595.
- Michael, in Petmillane, to be apprehended as an idle and masterless person, 106.
- Mungo, and his son, charged with malicious damage, 428.
- Peter, in Fingland, and David, his brother, charged with assault and molestation, 236, 254.
- Peter, called of Kirkhill, brother of Simon, *infra*, caution for his compearing before the Justice, 519.
- Robert, smith in Little Dalton, caution for his compearing before the Justice, 518, 519.
- Robert, in Moffat, caution by him, 443; charged with resetting a rebel, 599.
- Simon, in Kirkhill, caution for his compearing before the Justice, 519.
- Thomas, in Aberlady, complains of harsh imprisonment, 361.
- Thomas, in Samuelston, charged with assault and molestation, 589; fined, 329, 330.
- Thomas, cordiner, burgess of Selkirk, complains of being illegally imprisoned, 441, 442.
- Thomas, to be tried for theft, 41.
- Walter, called of Wyndholme, caution for his compearing before the Justice, 518, 519.
- Wilkin, merchant-burgess of Edinburgh, complaint and petition by him, 349, 542, 602, 611.
- William, in Dunbar, apprehended as an idle person, 66.
- William, in Gunmenbie, called Mungo's Willie, charged with malicious damage, 428.
- William, in Heslibrae, caution for his compearing before the Justice, 518, 519.
- persons of the name of, charged with riot, 254.
- Jonkeene (Jonkein), David, merchant of Edinburgh, on a committee to consider about the dog-dollars, 181; a ship of his wrecked, 199; petition by him, 542.
- Justice, Robert, in Kirkcaldy, fined for illegally selling English beer, 261, 262.
- Justice, the Lord Chief, or High, or Justice-General, an officer of State, 526; the office conferred on the Earl of Menteith on the resignation of Lord Lorne, 364; the office above that of Justice-Clerk, 529; he is to submit the practicks of the Court of Justiciary to the commission for revising the statutes, 366.
- Justice-Clerk, the, inquiry into the jurisdiction and privileges of the office, 484; dispute as to the precedency of the office over that of Lord Advocate, 486, 490, 491, 510, 511, 524-532, 547, 628, 629, 631; holders of the office: Mr Richard Lawson of Hierigs, 525, 526, 530, 531; Mr James Wishart of Pittarrow, 526; Mr Thomas Bellenden of Auchnoul, 525, 531; Sir John Bellenden of Auchnoul, his son, 525, 531; Sir Lewis Bellenden of Auchnoul, his grandson, 526; Thomas Scott of Abbots-hall, 526; Sir John Cockburn of Ormiston, 526, 529; Alexander, Lord Napier, 527.
- Depute, the, his office not to be prejudiced by the appointment of the Justice-General, 364; appointed to examine David White in Nenthorn, 354, 412. See Mr James Robertson.
- College of, institution, of, 531. See Session.
- courts of, establishment of, 365; the High Court of Justiciary, 434; Justiciary Court procedure, 436; the Justice and his deputes appointed to hold a special court for a case of assault at the Council-house door, and the sentence prescribed by the Council, 96; to try Dumber of Burgie, 295^a; references to persons to be delivered to them for trial and punishment, and cases before them, xli, 4, 5, 28, 96, 97, 132, 143, 148, 162, 181, 182, 184, 226, 227, 250, 279, 481, 484, 485, 494, 517, 562; ordered to postpone trials, 492, 493, 628; origin and history of justice-ayres or circuit-courts, xxi-xxiv, xxxvii, li, 364; necessity for justice-courts on the Borders, xx, xxi, 143, 144, 173; to be held in the Highlands and Isles at certain places, xxiii, xxiv, xlv, 363.
- Justices of the Peace; to send in yearly reports of the market prices of cattle, wool, and sheep, xxix, xxx, 12; their reports looked for, and missives sent to them, xxix, xxx, 61, 62, 73, 363, 616, 618; to ascertain the numbers of fencible men in each parish, 61, 62, 114-116; also of the idle and masterless men there, 32-34, 114, 115; general charges to their conveners, 165; they are to deal with resetters of

- deserters, 303, 304; to prepare indictments against offenders for the hearing of the judges of the circuit-courts, 373, 374; to repair the highways, xxxviii, 382; to grant certificates to passengers going to Ireland, 445; the sheriffs are required to send in rolls of such as are capable of being appointed as justices, 466, 472, 473.
- KAIRNIE.** See Cairnie.
- Keir, Neil, in Nwa, denounced for spoiling a ship, 341.
- Patrick, burghess of Culross, witness to a summons, 561.
- Keir, Laird of. See Stirling.
- Keische, lands of, 515.
- Keith (Keyth) of Auchrynie, Alexander, apparent, caution by him, 41; his signature, 41.
- of Balmure, Alexander, commission by him, 376.
- of Benholme, . . . , to consider as to the erection of beacons in his district, 54.
- of Kinnadie, James, witness to a writ, 232.
- of Ludquhairn, Sir William, to consider as to the erection of beacons in his district, 54; commission to him, 376.
- Sir George, commission to him to raise 500 men for the King of Denmark, xiii, 456, 457.
- Robert, merchant-burghess of Edinburgh, debt due to him, 541, 542.
- Robert, W.S., appears as procurator in a case, 188.
- Robert, writer, acts as agent for the Earl and Countess Marischal, 59, 190.
- Robert, petition by him, 542.
- Sarah, in Winton, to be apprehended for witchcraft, 518.
- Keith, parish of, the minister peremptorily ordered to report the number of fencible persons in his parish, 94, 95.
- Kelburne, Laird of. See Boyle.
- Kellie, Earl of, Thomas Erskine, a member of the Privy Council, v; an absentee from Council meetings, viii.
- Sir Thomas, 319; to appear before the Council, 66.
- William, in Bavelaw, 589; John, his son, charged with poaching, 589, 590.
- William, burghess of Kintore, caution by and signature of, 232.
- . . . , a case of incest, 351.
- Kelloch (Kellok, Killoch), Andrew, has a man in prison for a debt, 443.
- Kelloch, John, in Thornhill, 27; John, his son, witness to a writ, 27.
- Kelso, town of, 245, 576; proclamation at the market cross, 573, 577; the tolbooth, 636.
- Keltie, Adam, Clerk of Exchequer, witness to a writ, 629.
- Kelton (Keltoun), kirk of, 607.
- Kemnay, parish of, 558.
- Kemp, John, servitor to the Laird of Brakie, charged to find lawburrows, 587.
- John, charged with molestation, 586.
- Marion, widow of William Paxton, charged with child murder, 130, 162, 176.
- Ken, Water of, 305.
- Kendelie, Magnus, sailor in Leith, 332; Isobel Harcus, his wife, murders her child, 332.
- Kene (Kein), William, officer at Selkirk, present at a justice of peace court, 555.
- Keneachbowie, William and John, 420. See Bowie.
- Kennedy (Kennedie) of Blairquhan, James, formerly of Culzean, in debt to the Earl of Galloway, 81, 82; captions against him, 464, 543, 544; petition by him for a protection, which is granted, 520, 547.
- James, apparent, complaint by him, 543, 546; fined for wearing firearms, 543, 544.
- of Carnmuick, John, commission to him, 376.
- James, indweller in Leith, witness to a writ, 80.
- Janet, an inhabitant of Dunfermline whose house was burnt, 141.
- . . . , complaint against him, 216.
- Kents, assaults with, 163, 608.
- Ker (Carre) of Ancrum, Sir Robert, his process against Mr William Jamieson, 83; dispute about his teinds of Langnewton, 469, 512, 547.
- of Cavers, Robert, complaint by him, 83; he is wounded, 122; a day assigned for hearing of his complaint, 154; complaint against Turnbills, 197, 198, 216; to take the subscriptions of the teind-buyers of Roxburghshire, 247; and to report the names of such as refuse to sign, 479; he reports the submission by the teind-buyers of Roxburghshire, 309.
- of Collilaw, Andrew, caution by him, 16; his signature, 16.
- of Crailling, Sir James, caution by him, 65.

- Ker of Fadounside, Sir Walter, protection to him to come and treat about his toinds, 225, 250.
- of Ferniehirst, Sir Andrew, on the committee for revising and printing the statutes, 365, 366.
- of Jedburgh, Sir John (called), 349, 604.
- of Langnewton, John, petitions for a protection to attend the funeral of his father-in-law, 470.
- of Linton, W., signs a report as a justice of the peace, 553.
- of Lochtour, John, apparent, petition by him, 604.
- of Maisondieu, Andrew, bailie of Kelso, complaint against him, 636.
- of Yair, Andrew, present at a justice of peace court, 555.
- Andrew, son of Sir John Ker of Jedburgh, charged with assault and molestation, 604.
- Andrew, bailie of Selkirk, complaint against him, 441, 442.
- James, an inhabitant of Dunfermline whose house was burnt, 141.
- John, writer, agent for the Earl of Linlithgow, 190.
- Robert, merchant-burgess of Edinburgh, claims French goods in Scotland, 116, 195.
- William, called of Ancrum, commission of justiciary to him, 2.
- William, letter to him from the Council, 25.
- Kereys, trade with France in, xxxiii, 243.
- Kettins (Keitnes), parish of, survey of fencible persons there, 170.
- Kewar, Marion, in New Abbey, charged with assault and molestation, 579.
- Keys of the house of Temple, 314, 322; of the house of Eccles, 315; of Conhaith House produced in Council, 304, 582.
- Kick, Captain . . . , voyage by him to Canada, xlix, 489.
- Kilbarchan, ministers and elders of, 344.
- vicar of. *See* Gavin Hamilton.
- Kill, John, messenger in Dunkeld, witness to a writ, 21.
- Killo, John, messenger in Yokkishill, to be apprehended for manlaughter, 28.
- Killymure. *See* Kirriemuir.
- Kilmaurs (Kilmaeres), Lord, to examine and report upon Dumbarton Castle, 52; his report, 156, 157.
- Kilmichocharmick, kirk and kirkyard of, 601; minister and elders, 601.
- Kilpatrick (Kilpatrik), William, marikin-maker, burgess of Edinburgh, witness to a writ, 560.
- Kilspindie, Laird of. *See* Douglas.
- minister at. *See* Mr George Simmer.
- Kincaid of Warriston, Thomas, charged with molestation, 612.
- Archibald, brother of Thomas, of Warriston, charged with molestation, 612.
- George, burgess of Edinburgh, and Janet Millar, his wife, prosecuted for wrongful imprisonment, 480.
- James, lieutenant to Captain James Bannatyne, complaint by him, 319.
- . . . , complaint against him, 419.
- Kincardine (Kincairdin), parish of, 489.
- salt pans of, 146, 561.
- shire of, 33, 34, 54, 92, 246, 248, 325, 326, 557, 564; the inhabitants to contribute towards the erection of forts at Montrose, 71; on a petition, the barons and inhabitants are allowed to provide their own armour, 228, 229, 571; the submission of the teind-sellers and teind-buyers there, 320, 479; circuit-courts of justiciary to be held there, 347; the wapenschaw, 559, 560, 571; commission to the sheriff, 325, 326; he is summoned before the Council, 475; charges and missives to the justices of peace, 12; to report as to the fencibles, xxx, 168, 169; report by them, 553, 554; the justice of peace court books, 229.
- Kinleven, Lord, John Stewart, caution by him, 80^a; a patent to him as Earl of Carrick objected to and delayed, 391, 392, 365; a cautioner for Colonel Sinclair, 155, 308, 440; caution by him, 608.
- minister of. *See* Mr Alexander Ireland.
- Kinfauns (Kinfaunes), place of, 207.
- King, Andrew, indweller in Coldingham, complaint by him, 219.
- James, advocate, registers a bond of caution, 84.
- James, charged with deforcement, 512.
- John, in the Inch, charged with assault, 429, 623.
- William, indweller in Coldingham, complaint by him, 219.
- King, . . . , complaint against him, 419.
- Kinghorn, Earl of, John, to consider as to the erection of forts in his district, 53; also as to the erection of beacons, 54; commission to him to build forts at Inchgarvie, Burntisland, and elsewhere, and erect beacons, 65; to superintend the

- wapenschaw of the inhabitants of the presbytery of Meigle, 90; peremptorily ordered to report the number of fencible persons in his parishes, 170, 171.
- Kinghorn, James, an inhabitant of Dunfermline whose house was burnt, 141.
- Kinghorn, burgh of, the bailies are to consider as to the erection of forts in their district, 53; proclamation at the market-cross, 84; a petition to go thither for renovation of health, 603.
- vicarage of, 522.
- Kingoldrum (Kingowdrum), parish of, survey of fencible persons there, 170.
- Kingsyde, 214.
- Kingussie, parson of. *See* Mr Angus Mackintosh.
- Kinloch, Patrick, in Dundee, caution by him, 174.
- Kinnaid (Kynnaid), Patrick, in Alves, 404; Ursilla Tulloch, his wife, assaulted, 404.
- William, in Forres, summoned as a witness in a case, 290.
- Kinnaird, parish of, survey of fencible persons there, 170.
- place of, li, 536, 537, 634.
- Kinneir (Kynneir), Mr Andrew, minister at Nenthorn, reports the circumstances of a murder in his parish, 402, 412; Robert, at the horn for not paying his taxation, 522.
- Kinnell (Kynnell), parish of, survey of fencible persons there, 170.
- Kinneris, William, bailie of Dundee, caution for him, 71.
- Kinnetles (Kynnetills), parish of, survey of fencible persons there, 170.
- Kinross, John, custumar of the tobacco at Leith, commission to him, 190-192; the commission objected to, 198, 199, 564, 565; but confirmed by the Council, 204, 566, 215, 222; he sends an inventory of the goods in the Lübeck ship, 222; to be paid £400, 276, 575.
- Kinross, town of, 153; the tolbooth, 153.
- shire of (Kinroscher), 33, 34, 92, 246, 248; the wapenschaw, 88-90; circuit-courts of justiciary to be held, 347; the submission of the teind-sellers and teind-buyers there, 479; the sheriff of, 154; he is summoned before the Council, 475.
- Kintail, Hauch of, 231.
- Kintore, 232.
- parish of, 558.
- Kinvaid, Muir of, 401.
- Kippell, David, in Layne, to be apprehended and tried, 444, 445.
- Kirk, Robert, an inhabitant of Dunfermline whose house was burnt, 141.
- Kirkbuddo, parish of, survey of fencible persons there, 170.
- Kirkcaldy (Kirkaldie), John, bailie of Burntisland, signs a letter to the Council about the fort, 70.
- Kirkcaldy, burgh of, the bailies to consider as to the erection of forts in their district, 63; English beer imported there, 261; two of their ships recovered from French pirates, 381, 382; the High Street, 607; proclamation at the market-cross, 84; the Sands, 89; the tolbooth, 607.
- minister of. *See* Mr John Gillespie.
- presbytery of, xli, 135, 143; the inhabitants therein to hold their wapenschaw on the Sands of Kirkcaldy, 88-90.
- Kirkcormo, kirk of, 607.
- Kirkcudbright, burgh of, 133, 134; the High Street, 134; the tolbooth, 134.
- kirk of, 607.
- presbytery of, 242.
- stewartry of, 33, 34, 133, 248, 265, 435; among the Border counties, 173; the submission of the teind-sellers and teind-buyers there, 310, 479; names of officials of the stewartry, 481; commission to the steward, 148; he is summoned before the Council, 475; the steward deputed ordered to enforce the laws against excommunicated persons, 24; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Kirkgunzeon, abusing the minister and session, 264.
- Kirkhill, lands of, 588.
- place of, 588.
- Kirkhope (Kirkup), William, in Kirkton, caution for his comparing before the Council, 41.
- Kirkmichael, minister and kirk-session of, 111.
- Kirknewtown, parish of, 115.
- Kirkpatrick of Closeburn, Sir Thomas, publication of his appointment as a Commissioner for the Borders, 172, 173; exempted from a meeting, 223.
- of Freircorse, John (sometime), 431; Thomas, his brother, complaint by him, 431.
- Janet, wife of John Hiddleston at the Mill of Templeland, assaulted, 408.
- Kirkton, Alexander, provost of Jedburgh, denounced as a defaulting witness, 251.
- Kirkurd (Kirkured), minister of. *See* Mr John Bennet.

- Kirkwall, proclamation at the market-cross, 358.
- Kirriemuir (Kerymure, Killymure), parish of, survey of fencible persons there, 170.
— minister of, 522. *See* Mr John Ogilvie.
— regality of, the taxation not yet paid, 611.
— vicarage of, 522.
- Knapskulls, 355, 356.
- Kneiland. *See* Clelland.
- Knife, assault with a, 260, 590, 591.
- Knights, to register their arms upon their creation, 165.
- Knock, lands of, 443.
- Knowes (Knolles), Mr Christopher, minister at Coldingham, cautions for his indemnity, 75, 80; complaint by him, 102.
— Jean, spouse to Robert Dunbar, complains against the kirk-session of Leith, xlix, 118, 119, 139.
- Knox, John, his *History of the Reformation*, 126 n.
- Krie. *See* Crie.
- Kyle, James, burghess of Dundee, prosecuted for importing English beer, 289.
— John, in Earlstoun, charged with cutting and stealing trees, 398.
- Kyle, bailiary of, 33, 34, 246, 573; the bailie summoned before the Council, 475; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
— King's, 573; the submission of the teind-sellers and teind-buyers there, 310.
— Stewart, the submission of the teind-sellers and teind-buyers there, 310.
- LAG, Laird of. *See* Grierson.
- Laidlie, James, caution for his comparing before the Council, 82.
- Laing (Layng), Dr. David, his edition of Knox's *History*, 126 n.
— John, piper in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xiii, 85, 97, 98, 105, 106.
— Malcolm, in Gulburn, excommunicated for Popery, and to be apprehended, 497, 498, 508.
— Thomas, goldsmith, burghess of Aberdeen, excommunicated for Popery, and to be apprehended, 498, 502, 508.
— William, burghess of Aberdeen, in West Flanders, 229.
— William, in Newton of Ruthvens, to be apprehended as an idle and masterless person, 97, 105.
- Lamb, Alexander, an inhabitant of Dunfermline whose house was burnt, 141.
- Lambie (Lammy) of Dunkanie, George, peremptorily ordered to report the number of fencible persons in the parish of Essie, 170, 171.
- Lamington, Laird of. *See* Baillie.
- Lamond of that Ilk, . . . , to take the subscriptions of the teind-buyers of Argyleshire, 248, 574; and report the names of such as refuse to sign, 479; he reports the submission by the teind-buyers and teind-sellers of Argyleshire, 311; and of Tarbett, 396; a new commission given to him, 311, 312, 313.
- Lanark (Laneric, Lanerk), shire of, 33, 34, 99 n, 245, 247; circuit-courts of judiciary to be held there, 346, 435; the submission of the teind-sellers and teind-buyers there, 310, 479; a case remitted to the sheriff, 407; he is summoned before the Council, 475; charges and missives to the justices of peace, 12, 61; they are to report as to the fencibles, 168, 169.
- Lances, references to, 236, 339, 401, 403, 428, 431, 512, 515, 596, 600, 619; long lances, 129, 595.
- Landlord and tenant: landlords empowered to arrest dwellers on their ground, 224, 569.
- Langlands, Robert, in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xii, xiii, 85, 97, 98, 105, 106.
- Lapeur, James. *See* James Papin.
- Laswade (Laiswade), parish of, 114.
- Lathord, minister of. *See* Mr John Hay.
- Lauchlane, Janet, an inhabitant of Dunfermline whose house was burnt, 141.
- Lauder (Lawder) of Bass, George, protection to him and his mother, Lady Bass, to settle with their creditors, 509, 510, 631; they are to be summoned before the Council, 483; complaint against him for debts, 547.
— of Gogar, Sir Lewis, accepts the sheriffship of Edinburgh, and gives his oath, 181; to repair the highways in his neighbourhood, 466.
— of Halton, Sir Alexander, appointed Sheriff of Edinburgh, 56; his death on 14th November 1627, 117.
— of that Ilk, Robert, commission to him, 517.
— of Whitlade, Gilbert, commission to him, 517.

- Lauder, Mr Henry, Lord Advocate in 1540, 525, 526, 531.
 — Hew, witness to a writ, 552.
 — William, execution of summons against him, 552.
- Lauder, proclamation at the market cross, 573, 577.
- Lauderdale, Earl of, John Maitland, first, member of the Privy Council, vi; assiduous in his attendance, viii; a cautioner for Sir John Stewart of Traquair, 153, 157, 158; written for, as a Commissioner for the Surrenders and Teinds, to attend meetings, 106, 331; he signs a letter, 255; to take the subscriptions of the teind-sellers of Berwick, Roxburgh, and Lauderdale, 245, 573, 576, 577; he reports the submission by the teind-sellers of Berwick, Roxburgh, and Lauderdale, 309; on a committee of arrangements for the King's coronation, 381; dispute about the teinds of his lands of Simprim, 464; writes to the Clerk of the Council for some information from Court, 582; his seal, 582; present in Council, 3, 6, 9, 16, 19, 21, 22, 50, 61, 66, 85, 102, 107, 112, 113, 117, 122, 131, 135, 140, 142, 144, 150, 159, 167, 174, 176, 180, 195, 200, 204, 210, 217, 222, 225, 231, 232, 245, 252, 254, 256, 262, 269, 270, 274, 280, 285, 293, 309, 311, 319, 323, 330, 331, 347, 357, 374, 380, 406, 412, 425, 440, 450, 456, 459, 466, 484, 490, 494, 497, 513, 518; signs Acts of Council, missives, etc., 2, 4^s, 9, 15, 16, 20, 21, 23, 25, 62, 63, 64, 96^s, 112, 115, 138, 139; 148, 157, 165, 171, 179, 189, 215, 220, 224, 228, 230, 265, 266, 279, 280, 284, 301, 302^s, 311, 323^s, 331, 332, 334, 339, 351^s, 353, 382, 386, 387, 410, 412^s, 489^s, 496, 513, 516, 517, 520, 546, 568, 569, 576^s, 580, 630, 631^s; indorses petitions, etc., 573, 593, 594.
- Lauderdale, bailiary of, 245, 573, 576; the submission of the teind-sellers and teind-buyers there, 309.
- Laurence fair, xlvi, 616.
- Law, Alexander, younger, in Kirkcaldy, fined for illegally selling English beer, 261, 262.
 — Barbara, wife of Adam Smith, chamberlain of Enzie, excommunicated for Popery, and to be apprehended, 497, 498, 502, 508.
 — Mr James, clerk of the Teinds Commission, sent to the bishops for their signatures, 311.
- Law, Mr Michael, servitor to Mr Roger Mowat, acts as procurator in a case, 515.
 — Peter, burges of Dunfermline, a commissioner for the relief of the sufferers in the Dunfermline fire, 161.
 — Peter, an inhabitant of Dunfermline whose house was burnt, 141.
 — . . . , a prisoner at Dunbar, brought to Edinburgh, 60.
- Lawburrows, 420; alleged abuse of the law of, 228.
- Lawrie (Lowrie), John, younger, burges of Linlithgow, complaint against him, 424.
 — Thomas, notary, witness to a writ, 268.
- Lawson (Lousoun, Lawsoun) of Hierigs, Mr Richard, Justice-Clerk in 1489 and 1495, 525, 526, 530 (misprinted Mr Robert, 531).
 — Mr George, servitor to Mr Lewis Stewart, delivers a patent in Council, 391.
 — John (James), in Huntly Cot, kills a neighbour in a quarrel, 99, 100; the King writes as to the assittement to be paid by him, 130, 131, 216; order for his liberation on undertaking to go abroad, 226, 229, 253.
 — Richard, in Dunbar, apprehended as an idle person, 66.
- Lawtie, Mr James, advocate, 241; registers a bond of caution, 180.
- Laycock (Lecoke), John, flesher in Leith, 362, 470; Aleson Dempster, his wife, imprisoned, 362; and to be tried for witchcraft, 470.
- Lead, theft of, from the turrets of a house, 590.
- Leapper, John, burges of St Andrews, prosecuted for importing English beer, 289.
- Learmonth (Leirmonth) of Balcomie, Sir James, to consider as to the erection of beacons in his district, 54; as a Commissioner for the Surrenders and Teinds, charged to attend a meeting, 106; to take the subscriptions of the teind-buyers of Fife and Kinross, 248; and report the names of such as refuse to sign, 479; commission to him to hold circuit-courts of justiciary, 345, 346, 347, 435; he accepts the commission, 427.
 — of that ilk, John, charged with cutting and stealing trees, 398.
 — Mr Robert, advocate, appears before the Council, 3, 132; petition by him as

- sheriff-depute of Edinburgh, 117; his dwelling in Edinburgh, 332; on the committee for revising and printing the statutes, 365, 366; appears before the Council as an agent, 527.
- Learmonth, Thomas, *alias* Duke, in Coldenknows, charged with cutting and stealing trees, 398.
- William, in Kelso, 332; John, his son, chapman, sent to the wars in Germany, 332.
- Leather, trade with France in, 243. *See also* Tanning.
- Lebert, Jane Van, merchant owner of a Holland ship wrecked at Unst, 125.
- Leckman, John, in Balbrogie, charged with molestation, 401.
- Lee, Laird of. *See* Lockhart.
- Leilman, George, in Balbrogie, charged with molestation, 401.
- Leipie, John, in the Canongate, prosecuted for wrongful imprisonment, 490.
- Leipit, David, tailor in Edinburgh, a debt due to him, 520.
- Leith of Harthill, John, charged with extortion at fairs, 616, 617.
- Leith, burgh and port of, xl, xlix; 57, 83, 92, 148, 155, 179, 189-192, 198, 204, 209, 218, 220, 227^a, 238-240, 266, 275^a, 284, 427, 451-455, 564, 565, 572, 575, 608; a Leith ship at Plymouth, 20, 21; proposal to build two forts and otherwise fortify it, xv, xvi, xlvi, xlvi, 44, 56, 57, 149, 159-161, 181, 184-188, 225, 232, 285; the magistrates of Edinburgh offer to fortify the city on certain conditions, 125-128; efforts of the town to attain independence of Edinburgh, 126 n.; a committee of the Council appointed for the consideration of the proposals by Edinburgh, 133; iron cannon there, 57; meeting of the Privy Council there 85; the bailies peremptorily ordered to report the number of fencible persons in the parish of Restalrig, 114; the ministers of the North Kirk peremptorily ordered to report the number of fencible persons in the parish of Holyroodhouse, 114; grant to the town by King Robert Bruce in 1329, 126 n.; the bailie charged with illegal apprehension, 207; a case before the bailie, 222; a supply of guns to be kept there, 338; the inhabitants on the south side to make their wapenshaw at Edinburgh, 338; complaint against the magistrates, 362; complaint against the ministers, 362; documents dated there, 47, 80^a; the ministers and kirk-session of, 118, 119, 139, 207. *See* Mr John Cranston and Mr James Fairlie; bridge of, 186; the harbour and mills, 126 n.; the kirk, 118, 119; the Links, 89, 126; Little London, 127; proclamations at the market-cross, 84; and at the pier and shore, 91, 131, 583, 451, 560; St Nicolas, 127; the windmill, 127; Water of, 160, 186.
- Lennox and Richmond, Duke of, Ludovick, commits the keeping of Dumbarton Castle to Sir John Stewart of Methven, 200; gift by him as Great Admiral of Scotland to the Earl Marischal, 564, 565.
- James, hereditary proprietor of Dumbarton Castle, and Lord High Admiral of Scotland, xv, 542; his minority, 16, 124; one of his curators is appointed Captain of Dumbarton Castle, 150-153; letter from the Council to him narrating what has been done about Dumbarton Castle, 156, 157, 158; his right in the castle preserved, 200, 201; he and the Duchess send a servitor to receive the Castle of Dumbarton from Sir John Stewart of Traquair, 252; during his minority an acting admiral is appointed, 65, 209, 451, 454; he promises to secure Lady Margaret in her liferent, 375.
- family of, 157.
- Lent, proclamation for observing, 249, 250; fines for violating, 250.
- Leny, Laird of. *See* Buchanan.
- Leslie of Newton, John, to superintend the wapenshaw of the inhabitants of Cupar presbytery, 90; to take the subscriptions of the teind-buyers of Fife and Kinross, 548; and report the names of such as refuse to sign, 479; charged, as a Commissioner for the Surrenders and Teinds, to attend meetings, 106, 324, 331.
- of Pitcaple, . . . , 498, 502, 508.
- of Urqhill, George, arrangement about his teinds, 602.
- of Wardes, Sir John, to take the subscriptions of the teind-buyers of Aberdeenshire, 248; and report the names of such as refuse to sign, 479; appointed to do certain services in place of Cluny Gordon, 616; petition by him for release from this service, 618.
- Adam, servant to Ballindalloch, 628; charged to appear before the Council, 492.
- Alexander, brother to Pitcaple, excommunicated for Popery, and to be apprehended, 498, 502, 508; summoned, as a

- writer of pasquils, before the Council, 505.
- Leslie, Alexander in Convach, and Agnes Gordon, his wife, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- Alexander, notary, and clerk depute of Crail, dispute about his office, 206, 216.
- Mr Andrew, a Popish priest, to be apprehended, 499-502.
- Capuchin, called the Archangel, a Popish priest, to be apprehended, 498-502, 508.
- Elizabeth, widow of . . . Irving, order for the release of her and her sons from horning, 2, 3; correspondence with the Bishop of Aberdeen about her case, 19, 24, 25, 48.
- Francis, brother to Capuchin Leslie, excommunicated for Popery, and to be apprehended, 498, 502, 508; summoned, as a writer of pasquils, before the Council, 505.
- Mr George, in Cullen, reports the submission by the teind-buyers of Banffshire, 321.
- George, in Rothes, summoned as a witness in a case, 514.
- Mr John, a Popish priest, to be apprehended, 499-502.
- John, notary, witness to a writ, 232.
- Patrick, in Kintore, witness to a writ, 232.
- Captain Robert, caution for him, 20.
- Walter, in Aberdeen, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- Dr William, a Popish priest, to be apprehended, 500-502.
- Mr William, called the Captain, a Popish priest, to be apprehended, 499-502.
- Leslie, house of, 212.
- Lethame, Katharine, in Selkirk, to be tried for witchcraft, 471.
- Lethington, letter dated there, 582.
- Lethnock, parish of, survey of fencible persons there, 170.
- Letters of reprisal sought against Hamburgh, 544, 545.
- Leven (Levin), Water of, at Dumbarton, xlvii, 626.
- Leyes, Laird of. *See* Burnett.
- Libellers to be dealt with by the circuit-courts, 438.
- Liberton (Libbertoun), lands of, 189, 229.
- parish of, 115.
- Liddell, Agnes, in Prestonpans, to be tried for witchcraft, 379.
- James, an elder of Leith kirk, complaint against him, 119.
- Lidderdaill, Robert, called the Corbie, in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xii, xiii, 85, 97, 98, 105, 106.
- Liff, parish of, fencible persons there, 170.
- Lin, Thomas, bailie of Duns, signs a report of the justice of peace court of Berwick, 634, 635.
- Lincluden (Linclowden), regality of, 596; books of the, 101.
- Lindores (Lundores), lordship of, 6; its taxation still unpaid, 65; charge for uplifting it, 73, 74.
- Lindsay (Lindsey, Lyndsay) of Balcarras, Sir David, to consider as to the erection of beacons in his district, 54; to superintend the waconschaw of the inhabitants of St. Andrews presbytery, 90; complains of an outrage on his seat in the church of Carnbee, 361, 362, 419; petition by him, 592, 593.
- of Balgays, David, peremptorily ordered to report the number of fencible persons in his parishes, 170, 171; petitions by him and his sons William and Mr Patrick, 586, 587.
- of Belstane, James, complaint by him, 355-357.
- of Dunrod, Alexander, to be charged for disobedience, 584.
- of Edzell, David, to consider as to the erection of beacons in his district, 54; to superintend the waconschaw of the inhabitants of the presbytery of Brechin, 90; peremptorily ordered to report the number of fencible persons in his parishes, 170, 171.
- of Glaspen, Gavin, caution for him, and for Lancelot, his son, 50.
- of Hartside, John, apparent, caution by him, 50; his signature, 50.
- of Maynes, . . . , 535.
- of Pitscandie, Mr David, peremptorily ordered to report the number of fencible persons in his parishes, 170, 171.
- of Wauchop, 535; Marion Maxwell, his wife, and Charles, his son, prosecuted as Papists, 535.
- A., signs a report as a justice of the peace, 560.
- Bernard, deceased, his house in Leith, 118.

Lindsay, Constance, wife of John Maxwell of Burtill, prosecuted as a Papist, 536.

— Francis, brother to the goodman of Maynes, prosecuted as a Papist, 535; also Agnes Brown, his wife, 535.

— Sir Jerome, Lord Lyon, elder of Leith church, complaint against him, 119.

— Mr John, minister at Aberlemno, charged with harbouring the Earl of Crawford, 524.

— Mr Patrick, execution of summons against him, 552.

— Robert, in Kerse of New Abbey, charged with assault, 352, 419, 591.

— Thomas, merchant in Edinburgh, prosecuted for wrongful imprisonment, 465.

— William, in Catchappel, to assist the Earl of Angus upon the Borders, 98.

Linen cloth, exporters of, to be dealt with by the circuit-courts, 437.

Linlithgow (Lynlythqu), Earl of, Alexander Livingstone, a member of the Privy Council, v; acting Lord High Admiral during the minority of the Earl of Lennox, 454; he disputes the Earl of Marischal's right to the three warships, 22, 23, 25, 26; he offers to buy them, 24; they may be sold to him, 55; to hear the report of Sir James Baillie upon the taxation, 59; he disputes the leading of the teinds of Abercorn with the Earl of Abercorn, 66, 67; charged, as a Commissioner for the Surrenders and Teinds, to attend a meeting, 106; commission to him, 112; the warships are to be disposed of by him, 149; his Countess is required to give instructions about the receiving of the King's ship, 179; he is charged not to accept dog-dollars in payment of coal or salt, 162; he is to take the subscriptions of the teind-sellers of Linlithgowshire, 245; produces in Council three letters from the King, 274; he reports the submission by the teind-buyers and teind-sellers of Linlithgowshire, 309; signature for a patent to him to manufacture saltpetre, xxxii, 333, 334, 337, 425, 426, 434, 439, 537, 538; on the committee for revising and printing the statutes, 365, 366; to repair the high-ways in his neighbourhood, 374; promises to secure Lady Margaret Hamilton in her liferent, 375; produces a letter in Council, 417; as acting Lord High Admiral, he is to take security from privateering ships, 11; to be the judge of prize ships, 12; a seal of Admiralty to be engraved for him, description of it, 16, 17, 65, 551; he is to

control the herring fishers at Dunbar, 18, 566, 567; to receive a proportion of the prizes, 21, 324, 325; to furnish the warships with mariners, 40; directed to be careful of the powder and shot in the warships, 42; instructions to him to control the operations of the Scottish fleet, 45; a letter from him, 47^a; he is to dismiss the privateers, 59; he requisitions ships against the enemy, 59, 60; to order the restoration of Middleburgh ship, 64; order to him to pay William Simpson of Dysart for sinking an enemy's ship, 64; to judge as to Lochinvar's prizes, 65; ordered to deliver up a French ship at Ayr to her owners, 67; advised by the Council in a case, 74; to take the guns and ammunition out of a ship which its master refuses to send to France, 75; instructions to him in reference to transporting the levies for France, 78; to give commissions to the three warships, 78; obtains money for payment of the crews of H. M. ships, 93; instructions to him for inspecting a transport ship at Burtisland, 109; he consents to an Act of Council respecting a ship, 124, 125; he seizes a ship called *The Blessing* of Leith, 180; to send persons to oversee the Lübeck ship, 190-192; two of the warships delivered to him, 209; he is to be the judge of prize ships, 209, 210, 566; to give authority for disposing of the Lübeck ship, 238-240, 277; he adjudges it as prize, 417; a ship called *The Thissell* to be delivered to him, 253; to receive a proportion of Lochinvar's prizes, 271; letter to him from the King as to the payment of the crews of the warships, 279; he is to inquire as to the admiralty of Orkney and Shetland, 282; he has orders from the King to arrest French wines at Leith, xxxiv, 284; the Lübeck ship is to be delivered to him, 298, 299, 580; he is to see that no French wines are imported beyond the limits of the Act, 305-307; to audit the accounts of the Lübeck ship, 427; complains against the baillie of Leith for disrespectful conduct, 451-455; he relieves the town of Edinburgh of providing a boat for ferrying the King over the Forth, 521, 631; craves the advice of the Council with respect to Hamburg ships taken as prizes, 551, 552; the case of the defence of Shetland remitted to him, 605; present in Council, 1, 3, 6, 9, 16, 19, 22, 27, 30, 36, 39,

- 41, 45, 50, 61, 71, 75, 76, 81, 85, 107, 115, 117, 122², 131, 135, 142, 144, 150, 270, 274, 280, 285, 293, 303, 305, 309, 311, 321, 412, 420, 425, 434, 440, 448, 450, 456, 484, 490², 491, 494, 497, 513, 518, 521, 524, 535, 540; signs Acts of Council, missives, etc., 2, 4², 9, 15, 16, 20, 21, 37, 41, 48, 62², 63², 64, 68², 76², 80, 85, 100, 101, 115, 130, 135, 138, 148, 157, 158, 279, 284², 293, 301, 302², 305, 307, 308, 311, 317², 347, 353, 364, 367, 410, 412², 439, 489², 494², 496, 513, 516, 517, 520, 539, 540, 542, 543, 545², 546², 580², 582, 585, 626, 630, 631², 632.
- Linlithgow, burgh of, the wapenschaw of the county to be held there, 89; the composition for the taxation, 287; the highways thence to Edinburgh and Stirling to be repaired, 374; obtains a grant from King James the Sixth of the small customs of all fairs held within Linlithgowshire, *xlvi*, 422; complaint by the provost and bailies against Queensferry, 422-424; the magistrates are to convey a prisoner to Edinburgh, 536; a report dated there, 553; palace of, 372.
- shire of, 33, 34, 92, 245, 247, 537; the inhabitants to hold their wapenschaw at the burgh of Linlithgow, 88-90; the submission of the teind-sellers and teind-buyers there, 309, 479; circuit-courts of judiciary to be held there, 346; appointment of Thomas Dalrymple as sheriff, 56; the sheriffship conferred upon Alexander Hamilton of Byrnes, 451; he is summoned before the Council, 475; charges and missives to the justices of peace, 12, 61; they are to report as to the fencible persons there, 74, 93, 165; report by them, 553.
- Lint, putters of green lint in lochs or running waters to be dealt with by the circuit-courts, 438.
- Linton (Lyntoun), Katherine, petition by her, 216.
- Linton, East, bridge of, to be repaired, 451.
- West, Kirklands of, 378, 379, 613, 614.
- parish of, 378, 613, minister of. *See* Mr John Hamilton.
- Little (Littill), Bessie, to be tried for witchcraft, 516, 517.
- Christopher, in Troutbeg, caution for his compearing before the Justice, 519.
- Edward, bailie of Queensferry, appears before the Council, 252; charged with assault, 422, 423; complaint by him, 423, 424.
- Little, John, master of the household to the Earl of Nithsdale, to be apprehended, 203; not to be reset by the lieges, 263, 264; prosecuted as a Papist, 535.
- Littlejohn, James, an inhabitant of Dunfermline whose house was burnt, 141.
- Liverence, Charles, customar of Linlithgow, complaints by and against him, 422-424.
- Livingstone of Baldry, Robert, a commissioner for the relief of the sufferers in the Dunfermline fire, 161, 197.
- of Barowny, Patrick, peremptorily ordered to report the number of fencible persons in his parishes, 170, 171.
- of Dunipace, . . . , signs a report as a justice of the peace, 556.
- of Kilsyth, William, commission to him, 112.
- of Pantaskaue, Alexander, commission to him, 112.
- Mr Alexander, petition by him, 542.
- John, in Drummoir, caution for his indemnity, 69.
- Mr William, to receive two of the warships in name of the Earl of Linlithgow 209.
- Loben, Andrew, in Auchinheif, charged to find lawburrows, 611.
- George, in Auchinheif, charged to find lawburrows, 611.
- John, in Auchinheif, charged to find lawburrows, 611.
- Lochbuy, Laird of. *See* MacLean.
- Lochinvar, Laird of. *See* Gordon.
- Lochmaben (Lochmabane), burgh of, proclamation at the market cross, 264.
- house or castle of, given by King James to John, Earl of Annandale, 473.
- Lochs, polluters of, to be dealt with by the circuit-courts, 438.
- Lockerbie, lands of, 429.
- Lockhart (Lokhart) of Hinshelwood, Allan, complaint by him, 352, 353.
- of Lee, Sir James, elder, charged, as a Commissioner for the Surrenders and Teinds, to attend meetings, 106, 331; to take the subscriptions of the teind-buyers of Lanarkshire, 247; and report the names of such as refuse to sign, 479; he reports the submission by the teind-buyers of Lanarkshire, 310.
- Adam, complaint by him, 419.
- William, charged with deforcement, 512.
- Lochkinkerran, *xxiv*, 632.

- Logan of Restalrig, Robert, owner of the superiority of Leith, 126 n. 3.
 — Alexander, notary, commissary-clerk of Inverness, witness to a charge, 576.
 — Alexander, execution of summons against him, 552.
 — John, servant to Gordon of Rothiemay, charged with molestation, 534, 535.
 — Robert, messenger, witness to a summons, 561.
 — Thomas, common prosecutor of the sheriffdom of Renfrew, 353.
- Logie, Archibald, in Queensferry, charged with assault, 423.
 — George, in Queensferry, charged with assault, 423.
 — James, indweller in Edinburgh, witness to a writ, 622.
- Logie, parish of, the minister and elders of, 97, 105, 489.
- Logyalloway, kirk of, 522.
- Logydurnoch, parish of, the gentlemen of, petition for a weekly market, 409.
- Logymontrose, parish of, survey of fencible persons there, 170.
- London, 283, 314, 414; salt taken from Scotland thither, 381.
- Long, Alexander, captain of a Hamburg warship, charged with oppression, 544, 545.
- Longnewton, parish of, 512; dispute with the minister about the teinds, 469, 512.
- Lookup, James, in Leith, appointed to a temporary command in one of H.M. ships, 39.
- Lords: fees paid to the heralds on their creation, 121; to register their arms upon their creation, 165.
 — of Erections. *See* Erections.
- Lordships. *See* Baronies.
- Lorne, Archibald, Lord. *See* Argyle, Earl of.
- Lothian, Earl of, Robert, deceased, his death supposed to be caused by witches, xli, 442; his brothers and sisters petition for further investigation into the causes of his death, xlii, 442, 624; letter from King James about him, 605.
 — John, in Newbigging, to be apprehended, 101.
- Lothian (Louthiane), li, 35, 187.
 — East. *See* Haddingtonshire.
 — West. *See* Linlithgowshire.
- Loudon (Lowdown), Lord, John, charged, as a Commissioner for the Surrenders and Teinds, to attend meetings, 106, 331; to take the subscriptions of the teind-sellers of Ayrshire and Kyle, 245, 246, 573; he reports the submission by the teind-sellers of Kyle Stewart and King's Kyle, 310.
- Lovat, Lord Fraser of, Simon, 613², 622; a servant of his slain, 97; commission continuing him in the office of Sheriff of Elgin and Forres, 236-238, 571; to take the subscriptions of the teind-sellers of Banff, Elgin, Nairn, and Forres shires, 246; letter to him to suppress the disorders among the Grants, 451, 456; charged to apprehend Papists and excommunicated persons in his district, 496-499, 630; commissions to him, 96², 194, 296, 297, 517.
 — Master of, Hew, commission to him, 96², 194.
- Low, Mr George, servitor to Sir James Skene, has a man in prison for a debt, 443.
- Low, place of, 351.
 — village of, 606.
- Low Countries. *See* Holland.
- Lowrenstoun, Robert, in Newburgh, to be apprehended as an idle and masterless person, 106.
- Lowstoun, Muir of, 401.
 — Easter, lands of, 601.
- Lowther, C., 389 n.
- Lübeck (Lubeque), a ship of, wrecked: proceedings with respect to it, xxxix, xl, xlix, 131, 135, 138, 189-192, 195, 198-200, 204, 210², 215, 219, 220, 222, 227, 232, 236, 238-240, 270, 274-277, 279, 291, 298, 299, 417, 418, 427, 563², 564, 565, 566, 571, 574, 575, 576, 580².
- Ludquhairn, Laird of. *See* Keith.
- Luffness, place of, 482, 520.
- Lugton, Laird of. *See* Crichton.
- Luitit, William, in Begiswall, caution for his indemnity, 21.
- Lumsden (Lumisden), George, cordiner in Longniddry, 471; his wife, Isobel Millar, to be tried for witchcraft, 471.
- Lunan (Lownand), parish of, survey of fencible persons there, 170.
- Lundeiffe, parsonage of, 522.
- Lundie of that Ilk, . . . , reports the submission by the teind-buyers of Fife, 310.
 — of Newhall, David, caution by him, 16; his signature, 16.
 — Mr Thomas, minister, at the horn for not paying his taxation, 522.
- Lundie, parish of, survey of fencible persons there, 170.

- Luak, Nicolas, skipper of a Lübeck ship, 131; certificate to him and Marcus, his son, 135.
- Luss, Laird of. *See* Colquhoun.
- Lyon (Lyoum) of Brighton, Frederick, peremptorily ordered to report the number of fencible persons in the parish of Kinnettles, 170, 171.
- Lyon King of Arms: he signs a letter to the Council about the forts, 71; he and the heralds crave appointment of the fee to be paid by Viscounts on their creation, which is granted, 121, 139; note of the fees paid to them on creations, 121; warrant to him to make a Book of Arms, 139; to make a visitation of all arms and prosecute illegal users of them, 164, 165; Registers of the Lyon Court, 164, 165; he makes a report upon the Registers, 179; on a committee of arrangements for the King's coronation, 381; to be consulted about the coronation ceremonies, 384; to report upon the ancient form of the coronation, xxxviii, xxxix, li, 385, 387, 393; his report, 393-395; his own duties at the King's coronation, 393-395; he signs a report as to the forts at Montrose, 557; a proclamation addressed to him, 615. *See also* Sir Jerome Lindsay.
- Depute. *See* Thomas Drysdale.
- dollars. *See* Coin.
- MACACHINE Dow, Donald, in Abose, denounced for spoiling a ship, 341.
- (VcAchine), Donald McEane Dow, in Corkamure, denounced for spoiling a ship, 341.
- MacAldie (McCaldie, McKaldie), John, in Kilv'Ewin, and Gillecillum, his son, there, denounced for spoiling a ship, 341.
- Molcallome, in Carmakilliche, denounced for spoiling a ship, 341.
- (VcCaldie), Donald McEan Dow, in Colonsay, denounced for spoiling a ship, 341.
- (VcKaldie), John McEane, in Colonsay, denounced for spoiling a ship, 341.
- (VcKaldie), Lachlan McEan Dow, in Nwa, denounced for spoiling a ship, 341.
- (VcAldie), Neil McDonald Roy, in Craigage, denounced for spoiling a ship, 341.
- MacAllan, Alexander (*alias* Grant), in Lettach in Abernethy, charged with hamesucken, 607.
- MacAllan, Alaster, a rebel at the horn for theft, 241.
- Andrew, notary in Kilkerran, charged with molestation, 543.
- Finlay, cordiner in Tain, 489; his wife, Helen Gow, to be tried for witchcraft, 489.
- John McDonald Chleive, *alias*, in Hoaster in Uist, murdered, 5.
- Hector VcEane Dwy VcLayne, in Kendlochallan, to be apprehended for murder, 4, 5.
- Roy, Alaster, a rebel at the horn for theft, 241.
- Roy, Ronald, a rebel at the horn for theft, 241.
- Roy, Rorie, a rebel at the horn for theft, 241.
- VcEane of Castlevirie, Ronald, commission to him, 4.
- (VcAllane), Alaster Dow McAlaster, a rebel at the horn for theft, 241.
- (VcAllan), Allen Moir VcAlaster, a rebel at the horn for theft, 241.
- (VcAllane), Donald McAlaster, a rebel at the horn for theft, 241.
- (VcAllan), Ronald Roy McEan, a rebel at the horn for theft, 241.
- (VcAllane), Roy, Donald O'Neill, a rebel at the horn for theft, 241.
- MacAllaster (McAlaster, McAlester) of Cammes, Ronald, commission to him, 4.
- of Tarbet, Archibald, a commission to him to take the subscriptions of the teind buyers and sellers of Argyle, 311, 312, 313, 585.
- Ewin McEan VcDougal, *alias*, 4, 5; Neill and Dougal McKillester, his sons, horning at their instance, 4, 5.
- John, in Dell of Rothiemurchus, and John and Alaster, his sons, charged with hamesucken, 607.
- John Dow, burgess of Inverness, caution for him, 9; prosecuted for failure to assist in the execution of a commission, 585.
- John McEachin VcEan VcDougal, *alias*, horning at his instance, 4, 5.
- Oig, Allan, a rebel at the horn for theft, 241.
- (McVcAlaster), Donald Gorme, in Berrisdale, a rebel at the horn for theft, 241.
- MacAndra, Alaster, John, in Moncrachie, charged with hamesucken, 607.
- Andrew McEane, in Ballaclagene in Rothiemurchus, charged with hamesucken, 607.

- MacAngus of Glengarie, Donald, commissions to him, 4, 517; caution by him, 134, 135; released from this caution, 137; action against him and his tenants by Fraser of Strichen, 241, 242, 254; his signature, 135.
- (VcAngus) of Glengarie, John McDonald, 517.
- MacAulay (McCawlay) of Ardincaple, Walter, his report on Dumbarton Castle, 153.
- Thomas, writer, appears before the Council, 3.
- MacBea, Archibald Reoche, in Torsarie, denounced for spoiling a ship, 341.
- MacBlaine, Andrew, in Kilkerran, charged with molestation, 543.
- MacBrair (McBrare) of Almigill, Robert, 128, 202, 263, 535; reports the submission by the teind-buyers of Dumfriesshire, 310; John, his eldest son, under the sentence of excommunication for Papistry, 128, 129, 139, 202; not to be reset by the lieges, 263, 264; prosecuted as a Papist, 535.
- MacCall (McKall), Adam, reputed to be a priest, 375.
- David, on a committee to consider about the dog-dollars, 181.
- MacCarren, Neill, in Torsarie, denounced for spoiling a ship, 341.
- MacCartney (VcCartna), Ewen McIllecreish, in Oskamull, denounced for spoiling a ship, 341.
- MacCavyes (VcCavyes), Donald McGilli-challum VcEane Dow, at the horn for theft and arson, 517.
- McChuttour, John, in Furdhouse of Kilkuhinzie, charged with molestation, 543.
- McClair, George, in Preston, caution by him, 121.
- McClellan of Bombie, Sir Robert, publication of his appointment as a Commissioner for the Borders, 172, 173; protection to him to come from Ireland, 523, 547.
- of Mureton, Robert, charged with riot and assault, 133, 134, 139.
- MacClerich (VcCleriche), Donald Camb McDowall, in Kyllennynne, denounced for spoiling a ship, 341.
- (VcCleriche), Neil Dow McDonochie, in Ormaige, denounced for spoiling a ship, 341.
- MacClurie, Thomas, in Kilkerran, charged with molestation, 543.
- MacCondochie (McConchie, McConnochie), John, in Drummiklich, caution for his indemnity, 69.
- Richard McWilliam, "braber" in the Mill of Innergald, to be apprehended, 278, 279.
- William, burges of Inverness, caution for him, 9; prosecuted for failure to assist in the execution of a commission, 585.
- (VcConnochie), Donald McEane Dowie, brother of Finlay, *infra*, at the horn for theft and arson, 517.
- (VcConnochie), Donald McRobert, in Invergarry, at the horn for theft and arson, 517.
- (VcConnochie), Duncan McEane Dowie, brother of Finlay, *infra*, at the horn for theft and arson, 517.
- (VcConnochie), Duncan McRobert, in Invergarric, at the horn for theft and arson, 517.
- (VcConnochie), Finlay Bowie M'Eane Dowie, in Easter Bowneland, at the horn for theft and arson, 517.
- (VcConnochie), John McRobert, brother of Donald, *supra*, at the horn for theft and arson, 517.
- McConneill (McConnell, McOnel) of Sleat, Sir Donald, *See* MacDonald.
- Andrew, burges of Stranraer, 144, 193; caution by him for his son, 144; caution for his son's compearing before the Council, 144; suspension of horning against his son, 193, 194, 216.
- Donald McFinlay, in Glenconchoe, charged with resetting a rebel, 613.
- (VcConeill), Alexander McWilliam, in Holme, caution for his compearing before the Council, 5.
- (VcOneill), Angus Dow McAllaster, a rebel at the horn for theft, 241.
- Cheir, Donald McEane Dow, in Glenconchoe, charged with resetting a rebel, 613.
- (VcOneill) Cheir, John Dow Beg, in Glenconchoe, charged with resetting a rebel, 613.
- (VcOneill) Done, Donald Dow McWilliam, in Killachie, charged with resetting a rebel, 613.
- (VcConell) Doyne, Donald Dow McEane, in Glenconchoe, charged with resetting a rebel, 613.
- VcFerquhar, Hector, in Culcabock, prosecuted for failure to assist in the execution of a commission, 585.

- McConnell, Roy, Finlay, in Fanblair, charged with resetting a rebel, 613.
- Roy Cowper, Hucheon McFindlay, in Glenconchoe, charged with resetting a rebel, 613.
- VcConnell Roy, John, in Glenconchoe, charged with resetting a rebel, 613.
- MacCoul, John, in Edinburgh, deceased, sale of his property, 355; Euphame McDougall, his widow, 355.
- Marion, wife of John Sturrock, complaint by her, 189.
- (VcCoul), William McEane Glassich, a rebel at the horn for theft, 241.
- MacCrackane, Finlay, town officer of Wigtown, witness to a writ, 283.
- MacCrie, Luke, in Annan, charged with resetting a rebel, 599.
- MacCrie, William, in Dunbar, apprehended as an idle person, 66.
- MacCubie, George, caution for him, 222.
- MacCulloch of Kerichlauch, Robert, caution for him, 69, 81.
- John, provost of Tain, commission to him, 489.
- John, younger, bailie of Tain, witness to a charge, 576.
- MacDonald of Illaray, Alexander, commission to him, 4.
- of Islay, Sir James McConeill, the case of his widow, 2, 8, 9.
- of Skermes, Alexander, commission to him, 4.
- of Sleat, Sir Donald Gorme, appears before the Council, 8, 19, 363, 634; caution by him, 28; the Council write to him acknowledging his hospitality to the crew of the Lübeck ship wrecked on his coasts, xlix, 138, 139; appears for the Islanders respecting the justice-courts, xxiii, xxiv, 363; cautioner for the Captain of Clanranald to produce him, 402; he presents a petition for the Islesmen as their commissioner, 621, 622; commissions to him, 4, 517.
- of Ylantirum, John McAllan VcIan, Captain of Clanranald, his horning to be enforced, xlvi, 8; he appears before the Council, 28; caution for his future compearing, 28; he is to satisfy the Glasgow merchants robbed by him and his followers, 28; protection to him for coming to the Council, 118, 139; he is going to the Isle of Rhè, 118; he is released from ward in the Castle of Edinburgh, and warded in Edinburgh and the Canongate, 134, 135, 136, 139; he is allowed to go home, 137; he again fails to appear before the Lords, and his cautionry is dealt with, 402; he appears before the Council, 634; commissions to him, 4, 28, 517.
- MacDonald, Alexander McEane VcInnes VcAlester, in Ulvay, murdered, 4; Mary McQueirie, his widow, 4.
- Angus, son of Alexander, in Ulvay, *supra*, and Alester and Fingwall, his brother and sister, horning at their instance, 4.
- Ewen Cheill, a rebel at the horn for theft, 241.
- Glasse, Neil, in Kyllennynne, denounced for spoiling a ship, 341.
- Oig, Gilpatrick, in Dowchoren, denounced for spoiling a ship, 341.
- Reoche, Donald, in Cullenische, denounced for spoiling a ship, 341.
- Ropiche, John, in Fanmoir, denounced for spoiling a ship, 341.
- (VcDonald) Doyne, William McEane, charged with resetting a rebel, 613.
- (VcDonald), Gnorie McNeill, in Craigage, denounced for spoiling a ship, 341.
- MacDougall (McDowgall) of Crelloche, Patrick, prosecuted for wrongful imprisonment, 462, 463.
- of Garthland, Sir John, to take the subscriptions of the teind-buyers of Wigtownshire, 247; and report the names of such as refuse to sign, 479.
- of Traloche, Patrick, charged with assault, 620, 621.
- of . . . , John, charged with assault, 620, 621.
- Euphame, widow of John McCoul, not to be molested, 355.
- MacDowall (McDowell), Andrew, in My, charged with assault and molestation, 601, 602.
- Euphame, indweller in Edinburgh, to lodge her writs with the Clerk of Council, 189, 216.
- John, in My, charged with assault and molestation, 601, 602.
- MacFall (VcEall), John McJoan, in Trantlemoir in the Strath of Hallowdaill, and his wife, Christian Irene Tarsiche, 336.
- MacEanache, Ewin, in Sownord, and Ewin Over, his brother, to be apprehended, 406.
- MacEane, Ewen, a rebel at the horn for theft, 241.

- MacEane, Lachlan, a rebel at the horn for theft, 241.
- (Abrigh) of Glencoe, Alaster, caution by him and for his indemnity, 22.
- Doyne, Donald Dow, in Glenconchoe, charged with resetting a rebel, 613.
- Dwy, John Dow McOneill Oig, a rebel at the horn for theft, 241.
- DwyPhaill, Duncan, to be apprehended, 282.
- Handiche, James, in Dellifour, petition by him, 604.
- Oustich, John McEwin, in Fachen, murdered, 96.
- Vayne, Murdo, a rebel at the horn for theft, 241.
- (VcEane) of Tincharriche in Lochaber, Ewin McAllane VcEwin, to be apprehended, 405.
- (VcEane), Angus McAllaster, a rebel at the horn for theft, 241.
- (VcEane), Donald Dow McAllane VcEwin, to be apprehended, 405.
- (VcEane), Donald Dow McWilliam, in Ardblair, to be apprehended, 96, 194, 195; charged with manslaughter, 622.
- (VcEane) Dow, John McWorchie, in Ormaige, denounced for spoiling a ship, 341.
- (VcEane) Roy, Donald McEane Roy, in Killastardertach, at the horn for theft and arson, 517.
- (VcEane) Roy, Martin McEane VcRorie, in Knoydart, at the horn for theft and arson, 517.
- (VcEane) Vayne, Ewen McEane, a rebel at the horn for theft, 241.
- (VcEane), Neill, Gillecillum McDonald, in Culleinische, denounced for spoiling a ship, 341.
- MacErcher (McErchar), Alaster, to be apprehended and tried for incest with Anne McErcher, his niece, 317.
- (VcErchar), Cheill VcConnochie, a rebel at the horn for theft, 241.
- MacEwne (McEwin, McKewne), John, in Kilkerran, charged with molestation, 543.
- John, tenant of Spalding of Aschintullie, complaint by him, 458, 459.
- Malcolm, horning at his instance, 96.
- (VcEwin), Andrew Rid Fleeming McThomas, in Ballinriche, complaint by him, 458, 459.
- (VcEwin), Charles McLauchlane, in Kyllenyne, denounced for spoiling a ship, 341.
- MacEwne (VcEwin), John McAchine, Captain of Carnbarrow, and Lachlan, his son, denounced for spoiling a ship, 341.
- MacFarlane, (McFerlane) of Arrochar, premonition against, 64.
- of Gartavertane, Malcolm, caution for his compearing before the Council, 19.
- John, in Edinburgh, complains of harsh imprisonment, 520, 547.
- of . . . , . . . , elder, caution for his compearing before the Council, 19.
- of . . . , . . . , younger, caution for his compearing before the Council, 19.
- MacFarquhar (VcPherquhair), John McWilliam, in Culclachie, caution for his compearing before the Council, 5.
- MacFingon. See MacKinnon.
- MacFinlay (McFinlay) Dow, Finlay, in Kilturenan, denounced for spoiling a ship, 341.
- Vayne, Alaster, in Cantra Dolles, prosecuted for failure to assist in the execution of a commission, 585.
- MacFrenshe, William, in Mureton, action by him against Glengarie, 241.
- MacGeorge, John Gow, in Easter Downie, complaint by him, 458, 459.
- MacGie, Adam, in Kilkerran, charged with molestation, 543.
- Gilbert, in Kilkerran, charged with molestation, 543.
- MacGill of Clauchane, Fergus, under the sentence of excommunication for Papistry, 202.
- of Cranston Riddell, Mr James, to take the subscriptions of the teind-buyers of Edinburghshire, 247; to report the names of such as refuse to sign, 479; complaint against him about some teinds, 457, 458; commission to him as Sheriff of Edinburgh, 471.
- of Rankeillor, . . . , petition by him, 609.
- Mr Alexander, advocate, registers a bond of caution, 80.
- Mr David, Lord Advocate, 526.
- Fergus, in Clauchane, under the sentence of excommunication for Papistry, 128, 129; not to be reset by the lieges, 263, 264; prosecuted as a Papist, 536.
- Hans, in the Inch, charged with assault, 429, 623.
- Mr Harry, minister at Dunfermline, a commissioner for the relief of the sufferers in the Dunfermline fire, 161, 197².

- MacGill, Mr Laurence, advocate, Sheriff-depute of Edinburgh, petition by him, 117; to be assessor in a witchcraft case, 487.
- MacGilliehallum Oig, Rorie Dow Donnald, a rebel at the horn for theft, 241.
- (VcGillichallum), Gillichallum McEwin, in Glengarry, at the horn for theft and arson, 517.
- MacGillelochell, Donald, Mureton, action by him against Glengarie, 241.
- MacGillephatrik, Archibald Reoch, in Kyleneynyne, denounced for spoiling a ship, 341.
- MacGillista, Alaster Oig McWilliam, in Largis, prosecuted for failure to assist in the execution of a commission, 585.
- MacGnorie of Carmakilliche, . . . , denounced for spoiling a ship, 341.
- (VcGnorie), Lachlan McDonald, in Balleyartna, denounced for spoiling a ship, 341.
- MacGorrie, Duncan, a rebel at the horn for theft, 241.
- Neil Roy, in Ardisgrige, denounced for spoiling a ship, 341.
- MacGowan (McGowne), Murthie, and John, his son, in Fanmoir, denounced for spoiling a ship, 341.
- Robert, in Mowlyne, and John and Alaster, his sons, to be apprehended for murder, 329.
- William, in Culdurrie, denounced for destroying grain, 217.
- MacGregor (McGregour), Alaster, servitor to Grant of Ballindalloch, summoned as a witness in a case, 514.
- Callum, dependant of the Earl of Moray, obtains a protection, 291.
- Gregor, Donald, in Ardowniche, to be apprehended, 278, 279.
- Patrick, in Tulloch, summoned as a witness in a case, 514.
- MacGregora, the, intercommuning with them, 283; settlement of their feud with the Buchanans of Leny, 282, 302, 303, 330; declaration as to their safety, 330.
- MacGressiche, Finlay Bayne, in Colonsay, denounced for spoiling a ship, 341.
- MacHuchoon, David, indweller in Aberdeen, he and his wife to be apprehended, 30.
- MacIllelane, John, in Torloek, denounced for spoiling a ship, 341.
- MacIllereoch, John Dow, in Balleyartna, denounced for spoiling a ship, 341.
- Neil, in Carmakilliche, denounced for spoiling a ship, 341.
- MacIllereoch, Rorie, in Balleyartna, denounced for spoiling a ship, 341.
- MacIllewreddie (McIlwredie), Donald, in Torsarie, denounced for spoiling a ship, 341.
- John, in Torsarie, denounced for spoiling a ship, 341.
- MacIlmorrell, John, in Cardines, caution for his indemnity, 69.
- MacIlrae (McIlwra), Mr Martin, caution for him, 19; ordained to satisfy some merchants of Glasgow, 363.
- MacInnow Catter, John Dow, in Fanmoir, denounced for spoiling a ship, 341.
- MacInreache (McInreich), Ferquhar, in Bellintruin, summoned as a witness in a case, 514.
- (VcInreache), Angus Dow McOneill Dwy, a rebel at the horn for theft, 241.
- (VcInreich), Donald Moir McOneill Dwy, a rebel at the horn for theft, 241.
- MacInrossiche, John Dow, charged with assault, 142.
- MacIntallyeour, John Baine, in Dowchoren, denounced for spoiling a ship, 341.
- Murthie, in Fanmoir, denounced for spoiling a ship, 341.
- MacIntosh (McIntosche) of Cullodin, James, caution for his compearing before the Council, 5.
- of Doune of Rothiemurchus, James, commission to him, 273, 274, 389.
- of Holme, William, caution for his compearing before the Council, 5.
- of Kellachie, Lachlan, caution for his compearing before the Council, 5.
- of Tomatin, William, caution for his compearing before the Council, 5.
- Alaster, in Largis, prosecuted for failure to assist in the execution of a commission, 585.
- Mr Angus, parson of Kingussie, petition by him, 614.
- Donald, in Beancher, caution for his compearing before the Council, 5.
- James, in Doune of Rothiemurchus, 628; charged to appear, 492.
- Johnnsone, John, caution for his compearing before the Council, 5.
- Johnnsone, William, caution for his compearing before the Council, 5.
- McJames, Donald, *alias* Shaw, charged with assault, 614.
- McKall. *See* MacCall.
- MacKay (McKy) of Strathnaver, Sir Donald, first Lord Reay, commission to him to

- raise soldiers for the King of Denmark, xiii, 295-297, 580; deserters from his regiment, 303, 304, 582; commission for trying reseters of such, 325, 326, 600; created a lord of Parliament as Lord Reay, 357.
- MacKay, Andrew, executes a charge, 552.
- MacKean, John, in Auchencairn, charged with hamesucken, 431.
- Robert (Roger), in Over Clauchrie, charged with hamesucken, 431.
- MacKenneth (VcKynyt), Archibald McEane, in Torlosk, denounced for spoiling a ship, 341.
- (VcKynyt), Donald McEane, in Torlosk, denounced for spoiling a ship, 341.
- (VcKenneth), Ewin McOneill VcEane Dowie, in Kilchonner in Glenelg, at the horn for theft and arson, 517.
- (VcKynych), Rorie McEane, in Torlosk, denounced for spoiling a ship, 341.
- MacKenzie (McKanye, McKeinzie) of Achiltie, Alexander, witness to a writ, 622.
- of Fairburn, John, commission to him, 194.
- of Ord, John, commission to him, 194.
- of Suddie, Kenneth, cautioner for his father, John, archdean of Ross, 9, 139; his signature, 9.
- Mr Alexander, execution of summons against him, 552.
- Duncan, in Garloche, charged with resetting a rebel, 613.
- Elspit, servant to Nairn of Strathord, assaulted, 399, 619.
- Mr John, archdean of Ross, appears before the Council, 8; caution for him by Kenneth McKenzie of Suddie, his son, 9, 139.
- MacKeoun, Herbert, walker in Shireburn Mill, caution for his indemnity, 69.
- James, in Adland, caution for his indemnity, 69.
- MacKie of Glencruploche, John, charged with assault, 621.
- Patrick, bailie of Stranraer, charged to appear before the Privy Council, 194.
- Sir Patrick, a captain in Colonel Mackay's regiment, to report reseters of deserters, 304.
- MacKieson (Mackesoun), John, prosecuted for wrongful imprisonment, 465.
- MacKillizow, James, servitor to Robertson of Middle Downie, charged with assault and robbery, 458, 459.
- MacKinlay Oig, John Roy, piper, in Killurenane, denounced for spoiling a ship, 341.
- Roy, John, in Dowchoren, denounced for spoiling a ship, 341.
- MacKinnon (McFingon, McKynnoun) of Strathordell, Sir Lachlan, signs a commission, 621, 622; he stands aloof in the matter of the justice-courts, 634.
- Mr . . . , minister, to give in a list of Papists in the Isles, 20.
- MacLachlan (McLauchlane) Roy, Donald, in Cames, denounced for spoiling a ship, 341.
- Roy, Donald, in Carmakilliche, denounced for spoiling a ship, 341.
- (VcLauchlane), Lauchlan McEane Dow, in Borge, denounced for spoiling a ship, 341.
- (VcLauchane), Hector McEane Dow, in Borge, denounced for spoiling a ship, 341.
- MacLean (McClaine, McClane) of Artormess, Allan, commission to him, 405.
- of Coll, . . . , his appearance before the Council, 19, 20, 24; excused for not appearing before the Lords, 363; caution by him for Lochbuy, 402.
- of Dowart, Hector, 363; his people spoil a ship, 340-342.
- — Hector, younger, brother of McLean of Morvern, 621; appears before the Council, 19; undertakes to answer for his uncle and others, 19; he adheres to the Islanders' petition, 379; commission to him, 405.
- of Kendlochallen, Hector, commission to him, 405; witness to a writ, 622.
- of Lochbuy, Hector, fails to appear before the Council, 19; and his caution is estreated, 28; he appears before the Council, 402; caution for his observance of the General Bond, 402; caution by his eldest son, 402; he signs a commission, 621, 622.
- of Morvern, Lauchlan, caution by him, 134, 135; released from this caution, 137; commission to him, 405; signs a commission, 621, 622; his signature, 135.
- Allan, uncle of the Laird of Dowart, younger, caution for him, 19.
- Augus, parson of Morvern, horning at his instance against the ravishers of his daughter Florence, 405.
- Hector, appears before the Council by his brother Lachlan, but to come himself in future, 402.

- MacLean, John**, in Sownord, to be apprehended, 405.
- **Lauchlan**, brother of the Laird of Dowart, younger, appears before the Council, 19; appears for his brother Hector, 363, 402; he is ordered to satisfy some Glasgow merchants, 363; he adheres to the Islanders' petition, 379.
- **Lauchlan**, uncle of the Laird of Dowart, younger, does not appear before the Council, 19.
- **Lachlan**, in Lawdill in Morvern, horning at his instance, 405.
- McLeich, Donald**, smith in Barneslag, charged with assault and molestation, 601.
- MacLeod (McClaude, McCleud)** of Dunvegan, John, commission to him, 4; he signs a commission, 621, 622.
- of **Harris, John**, appears before the Council, 8, 19, 363, 634; he adheres to the Islanders' petition, 379; commission to him, 517.
- of **Pennyquhome, Allan**, to be apprehended for murder, 4.
- **Rorie**, brother to John MacLeod of Dunvegan, commission to him, 4.
- ✓ **MacMerkie, Thomas**, in Cardines, caution for his indemnity, 69.
- MacMorran (Mackmorrin)** of Glaspen, James, to assist the Earl of Angus upon the Borders, 98; complaint by him, 181; commission to him, 242.
- McMoular, Donald**, burgess of Inverness, prosecuted for failure to assist in the execution of a commission, 585.
- MacMullich (VcMullich)**, William McFinlay, in Lochletter, at the horn for theft and arson, 517.
- MacNab, Thomas**, messenger in Dunkeld, witness to a writ, 21.
- MacNaught (McMath, McNacht, McNaucht)**, Gilbert, in Coitts, charged with resetting a rebel, 599.
- **John**, dean of guild of Edinburgh, produces a letter from the King in Council, 122, 123; cited in the tanning business, 133, 135; appears before the Council on behalf of the tanners, 181; charged to appear before the Privy Council, 193; on the committee for revising and printing the statutes, 365, 366; appears before the Council about the saltpetre patent, 537, 538.
- MacNaughton** of that Ilk, Alexander, servant to the King, proposes to raise 200 Highland bowmen for the French war, xii, 56.
- MacNeill of Calchylie, John**, 601; his sons, Neil Og, Malcolm, and Donald; charged with assault and molestation, 601.
- **Donald McGregor**, in Ardornich, to be apprehended, 278, 279.
- **Neil Reoch**, in Dunnaclochy, charged with assault and molestation, 601.
- **Eir, McChallome**, and John and Farquhar, his sons, in Kilmichell, denounced for spoiling a ship, 341.
- (**VcNeill**), **Gilliechallum Dow Angus McFane**, a rebel at the horn for theft, 241.
- MacNoheardie, Moldonyt**, in Carmakilliche, denounced for spoiling a ship, 341.
- MacOneilglas**, . . . , servitor to Stewart of Toldamff, charged with assault, 142.
- MacOrkill, Lachlan**, in Cames, denounced for spoiling a ship, 341.
- **Lachlan**, in Carmakilliche, denounced for spoiling a ship, 341.
- MacPhaill, Patrick**, in Lochhow, charged with resetting a rebel, 613.
- MacPherson (McFersoun)**, Donald McCoull, in Sownord, to be apprehended, 405.
- MacQueen (McQueen)**, John, tailor, burgess of Perth, caution by him, 104, 105.
- MacQueirie, Mary**, widow of Alexander McIeane McDonald, and her children, horning at their instance, 4.
- MacRaine (Makraine)**, Margaret, in New Abbey, charged with molestation, 579.
- MacReadie, John**, weaver in Ranulton, to be tried for incest and witchcraft, 516.
- MacRonald (MacRannald)** of Glengarie, Angus, commission to him, 96^a, 194.
- . . . , his eldest son, commission to him, 96^a.
- of **Lundie, Allan**, commission to him, 517.
- (**VcRannald**), Donald McAllan, a rebel at the horn for theft, 241.
- **Vayne, Donald**, a rebel at the horn for theft, 241.
- MacRorie, Neil**, Captain of Arros, caution for him, 19.
- **Voyre, Hector**, in Torlosk, denounced for spoiling a ship, 241.
- (**VcRorie**), Angus McEane, a rebel at the horn for theft, 241.
- (**VcRorie**), Donald McEane, a rebel at the horn for theft, 341.
- (**VcRorie**), Donald McHectour, in Skalliedilbeg, denounced for spoiling a ship, 341.

- MacRorie** (VcRorie), Martin McEane, a rebel at the horn for theft, 241.
- (VcShirie), John McDouald, in Oskamull, denounced for spoiling a ship, 341.
- MacSorle** Beg, Duncan, and Charles Oig, his brother, to be apprehended, 96.
- MacTerlich** (VcTerlich), John McCoull VcOnill Oir VcOnill, in Glenbeg in Glenelg, at the horn for theft and arson, 517.
- (VcTerloche), Donald Bwy McEane Dwy VcOneill, a rebel at the horn for theft, 241.
- MacTucheron**, John, miller in Shireburn Mill, caution for his indemnity, 69.
- McVatt**, John McAlaster, in Balnafreiff, prosecuted for failure to assist in the execution of a commission, 585.
- McVite**, William, in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xiii, 85, 97, 98, 105, 106.
- McWattir**, William, in Kilkerran, charged with molestation, 543.
- MacWilliam**, Alaster, brother of Thomas, *in/ra*, summoned as a witness in a case, 514.
- Angus McEane, in Badenoch, excommunicated for Popery, and to be apprehended, 498, 503, 508.
- Donald McEane, in Mureton, action by him against Glengarie, 241.
- Thomas, in Tanmoir, summoned as a witness in a case, 514.
- MacWorthie** (VcWorchie), John Roy McEane Roy, in Kyllennynne, denounced for spoiling a ship, 341.
- Gillecillum, in Abose, denounced for spoiling a ship, 341.
- MABIE**, Lady. *See* Barbara Maxwell.
- Madeir**, John, burghess of Stirling, witness to a proclamation, 574.
- Madertie**, Lord, John, license to him to go abroad, 2.
- Magdalene Chapel** of Edinburgh, 378.
- Magdalene Fair** at Pathhead, 427, 623.
- Magistrates**, persons to be chosen as, 81; none but merchants in burghs to be elected, 231, 232; violation of the Act as to their election, 213, 217, 233, 234, 235, 254; an illegal election at Crail, 468, 627.
- Mains** (Maynes of Erlestradightie), parish of, survey of fencible persons there, 170.
- Maitland** (Maitlane) of Auchincruive, Mr Patrick, commission to him, 376.
- Maitland**, Elspeth, servitor to the Countess of Nithsdale, under the sentence of excommunication for Papistry, 128, 129, 202; not to be reset by the lieges, 263, 264; prosecuted as a Papist, 535.
- Margaret, servant to the Countess of Nithsdale, prosecuted as a Papist, 535.
- Malaga wines** in the Lübeck ship, 189-192, 238-240, 270, 275, 276, 298, 417.
- Malcolm**, Robert, burghess of the Canon-gate, prosecuted for wrongful imprisonment, 480, 481.
- Steven, in Leckie, to be tried for witchcraft, 353.
- Maltmen** charging too dear to be dealt with by the circuit-courts, 438.
- Manderston**, Laird and Lady of. *See* Home.
- Manrent**, givers or takers of Bonds of, to be dealt with by the circuit-courts, 438.
- Mansfeld**, Count, despatch of soldiers to his assistance, ix.
- Manslaughter**: assithement for, 99, 100, 216; cases of. *See* Murder.
- Manson**, Margaret, wife of Jasper Mowat, complaint by her, 515.
- Peter, 389 n.
- Manufactures**: of iron cannon, 64; of salt-petre, 333, 334, 337, 425, 426, 434, 439.
- Mar**, Earl of, John, seventh, Lord High Treasurer of Scotland, and Collector General of the Taxation, a member of the Privy Council, v; letter to him from King James VI., 2, 3; as Treasurer, he is to pay for the support of insane paupers in ward, 22; actions at his instance against defaulters, 102, 203; protests against a clause affecting his office in the patents to the new Secretaries, 106; to take the subscriptions of the teind-sellers of Stirling and Clackmannan, 245; Act for his relief regarding a bond for the public service, 258, 574, 575; signs a letter as a Commissioner for the Surrenders, 255; his engagement for the payment of the crews of the warships, 274, 275, 276, 279; reports the submission by the teind-sellers of Stirling and Clackmannan, 318; to send a depute to attend the circuit-courts, 345-347, 436; his privileges safeguarded in respect of these courts, 421, 422, 624; an Act subscribed by him ratified by the Council, 347, 348; commission of justiciary to him over the salmon fishings of Dee and Don, 351; royal letters addressed to him,

- 365; on the committee for revising and printing the statutes, 365, 366; to give licenses for importing English beer, 380; on a committee of arrangements for the King's coronation, 385; the patent of the Earl of Kinclaven delivered to him in Council, 391; to be examined about the arrears of the taxation, 396, 426; produces in Council a patent in favour of Sir Patrick Murray as Earl of Tullibardine, 402; advances money for repairing the King's houses, 415, 416; petitions about the Mint-house, 429, 430, 469; his forwardness to provide for his majesty's visit reported to the King, 471; produces in Council the patent of Lord Dalziel, 483; on a commission about the office of Justice-Clerk, 484; a list of Papists to be given to him yearly, 507; not to grant deeds to them, 508; ordained to pursue for their escheats, 509, 631; payments of the taxation to be made to him, 522, 523; his opinion wanted about the release of the Jesuit Robertson, 562; petition by him as Collector-General of the Taxation, 582, 583; letter by him to the Clerk of Council, 584; his son at Court, 584; letters for him to be sent to the castle, 635; payments to be made to him and his deputy, 24, 26, 65, 81, 131, 194, 201, 229, 232, 250, 262, 278, 279, 315, 330, 339, 346, 347, 356, 357, 381, 464, 483, 516, 543, 544; orders to them, 2, 43, 116, 136, 139, 149, 270, 304, 380, 418; present in Council, 1, 3, 6, 9, 16, 19, 22, 30, 31, 36, 39, 107, 112, 113, 117, 122^a, 131, 135, 142, 144, 150, 159, 167, 174, 180, 189, 195, 200, 204, 209, 210, 217, 222, 225, 229, 232, 236, 245, 254, 256, 262, 266, 269, 270, 325, 330, 331, 334, 335, 347, 351, 353, 357, 367, 374, 380, 383, 388, 391, 397, 402, 406, 412, 420, 425, 450, 456, 459, 466, 478, 484^a, 490^a, 491, 494, 497, 513, 521, 535, 540; absent, 389; signs Acts of Council, missives, etc., 2, 6, 9, 20, 21, 22, 26, 37, 112, 115, 130, 135, 138, 148, 155, 156, 157, 158, 165, 171, 172^a, 179, 189, 195, 198, 199, 203, 207, 208, 215, 220, 221, 224, 228, 230, 242^a, 243, 245, 266, 269^a, 274, 293, 329^a, 331, 332, 336, 339, 342, 347, 351, 353, 363, 364, 379, 382^a, 386, 387, 390^a, 391, 393, 395, 396, 405^a, 406, 410, 411, 412^a, 416, 419, 455, 456, 472, 473, 482, 483, 489^a, 494^a, 496, 513, 540, 542, 543, 545^a, 546^a, 563^a, 569, 571^a, 576, 580, 615^a, 627; indorses petitions, etc., 573, 600, 601, 603, 605, 616, 618, 621^a.
- Marchea. *See* Borders.
- Marischal, Earl of, William Keith, fourth, a member of the Privy Council, v; has a dispute about the three warships with the Earl of Linlithgow, 22, 23, 25, 26; he has gone to Court, 26; to consider as to the erection of beacons in his district, 54; to have a preference in the purchase of the three warships, 55, 59; the warships to be disposed of by him, 149; case of a ship wrecked in his bounds, xl, 190, 192; his admiralty rights on his own sea borders by a gift from the Duke of Lennox, 204, 215, 220, 564, 565; to take the subscriptions of the teind-sellers of Kincardineshire, 246; his duties at the King's coronation, 393-395; petition by him for his right of admiralty in respect of the Lübeck ship, 564, 565, 566; present in Council, 1, 6, 16, 19; signs an Act of Council, 21.
- Countess of, Dame Mary Erskine, acts for her husband in his absence, 55; her agent declares she has no warrant from her husband, 59; secures the cargo of the Lübeck ship wrecked at Peterhead, xl, 191, 192; the Council write thanking her for her care about the Lübeck ship, 195; and again desiring her to deliver the goods therein to William Gray, 219, 220, 222, 239, 240; letter to her from the Council, 198, 199; letter and petition by her, in her husband's absence, in the matter of the Lübeck ship, 199, 200, 204, 564, 565; other letters from her, 222, 232; to be paid her outlays in this matter, 276; her signature, 200.
- Marischal (Mairshall), the, an officer of State, 526.
- Markets: forestallers of, to be dealt with by the circuit-courts, 437; a weekly market established at the Chapel of Garioch, 409; customs at, 466.
- Marque, letters of, xiv, xv, 59; one to be cancelled for cowardly conduct, 59, 60; to John Daw, for his ship, *The Consort* of Crail, 15, 20, 23; David Bauld, for his ship, *The Hoipweill* of Crail, 15, 20, 23; to David Robertson, 15, 16, 23; to James Binning, captain of the St. Monans ship, *The Gift of God*, 23.
- Marques, John, burghess of Inverness, caution for him, 9.
- Marquises: fees paid to the heralds on their creation, 121; to register their arms upon their creation, 165.
- Marrikins, 81, 81 n.

- Marshall (Mairshall, Mershell), Helen, wife of David White, schoolmaster of New Abbey, assaulted by Papists, 285, 286, 579, 580.
- James, messenger, caution for his indemnity, 22; caution for him, 26.
- James, charged with assault and molestation, 163.
- John, elder of Kilbarchan kirk, signs a certificate, 344.
- John, charged with assault and molestation, 163.
- Patrick, deacon of the cordiners of Perth, charged with illegal election of the provost, 233-235.
- Martin, Sir Harry, judge of the Admiralty Court of England, advises the Scottish Admiral, 551, 551 n., 552.
- William, in Branzholm, charged with stealing trees, 590.
- Mary, Queen, Regent, makes overtures to the town of Leith, 126 n.; her death in June 1560, 126 n.
- Mary, Queen of Scots, justice-ayres neglected in her reign, xxii; she sells the superiority of Leith to the town of Edinburgh, 126 n.
- Maryton, parish of, a roll of the masterless men to be given up, 84; survey of the fencible persons there, 170.
- Masons, his majesty's master. *See* Walter Murray and William Wallace.
- Mass, sayers and hearers of, to be dealt with by the circuit-courts, 437.
- Master of Household to the King, nomination and appointment of, 385^a, 391.
- Master of Requests. *See* Mr. James Galloway.
- Mathie, Barbara, in Prestonpans, to be tried for witchcraft, 379.
- Mathie, parish of, survey of fencible persons there, 170.
- Mathieson (Mathesoun) of Broughton, James, far, petition by him, 612.
- Patrick, complaint by him, 419.
- Mathirmoir, house of, 140.
- Matrimonial cause: Patrick Cranston of Corsbie and his wife, 256-261.
- Mattocks, reference to, 410.
- Mauchane, Alexander, merchant-burgess of Edinburgh, protection to him to settle with his creditors, 542, 546.
- Maxton, John, late treasurer of Perth, charged with illegal election of the provost, 233-235.
- Maxwell of Broomholme, John, to assist the Earl of Nithsdale upon the Borders, 149.
- Maxwell of Burtill, John, 536; Constance Lindsay, his wife, prosecuted as a Papist, 536.
- of Calderwood, Sir James, complaint by him, 355-357.
- of Carnsalloche, George, signs a report as a justice of the peace, 556.
- of Castlemilk, John, process against him, 83; to assist the Earl of Nithsdale upon the Borders, 149; charged with assault, 406, 407, 420; complaint by him, 428; assoilzied from a complaint, 429.
- Alexander (John?), charged with hamesucken, 431.
- of Conhaith, Sir John, 535; a rebel at the horn, 129^a; to be apprehended for murder, xxi, 148; signs a report as a justice of the peace, 556; his wife, Katharine Glendinning, and daughters, Agnes and Elspet, prosecuted as Papists, 202, 535.
- of Cowhill, Archibald, 202; appointed Sheriff of Dumfries, 451; charged with non-payment of the taxation of 1621, 582, 583.
- of Culnaghtrie, Robert, to assist the Earl of Nithsdale upon the Borders, 149.
- of Dinwoodie, Robert, to assist the Earl of Nithsdale upon the Borders, 149.
- of Garrarie, John, complaint by him against his son for violence, 140, 175.
- George, apparent, complains of being illegally imprisoned, 443.
- of Gribton, John, under the sentence of excommunication for Papistry, 128, 129, 202; not to be reset by the lieges, 263, 264; caution for him, 320; caution by him, 433, 434; petition by him for relaxation, 585, 586.
- of Holme, John, to assist the Earl of Nithsdale upon the Borders, 149.
- of Kilbean, John, to assist the Earl of Nithsdale upon the Borders, 149.
- of Kirkconnell, Herbert, 128, 202, 263, 535; his wife, Elspet Maxwell, prosecuted as a Papist, 535.
- James, a Commissioner for the Middle Shires, 99; he is sworn in as a Commissioner, 171; publication of his appointment as a Commissioner for the Borders, 172, 175; under the sentence of excommunication for Papistry, 128, 129, 202; not to be reset by the lieges, 263, 264; complaint by him as Steward-depute of Kirkcoubright, 481; charged

- with non-payment of the taxation of 1621, 582, 583.
- Maxwell of (in) Laroche, John, charged with assault and molestation, 140, 175.
- of Logan, John, complaint by him, 83 ; to assist the Earl of Nithsdale upon the Borders, 149 ; charged with hamesucken, 431.
- of Middlebie, John, put to the horn, 441.
- of Monreith, John (sometime), complaint by him of wrongous imprisonment when enlisted as a soldier, 462, 463 ; petition by him and Katharine Maxwell, his wife, 620, 621.
- — William, caution for his compearing before the Council, 266, 575.
- of Newla, . . . , caution by him, 320.
- of Nether Pollok, Sir John, to take the subscriptions of the teind-buyers of Renfrewshire, 248 ; and to report the names of such as refuse to sign, 479 ; he reports the submission by the teind-buyers of Renfrew, 318, 319 ; written for to attend a meeting of the Commission for Surrenders, 331.
- of Schawes, John, charged with hamesucken, 408, 420.
- of Speddochs, Homer, caution for his indemnity, 69.
- of Stanelie, . . . , at the horn, 147.
- of Tealing, George, deceased, 96.
- — Patrick, his son and heir, obtains letters for dispensation with his minority, 96.
- of Tinwald, James, 149 ; commission to him, 229, 230.
- — , Robert, charged with hamesucken, 431.
- Maxwell of Trostan, Homer, and Jean (Agnes?) Brown, his wife, under the sentence of excommunication for Papistry, 128, 129, 202 ; not to be reset by the lieges, 263, 264 ; prosecuted as Papists, 536.
- Maxwell, Agnes, daughter of Lady Conhaith, under the sentence of excommunication for Papistry, 128, 129, 202 ; not to be reset by the lieges, 263, 264.
- Alexander, macer of the Court of Session, appears before the Council as procurator, 481.
- Barbara, Lady Mabie, elder, under the sentence of excommunication for Papistry, 128, 122, 202 ; not to be reset by the lieges, 263, 264 ; prosecuted as a Papist, 535.
- Maxwell, Barbara, in Colledge, servitrix to the Countess of Nithsdale, under the sentence of excommunication for Papistry, 128, 129, 202 ; not to be reset by the lieges, 263, 264 ; prosecuted as a Papist, 535.
- David, called of Newark, 203, 263 ; Katharine Glendinning, his wife, 203.
- David, notary, instrument under his hand, 206.
- Edward, called of Cowhill, natural brother of Maxwell of Cowhill, 263 ; under the sentence of excommunication for Papistry, 128, 129, 202 ; not to be reset by the lieges, 263, 264.
- Captain Edward, protest against him, 83 ; a prisoner to be delivered to him, 319 ; complains of the magistrates of Jedburgh not delivering two soldiers, 322 ; complaint against him, 327 ; he enlists soldiers for the King of Denmark, 462, 463.
- Dame Elizabeth, Lady Herries, prosecuted as a Papist, 535.
- Elspet, Lady Kirkconnell, prosecuted as a Papist, 535.
- Elspeth, widow of Harbert Cunningham, lately town-clerk of Dumfries, under the sentence of excommunication for Papistry, 128, 129, 202 ; not to be reset by the lieges, 264 ; committed to the tolbooth, 330 ; prosecuted as a Papist, 535.
- Elizabeth, daughter of Robert, in Arkland, 462, 606.
- George, son of Maxwell of Garrarie, charged with assault and molestation of his father and mother, 140.
- George, notary in Dumfries, witness to a writ, 69.
- Helen, wife of John Herries of Mabie, prosecuted as a Papist, 535.
- Mr Homer, charged with assault and molestation of his father and mother, 462, 606.
- James, son of Garrarie, wounded by his brother, 140.
- James, brother of Herbert of Kirkconnell, under the sentence of excommunication for Papistry, 128, 129, 202 ; not to be reset by the lieges, 263, 264 ; prosecuted as a Papist, 535.
- James, brother-german of the Earl of Nithsdale, prosecuted as a Papist, 535.
- James, messenger, executes letters of caption, 543.
- John, called of Airdrie, to assist the Earl of Nithsdale upon the Borders, 149.

- Maxwell, John, natural brother of the Earl of Nithsdale, caution for his compearing before the Council, 266, 575; charged with hamesucken, 431; prosecuted as a Papist, 535.
- John, servant to George Maxwell, charged with assault and molestation, 140.
- John, to be liberated, 253.
- Marion, Lady Wauchop, under the sentence of excommunication for Papistry, 128, 129, 202; not to be reset by the lieges, 263, 264; prosecuted as a Papist, 535.
- Marion, wife of Robert Maxwell in Arkland, petition by her, 606.
- Marjory, servant to the Countess of Nithsdale, prosecuted as a Papist, 535.
- Mr Patrick, servitor to Andrew Nimmo, writer, witness to a writ, 262.
- Robert, in Arkland, petition by him and Marion Maxwell, his wife, 462, 606; Mr Homer, his son, and Elizabeth, his daughter, 462, 606.
- Robert, son of Sir John Maxwell of Conhaith, to be apprehended for murder, 148.
- Robert, servitor to Sir John Maxwell of Conhaith, to be apprehended, 148.
- Robert, brother of the Laird of Tinwald, to assist the Earl of Nithsdale upon the Borders, 149.
- William, son of Sir John, of Conhaith, to be apprehended for murder, 148.
- . . . , charged with riot, 420.
- Mayne, Adam, in Kelso, apprehended as an idle and masterless person, 636.
- George, in Moffat, charged with resetting a rebel, 599.
- Maynes, goodman of. *See* Lindsay.
- Meggat (Megot) of Masterton, Thomas, commission to him, 410.
- Meigle, presbytery of, 89; the inhabitants therein to hold their wapenschaw at Meigle, 88-90.
- Meikill, Alexander, complaint against him, 216.
- Meiklejohn, Andrew, an inhabitant of Dunfermline whose house was burnt, 141; action by him against the Fire-relief Commissioners, 83.
- Robert, glover, burges of Edinburgh, caution by him, 154; his signature, 154.
- Meldrum, George, bailie of Crail, complaint by him, 205, 206, 216.
- Melginch, kirk of, 607.
- Melrose, Earl of, Thomas Hamilton, member of the Privy Council, vi, vii; to consider as to the erection of beacons in his district, 54; to meet with the magistrates of Edinburgh about the forts at Leith, 57; patent creating him Earl of Haddington presented in Council, with precedency of his former creation as Earl of Melrose, 58, 58 n., 59; present in Council, 3, 6, 9, 16, 19, 21, 22, 27, 30, 31, 36, 39, 41, 45, 50; signs Acts of Council, missives, etc., 2^a, 4^a, 6, 9, 15, 16, 20^a, 21, 22, 23, 24, 25, 26, 37, 41, 48. *See* Earl of Haddington.
- Melrose, Henry, charged with deforcement, 512.
- Melville, Lord, Robert, second, member of the Privy Council, vi; to consider as to the erection of forts in his district, 53; at a meeting about the erection of forts, 70; he signs a letter to the Council about the forts, 70; to superintend the wapenschaw of the inhabitants of Midlothian, 89; commission to him to deal with the case of the cordiners of Cupar, 300, 301; letter to him to attend the Council, 321; to repair the highways in his neighbourhood, 374; present in Council, 3, 6, 9, 19, 22, 27, 31, 36, 39, 45, 50, 61, 71, 76, 81, 85, 102, 107, 112, 113, 117, 122^a, 131, 140, 142, 144, 150, 159, 167, 176, 180, 189, 195, 200, 204, 209, 210, 217, 222, 225, 229, 231, 233, 270, 280, 293, 325, 339, 343, 347, 351, 353, 357, 367, 374, 380, 383, 388, 391, 397, 402, 406, 412, 420, 425, 440, 450, 456, 459, 490; signs Acts of Council, missives, etc., 15, 16, 37, 41, 47, 48, 62, 64, 112, 115, 165, 195, 203, 208, 221, 224, 228, 230, 291, 293, 329^a, 334, 342, 351^a, 353^a, 382, 386, 387, 390^a, 391, 393, 405^a, 406, 411, 568, 569, 580; indorses a petition, 600.
- Alexander, cordiner, burges of Cupar, complaint by him, 177-179, 216.
- David, in Pathhead, charged with assault, 427, 428, 623.
- Francis, charged with riot, 83.
- Robert, in the Canongate, charged with assault, 427, 428, 623.
- of Carnbee, . . . , (sometime), deceased, 361, 593; Thomas, his son, serves under the King of Spain in Flanders, charge against him, 361, 362, 419, 593.
- William, in Pathhead, charged with assault, 427, 428, 623.
- Melville, bailie of. *See* Hugh Somerville.
- Menmure, parish of, survey of fencible persons there, 170.
- Menteith (Monteath), Earl of, William Graham, seventh, Lord President of the

- Privy Council and Lord Justice-General of Scotland, vi, vii; becomes cautioner for the Lairds of Buchanan and Macfarlane, 19; to examine and report upon Dumbarton Castle, 52, 65; on the committee about the fortification of Leith, 133; his report on Dumbarton Castle, 156; he is promoted to the presidency of the Council, vii, 233; he is to take the subscriptions of the teind-sellers of Dumbartonshire and Stewartry of Menteith, 246, 268, 269; he is excused from taking these subscriptions, as he is going to Court, 301, 302, 303; he signs a letter as a Commissioner for the Surrenders, 255; commission to him to hold circuit-courts of justiciary, 347, 435, 436; he accepts the commission, 424, 425; commission to him as Justice-General of Scotland for a year, xxiv, 364, 421, 424; on the committee for revising and printing the statutes, 365, 366; he carries the subscribed submissions to Court, 372; being at Court he is desired to represent the inopportuneness of a royal visit at present, 386, 387; present at Whitehall, and brings messages to Scotland, 414; he is to take the oaths of the judges of the circuit-courts, 427, 447; he gives in a list of questions as to the management of the circuit-courts, 436, 437; he is to liberate Mr James Hay, 466; he grants a commission for trial of a witch, which the Council ratifies, 476, 628; to mediate between the Advocate and the Justice-Clerk, 490, 491; he reports that he has apprehended Sir John Ogilvie of Craig, 532; he has left Court, 606; and royal letters addressed to him, 564, 576, 577, 609, 628; he produces letters and other documents in the Council, 308, 309, 317, 413; present in Council, 1, 3, 6, 9, 16, 19, 21, 22, 27, 30, 31, 50, 61, 113, 117, 122, 231, 145, 140, 142, 159, 232, 245, (as president, 254, 256), 262, 266, 269, 270, 274, 280, 285, (as president, 303, 305, 309, 311, 319, 321, 412, 420, 425, 440, 448, 450, 456, 459, 466, 473, 484, 490², 491, 494, 497, 521, 524, 535; mentioned as absent from the Council, 115, 323; signs Acts of Council, missives, etc., 2², 4², 9, 15, 16, 20², 21, 22, 23, 24, 25², 26, 62, 64, 130, 138, 139, 265, 266, 267, 269², 274, 279², 284², 291, 293, 301, 302, 305², 307, 308, 311, 317², 319, 320, 334, 347, 353, 367, 416, 419, 439, 440, 444², 445², 446², 447, 455, 456, 470, 471, 472², 473, 477, 489², 494², 496, 513, 539, 540, 542, 543, 545², 546², 576², 577, 580², 582², 585, 625, 626, 627², 631; indorses petitions, etc., 573, 583², 585, 586², 625.
- Menteith of Egilshaw, Robert, to safeguard the cargo of a wrecked Holland ship, 122, 124, 125.
- of Maners, Alexander, caution by and signature of, 232.
- of Randiefurd, William, a commissioner for the relief of the sufferers in the Dunfermline fire, 161, 197.
- Alexander, charged with riot, 65.
- Robert, complaint by him, 65.
- Menteith, stewartry and earldom of, 33, 34, 246, 268, 435; the steward summoned before the Council, 475; report by the justices of the peace, 554, 555.
- Menzeis (Meinzeis) of Auchinsell, James, witness to a writ, 27.
- of Balgownie, Thomas, excommunicated for Popery, and to be apprehended, 497, 498, 502, 508; summoned before the Council as a writer of pasquils, 505.
- of Carse, Alexander, witness to a writ, 21.
- of Comrie, Duncan, deceased, court held by him at Perth in 1614, 283.
- of Pitfoddels, . . . , commission to him, 376.
- of Weem, . . . , at the horn for not paying his taxation, 522.
- Alexander, in Bellyhomas, caution for his indemnity, 21; also of William, his eldest son, 21.
- G., provost of Aberdeen, his signature to a letter, 584.
- John, in Enochtoun, witness to a writ, 27.
- Robert, at the horn for not paying his taxation, 522.
- Mr Thomas, servitor to Sir William Scott of Elie, caution by him, 30; his signature, 30.
- Mercer (Mersar), John, town clerk of Perth, refuses extracts of instruments, 214.
- Merchants: petition by them regarding the trade with France, 243, 244.
- Merse, Sheriff of the, 577.
- Mertoun (Myretoun), Archibald, refuses the use of his ship as a transport to France, 75.
- Arthur, bailie of Crail, charged with factious conduct, and warded, 205, 206, 216.
- Mertoun, kirk-session of, complaint by them, 547.

- Messengers-at-arms: some punished for allowing a prisoner to escape, 282, 332, 349, 350; such as compeone with persons to avoid doing their duty to be prosecuted, 451; circumvented by the use of an old caption, 460; John Adamson, 576; Thomas Allan, 482, 620; John Burgh, 142; Matthew Crichton, 27; Andrew Davidson, 5, 31, 183, 184, 242, 463, 464, 599, 600; John Fleming, 69; David Forrester, 576; John Hamilton, 180; John Hart, 561; Robert Henry in Culross, 610; David Hill, in Musselburgh, 590; Andrew Howatson, 444; John Hutton, 481; Thomas Irving, 514, 515; Alexander Johnstone, 68 69, 429, 623; John Kill in Dunkeld, 21; Robert Logan, 561; Thomas McNab in Dunkeld, 21; James Marshall, 22, 26; James Maxwell, 543; Thomas Moffat, 563; Archibald Morrison, 609; Thomas Mowat, 282, 318, 560; Gilbert Murray, at Lauder, 577; Thomas Murray, 573, 576, 577; Thomas Paterson, 560; William Reid, 576; William Sandelands, 561; Adam Scott, 268; Robert Stirk, 381; John Stirling, 560; William Wallace, 574; Thomas Young, 282, 318, 349, 350, 410, 420; Stephen Young, 129, 149.
- Metcalf, reference to his Book of Knights, 559 n.
- Miccull, John, servitor of Patrick, Master of Oliphant, petition by him, 621.
- Midlachrie, 431.
- Middleburgh (Midlbrughe), a ship of, to be restored, 64.
- Middleton, Janet (or Unes), wife of Thomas Smiberd, to be tried for witchcraft, 471.
- Military. *See* Fencibles, Soldiers, War.
- Mill, . . . , in Elgin, petition by him, 622.
- Miller (Millar), Andrew, tailor in London, has a man in prison for a debt, 443.
- Bessie, charged with deforcement, 512.
- Henry, burges of Kirkcaldy, an owner of Kirkcaldy ships, 381, 382; charged with illegal apprehension, 607.
- Isobel, wife of George Lumsden in Longniddry, to be tried for witchcraft, 471.
- James, an inhabitant of Dunfermline whose house was burnt, 141.
- Janet, wife of George Kincaid, in Edinburgh, prosecuted for wrongful imprisonment, 480.
- William, in Jedburgh, 333; John, his son, sent to the wars in Germany, 333.
- Mills: destroyers of, to be dealt with by the circuit-courts, 437; case of injury to one, 596; of Gorgie and Dalry, 163, 154. *See* Thirlage.
- Milne, Robert, caution for his indemnity, and caution by him, 404.
- Ministers: to take the survey of the idle and masterless men in their respective parishes, 33; to make a survey of the fencible persons in their respective parishes, 93, 94; those of Aberdeen and Moray complain of Papists, 494-509; complaint by the ministers of Annandale, 224, 568; the ministers of Berwickshire, Roxburghshire, and Lauderdale decline to sign the submission, 309; the stipends of the ministers of Edinburgh, xxix, 132; Mr Henry Adamson, 623, 624; Mr Alexander Balnaves, 522; William Balnaves, 522; Dr Robert Barron at Aberdeen, 360; Mr John Bennet at Kirkurd, 378, 379, 613, 614; Mr George Byres, 257; Mr John Conyson, 522; Mr John Cranston at Leith, 118, 119, 362; Mr James Daes at Earlston, 257; James Dickson at Broughton, 608; Mr James Fairlie at Leith, 118, 119; Mr William Falconer at Dyke, 340; Dr William Forbes at Aberdeen, 360; Mr James Fullarton at Beith, 119, 120; Mr John Fyfe, 522; John Gibbieson at Dalmeny, 252; Mr John Gillespie at Kirkcaldy, 143; Mr Herbert Gladstones at Troqueer, 316, 441, 602; Mr Patrick Grant at Abernethy, 572; Mr Andrew Hamilton at Kilbarchan, 344; Gavin Hamilton, vicar of Kilbarchan, 344; Mr John Hamilton at Linton, 378, 379, 613, 614; Mr William Hamilton at Mouswald, 587, 588; Mr James Hannay at the Canongate, 163, 176; Mr John Hay at Paisley, 344, 392; Mr John Hay at Lathord, 340; Mr Theodore Hay, parson of Peebles, 378, 379, 613, 614; Mr . . . Hepburn at Auldhamstocks, 94; Mr Thomas Hog, parson of Stobo, 378, 379, 613, 614; Mr Alexander Ireland at Kinclaven, 601; Mr William Jamieson at Longnewton, 469, 512, 513; Mr James Johnstone, 120; Mr Andrew Kinnear at Nenthorn, 402, 412; Mr Christopher Knowes at Coldingham, 75, 80; Mr John Lindsay at Aberlemno, 524; Mr Thomas Lundie, 522; Mr Harry M'Gill at Dunfermline, 161, 197; Mr Angus Mackintosh, parson of Kingussie, 614; Angus McLean, parson of Morvern, 405; Mr William Nairn at Dysart, 143; Mr

- John Ogilvie at Kirriemuir, 522; Mr Alexander Omay at Errol, 601; Mr Patrick Omay at Monedie, 601; Mr William Paterson at Sorbie, 217; Mr Robert Peebles at Kirkmichael, 111; Mr Gilbert Powrie at Stanekirk, 601, 602; Mr Andrew Ramsay, 537; Mr Thomas Ramsay, 129, 433, 586; Mr James Robertson at Cranston, 468; Mr James Ross at Aberdeen, 360, 522; Mr Robert Scott at Glasgow, 119, 120; Mr Alexander Scrimgeour, 522; Mr James Sibbald at Aberdeen, 360; Mr George Simmer at Kilspindie, 222; Mr Adam Simson at New Abbey, 285, 286, 579, 580; Mr William Spittle at Dysart, 143; Mr Walter Stewart, 523; Mr Patrick Tulloch at Forres, 340; Mr John Tullos at Wemyss, 143; Mr Patrick Turner at Borthwick, 468; Mr David Wemyss at Scone, 234; Mr Walter Whiteford, parson of Moffat, 5, 19, 463, 464; the parson of Sleat, 20.
- M**innybole (Minnyboill), proclamation at the market-cross, 345.
- Minority**, dispensation with the, of Patrick Maxwell of Tealing, 96.
- Mint**, or Cunziehouse: the General and Master to report upon the dog-dollars, 181; a privilege of the officers, 193. *See* Coin and Money. General of, *see* John Aitchison.
- Minto**, Laird of. *See* Stewart.
- Mitchell** (Michell) of Kinkell, Hew, caution by him, 230; his signature, 230.
- Andrew, in Nether Balfosk, to be apprehended as an idle and masterless person, 97, 558.
- Andrew, skipper in Leith, 251; he appears before the Council, 252.
- David, bailie of Edinburgh, seizes certain effects for rent, 378.
- John, at the Alehouse of Fiddes, 106.
- Marion, imprisoned for witchcraft, 362.
- Mr Robert, bailie of Perth, appears before the Council, 234; charged with illegal election of the provost, 233-235.
- William, in Drumquhen, charged with molestation, 401.
- William, servitor to John Kello, to be apprehended for manslaughter, 28.
- Mitchellhill**, James, petition by him to be liberated, 254.
- Mitchelson**, Adam, petition by him, 542.
- David, petition by him, 542.
- William, petition by him, 542.
- Moffat** (Moffett), Agnes, in Broughton, charged with molestation, 608, 609.
- Gavin, servitor to Lindsay of Gaspen, caution for him, 50.
- James, in Moffat, witness to a charge, 563.
- Thomas, messenger, executes a charge, 563; his signature and stamp, 563.
- Moffat**, riot in, 463, 464, 599.
- parson of. *See* Mr Walter Whiteford.
- Moidart** (Moydert), Isle of, xxiv, 632.
- Moir**, John, charged with molestation, 586.
- Moncrieff** (Moncreiff) of Kynmonth, Mr John, sheriff-depute of Perth, at the horn for not paying his taxation, 522.
- of that ilk, Sir John, to take the subscriptions of the teind-buyers of Perthshire, 248; to report the names of such as refuse to sign, 479; appointed sheriff of Perth, 451.
- Mr John, servitor to Mr Francis Hay, W.S., witness to a writ, 622.
- Moncur** of Kilmonth, J., signs a report as a justice of the peace, 555.
- Money**, xxxiv, xxxv; concealing of, prosecuted under the penal statutes, 138; English, 282.
- Monedie**, minister of. *See* Mr Patrick Omay.
- Monikie**, parish of, survey of fencible persons there, 170.
- Monkland**, kirk of, case of disputed patronage, xlii, xliii, 119, 120; the kirk held by armed men, 120.
- Monopoly** of saltpetre, xxxii; and of making ordnance, xxxiii.
- Monro** of Aldie, Mr Robert, commissary of Caithness, commissions to him, 317, 336.
- of Delnies, Andrew, commission to him, 489.
- Montgomerie** of Hessilhead, . . . , 352.
- Mr Alexander, his brother, charged with assault and hamesucken, 352, 353, 419.
- Ezekiel, elder at Kilbarchan kirk, signs a certificate, 344.
- Henry, charged with riot, 83.
- Montrose**, Earl of, John Graham, fourth, president of the Privy Council, v, vii; deceased, reference to him as late president of the Council, 233.
- Montrose** (Monrose, Montrois), burgh of, forts to be erected there, xv, xvi, 53; meeting there of the commissioners about the erection of forts, 53, 70, 71, 74, 75; their report, 556, 557; commission to the

- provost and bailies, 20; the provost sent to the Council with a letter, 71, 74, 75, 557; some of the inhabitants capture a Lübeck ship, 298; the tolbooth, 20.
- Monymusk (Monymuss), parish of, 558; the idle and masterless persons there, 97; ministers and elders of, 350, 351; the kirkyard, 351.
- Moray (Murray, Murrey), Bishop of, John, signs a letter as a Commissioner for the Surrenders, 255; written for to attend a meeting, 331.
- Commissary of. *See* Hew Falconer.
- diocese of, prosecution of Papists in the, 494-509, 630, 631.
- Earl of, James Stewart, third, a member of the Privy Council, his majesty's Lieutenant, Justice, and Commissioner in the North of Scotland, v, 119, 402, 487, 610, 622; commission to him, 5; charged by the burgh of Inverness with oppression, 5, 6; complains against resettlers of the Clan Chattan, 9; caution by him, 286; to take the subscriptions of the teindsellers of Banff, Elgin, Forres, and Nairnshires, 246; promises to exhibit Callum Macgregor, his man, 291; written for to attend a meeting of the Commission for the Surrenders, 331; his Moss of Tarras, 403; written to by the Council to apprehend James Grant, 411, 412; his absence from the country, 455; order to him to delay a trial, 484; complains of interference with his judicial jurisdiction as his majesty's lieutenant in the north, 493, 494; petitions for a commission against defaulters, 585; present in Council, 1, 3, 85, 200, 204, 210, 245, 256, 266, 274, 285, 311, 323; signs Acts of Council, missives, etc., 96^a 100, 101, 207, 269, 279, 280, 291, 311, 323²; indorses petitions, etc., 593, 594.
- Morbattle, lands of, 349, 604.
- More, John, in Bidderdy, charged to find lawburrows, 587.
- More, lands of, 21, 621.
- Morgan, Sir Charles, sails for Denmark from England, 31 n.
- Morham, parish of, the minister peremptorily ordered to report the number of fencible persons in his parish, 94, 95.
- Morphie, Laird of. *See* Graham.
- Morris (Moreis), James, servant of Thomas Melville, charged with malicious damage, 362.
- Robert, in Inzeane, to be tried for incest and child-murder, 350, 351.
- Morris, William, in Pitcaithly, 36; caution for his son, John, 36.
- Morrison (Moresoun, Morisoun) of Prestongrange, Lord, . . . , his transactions with Sir Michael Preston, 29; to repair the highways in his neighbourhood, 374.
- Andrew, execution of summons against him, 552.
- Archibald, messenger, petition by him, 609.
- Gilbert, in Hinchaw, fined for illegal convocation in arms, 355, 356.
- Patrick, in Clackmannan, action by him for restoration of writs, 210.
- Robert, servitor to the Countess of Nithsdale, prosecuted as a Papist, 535.
- Samuel, in Leith, petition by him, 542.
- Mortimer, William, acts as procurator, 361, 409.
- Morton, Earl of, William Douglas, seventh, a member of the Privy Council, v, 154, 450; to command the regiment of 2000 men to be sent to assist the Duke of Buckingham against France, xi, xiii, 38, 38 n., 39, 51 n., 443; commission to him for this purpose, 51, 52; to consider as to the erection of forts in his district, 53; the Council endeavour to secure men for his French regiment, 62, 63; with Buckingham at La Rochelle, 62 n.; deserters from his regiments, 90, 306, 285, 577; he is to decide a controversy between some of his kindred, 459; present in Council, 16, 19, 22, 30, 36, 39, 41, 45, 85; mentioned as absent, 95; signs Acts of Council, missives, etc., 21, 22, 23, 40, 47, 48, 85.
- Morverne, xxiv, 632; parson of. *See* Angus McLean.
- Mosse, Katharine, wife of George Blyth in Ledgeertwood, to be tried for witchcraft, 517.
- Mountlothian (Montlowthiane), kirk and parish of, 114, 607.
- Mouswald (Mouswall), 587, 588; minister of. *See* Mr William Hamilton, 587, 588.
- Mowat of Balquhorie, Maguus, commission to him, 376.
- of Fawside, James, W.S., sheriff clerk of Berwick, complaint by him, 205, 216, 235, 254.
- of Swinzie, Andrew, charged with assault and deforcement, 515, 547.
- Jasper, complaint by him and his wife, Margaret Manson, 515.
- John, in Kilpont, slain in a quarrel, 267.

- Mowat, John, servitor to the Earl of Caithness, charged with assault, 515.
- Magnus, indweller in Edinburgh, witness to a writ, 560.
 - Mr Roger, advocate, 242; complaint by him, 515.
 - Thomas, messenger, charged with allowing his prisoner, Sir George Home, to escape, 282; undertakes to recapture him, 318, 332; witness to a writ, 560.
 - Thomas, witness to a writ, 552.
 - William, son of Andrew, of Swinzie, charged with assault, 515.
- Mowbray, Alexander, servant of the Laird of Wolmet, charged with molestation, 432.
- John, charged with assault and molestation, 163.
 - Robert, at the Bridgend of Cramond, cautions for his indemnity, 48, 65, 83, 84, 148; horning at his instance, 188, 216; complaint by him and . . . Dick, his wife, 290.
- Muchalls, Laird of. *See* Fraser.
- Muckarsie, parsonage of, 522.
- Mudie, Thomas, an inhabitant of Dunfermline whose house was burnt, 141.
- Mug, Patrick, deacon of the walkers of Perth, charged with illegal election of the provost, 233-235.
- Mull, John, tailor, burghess of Canongate, complaint by him, and petition to be put to liberty, 214, 215, 216.
- Muirburn, makers of, in forbidden time, to be dealt with by the circuit-courts, 438.
- Muirfowl, illegal slaughter of, 589.
- Muirhead (Mureheid) of Braidisholme, James, charged with unlawful convocation, 119-121.
- of Lauchop, James, elder, charged with unlawful convocation, 119-121.
 - — James, younger, charged with unlawful convocation, 119-121.
 - of Shawfitt, James, charged with unlawful convocation, 119-121.
 - Alexander, in Bourig, fined for illegal convocation in arms, 355, 356.
 - James, bailie of Hamilton, charged with unlawful convocation, 119-121.
 - Margaret, vagabond, to be tried for witchcraft, 482.
 - Michael, to assist the Earl of Angus upon the Borders, 198.
- Muir, disputes about rights to, 355, 356, 399-401, 403, 410, 428, 516, 586, 587, 601, 602, 609, 618-620.
- Mull, xlviii, xlix, 340.
- Mullikin, Alexander, servitor to the Earl of Caithness, charged with assault, 515.
- Murder and manslaughter: murderers and manslayers to be dealt with by the circuit-courts, 437; cases of—John Banks in Huntly Cot, 99, 100; Robert Bell in Arkinholm, 411; Patrick Brown in Perth, 207; Robert Charteris, 230; Alexander Cockburn in Haddington, 284; John Dow, 294, 295; Gavin Elliot, 547; John Forbes, 28; Patrick Grant in Lettach, 274, 389; John Halyday in Smailholme, 2, 267; John Hardie, 69; John Harlaw, 62; John Hurlabanks, 216², 226, 253; John McDonald Chleive, 5; Alexander McIeane VcInnes VcAlester or McDonald in Ulvay, 4; John McEwin McEan Ostich, 96; John Mowat in Kilpont, 287; James Ogilvie of Podula, 484, 485, 628; William Robertson, 329; the wife of Andrew Rowan of Barnhill, 5; John Russell, 112; George Rutherford, 25; William Turnbull, 444; Alexander Urquhart, 97, 613, 622; John Watson, 618; John Weir of Cloburn, 301; the daughter of David White in Nenthorn, 354; John Young, 166, 280, 447.
- Murdo, Jean, to be tried for child-murder, 265, 294, 581.
- Mure (Muire) of Auchendrain, James, deceased, 543; Francis, his son, charged with molestation, 543.
- Alexander, in Kirkland of Ardwell, caution for his indemnity, 69.
 - James, weaver in Milneburn, caution for his compearing before the Council, 82.
 - James, charged with assault and molestation, 163.
 - John, in Woodlands, caution for, and Walter, his grandson, 80.
- Murray (Moray, Murrey) of Aikiebuss, Richard, under the sentence of excommunication for Papistry, 128, 129; prosecuted as a Papist, 535.
- of Blackbarony, signs the submission for the teind-sellers of Peeblesshire, 311.
 - of Cockpool, . . . , to repair the highways in his neighbourhood, 374.
 - of Drumcairn, Sir Mungo, Master of Stormont, caution for and signature of, 230.
 - of Dunearn, William, witness to a writ, 41.
 - of Elibank, Sir Gideon, late Treasurer-Depute of Scotland, acquires the Mint-house, 430.

- Murray of Halmyre, John, deceased, caution by him, 428.
- David, complaint by him, 406, 420; charged to find lawburrows, 614.
 - of Philiphaugh, Sir John, a Commissioner for the Middle Shires, 99; publication of his appointment as a Commissioner for the Borders, 172, 173; complaint by him and James, his son, about some teinds, 457, 458; present at a justice of peace court, 555; commissions to him, 471, 482.
 - of Polmaise, . . . , commission to him, 353.
 - of Touchadam, John, signs a report as a justice of the peace, 556.
 - Andrew, in Limekilns, called to account about some timber, 141.
 - Angus, in Fraserburgh, 3, 4; his son, John, a captive at Sallee in Barbary, xlviii, 3, 4.
 - David, son of William, Earl of Tullibardine, charged with assault, 142.
 - Captain David, his ship to be furnished, 179; disposal of his warship, 209.
 - Gilbert, messenger, witness to a charge, 577.
 - Isobel, in Burntisland, prosecuted for wrongful imprisonment, 480.
 - James, Master of H.M. Works, ordered to provide bullets for the warships, 42; on a committee of arrangements for the King's coronation, 381; ordered to inspect St. Giles Church, and see if it is necessary to remove the partition wall, 391; reports on the bridges of Auchindinnie and Billisdale, 469.
 - James, merchant-burgess of Edinburgh, 180; James, younger, his son, caution by him, 180.
 - James, bailie of Leith, commission to him, 494.
 - James, servitor to the Viscount of Stormont, witness to a writ, 230.
 - John, in Burntisland, prosecuted for wrongful imprisonment, 480.
 - John, caution for his compearing before the Council, 82.
 - Katherine, wife of John Silbot, destroys a bond, 231, 253.
 - Mr Mungo, written to to accept the sheriffship of Perth, 58; appointed Sheriff of Perth, 74.
 - Sir Patrick, succeeds his brother as Earl of Tullibardine, 402. *See also* Tullibardine.
- Murray, Mr Patrick, Abbot of Inchaffray, petition by him, 598; charged for the taxation of his lands of Inchaffray, 598.
- Robert, burgess of Dundee, commission to him to proceed against defaulters anent the taxation, 521-523.
 - Mr Robert, minister, sent to the Council about a witchcraft case, 623, 624.
 - Thomas, messenger, to make a proclamation, 573; he executes a charge, 576, 577.
 - Walter, master-mason to his majesty, to report upon Dumbarton Castle, 133.
 - Mr William, in Ardowny, caution by him, 22; his signature, 22.
 - William, in Natoun, peremptorily ordered to report the number of fencible persons in the parish of Natoun, 114.
 - William, servitor to the Earl of Tullibardine, the Earl's patent delivered to him, 402.
- Murrayes, parish of, survey of fencible persons there, 170.
- Murison (Murystone), John, to be apprehended as an idle and masterless person, 165, 166, 229; he has fled to the Highlands, 229.
- Muschamps, Sir William, he apprehends a murderer and sends him back to Scotland, 294; letter from him to the Privy Council, 577.
- Musgrave, John, captain of the English guard at Carlisle, kills a Scottish reiver in Scotland, 539.
- Muskets (muscats), 559, 571, 600; to be imported, 59.
- Musselburgh, burgh of, the bailies declined as judges by an alleged witch, 487; proclamations at the market-cross, 18, 566; the tolbooth, 481, 590.
- Mutilators to be dealt with by the circuit-courts, 437.
- Mynetoun, place of, 625.
- Myrecarnye, lands of, 364, 365.
- NAFACHIE, Archibald, in Torloek, denounced for spoiling a ship, 341.
- Nairn (Narne) of Delnashapell, Thomas, petition by him, 629, 630.
- of Strathord, Mr Robert, advocate, charged to find lawburrows, 401; horning at his instance, 483; complaint and petition by him, 399, 400, 618-620; Catherine Preston, his wife, 618-620; William, his infant son, 619.

- Nairn of Tullifergus, Laurence, deceased, debts due by him, 615.
- George, charged with assault, 615.
- Alexander, his proposal for the construction of trenches, etc., xvi, 225, 244; the matter remitted to the Council of War, 486, 628.
- Gilbert, brother of George, of Tullifergus, charged with assault, 615.
- John, execution of summons against him, 552.
- Laurence, in Tullifergus, pays a sum of money, 214.
- Margaret, servant to Nairn of Strathord, assaulted, 400, 619, 620.
- Thomas, gives his oath as to money due to him, 578, 579; his signature, 578, 579.
- Mr William, minister of Dysart, appointed to try an alleged witch, 143.
- Nairn, shire of, 3, 33, 34, 92, 246, 248, 585; circuit-courts of justiciary to be held, 347; the submission of the teind-sellers and teind-buyers there, 479; the sheriff summoned before the Council, 475; charges and missives to the justice of peace to report upon the fencibles, 168, 169.
- Naismith (Naismyth) of Inver, James, caution by him, 21; at the horn for not paying his taxation, 522; complains of being illegally imprisoned, 615.
- of Posso, James, to take the subscriptions of the teind-buyers of Peeblesshire, 247; and to report the names of such as refuse to sign, 479; reports the submission by the teind-buyers of Peeblesshire, 309.
- Elspet, an inhabitant of Dunfermline whose house was burnt, 141.
- James, in Tullicro, caution for him, 21.
- Thomas, servitor to the Master of Stormont, witness to a writ, 230.
- Napier (Naper, Nepeir) of Merchiston, Lord, Sir Archibald Napier, Treasurer-Depute of Scotland, member of the Privy Council, vi; he undertakes the expense of victualling and equipping the three warships and paying the crews, 45, 46; he also signs bonds for the privateers, 46; to examine and report upon Dumbarton Castle, 52; to hear the report of Sir James Baillie upon the taxation, 59; to superintend the wapenschaw of the inhabitants of Midlothian, 89; charged, as a Commissioner for the Surrenders and Teinds, to attend a meeting, 106; protests against a clause affecting his office in the patents of the new Secretaries, 108; as tacksman of Orkney and Shetland he consents to an Act of Council affecting Shetland, 124; he is to consider the claims of the captains of the warships, 201, 209; ordained to settle with them, 205; Act for his relief regarding a bond for the public service, 253, 574, 575; he signs a letter, 255; gives bonds for payment of the crews of the warships, 269, 270, 274-276, 279; bond by him for payment of the privateers, 277; English beer to be disposed of by him, 289; appointed assessor to the Master of Jedburgh in a trial, 294, 295, 580; on the committee for revising and printing the statutes, 365, 366; petitions about the Mint-house, 429, 430, 469; holds the office of Justice Clerk, 527; present in Council, 1, 3, 6, 9, 16, 19, 21, 22, 30, 31, 36, 41, 45, 50, 61, 66, 71, 75, 76, 85, 102, 107, 112, 113, 117, 122^a, 131, 135, 140, 142, 144, 150, 159, 167, 174, 176, 180, 189, 195, 200, 204, 209, 210, 217, 222, 225, 229, 254, 256, 262, 269, 270, 274, 280, 285, 293, 303, 305, 309, 311, 319, 321, 456, 459, 466; signs Acts of Council, missives, etc., 6, 9, 21, 26, 47, 48, 64, 68, 76^a, 80, 112, 115, 135, 138, 155, 156, 165, 179, 189, 195, 199, 202, 203, 208, 215, 220, 221, 228, 230, 265, 266, 279, 280, 284, 291, 293, 305, 307, 308, 311, 317^a, 319, 320, 563, 565, 576^a, 580, 585; endorses a petition, 586.
- of Kilmahew, John, to take the subscriptions of the teind-buyers of Dumbartonshire, 248; and report the names of such as refuse to sign, 479; reports the submission by the teind-buyers of Dumbartonshire, 310; appointed Sheriff of Dumbarton, 451; signs a report about Dumbarton, 626; is bearer of a letter and the report to the Council, 626, 627.
- Matthew, servitor to the Earl of Nithsdale, charged with hamesucken, 431.
- Robert, signs a report about Dumbarton, 626.
- Natoun, parish and kirk of, 114, 431, 432.
- Naturalisation of foreigners to be with consent of the Council, 426.
- Naughtie, Alexander, in Brechin, petition by him, 612.
- Navar, parish of, survey of fencible persons there, 170.
- Necromancers to be dealt with by the circuit courts, 437.
- Neill, Robert, burgess of Dumbarton, 476, 477; his wife, Janet Boyd, to be tried for witchcraft, 476, 477, 628.

- Neish (Neische), Duncan, burghess of the Canongate, deceased, 538; Isobel Cunningham, his widow, charged with illegal imprisoning, 538.
- Nelson (Neilsoun), Alexander, Carrick pursuivant, complaint by him, 422, 423; complaint against him, 424.
- John, officer to the Commissariat of Dumfries, petition by him, 587, 588; he executes a charge, 588.
- Robert, burghess of Inverness, caution for him, 9; prosecuted for failure to assist in the execution of a commission, 585.
- Nenthorn, minister of. *See* Mr Andrew Kinneir.
- Nevay of that ilk, John, peremptorily ordered to report the number of fencible persons in his parishes, 170, 171.
- Nevay, parish of, survey of fencible persons there, 170.
- parsonage of, 522.
- New Abbey, clachan of, 352, 591.
- kirk of, 591.
- parish of, 285, 286, 579, 580; minister of. *See* Mr Adam Simson.
- Newall (Newaill, Newell), Alexander, in New Abbey, 352, 591; complaint and petition by his son, Walter, 352, 419, 591.
- Bessie, widow of John Young, sheriff clerk of Dumfries, horning at her instance, 148.
- James, blacksmith in Dumfries, charged with assault and molestation, 316, 317, 322.
- Martin, steward-clerk of Kirkcudbright, sued for arrears of the taxation of 1625, 481.
- Thomas, burghess of Jedburgh, witness to a charge, 577.
- Newbattle (Newbottle), lordship of, 6; charge for uplifting its taxation, 73, 74; the baillie to produce prisoners, 624.
- parish of, 114.
- Newcastle, letter to the Mayor and Aldermen from the Privy Council of Scotland, 46, 47, 48; their fleet rescues some Scottish ships from French pirates, 381, 382.
- Newgrange, Laird of. *See* Ogilvie.
- Newmarket (Newmercat), documents dated there, 13, 254, 277.
- Newport, 217.
- Newton, Laird of. *See* Oliphant.
- Newtyld, parish of, survey of fencible persons there, 170.
- Nicol, Mr George, servitor to the Secretary, writes a discharge, 175.
- Janet, in Blance, caution for her, 465.
- John, writer, gives in a report, 396.
- John, appears before the Council for the Laird of Coll, 19.
- Patrick, in Yetbyre, charged with armed convocation, 410.
- Simon, in Ræburn, charged with armed convocation, 410.
- Thomas, in Durtlie, servant to Crichton of Frendraught, complaint by him, 600.
- Nicolson, David, burghess of Edinburgh, witness to a writ, 268.
- Richard, in Clois, petition by him, 588.
- Mr Robert, advocate, appears before the Council as an agent, 527.
- Thomas, baillie of Aberdeen, his signature to a letter, 584.
- Mr Thomas, advocate, registers a bond of caution, 26; on the committee for revising and printing the statutes, 365, 366; appears before the Council as an agent, 527.
- Thomas, his house in Forres, 340, 595.
- William, creelman in Edinburgh, complains of harsh imprisonment, 519, 547.
- Nigkerso, lands of, 410.
- Nimmo, Andrew, in Over Dechmont, complaint by him, 272.
- Nisbet (Nisbitt) of Dean, Sir William, peremptorily ordered to report the number of fencible persons in the parish of St Cuthberts, 115; charged to appear before the Privy Council, 441.
- of that ilk or West Nisbet, Sir Alexander, appointed Sheriff of Berwick, 56; charged with refusing to acknowledge the sheriff-clerk, 205, 216; his explanation and defence, 235; suspension of hornings against him, 254, 443, 444; he is to take the subscriptions of the teind-buyers of Berwickshire, 247; and report the names of such as refuse to sign, 479; he reports the submission by the teind-buyers of Berwickshire, 320; to repair the highways in his neighbourhood, 374; commission to him, 265; to try William Whitelaw and Jean Murdo, 294, 580, 581; he petitions for protections to certain persons, 581.
- Alison, action at her instance, 429, 623.
- David, sheriff-depute of Berwick, makes a search at Eccles, 444.
- James, indweller in Coldingham, complaint by him, 219.

- Nisbet, Mr James, advocate, appears as a procurator, 444.
- Patrick, bailie of Dunbar, caution for his compearing before the Council, 66.
- Patrick, complaint by him, 420.
- Nithsdale (Nithisdail), Earl of, Robert Maxwell, first, a member of the Privy Council, v, 203, 263; assiduous in his attendance, viii; as Collector of the Taxation, he is to pay for the King's three warships, 23 n.; ordered to pay £8000 sterling for levying three regiments, 27 n.; he raises troops for Denmark, xi, xiii, 55, 56, 71, 84, 273, 463; he produces in Council a letter from the King, 32; certain counties prescribed in which he is to raise his troops, 32-34; deserters from his regiment, 34, 35; he protests for his fair share of the idle and masterless men, 36; he is to appear before the Council, 66; he prosecutes the magistrates of St Andrews about their idle men, 68, 69; he is about to embark the rest of his regiments for Germany, 77, 78; a Commissioner for the Middle Shires, xx, 98, 99; caution for one appearing before him when he comes home to Dumfries, 101; as a Commissioner for the Surrenders and Teinds he is charged to attend a meeting, 106; and signs a letter, 255; masterless men to be delivered to him, 106; a ship for the transporting of his soldiers, 109; nominates assistants for his work as Commissioner for the Borders, 129, 130, 148, 149; ordered to report upon the state of the Borders, 136, 137; his report, 143, 144, 223; the Johnstones are exempted from his jurisdiction as a Border Commissioner, 172; publication of his appointment as a Commissioner for the Borders, 172, 173; letter to him from the Council, 196; troops raised for his regiment in Ireland, 241; to take the subscriptions of the teind-sellers of Dumfriesshire, 245; excused from taking the subscriptions, 302; promises to produce his natural brother, John, before the Council, 266, 575, 576; ordained to enter some of his tenants for trial, 286; the keys of Conhaith house delivered to him, 304, 305; as Steward of Kirkcudbright and of the waters therein a commission of justiciary is given to him over the rivers there, 305; he is to repair the highways in his neighbourhood, 374; he is coming to Scotland with directions about his troops, 407; commander of forces, sent to Germany, 470; he has an interest in the tack duties of Orkney and Shetland, 473; complaint by him as Steward of Kirkcudbright against some persons about the taxation, 481; present in Council, 1, 9, 21, 22, 27, 30, 31, 36, 39, 41, 45, 50, 61, 66, 71, 75, 76, 85, 102, 107, 112, 113, 122^a, 131, 135, 140, 142, 144, 150, 159, 167, 222, 225, 229, 231, 236, 245, 252, 254, 256, 262, 269, 270, 274, 280, 293, 303; absent from Council, 115; signs Acts of Council, missives, etc., 6, 22, 23, 25^a, 26, 37, 41, 47, 48, 62, 63, 64, 68, 76^a, 80, 96^a, 100, 112, 130, 138, 155, 157, 158, 165, 171, 228, 230, 243, 245, 265, 266, 274, 284^a, 291, 301, 302, 576^a, 580, 582^a; indorses a petition, 573.
- . . . , his Countess, 202, 203, 263^a; prosecuted as a Papiat, 535.
- sheriffdom of, 303; commission to the sheriff to deal with reseters of deserters, 303, 304, 582.
- Noblemen: all required to assist the judges of the circuit courts, 347; to attend the King's coronation and provide themselves with robes, xxxviii, 393, 394, 395.
- Norie, John, at the horn for not paying his taxation, 522.
- North Berwick, burgh of, the bailies peremptorily ordered to report the number of fencible persons in the parish of North Berwick, 94, 95.
- parish of, survey of the fencible persons there, 94, 95.
- Northumberland, 80 n.; the justices of peace written to to arrest a fugitive, 269, 581; they do so, 294.
- Norway, 218.
- Norwell, Peter, in Kinnoull, charged with hamesucken, 399, 400.
- Notaries: false notaries to be dealt with by the circuit courts, 437; Thomas Blaik, 26, 27; Mr Cuthbert Cunningham in Dumfries, 69; Herbert Cuningham, 263; Peter Farquhar, 230; Alexander Forrest, 262; James Gordon in Cardines, 69; Andrew Gray, 144; Robert Greenlaw, 148; James Hardie, 27; George Johnstone in Dumfries, 69; Thomas Lawrie, 268; Alexander Leslie, 206; John Leslie, 232; Alexander Logan in Inverness, 576; Andrew McAllan in Kilkerran, 543; David Maxwell, 206; George Maxwell in Dumfries, 69; John Paterson in Inverness, 576; Lucas Simpson, 554, 560; John Spence, 498, 502, 506; Gilbert

- Taylor, 519; Thomas Wichtane, at Dundee, 71, 84; Stevin Young in Dumfries, 129^a, 149.
- Nova Scotia, xlix, 1; a seal of Admiralty to be made for it, 270, 271, 576; order for the arrest of fugitives from the service of Sir William Alexander, 313, 314, 585; expedition from Scotland for its colonisation, 489; alleged application to the King for a patent of Canada to hold of the crown of England, 489.
- Nynidge, Rorie, in Frakadill, denounced for spoiling a ship, 341.
- OATLANDS, letters dated there, 3, 17.
- Ochiltree, Lord, late, his discharges of the lieutenandry of the Borders and the Isles, 605.
- Officers of State to lend money towards the expenses of the King's visit, 413, 414; demur to this by the Council, 415; Papists in public office to be dealt with by the circuit-courts, 437; also officers taking bribes or using extortion, 438.
- Ogilvie (Ogilwe) of Airlie, Lord, James, to consider as to the erection of forts in his district, 53; also as to the erection of beacons, 54; dispute with Lord Coupar about the wapenshaw, xlv, 65; he is to superintend the wapenshaw of the inhabitants of the presbytery of Brechin, 90; peremptorily ordered to report the number of fencible persons in his parishes, 170, 171.
- of Banff, . . . , deceased, father of Sir George, 592.
- Sir George, xlv; his feud with Lord Deskford, 145; charged to keep the peace, 145; has a tryst at the Hill of Banff, 211; precognition against him, 216; prosecuted for the slaughter of James Ogilvie of Podula, xlv, xlv, 484-486, 628^a; charged with illegal imprisonment, 591, 592.
- of Carnousie, Sir George, to be summoned before the Council, 485, 486.
- of Clova, Sir David, peremptorily ordered to report the number of fencible persons in his parishes, 170, 171.
- of Cornettie, George, charged to find lawburrows, 587.
- of Craig, Sir John, apprehended by the Earl of Menteith and warded in Edinburgh Castle, 532, 533, 632.
- of Inchmartine, Sir Patrick, written for to attend a meeting of the Commission for Surrenders, 331; to repair the highways in his neighbourhood, 374.
- Ogilvie of Inverquharitie, Sir John, to consider as to the erection of forts in his district, 53; to superintend the wapenshaw of the inhabitants of the presbytery of Brechin, 90; peremptorily ordered to report the number of fencible persons in the parish of Kirriemuir, 170, 171; as heritable bailie of the regality of Kirriemuir, petition by him, 611.
- of Mureton, Captain George, raising soldiers for the wars, 71, 81, 84, 85.
- of Newgrange, Francis, to consider as to the erection of forts in his district, 53; signs a letter to the Council about the forts, 71; peremptorily ordered to report the number of fencible persons in the parish of Kingoldrum, 170, 171; signs a report as to the forts at Montrose, 557; charged to find lawburrows, 586, 587.
- James, fiar, charged to find lawburrows, 586, 587.
- of that ilk, Thomas, peremptorily ordered to report the number of fencible persons in the parish of Teilling, 170, 171.
- of Podula, James, his slaughter, xlv, 484, 485, 628^a; his widow, Margaret Ogilvie, *q.v.*, *infra*.
- of Ridhythe, Walter, brother german of James Ogilvie of Podula, to be summoned before the Council, 485, 486.
- Alexander, in the Canongate, his wife pays a sum of money, 214.
- George, lately servitor to Sir George Ogilvie of Banff, petition by him, xlv, xlv, 591, 592.
- John, burgess of Dundee, prosecuted for importing English beer, 289.
- John, deacon of the hammermen of Perth, charged with illegal election of the provost, 233-235.
- Mr John, minister at Kirriemuir, at the horn for not paying his taxation, 522.
- Mr John, a Popish priest, to be apprehended, 499-502.
- Margaret, widow of James Ogilvie of Podula, to be summoned before the Council, 485, 486.
- Father, a Popish priest, to be apprehended, 499-502.
- . . . , signs a report as a justice of the peace, 555.
- Oil, for the anointing of the King, 394.

- Oldhamstocks (Aldhamstockes), parish of, survey of the fencible persons there, 94 ; parson of. *See* Mr . . . Hepburn.
- Oliphant, Master of, Patrick, 621.
- of Bachilton, John, commission to him, 207 ; he reports the submission by the teind-buyers of Perthshire, 320.
- of Kirkhill, Mr William, caution by him, 5 ; his signature, 5.
- of Newton, Sir William, Lord Advocate, member of the Privy Council, vi ; to consider as to the erection of beacons in his district, 54 ; his inspection of the charters of Edinburgh, 185 ; he signs a letter, 255 ; horning at his instance, 274 ; as a Commissioner for the Surrenders he is written for to attend a meeting, 419 ; prosecutions at his instance, 110-112^a, 115, 139, 230, 301 ; his death, vii ; present in Council, 50, 61, 66, 71, 75, 76, 81, 85, 102, 107, 112, 113, 117, 122^a, 131, 135, 142, 145, 150, 159, 167, 174, 176, 180, 189, 195, 200, 204, 209, 210, 217, 222, 225, 229, 231, 233, 236, 245, 254, 256, 262, 270, 274, 280, 285, 293 ; signs Acts of Council, missives, etc., 80, 100, 101, 189, 203, 221, 228, 266, 267, 269, 280.
- — Mr James, advocate, on the committee for revising and printing the statutes, 365, 366 ; commission to him, 494.
- Captain George, complains that one of his soldiers has been wrongfully taken from him, 36.
- Mr James, advocate in Edinburgh, letter sent to him, 406.
- Mr John, advocate, sheriff depute of Edinburgh, petition by him, 117.
- Mr John, clerk to the justices of peace in Midlothian, reports lists of fencible persons, 116.
- John, in Broughton, caution by him, 36 ; his signature, 36.
- Laurence, portioner of Pitcaithlie, caution by and for him, 36 ; his signature, 36.
- Laurence, to assist the Earl of Angus upon the Borders, 98.
- Patrick, signs a report as a justice of the peace, 555.
- Oliver, Margaret, in Prestonpans, to be tried for witchcraft, 379.
- Thomas, charged with deforcement, 512.
- Omay, Mr Alexander, minister at Errol, petition by him, 601.
- Omay, Mr Patrick, minister at Monedie, son of Mr Alexander, *supra*, petition by him, 601.
- Oppression, cases of, 83, 547 ; oppressors to be dealt with by the circuit-courts, 438.
- Or, John, Burgess of Edinburgh, has a man in prison for a debt, 464, 465.
- Orchards, breakers of, to be dealt with by the circuit-courts, 438.
- Ordnance, to be cast at Stornoway by the Earl of Seaforth, 337 ; patent for casting guns to Sir James Galloway and Nathaniel Udward, 338, 339. *See also* Artillery.
- Orkney, Bishop of, Adam Bothwell, obtains a grant of the barony of Broughton, 127 n.
- Orkney and Shetland Islands, xlvi, 33, 34.
- Archibald, Lord Napier of Merchiston, as tacksman of, 124 ; the Admiralty disjoined from that of Scotland, and enquiry made into this, 281, 282, 571 ; the submission of the teind-sellers and teind-buyers there, 357, 358, 614 ; the tack-duty thereof paid by William Dick, 473 ; payment to the ministers from the duties, 473 ; petition by the feuars and gentlemen for opportunity to sign the submission anent the teinds, 609, 610 ; ships craved for the protection of the islands against the Dunkirkers, 605.
- Ormiston (Ormeiston), . . . , a servant of the Laird of Wolmet, charged with malicious damage, 432.
- Ormiston, parish of, the minister peremptorily ordered to report the number of fencible persons in his parish, 94, 95.
- Osburne, George, action by him, 216.
- Ostlers. *See* Innkeepers.
- Othlo, parish of, survey of fencible persons there, 170.
- Oughterhouse. *See* Auchterhouse.
- Ouir, John, in Torlosk, denounced for spoiling a ship, 341.
- Oyne, Andrew, charged with assault, 142.
- PADZEANE (Padzne) of Newton, John, caution by and for him, 26, 41 ; his signature, 41.
- Thomas, brother of John, of Newton, *supra*, caution for him, 41.
- Paip, Mr Gilbert, summoned, as a writer of pasquils, before the Council, 505
- Mr George, summoned before the Council as a writer of pasquils, 505.
- Mr John, younger, advocate, registers bonds of caution, 41, 71, 97, 144.

- Paisley, burgh of, xxviii, 352; the bailies resisted by the Earl of Abercorn's brother, and shot at, 327, 328, 353, 597.
- kirk of, 344; the minister. *See* Mr John Hay.
- presbytery of, 329; horning at their instance, 171; complaint and petition by them, 327, 328, 343, 344, 596, 597.
- Palace of Halyruidhous, 95, 96.
- Panbryde, parish of, survey of fencible persons there, 170.
- Papin (Lapeur), James, Frenchman, sues his captor for maintenance, 217, 218, 253.
- Papists. *See* Roman Catholics.
- Paris, 324.
- Parishes: the fencible men in each parish to be enrolled and trained, 61, 62, 93-95, 114, 115, 168-171; of Edinburgh, xxix.
- Park of Roseberrie, William, builds bridges over rivers, 203, 564.
- Mr Thomas, interposes in a quarrel, 256, 257.
- Parliament: no meeting during the period of this volume, viii; privileges granted to the Court of Session by, 3; the tanning reform, 123; the penal statutes, 137; the validity of Acts of Parliament cannot be discussed before the Council, 185; the Council refuses to discharge a warrant proceeding from it, 196; a commission appointed for the revision of all statutes and Acts, 7, 365-367, 424; to ratify the revision of the statutes, 367; proposed meeting to be summoned for 15th September 1628, xxxviii, xxxix, 367, 372, 383, 386, 390, 395, 413, 426, 446, 448, 486, 615; order for attending the meeting in robes, 383-385; the nobility summoned, 388, 390, 393; the commissioners for the shires to be continued in office, 413, 415, 418, 419, 440, 441, 474-476, 521, 628; to be prorogued till 15th April next, xxxix, 367, 414, 448, 449, 626; form of prorogation by a commission under the quarter seal, 414, 416; a question raised as to the effect of the submissions on the position of the commissioners for the shires, xxxix, 440, 441; the Council write to the commissioners for fencing the Parliament, 445, 446; election of commissioners for Forfarshire, 477; the next Parliament to deal with the teinds, 546; creation as lords of Parliament of John, Lord Stewart of Traquair, 357; Donald, Lord Reay, 357; and Lord Dalziel, 483; Books of Parliament, 525-531: Former Parliaments referred to, 525-531; of March 1458, xxii; of 1504, appointing places for justice-courts in the North, xxiv; the Act of Oblivion of 1563, 525, 528; of 1584, for holding justice ayres, 364; of July 1587, anent holding of justice ayres, xxii, 525; of July 1587, appointing justice ayres, 434; of 1587, anent the fees of the officers of State, 528; of June 1592, against the illegal bearing of arms, 164, 165; of June 1594, against Papists, etc., 128, 315, 316, 343, 441; of June 1609, against Papists, 496, 499, 501, 502, 503, 504, 505, 506-509, 535; of June 1609, as to the election of magistrates, 213, 231-235; of 1612, as to provosts, xliii; of June 1617, respecting registration, 398; at Edinburgh in August 1621, 569, 570; of 15th April 1629, 475; cap. 177 of the 13th of King James VI., 461; cap. 7 of the 21st of King James VI., 462; of King James the Sixth for coronation, 394: References to special Acts—discharging the up-lifting of calps, 438; as to election of the commissioners for the shires, 419, 521; justice-courts for the Isles, 633; against the slaying of deer, 372; regulating the fishing, 18, 566; against slaughter of red fish, 351; against slayers of game, 417; as to the sale of grain, 121; against wearing hagbuts and pistols, 458; remitting casualties to the heirs of those slain in battle, 79, 79 n., 80 n.; for finding lawburrows, 188, 408; against pasquils and libels, 505; regarding the penal statutes, 182, 183; against reseters of rebels, 315; anent taxation, 563, 578; as to teinds, 458; as to the survey, 491.
- Partridges (pertrickes) not to be killed, 388; stealers of, to be dealt with by the circuit-courts, 438.
- Pasquils and libels, prosecution of writers of, 495, 496, 505, 630.
- Patents: strange powers in one, for entering all lands and buildings to search for saltpetre, 333, 334, 337, 425, 426, 434, 439; the patents produced in Council—of the Secretaries of State, 107, 108; of the Earl of Haddington as Lord Privy Seal, 109; of John, Lord Wemyss, 317; of Donald, Lord Reay, 357; of John, Lord Stewart of Traquair, 357; of the Earldom of Carrick for John, Lord Kinclaven, 391, 395; to Sir Robert Gordon of Lochinvar, 207, 208, 210.
- Paterson, Adam, in Broughton, charged with molestation, 608, 609.

- Paterson, Alexander, sheriff depute of Inverness, witness to a charge, 576.
- Edward, prisoner in Dunkirk, complaint by him, 251, 252, 254.
- James, charged with deforcement, 512.
- John, in Broughton, brother of Adam, *supra*, charged with molestation, 608, 609.
- John, notary, witness to a charge, 576.
- John, to be exhibited before the Council as a masterless person fit for the wars, 82.
- Marion, charged with deforcement, 512.
- Thomas, in Auchingry, and Margaret Brown, his wife, under the sentence of excommunication for adultery, 129, 202; not to be reset by the lieges, 263, 264; to satisfy for their adultery, 343.
- Thomas, in Hinschaw, fined for illegal convocation in arms, 355, 356.
- Thomas, in Kirkgunzean, under the sentence of excommunication for abusing the minister and kirk-session, 129, 202; not to be reset by the lieges, 264.
- Thomas, executes a charge, 560^a.
- Thomas, petition by him, 542.
- Walter, charged with deforcement, 512.
- William, elder, walker in Edinburgh, to be apprehended, and he and his son, William, accused of theft, 482, 520; his son to be tried for theft, 520.
- William, elder, burgess of Inverness, caution for him, 9; prosecuted for failure to assist in the execution of a commission, 585.
- William, in Kilpont, charged to appear before the Privy Council, 267, 576.
- Mr William, minister at Sorbie, 217.
- . . . , to be apprehended as an idle and masterless person, 165, 220; he has fled to the Highlands, 229.
- Father, a Popish priest, to be apprehended, 500-502.
- Pathhead (Petheid), 427, 622, 623.
- Patrick (Patrik) Mungo, in Nether Glen, to be tried for theft, 353.
- Pauline, Barnard, being mad, sets fire to some houses, 22.
- Paxtoun, William, deceased, 130; Marion Kemp, his widow, 130.
- Peacock, Alexander, 468; his wife, Katherine Young, to be tried for witchcraft, 468, 627.
- Pearson (Peirsoun) of Balmadie, Alexander, caution by him, 26; his signature, 26.
- James, bailie of Dundee, caution for him, 71.
- Pearson, Laurence, mariner in a Lübeck ship, 135.
- Robert, flesher, complaint by him of harsh imprisonment, 348, 349; Isobel Young, his wife, 348.
- Peat, Bessie, a servant in Kincairnie in Culross, to be tried for child murder, 85.
- Peebles, Alexander, dean of guild of Perth, interferes in a fray in the town council, 213.
- Hew, agent, acts as procurator in a case, 147.
- Mr Robert, minister of Kirkmichael assaulted by one of his parishioners, xliii, 111, 112, 139.
- Peebles (Peibles), burgh of, complaint by the magistrates, 83; bridges on the Edinburgh road to be repaired, 469; proclamation at the market cross, 99^a; the tolbooth, 444.
- parson of. *See* Mr Theodore Hay.
- shire of, 33, 34, 92, 245, 247; a Border county, 173; the submission of the teind-sellers and teind-buyers there, 309, 311, 479; circuit-courts of justiciary to be held there, 347; petition by the inhabitants for the repair of bridges on the Edinburgh road, 469; the sheriff summoned before the Council, 475; charges and missives to the justices of peace, 12, 61; to report as to the fencibles, 168, 169.
- Pembroke, Earl of, Philip, fourth, member of the Privy Council, vi.
- Penal statutes: the burghs obtain a discharge of their execution from the King, but the Council object, xxxvii, 122, 123, 557; the Council write to the King on the matter, 137, 138; the King orders that they be enforced again, with a respite for past offences, to which respite the Council demurs, 182, 183, 189; violators to be tried by the circuit judges, 421, 435, 437-439.
- Pencaitland, parish of, the minister peremptorily ordered to report the number of fencible persons in his parish, 94, 95.
- Penicuik (Pennycuik), parish of, 114.
- Penny, Isobel, wife of Andrew Brown in Culross, charged with deforcement, 610.
- Pensions paid for assignments of Crown lands, an injury to the Crown, xxxvi, 155, 156; their effect upon the Exchequer, 227.
- Pentland (Paintland), parish of, 114.
- Pert, parish of, survey of fencible persons there, 170.
- Perth, Earl of, John Drummond, second, a member of the Privy Council, v; requested

- by the Council to preside at the meeting of the teind-sellers of Perth in place of the Chancellor, 292, 293; reports the submission by the teind-sellers of Perthshire, 318; letter from him about the submission between the Buchanans and Macgregors, 330; to repair the highways in his neighbourhood, 374; present in Council, 3, 50, 210, 217, 222, 225, 252, 311, 319, 412, 420; signs Acts of Council, missives, etc., 203, 221, 224, 228, 230, 311, 347, 364, 367, 416, 568, 569.
- Perth, burgh of, 283, 420; justice ayres held there, xxii; the Dean of Guild Court, xliii; commission to the magistrates to try a murderer, 62; the bailies are ordered to choose none to office in the town but merchants and traffickers there, 81; illegal election of the Viscount of Stormont as their provost, who oppresses the citizens, xliii, 213, 214, 217, 233-235, 236, 254; the bailies and councillors in 1628, 234; the teind-sellers to meet there, 292; hunting within eight miles of, forbidden, 372; the highways thence to Falkland and Dundee to be repaired, 374; meeting of the Convention of Burghs there, xlvii, 377; circuit-courts to be held there, 435; complaint against the magistrates for illegal imprisonment, 610; the magistrates to try a witch, 623; the ministers of, 623, 624; documents dated there, 47, 554, 598, 624; proclamation at the market cross, 30; the tolbooth, 62, 214, 234; the burgh books, 623.
- shire of, 33, 34, 246, 248, 292; the sheriff ordered to take the musters of the vassals of the lordship of Coupar, 31; the sheriffship offered to Mr Mungo Murray, 58; his appointment as sheriff, 74; the submission of the teind-sellers and teind-buyers there, 318, 320, 479; circuit-courts of justiciary to be held, 347, 435; the sheriffship conferred upon the Laird of Moncrieff, 451; he is summoned before the Council, 475; part of the taxation unpaid, 522, 523; the sheriff is to try a witch, 623; charges and missives to the justices of peace, 12, 61; to report as to the fencibles, 168, 169; report by them, 554, 555.
- Peterhead (Peterheid), a Lübeck ship wrecked there, xl, 198, 204, 210, 219, 222, 232, 236, 238, 270, 275, 298, 563, 564, 575.
- Petrie (Patrie), Mr Robert, writer, his report to the town council of Aberdeen, 584.
- Pettigrew, James, in Langlone, charged with unlawful convocation, 119-121.
- Phaill, Duncan McEan Dwy, to be produced before the Council by Glenorchy, 302, 303.
- Phillane, Effie, an inhabitant of Dunfermline whose house was burnt, 141.
- Philp (Fyffe), James, in Easton, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- Phin (Phyn) of Cowperhill, Alexander, petition by him, 602.
- William, in Leith, caution by him, 134; his signature, 134.
- Phynnevin, castle of. *See* Finnevin.
- Picks, stealers of, out of stanks, to be dealt with by the circuit-courts, 438.
- Pikes (pick), 559, 571; to be imported, 59.
- Pinkertoun, James, indweller in Prestonpans, caution by him, 121; his signature, 121.
- Pistols, references to, 216, 235, 254, 279, 290, 339, 343, 352, 399, 400, 403, 458, 459, 495, 595, 600, 619, 620. *See also* Hagbuts.
- Pitcairne of that Ilk, David, far, caution by him, 20; his signature, 20.
- Pitnusk, village of, 607.
- Pittarrow, Laird of. *See* Wishart.
- Pittendreich, Father, a Popish priest, to be apprehended, 500-502.
- Pittenweem, proclamations at the market cross, 18, 566.
- Plaiding, trade with France in, xxxiii, 243
- Plantation of Ireland, 445; of Nova Scotia. *See* Nova Scotia.
- Plate-bonnets, 339, 402, 595.
- Plate-sleeves, references to, 289, 431, 543, 596.
- Plough irons, 604; destroyers of ploughs to be dealt with by the circuit-courts, 437.
- Plymouth (Plymouth), 20.
- Poaching, prosecution for, 589, 590.
- Polmaise (Powmais), Laird of. *See* Murray.
- Polson, John, burgess of Inverness, caution for him, 9; prosecuted for failure to assist in the execution of a commission, 585.
- Polton, lands of, 231.
- Polwarth (Polwart) of Cauldlaw, James, caution for his indemnity, 75.
- John, complaint by him, 83.
- Pont, James, petition by him, 542.
- Ponton, James, in Queensferry, charged with assault, 423.
- John, in Queensferry, charged with assault, 423.
- Portpatrick, 283, 321, 445; tolls there for maintaining the port, 64.

- Portugal, commerce with, prohibited, 10, 11.
- Pourie Fotheringham, Laird of. *See* Fotheringham.
- Powre, Mr Gilbert, minister at Stanekirk, petition by him, 601, 602.
- Precedency: the Lord Privy Seal ranked next to the Treasurer, 109; dispute between the Lord Advocate and the Justice Clerk, l, 524-532; the ranking of his former Earldom of Melrose granted to Thomas, Earl of Haddington, 58, 59.
- Recognitions, 83, 139, 419.
- Premnay, parish church of, 212.
- Prentice (Prenteis), John, in Hinschaw, fined for illegal convocation in arms, 355, 356.
- Robert, elder, in Hinschaw, fined for illegal convocation in arms, 355, 356.
- Robert, younger, in Hinschaw, fined for illegal convocation in arms, 355, 356.
- Presenter of Signatures, 509.
- Preston of Fentonbarns, Sir Michael, caution by him, 29; he makes provision for his wife and children, 29, 30; sent off to the wars in Germany, 31; petition by him for liberty, 83; arrangements with regard to his wife and her relatives, 272, 273, 280; bond of caution by him, 273, 280; his dispute with Sir Robert Hepburn of Barefute, 542, 548, 547.
- of that ilk, . . . , to repair the highways in his neighbourhood, 374; commission of justiciary to him, 379.
- of Valleyfield, Sir John, to arbitrate in a case, 219; to repair the highways in his neighbourhood, 374.
- of Whitehill, . . . , charged to appear before the Privy Council, 441.
- Catherine, wife of Mr Robert Nairn, complaint and petition by her, 399, 400, 483, 618-620.
- Prestongrange, Lord. *See* Morrison.
- Prestounpanes, 561.
- Primrose (Prynrois), Archibald, Clerk of the Taxations, brother of the Clerk of Council, order to him, 73, 74; horning at his instance, 283, 284; refuses an oath anent the taxation, 629, 630; rolls of taxation sent to him, 636.
- Mr David, advocate, acts as procurator, 105; to be assessor in a witchcraft case, 487; commissions to him, 470, 494; letter by him to his brother the Clerk of Council, 636.
- Mr Gilbert, 606; at Court, letter to him from the Earl of Haddington, 635, 636; his wife, 606.
- Primrose, James, Clerk of the Privy Council, 272; gives up the Court or Council signet to the new Secretary, 108, 109; some writs to be placed in his keeping, 189; money consigned in his hands, 226; the writs of the Lübeck ship placed in his keeping, 236; to receive some writs, 253; witness to a writ, 262; pursued for delivery of writ, 355, 419; attests the deletion of an Act, 364; the roll of crimes to be dealt with by the circuit-courts to be signed by him, 436; to receive certain returns in absence of the Secretary, 466; he writes to Sir William Alexander, 605; his wife, 606: letters addressed to him, 473, 553, 562, 624, 626, 627; from the provost and bailies of Aberdeen, 584; Mr Henry Adamson, 623, 624; Secretary Aitcheson, 605, 606; Dumbarton, xlvi; J. Glaidstans, 636; the Earl of Haddington, 635, 636; the Earl of Lauderdale, 582; the Earl of Mar, 584; his brother, D. Primrose, 636; his son, Robert, li, 558, 559; Sir James Pringle of Galashiels, 584; Sir Harry Wood of Bonyton, 580, 581: reports to be made to him, 94, 95^a; order to him, 440; Register signed by him, 211; Acts and extracts of Acts, etc., of Council signed by him, 561, 562, 563^a, 564, 570, 573, 574, 618, 625, 629, 633, 634.
- Robert, son of James, *supra*, letter from him at Elbing to his father, li, 558, 559; his seal, 559.
- Prince of Scotland, and Earl of Carrick, the style of the King's eldest son, 391, 395.
- Pringle (Pringill) of Buckholm, James, fiar, signs a report as a justice of peace, 553.
- of Galashiels, Sir James, appointed Sheriff of Selkirk, 56; to take the subscriptions of the teind-buyers of Selkirkshire, 247; and report the names of such as refuse to sign, 479; he reports the submission by the teind-buyers of Selkirkshire, 309; reappointed Sheriff of Selkirk, 451; commission to him, 470, 471; present at a justice of peace court, 555; writes to the Clerk of Council as to the fencibles in Selkirkshire, 584; his seal, 584.
- of Tofts, John, payment to him as a witness, 349.
- of Torsonse, . . . , peremptorily ordered to report the number of fencible persons in the parishes of Heriot and Stow, 114.

Pringle, Charles, in Lauder, to be apprehended, 101.

— David, younger, chirurgion in Edinburgh, complaint against him, 354, 355; he appears before the Council, 355.

— John, chirurgion, 278.

— Robert, writer, caution for his indemnity, 29.

Priory of Coldingham, 6, 73.

Prisons and prisoners: warehouses and tol-booths in every head burgh to be made sufficient, 346; breakers of prisons to be dealt with by the circuit-courts, 438; allowances made for the support of prisoners, xxvii, 136, 461, 519, 520; mode of transmitting prisoners from place to place, 60; conveyance of one from Stirling to Edinburgh, 536.

Privateers, called freebooters: arrangements for payment of the crews of them, 304, 582; some equipped by the Marquis of Hamilton, 324, 325.

Privy Council of Scotland: composition of the Council, v; changes in the membership and officers of State, vi, vii; quorum of the Council, vii, viii; attendance of the membership, viii; place of meeting, viii; the Council represent to the King a conflict of jurisdiction in reference to the Commission for Grievances, 5, 6; the powers of a Councillor in the country, 27; a committee to hear the reports of Sir James Baillie on the taxation, 59; the Council crave that the quorum might be reduced, and that in winter they might meet in Edinburgh, 100, 100 n., 101; sentence of death by hanging and quartering passed upon a person guilty of assault at the Council-house door, 95, 96; admission of Sir Archibald Aitcheson to membership, 107, 108, 558; the signet of the Council formerly called the Court Signet, kept by James Primrose, the Clerk, 108, 109; the King consents to the reduction of the quorum, and to the Council's meeting at Edinburgh in winter, 113; demur to the King's desire not to enforce the penal statutes, 123; a committee appointed for considering the proposals by Edinburgh for the fortification of Leith, 133; a certificate granted to a foreign shipwrecked crew, 135; a payment made to them, 139; reply of the Council to the proposals of Edinburgh for fortifying Leith, 159-161; admission of Mr Thomas Hope, King's Advocate, as a

member, 180, 181; the Council decide that a person assoilized by them cannot be tried on the same charge before the Justice, 181, 182, 563; the Lord Advocate protests in the contrary, 182; answer by the town of Edinburgh to the Council's proposals for fortifying Leith, 183-188; the Council will not discharge a warrant proceeding from Parliament, 196; the Earl of Menteith appointed President of the Council, 233; the Lords to take the subscriptions of the teind-sellers of Edinburghshire, 246, 247; admission of Alexander, Earl of Galloway, to membership, 266, 267; Act providing for the presidency of the Council in the absence of the Chancellor and President, 303; admission of Lord Lorne as a member, 331, 332; the Council ratify an Act signed by the Treasurer, 347, 348; admission of the Earl of Seaforth as a member, 353, 354; deletion of an Act of Council, 364; establishment and reformation of the Council, 365; several of the Council at Court on the Teinds question, 368, 370; the Council is to meet the King at Seton and accompany him thence to Edinburgh, 384; a committee of the Council at Whitehall send suggestions and missives to the rest at Edinburgh, 414; the Lords give directions as to the procedure in the circuit-courts, 436-439; the Lords appoint a commission to enquire into the office of Justice Clerk, 484; advocates not permitted to plead before the Council save in exceptional cases, 490, 511; the commission for establishing the Council in March 1626, 527; want of a quorum, 81, 323, 330; circular requesting the attendance of the Lords, 37, 138, 307, 319, 320, 321; next meeting appointed, 446; meetings of the Council at Edinburgh, 44, 100, 101 n., 252; at Holyroodhouse, 1, 3, 6, 9, 12, 16, 19, 21, 22, 27, 30, 31, 36, 39, 41, 44, 45, 50, 61, 66^a, 71, 75, 76, 81, 95, 100, 101 n., 102, 107, 112, 113, 115, 117, 122^a, 131, 135, 140, 142, 144, 150, 159, 167, 171, 172, 174, 176, 180, 189, 195, 196, 200, 204, 209, 210, 211, 217, 222, 225, 229, 231, 232, 236, 245, 254, 256, 262, 266, 269, 270, 274, 280, 285, 293, 303, 305, 309, 311, 319, 321, 325, 330, 331, 334, 335, 339, 343, 347, 351, 353, 357, 367, 374, 380, 383, 388, 391, 397, 402, 406, 412, 420, 425, 434, 440, 448, 450, 456, 457, 459, 466, 473, 478, 484^a, 490^a, 491, 494, 497, 513, 518, 521, 524, 535, 540

- 561, 562, 572; at Leith, 85; a meeting of the Council in Vacance, 406; Clerks of Council, 433; registration in the Books of Secret Council, 17, 66, 262, 271, 286, 315, 330, 362, 373, 379, 392, 399, 401, 407, 409, 414, 433, 483, 491, 535, 544, 570, 589, 611; a new volume of the *Acta*, 230.
- Privy Council, letters to the,—from the commissioners for erecting forts at Burntisland and Montrose, 70, 71, 74, 75; from the King of Denmark, recommending Alexander Chirnside, 321, 322: Letters from the Council to the King—as to the widow of Sir James McDonald, 2, 8, 9; a complaint by the burgh of Inverness against the Earl of Moray, 5, 6; the dispute between the Earls of Marischal and Linlithgow about the warships, 25, 26; as to the levies for the French war, 38, 39; the foreign warships, 44; the movements of foreign ships, and suggesting the seizure of Spanish ships with money, 47, 48; the arrest of Captain John Seton, 63; a petition from Mr James Galloway and Mr Nathaniel Udward, 64; their nomination of two commissioners for the Tweed fishery dispute, 75, 76; explaining why Sir James Baillie has not sooner come to Court, 76; desiring that the heirs of such as fall in the French war may have their ward, relief, and marriage casualties remitted, 79, 80; in favour of John Lawson, 99, 100; desiring that the quorum of the Council might be still further reduced, 100, 101; representing the impolicy of abolishing the penal statutes, 137, 138; in favour of Colonel Sinclair, 154, 155; representing the impoverishment of the Crown revenues by pensions paid by assignments of Crown lands, 155, 156; narrating the case of Dumbarton Castle and the steps taken about it, 156, 157; demurring to a respite in respect of the penal statutes, 184, 189; on the condition of the Exchequer, 210; with a petition from Captain John Seton, 220, 221; petitioning for the renewal of the conjoined commission on the Borders, 223, 224, 228; representing the empty condition of the Scottish Exchequer, 227, 228; about the merchants and French goods, 228; a petition by some merchants to import goods from France, 242, 243; Alexander Nairn's proposal, 244, 245; in favour of the merchants who have bought French wines, 265, 266; the payment of the crews of the warships, 279, 280; the French wines which have come to Leith, 284; in favour of the wine merchants, 291; referring the suit of the owner of the Lübeck ship to his majesty, 291; the captains of the warships, 303; the case of Dame Margaret Hamilton, wife of Sir John Stewart of Methven, 336; reporting their preparations for his visit, but that, owing to want of money and other hindrances, it will be inopportune, 385, 386; that St. Giles Church has been chosen for his coronation, and giving the old form of coronation, 392, 393; the Earl of Kinclaven's patent of the earldom of Carrick, 395; as to the murder by David White of his daughter at Nenthorn, 402, 412; the preparations for his visit, the lending of money by the officers of State, and proposing a taxation for defraying the expense, 415, 416; the Earl of Linlithgow's patent for the manufacture of saltpetre, etc., 434, 439, 440; that the Earl of Mar had appointed Sir James Baillie to superintend the preparations for his majesty's visit, 471, 472; craving that no new patent of the lands of Canada and New Scotland be granted, 489; about Papists in the dioceses of Aberdeen and Moray, 495, 496; advising the general production of tacks, 513; in behalf of Sir John Charteris of Amisfield, 538, 539; begging he will obtain redress from Hamburg for the seizure of a Scottish ship, 540, 544, 545; advising liberty of appeal by sub-commissioners for valuations, 546: Letters from the Council to other persons—archbishops and others, recommending the case of a Scottish seaman in Barbary, 3, 4; the Lord Admiral of England, about a Leith ship at Plymouth, 20, 21; the provost and bailies of Dumfries, to imprison a frantic person, 22; the Bishop of Aberdeen, to explain his opposition in the case of Elizabeth Leslie, 24, 25; the Steward deputed of Kirkcudbright, to enforce the law against excommunicated persons, 24; the Laird of Bonjedward and William Ker, commissioners in a murder trial, 25; the nobility and prelates, to further the levies for the French war, 37, 38; the mayor and aldermen of Newcastle, warning them of the presence of the enemy's vessels off the coast, 46, 47; Sir Mungo Murray, to accept the sheriffship of Perth, 58; the justices of peace, to send the

prices of milt, sheep, and wool, and to take the numbers of fencible men in each parish, 61-63; the noblemen and barons, to furnish men to the Earl of Morton for the French war, 62, 63; the commissioners for the fort at Burntisland, 67, 68; the Laird of Bogie, younger, 112; to the Commissioners for the Middle-Shires, to come and consult about the misrule there, 141, 142; the Duke of Lennox, informing him what they had done about Dumbarton Castle, 157, 158; the magistrates of Aberdeen, to assist one of H.M. ships in their harbour, 179; the Countess of Marischal, thanking her for her care about the Lübeck ship, 195; the Earl of Nithsdale, to attend the meeting for Border affairs, 198; the Archbishop of St. Andrews, to send the papers taken out of the Lübeck ship, 210; the Countess of Marischal, to make over the goods of the Lübeck ship to William Gray, 219, 220, 222, 227; the justices of Northumberland, desiring them to arrest a fugitive, 269; the Lairds of Cranston and Fenton, to give in a roll of the teind-sellers of Midlothian, 291; Sir William Muschamp, and his reply, 294, 577, 581; Lord Balmerino and the Laird of Traquair, about the teinds, 307, 308^a; the bishops, to sign the Submission, 311; the Commissioners for the Surrenders, 323, 324; Christian the Fourth, King of Denmark, as to Alexander Chirnside and James Sinclair, 342; the justices of peace, to send the prices of wool, cattle, and sheep, 363; certain English magistrates, about some Scottish ships, 381, 382; members of the Council at Court, to represent to the King the present inopportuneness of his coming, 386, 387; Sir William Seton, Sir James Dundas, and whole nobility, 388; the magistrates of Stirling, advising them to prepare for the King's visit, 389, 390; the nobility, to attend the coronation and Parliament in their robes, 390, 391, 393; the Councillors, to attend the meetings in view of his majesty's visit, 396, 397; Sir William Alexander, to inform the King of the arrangements for his coronation, 405; the Marquis of Huntly, to apprehend John Gordon of Ardlogie, 405, 406; the Earl of Moray, to apprehend James Grant, a rebel, 411, 412; the commissioners for fencing the Parliament, 445, 446; the Viscount of Airds and the magistrates of Ayr, to stay criminals fleeing to Ireland,

445; the sheriffs elect, to come and accept office, 445, 446; Lord Yester, to apprehend Captain James Hay, 446; the Lairds of Amisfield and Lag, about the registers of the Border Commissioners, 447; the Marquis of Huntly, to suppress the disorders among the Grants, 451, 455; Lord Lovat, to suppress the disorders among the Grants, 451, 456; to sheriffs, to send the roll of the justices of the peace, 472, 473; Sir William Alexander, desiring him to write favourably of Colonel Sinclair to the King of Denmark, 472; the Commissioners for the Surrenders, to attend a meeting, 483; the Archbishops of St. Andrews and Glasgow, about the education of the sons of Popish noblemen, 545; the magistrates of Dundee and Aberdeen, about base Embden dollars, 545, 546.

Prize ships to be adjudged by the Lord Admiral, 208, 209; the Lübeck ship, 227.

Processes, Minute Book of, for June, July, and August 1627, 64, 65; September 1627, 83; October 1627, 102; November 1627, 139; December 1627, 175, 176; January 1628, 216, 217; April 1628, 322; July 1628, 419, 420; December 1628, 546, 547.

Proclamations: against the reset of deserters from the levies, 34, 35; to fencible persons to disband, 43, 44; prohibiting the exportation of cattle, sheep, and wool, 61, 62; as to supplying soldiers, 79; to mariners engaged for the transports to France, 84; of a wapenschawing, 88-90; for the surrender of the teinds, xvii, 102; for a general muster, 102; for observing Lent, 249, 250; as to French wines, 265, 266; of a protection to the teind buyers and sellers, 293; against resetting deserters from the army, 296, 297; for the summoning of Parliament, 367, 615; of the prorogation of the Submissions, 368, 369; for the subscribing of the Submissions, 371, 372, 615; for preserving the King's game, 372, 615; for attending Parliament and the coronation in robes, 383-385; against the slaughter of wild fowl, 388, 389; of the prorogation of Parliament till 15th April next, 414, 416, 448, 626; for observing the 5th of November, 473, 474.

Protections granted,—to horners, 83, 139, 211, 216, 222, 225, 226, 250, 254, 420; to all teind-buyers and teind-sellers for subscrib-

- ing the Submission, 293, 580; to witnesses in the Grant feud case, 514; for the teind sellers and buyers of Berwickshire, 581; to Mr. John Aitcheson, 429, 430, 469; to the Laird of Bass and Lady Bass, 509, 510, 631; Patrick Carkettle of Markle, 134, 188, 189; the Captain of Clanranald, 118, 136, 139; Sir John Edmonstone of Ednam, 189; John Grant, apparent of Ballindalloch, 491, 628; William Gordon of Rothiemay, 600; Sir Alex. Hamilton, younger, of Innerwick, 316, 335, 336, 407, 420, 470; Hamilton of Samuelston, 115; George Home of Bassendean, and Alexander, his son, 112; William Hume of Hardysmylne, 112; Sir David Hume of Wedderburn, 110, 134, 189, 222, 291; John Ker of Longnewton, 470; McClellan of Bombie, 523, 547; Callum McGregor, 291; John Stewart of Coldingham, 299.
- Protestation, 83.
- Provisions, dearness of, lii.
- Provosts of burghs: Aberdeen, 54, 57, 360; Cupar, 178; Dumbarton, 627; Dumfries, 148, 224, 305, 568; Dunbar, 66, 94, 264; Dundee, 71; Dunfermline, 154; Edinburgh, 56, 125, 161, 193; Haddington, 130; Jedburgh, 494; Linlithgow, 422, 423; Montrose, 71, 74, 557; Perth, 213, 214, 233-235; Stranraer, 144, 193, 194; Tain, 489, 576.
- Prussia, xiv, li.
- Punishments: of hanging and quartering, 95, 96; reservation in commissions of life and member, 305.
- Purbeck, Otto, mariner in a Lübeck ship, 135.
- Purdie, Hew, in Lasswade, a debt due to him, 519.
- Pursuivants: James Currie, 17, 314; Carrick. *See* Alexander Neilson.
- Purves, Patrick, indweller in Coldingham, complaint by him, 219.
- William, charged with riot, 102^a.
- Pyckers to be dealt with by the circuit-courts, 438.
- QUEENSFERRY, meeting place of the commission for the erection of a fort on Inchgarvie, 53; the bailies to pay part of the money in their hands for ransom of the Sallee prisoners, for the ransom of two at Dunkirk, 251, 252, 254; fair and market held there, xlvi, 422-424; the market cross, 422-424; the tolbooth, 423.
- Quhitet. *See* Whittet.
- Quhyte. *See* White.
- Quhytfurd. *See* Whiteford.
- Quhythead. *See* Whitehead.
- Rae, John, in Aberdeen, petition by him, 617.
- John, burges of Jedburgh, denounced as a defaulting witness, 251.
- Patrick, in Birkinhill, to be tried for theft, 353.
- Richard, in Pathhead, his house there, 427, 623.
- Rainy (Ranie, Ranye, Reanie), Alexander, servant at Gorgie Mill, assaulted, 163.
- Andrew, indweller in Dunfermline, 317; Janet Reany, his wife, to be tried for witchcraft, 37.
- Andrew, burges of Dysart, caution by him, 135; his signature, 135; master of a Dysart ship, 381.
- Raisins, part of the cargo of a wrecked Lübeck ship, xl, 189-192, 199, 227, 238-240, 270, 275, 276; price of, 191.
- Rait of Halgreen, David, signs a report as a justice of the peace, 560.
- John, in Turing, charged to find lawburrows, 587.
- Raith of Edmonstone, Mr James, advocate, peremptorily ordered to report the number of fencible persons in the parish of Natoun, 114; complains of his aisle at Natoun kirk being broken into, 431-433.
- Ramsay of Balmain, . . . , to consider as to the erection of forts in his district, 53; also as to the erection of beacons, 54.
- of Dalhousie, Lord, to consider as to the erection of forts in his district, 53; to superintend the wapenshaw of the inhabitants of Midlothian, 89; peremptorily ordered to report the number of fencible persons in the parishes of Carrington and Cockpen, 114.
- Master of, . . . , to superintend the wapenshaw of the inhabitants of the presbytery of Kirkcaldy, 90.
- of Whitehill, Mr Simon, charged to appear before the Privy Council, 146, 147, 561.
- Mr Andrew, professor of divinity, recommended by the King to have the education of the sons of Popish noblemen, 537.
- David, servitor to Strachan of Thornton, caution for him, 80, 81.
- Sir George, to lead the teinds of Simprim, 464.

- Ramsay, George, kirk officer of Paisley, complains of a severe assault, xxviii, xxix, 327, 328, 596, 597; to receive £40 from his assailant's master, 334.
- George, charged with deforcement, 512.
- James, in Queensferry, charged with assault, 423.
- John, merchant in Dundee, witness to a writ, 71.
- John, in Gilmerton, sent to the wars in Germany, 332.
- Mr Thomas, moderator of the presbytery of Dumfries, appears before the Council, 128, 129, 433; makes a deposition before the Council, 575; signs a certificate, 586.
- Mr . . . , execution of summons against him, 552.
- Rankine (Rankein), Agnes, in Prestonpans, to be tried for witchcraft, 353.
- John, burghess of Edinburgh, deceased, 193; John, his son, an apprentice locksmith, 193.
- Rapiers, assault with, 427, 623.
- Ratches, or grew-hounds, hunting with, 372.
- Ratho (Rathow), parish of, 115.
- Ratray of Corb, John, commission to him, 278.
- of Darilzin, Andrew, fiar, commission to him, 278.
- of Perse, Silvester, 458.
- of Rumagulane, James, commission to him, 278.
- John, in West Boreland, commission to him, 278.
- John, enlisting men for the French war, 104, 105.
- Reay, Lord, Sir Donald Mackay of Strathnaver created a lord of Parliament as Lord Reay, 357. *See also* Mackay.
- Redpath (Ridpeth), Margaret, in Prestonpans, to be tried for witchcraft, 353.
- Regalities: of Broughton, 127 n.; Dalkeith, 217; Kirriemuir, 611; Lincluden, 101, 596.
- Regiam Majestatem, a record of the ancient laws of the kingdom, to be revised, 366.
- Register, Lord Clerk. *See* Sir John Hamilton of Magdalens.
- Registers and registration: deletion of an Act, 364; the Registers of Sasines in the keeping of the Lord Clerk Register, 398; refusal by a widow to give up some registers kept by her husband, 398; the Registers of the Border Commissioners to be made patent to the Justice Clerk, 447; the Registers of Session, Council, and Parliament ransacked for proofs in the precedency case between the Advocate and the Justice Clerk, 524-532; Books of Adjournal, 279, 537; Burgh Books of Perth, 623; Register of Cautions, 268 n.; Registers of Chancery, 526; Books of Council and Session, 210; the Herald's Registers, 179; Court-book of the Justices of Kincardineshire, 554, 560; Records of the Justices of Peace of Perthshire, 555; Books of Secret Council. *See* Privy Council; the Sheriff Books, 491; the Sheriff's Books of Renfrew, 353; Registers of Wigton, 420.
- Reid (Rid), Alexander, merchant burghess of Edinburgh, charged with harsh imprisonment, 350.
- Alexander, goldsmith, has a man in prison for a debt, 464, 465.
- James, an inhabitant of Dunfermline, called to account about some timber, 141;
- James, younger, burghess of Dunfermline, a commissioner for the relief of the sufferers in the Dunfermline fire, 161.
- Janet, in Prestonpans, to be tried for witchcraft, 353.
- Peter, merchant, citizen of London, his pursuit of the Earl of Crawford, xliii, xlv, 122, 176, 177, 580, 581; complaint by him against intercommuners with the Earl, 139, 524, 547.
- Robert, wright in St Andrews, he and his son charged with malicious damage in a church, 362, 593; he is to apologise publicly in the church, 362.
- Thomas, 458; Alexander Rid Fleming, his son, charged with assault and robbery, 458, 459. *See also* Fleming.
- William, messenger, executes a charge, 576.
- . . . , servant to William Forbes of Craigievar, petition by him, 591.
- Reivers and oppressors to be dealt with by the circuit-courts, 438.
- Remembrancer of the Exchequer, 346.
- Renfrew, burgh of, commissions to the provost and bailies, 171, 329; proclamation at the market cross, 573.
- shire of, 33, 34, 246, 248, 573; the submission of the teind-sellers and teind-buyers there, 319, 479; circuit-courts of justiciary to be held, 346; letters to the sheriff for dispensation with a minority,

- 96 ; commissions to him, 171, 329, 353 ; he is summoned before the Council, 475 ; the Sheriff's Books, 353 ; Thomas Logan, common prosecutor, 353 ; charges and missives to the justices of peace, 12, 61 ; to report as to the fencibles, 168, 169.
- Rents, Receivers of His Majesty's, references to them, 24, 46, 131 ; payments to be made to them, 201, 262, 279, 330, 346, 347, 356, 357, 381, 483, 516, 543, 544 ; orders to them to make payments, 270, 304, 380.
- Renwick (Ranick), James, in Galalaw, charged with stealing trees, 590.
- Reres, Laird of. *See* Forbes.
- Rescobie, parish of, survey of fencible persons there, 170.
- Respein, land of, 443.
- Respite: of the penal statutes, 182, 183 ; to David White in Nenthorn, 402, 412.
- Restalrig, Laird of. *See* Logan.
- parish of, 114.
- Retinue at trials, 295, 580.
- Revision of the Statutes and Acts of Parliament, 365-367.
- Revocation Edict by King Charles, ix, xvi-xx, l, li, 602 ; general uneasiness on account of it, lii ; exemption from it granted to the burghs, 323.
- Rewcastle, John, in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xii, xiii, 84, 85, 97, 98, 105, 106.
- Rhé (Rae), Island of, 38 n., 67, 75, 78 n., 92, 118.
- Riache, Donald, in Stramar, to be apprehended and tried for incest, 317.
- Riccarton, Holme of, 612.
- Richard (Richart), David, in Ayr, 144.
- Richardson (Richartsoun) of Pentcaitland, Robert, appointed Sheriff of Haddington, 56 ; to take the subscriptions of the teind-buyers of Haddingtonshire, 247 ; and report the names of such as refuse to sign, 479 ; he reports the submission by the teind-buyers of Haddingtonshire, 309.
- of Smeaton, Sir James, peremptorily ordered to report the number of fencible persons in the parish of Newbattle, 114 ; to take the subscriptions of the teind-buyers of Edinburghshire, 247 ; and report the names of such as refuse to sign, 479 ; he reports the submission by the teind-buyers of Edinburghshire, 309 ; appointed to sequestrate certain teinds, 457, 458 ; commission to him, 482.
- Richardson, Charles, an inhabitant of Dunfermline whose house was burnt, 141.
- Duncan, beidman of the Magdalene Chapel in Edinburgh, complains of being illegally imprisoned, 378.
- John, weaver in Ardwell, caution for his indemnity, 69.
- John, younger, called the Oy, in Ardwell, caution for his indemnity, 69.
- John, writer, burges of Edinburgh, witness to a writ, 268.
- Sarah, deceased, sister of Duncan, *supra*, her debt to her doctor, 378.
- Richmond, Duke of. *See* Duke of Lennox.
- Riddell (Riddill) of that Ilk, Andrew, to sequestrate certain teinds, 83 ; reports the submission by the teind-buyers of Roxburghshire, 309 ; commission to him, 470, 471.
- — John, apparent, commissions of justiciary to him, 2, 201, 202 ; to take the subscriptions of the teind-buyers of Roxburghshire, 247 ; and report the names of such as refuse to sign, 479 ; appointed to sequestrate teinds, 469.
- — Andrew, apparent, complaint by him, 512, 513.
- Bessie, in Prestonpans, to be tried for witchcraft, 379.
- Riddick, Jean, goodwife of Garneborrow, prosecuted as a Papist, 536.
- Rig, Mr Abraham, in Prestongrange, caution by him as to selling his grain, 121 ; his signature, 121.
- James, chirurgion, to report the condition of a patient, 291.
- Riot, cases of, 65, 83, 102, 139, 175, 176, 253, 254, 322, 419, 420, 546, 547.
- Rivers and streams, polluters of, to be dealt with by the circuit-courts, 438.
- Rob, Father, a Popish [priest, to be apprehended, 500-502.
- Robert, the Bruce, King, styled Earl of Carrick, 391, 395 ; grant by him to Leith in 1329, 126 n.
- Robert, Thomas, in Turing, charged to find lawburrows, 587.
- Robertson (Robertoun, Robesoun) of Donnie, Alexander, 458 ; commission to him, 278.
- of Lude, Alaster, commission to him, 329.
- of Little Segie, David, put under caution to keep the peace, 154.
- of Straloch, Alexander, commissions to him, 278, 329.

- Robertson, Alexander, Jesuit, ordained to be banished, xxvii, 132; allowance for his support in prison, 136, 139; letter about him from the Archbishop of St Andrews, 562; to be liberated from the tolbooth and make preparations for going abroad, 226, 227, 229, 253.
- David, bailie of Dysart, captain of *The Graice of Dysert*, letters of marque granted to him, 15, 16; caution for and by him, 26^a, 35, 36; appointed to assist the war-ships, 42, 43, 46; claims remuneration for his services, 201; captures a French ship in a Norwegian port, 218, 253; order for payment to him and his crew, 269, 270; petitions for redress against the city of Hamburg for the seizure of his ship, 540, 544, 545; his signature, 26, 35, 36.
- Duncan, *alias* McPhatrik Oig, charged with assault and robbery, 458, 459.
- Gilbert, in Dumfallandres, horning at his instance, 329.
- Henry, in Nether Crago, charged with assault and molestation, 153, 154, 176.
- Mr James, Justice Depute, proposition by him as to the re-trial of an accused person, 181, 182, 563; commission to him, 470.
- Mr James, minister at Cranston, concerned in a witchcraft case, 468, 469.
- James, cordiner, burgess of Cupar, complaint by him, 177-179, 216, 300, 301.
- James, burgess of Inverness, caution for him, 9; prosecuted for failure in the execution of a commission, 585.
- John, cordiner, burgess of Cupar, complaint by him, 177-179, 216, 300, 301.
- John, younger, merchant burgess of Perth, petitions for summons against an assailant, 594.
- John, son of Gilbert, *supra*, horning at his instance, 329.
- John, to be exhibited before the Council as a masterless person fit for the wars, 82.
- Thomas, in Kelso, apprehended as an idle and masterless person, 636.
- William, younger, burgess of Inverness, caution for him, 9; prosecuted for failure in the execution of a commission, 585.
- William, son of Gilbert, *supra*, murdered, 329.
- . . . , wife of Alexander Reid Fleming, assaulted, 458.
- Lawrenceone, John, burgess of Inverness, caution for him, 9; prosecuted for failure to assist in the execution of a commission, 585.
- Robertson, Father, three Popish priests of the name to be apprehended, 500-502.
- Robes of the nobles and others attending Parliament and the coronation, xxxviii, 384, 390, 391, 393.
- Robson (Robesoun), James, in Cruiksford, charged with cutting and stealing trees, 398.
- James, caution for his compearing before the Council, 82.
- John, *alias* Bastard, in Lauder, to be apprehended, 101.
- Patrick, in Duncanlaw, he and his wife, Megie Yorkson, charged with child-murder, 130, 162.
- Simon, caution for his compearing before the Council, 82.
- Rochelle, la, town of, ix, xi, xvi, 38 n., 51 n., 62 n., 78 n.
- Roger, Mr David, his process against Castle-milk, 83.
- Rolland, James, in Aberdeen, petition by him, 617.
- William, in Aberdeen, petition by him, 617.
- Rollock (Rolloke) of Corsebank, Robert, charged with harbouring the Earl of Crawford, 524.
- of Muretoun, Robert, elder, witness to a writ, 84.
- Roman Catholics: legislation and procedure against Papists during the period of this volume, xxiv-xxix; efforts for the suppression of Popery, ix; a list of Papists in the Isles to be given in, 20; commission against priests and Jesuits in the Highlands, 28; the Bishop of Aberdeen complains of their doings in his diocese, 48-50; Act of Parliament against Papists in June 1594 enforced, 128, 129; reference to Acts against Jesuits and priests, 132; proceedings against them in the Highlands, 137; assaults by the parishioners of New Abbey on the minister and others, 285, 286, 579, 580; letter from the King about the education of children in Papist seminaries abroad, 306; as Popery is increasing, the names of Papists are to be reported to the Council by the moderators of presbyteries, 358-360; warrant granted for searching for and apprehending all who exercise Popish worship in Aberdeen, 360, 361; certain offenders to be dealt with by the circuit-courts, 437; the

- education of the sons of Popish noblemen, 537, 545; confiscation of mass clothes, 562; activity of Popish priests in New Abbey, 579; legal proceedings against them, 132, 202, 203, 315, 316, 319, 320, 330, 343, 344, 351, 441; in the dioceses of Aberdeen and Moray, 375-377, 494-509, 615, 630, 631; Dumfriesshire and district, 262-265, 535, 536, 540; case of the Abercorns in Paisley, 327, 328, 334, 596, 597; Lady Gribton, 433, 434; the Jesuit Robertson, 226, 227, 253, 562.
- Rose (Ross) of Kilravock, . . . , to take the subscriptions of the teind-buyers of Nairnshire, 248.
- Ross (Ros, Rosse), Lord, James, his place of Hawkhead, 352; he is to inspect the condition of Dumbarton, 377, 380, 615; his report, 625, 626, 627; commissions to him, 171, 329.
- Archibald, clerk of the regality of Dalkeith, an act of his court annulled, 217.
- George, merchant burghess of Edinburgh, complaint by him, 355.
- George, writes to be delivered to him, 419.
- Mr James, minister of Aberdeen, petition by him, 360, 361, 614.
- Mr James, minister, at the horn for not paying his taxation, 522.
- John, bailie of Tain, commission to him, 489.
- William, in Whiteford, uncle to Lord Ross, commission to him, 329.
- Ross, Bishop of, Patrick, a member of the Privy Council, warrant to him to communicate with the Earl of Crawford, 27; signs a letter as a Commissioner for the Surrenders, 255; on the committee for revising and printing the statutes, 365, 366; present in Council, 1, 3, 6, 9, 21, 22, 27, 30, 31, 36, 39, 41, 45, 256, 262, 266, 269, 270, 274, 280, 285, 293, 303, 305, 321; signs Acts of Council, missives, etc., 6, 9, 15, 16, 20, 22, 26, 37, 41, 47, 48, 265, 266, 267, 269^a, 274, 280, 291, 302, 305, 307, 308, 576, 580, 582^a.
- (Rose) herald, xliii. See Thomas Hunter.
- Rostock, 280 n.
- Rothes, Earl of, John, to consider as to the erection of forts in his district, 53; also as to the erection of beacons, 54; to superintend the waponschaw of the inhabitants of the presbytery of Cupar, 90; to take the subscriptions of the teind-sellers of Fife and Kinross-shire, 246; written for to attend a meeting of the Commissioners for the Surrenders, 323, 331; to repair the highways in his neighbourhood, 374; going to his boat at Leith, 452.
- Rothiemy, town of, 534.
- Rowane of Barnhill, Andrew, charged with the murder of his wife, 5; caution for his compearing before the Council, 5.
- Catharine, charged with deforcement, 610.
- Roxburgh, Earl of, Robert Ker, first, a member of the Privy Council, v; to superintend the waponshaw of the inhabitants of East Lothian, 89; as a Commissioner for the Surrenders and Teinds, he is charged to attend a meeting, 106; he acquires the barony of Broughton, 127 n.; is on the committee about the fortification of Leith, 133; a cautioner for Sir John Stewart of Traquair as captain of Dumbarton Castle, 153, 157, 158; to take the subscriptions of the teind-sellers of Berwick, Roxburgh, and Lauderdale, 245, 573, 576, 577; to be consulted as to the trial of a witch, 362; leads the teinds of Simprim, 464; present in Council, 3, 9, 16, 19, 21, 22, 27, 30, 31, 36, 39, 45, 50, 61, 71, 75, 85, 122^a, 140, 144, 150, 159, 167, 174, 176, 180, 189, 195, 200, 204, 209, 210, 217, 222, 225, 231, 236, 245, 252, 254, 425, 450, 456, 469, 466, 494, 497, 513; absent from Council, 434; signs Acts of Council, missives, etc., 16, 21, 22, 23, 24, 25^a, 26, 37, 41, 48, 62, 63, 64, 76^a, 96^a, 139, 157, 171, 172^a, 179, 189, 195, 198, 199, 202, 203, 208, 215, 220, 221, 224, 228, 230, 242^a, 243, 245, 470, 471, 472^a, 496, 513, 546, 563^a, 568, 569, 571^a, 627; indorses a petition, 573; his bailie, James Hoppar, 94.
- Roxburgh, shire of, 33, 34, 92, 245, 247, 573, 577; a Border county, 173; the submission of the teind-sellers and teind-buyers there, 309^a, 479; circuit-courts of justiciary to be held, 347, 435; commission to the sheriff, 201, 202; he is summoned before the Council, 475; charges and missives to the justices of peace, 12; they are to report as to the fencibles, 168, 169; report by them, 553.
- Roy, Alaster, kirk-officer of Inveravon, complaint by him, 518, 547.
- George, a procees against him, 83.
- Rungs, assaults with, 163, 408, 608.

- Runsiman, Andrew, in Auchinheif, charged to find lawburrows 611.
- David, in Auchinheif, charged to find lawburrows, 611.
- Patrick, in Auchinheif, charged to find lawburrows, 611.
- William, in Glengerok, charged to find lawburrows, 611.
- Russell (Russill), John, in Broomside, charged with unlawful convocation, 119-121.
- John, in Westerglen, murdered, 112; horning at the instance of John Russell, his father, Marion Auld, his widow, and Agnes, Margaret, Isobell, and Elspeth, his daughters, 112.
- Margaret, wife of Alexander Watson, merchant burges of Edinburgh, 460.
- Russia, St Nicolas in, 124.
- Rutherford (Rutherford, Rutherford) of Edgerston, George, deceased, 25; Robert, his son, to be tried for murder, 25.
- Robert, caution by him, 82; his signature, 82.
- Andrew, charged with deforcement, 512.
- George, murdered, 25.
- Gilbert, caution for his compearing before the Council, 82.
- Hector, caution for his compearing before the Council, 82.
- James, purser, to furnish Captain Murray's ship, 179.
- John, in Rattinraw, denounced as an absent witness, 251; caution for his compearing before the Council, 262; suspension of horning against him, 277, 278.
- John, in Rossihill, a bond of his destroyed, 231.
- John, charged with deforcement, 512.
- Ruthvenis, lands of, 105.
- "Rysse and divvett," 161.
- SABBATH profanation, by brawling in kirks and kirkyards, 290; by rioting, 404; by assaults on that day, 352, 407, 591, 603, 604, 606, 608.
- Sacrament, abusers of the, to be dealt with by the circuit-courts, 437.
- St Andrews, Archbishop of, John Spottiswoode, a member of the Privy Council, v; designated president of the Commission for the Surrenders and Teinds, xix; writes to the Council about the enemy's ships off the coast, 47^a; desired to send the papers taken out of the Lübeck ship, 210; sends them to the Council, 236; letters to him from the Council to attend, 308, 319, 321; attests witchcraft depositions, 317; letter to him from the Council requiring him to preside in the Commission for the Surrenders, 323; patents produced to him as president of the Council, 357; he is to aid in convincing Papists, 359; on the committee for revising and printing the statutes, 365, 366; on a committee of arrangements for the King's coronation, 381; his duties at the King's coronation, 393, 394; charged, as a Commissioner for the Surrenders and Teinds, to attend meetings, 106, 324, 419; he is to decide a case about the kirk of Natoun, 433; written to by the Council to attend to his majesty's instructions about the education of the sons of Popish noblemen, 545; he writes to the Council about the Jesuit Robertson, 562; interposes in a case of church sittings in Inverkeithing, 594; present in Council, 45, 150, 180, (as praeses, 325, 351, 353, 357, 367, 374, 380, 383, 388, 434, 450), 478; signs Acts of Council, missives, etc., 155, 156, 179, 189, 198, 199, 329^a, 339, 353, 363, 379, 382^a, 386, 387, 390^a, 391, 393, 439, 440, 477, 563^a, 614, 615^a; indorses petitions, etc., 599, 600^a, 611, 613, 614, 616, 618.
- St Andrews, burgh of, caution for the provost and bailies about their idle men, 68, 69; some of the inhabitants capture a Lübeck ship, 298; English beer imported there, 289; the highway thence to Falkland to be repaired, 374; the provost, as a Commissioner for the Surrenders and Teinds, is charged to attend meetings, 106, 324, 331, 419, 483; the Links, 89.
- Commissary Clerk of, as a Commissioner for the Surrenders and Teinds, he is charged to attend meetings, 106, 324, 331, 419, 483.
- Cross, on the Nova-Scotia Seal of Admiralty, 271.
- presbytery of, the inhabitants therein to hold their waponshaw at St Andrews Links, 88-90.
- University of, x, 8.
- St Catharine's, parish of, 114.
- in the Hopes, kirk of, 607.
- St Cuthberts, parish of, 115; dealt with by the Teinds Commissioners, 348.
- Saint George, Sir Henry, ambassador to the King of Sweden, presents the Order of St

- George to that King, and is knighted by him, 559, 559 n.
- St Giles, church of, chosen for the King's coronation, and the partition wall to be taken down, 384, 389, 389 n., 391, 392, 393, 405.
- St John's Croft, lands of, 217.
- St Johnstoun. *See* Perth.
- St Monans, Laird of. *See* Sandilands.
- St Nicolas in Russia, 124.
- St Ninians, parish of, 353.
- St Serf's Fair, *xlvi*, 616.
- St Vigeans, parish of, survey of fencible persons there, 170.
- Sallee (Salie, Sillie), in Barbary, 3, 4; audacity of their rovers, *xlvi*, 252 n.; a fund for ransoming Scotsmen taken captive by them, 251, 252, 254.
- Salmon, trade with France in, *xxxiii*, 243; the fishing for, one of the trades of the kingdom, 617.
- Salt, trade in, 135; carried to London, 381; special impost on salt exported from the Forth, *xxi*, *xxxii*, 72, 73, 146, 147, 561.
- Saltpetre, patent to the Earl of Linlithgow for making, *xxxii*, *xxxiii*, 333, 334, 337, 425, 426, 434, 439, 537, 538.
- Sanderson, Thomas, indweller in Coldingham, complaint by him, 219.
- Sandilands (Sandylandis) of Rushaw, John, caution by him, 75; his signature, 75.
- of Sanct Monans, . . . , to consider as to the erection of beacons in his district, 54; to superintend the wapenshaw of the inhabitants of St Andrews presbytery, 90.
- Mr John, advocate, commission to him, 444.
- William, messenger, executes a charge, 561, 562; his signature and stamp, 562.
- Sands, Thomas, in Kincairne, charged with adultery, 85.
- Sauchie, Laird of. *See* Shaw.
- coalheuch of, 146, 561.
- Sayer, Samuel, an English prisoner, enlisted in Scotland, reclaimed, 283.
- Schleswig, 280 n.
- Schoolmaster, one at New Abbey persecuted by Papists, 285, 286, 579, 580.
- Schould, Nicolas, mariner in a Lübeck ship, 135.
- Schult, Henrich, master of the wrecked ship of Lübeck, *xxxix*, *xl*, 189, 190, 204, 238, 276, 576; craves satisfaction for his losses, 291.
- Scilly Islands, 252 n.
- Scone (Skone, Skoone), place of, 230.
- lordship of, 610.
- minister of. *See* Mr David Wemyss.
- Scott (Scot) of Abbotshall, Thomas, Justice Clerk, 526.
- of Burnfoot, Adam, caution by him, and for his indemnity, 267^a, 268^a; his signature, 268; charged to appear before the Privy Council, 572.
- of Elie, Sir William, Clerk of the Session, 30; to consider as to the erection of beacons in his district, 54; appears before the Council, 132; on the committee for revising and printing the statutes, 365, 366.
- of Harperrig, Laurence, petition by him, 589, 590.
- of Hartwodmyre, Robert, commission to him, 470, 471.
- of Midsheils, Walter, caution by, and for his indemnity, and signature of, 267, 268^a; he and his son Adam are charged to appear before the Privy Council, 572.
- of Nether Southfield, Robert, charged with stealing trees, 590.
- of Newark of Craikhaugh, James (called), charged with armed convocation, 410, 420.
- of Scotstarvet, Sir John, Director of Chancery, a member of the Privy Council, *vi*; his remarks on the Earl of Haddington, *vii*; to consider as to the erection of beacons in his district, 54; to hear the report of Sir James Baillie upon the taxation, 59; to superintend the wapenshaw of the inhabitants of Cupar presbytery, 90; complaint by him, 139; to examine the books and accounts of the Dunfermline fire commissioners, 181; to consider the claims of the captains of the warships, 209; to examine the accounts of Colonel Sinclair, 357; on the committee for revising and printing the statutes, 365, 366; on a committee of arrangements for the King's coronation, 385; ordered to pass the circuit-court commissions through the Seals, 420, 421; to investigate witchcraft cases, 442; to mediate between the Advocate and the Justice Clerk, 491; to audit accounts between Sir Michael Preston and Sir Robert Hepburn, 542, 547; reference to his "Staggering State of Scottish Statesmen," *xlii*; present in Council, 1, 3, 9, 16, 19, 27, 30, 31, 50, 61, 66, 71, 75, 76, 81, 85, 102, 107, 112, 113, 117, 122^a, 131, 135, 140, 142, 145, 150,

- 159, 174, 180, 195, 200, 204, 209, 210, 217, 222, 280, 285, 293, 303, 321, 325, 330, 331, 335, 343, 351, 353, 380, 383, 388, 391, 397, 402, 406, 412, 420, 425, 434, 440, 448, 450, 456, 459, 466, 473, 478, 484^a, 490^a, 491, 494, 497, 513, 518, 521, 524, 535, 540; signs Acts of Council, missives, etc., 68, 80, 156, 203, 207, 208, 220, 221, 284^a, 293, 305, 332, 334, 336, 339, 367, 382, 386, 387, 390^a, 391, 393, 395, 396, 405, 406, 410, 412^a, 416, 439, 440, 444^a, 445, 470, 471, 472, 473, 477, 482, 489^a, 496, 516, 517, 520, 539, 540, 542, 543, 545^a, 546, 568, 576^a, 582^a, 626, 627, 630, 631^b; indorses petitions, etc., 601, 602^a, 603^a, 604^a, 605, 606^a, 607^a, 608, 609^a, 610^a, 611^a, 612^a, 613, 614^a, 615, 617^a, 618, 620^a, 623^a.
- Scott of Todshohauche, charged with cutting and stealing trees, 430.
- of Whitehauch, Walter, caution by him, 112, 113; his signature, 113.
- Adam, son of Walter, of Midsheils, caution for and for his indemnity, and signature of, 267, 268^a; witness to a bond, 268.
- Adam, messenger in Edinburgh, witness to a writ, 268.
- Adam, smith in Hawick, charged with cutting and stealing trees, 430, 590.
- Adam, brother to William, smith in Hawick, charged to appear before the Privy Council, 572.
- Andrew, chirurgion in Edinburgh, appears before the Council, 355.
- Andrew, in the Hoip, charged with stealing trees, 590.
- Francis, chamberlain to the Laird of Johnstone, complaint by him, 235, 236, 254.
- George, merchant burges of Edinburgh, caution by him, 30; his signature, 30.
- George, in Over Carnbee, his house, 362.
- George, in Kirkton, caution for his compearing before the Council, 41.
- James, in Holcaldrumhill, charged with stealing trees, 590.
- Dame Janet, wife of Sir John Boswell of Balmuto, charged with assault, 620.
- Laurence, advocate, 430; registers a bond of caution, 267.
- Robert, bailie of Selkirk, complaint against him, 441, 442.
- Robert, bailie of Hawick, 106; fined for not exhibiting before the Council masterless persons fit for the wars, xii, 98; commission to him to arrest them, 98; he produces them, 105, 106; caution for the compearing of his son, William, before the Council, 106.
- Scott, Robert, imprisons a man for debt, 327.
- Rowie, to be cited, 216.
- Thomas, servitor to the Earl of Nithsdale, charged with hamesucken, 431.
- Walter, maltman in Hawick, to be exhibited before the Council as a masterless man fit for the wars, xii, xiii, 84, 85, 97, 98, 105, 106.
- William, merchant burges of Aberdeen, caution for him, 30.
- William, called the Young Gillie, in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xii, xiii, 85, 97, 98, 105, 106.
- William, smith in Hawick, charged to appear before the Privy Council, 572.
- William, bailie of Musselburgh, charged to produce a prisoner, 481.
- William, servitor to Mr Walter Whiteford, assaulted, 463, 464, 599, 600.
- . . . , 494; his widow, Elspet Baird, to be tried for witchcraft, 494.
- Scots Guard in France, 221.
- Scougall (Skougall), Alexander, acts as procurator, 194.
- Scrimgeour (Skrymgeour) of Dudhope, Sir John, Constable of Dundee, to consider as to the erection of beacons in his district, 54; to superintend the wapenshaw of the inhabitants of Dundee presbytery, 90; peremptorily ordered to report the number of fencible persons in his parishes, 170, 171; to repair the highways in his neighbourhood, 374; to send the prices of wool, nolt, and sheep, 380.
- of Kirkton, John, peremptorily ordered to report the number of fencible persons in the parish of Mains, 170, 171.
- Mr Alexander, minister, at the horn for not paying his taxation, 522.
- Hew, servitor to the Archbishop of St Andrews, brings some writs to the Council, 236.
- James, son of Sir John, of Dudhope, peremptorily ordered to report the number of fencible persons in the parishes of Bervie and Dundee, 170, 171.
- Dame Margaret, wife of Sir Alexander Irving, younger, of Drum, 105.
- Scrogie, Mr John, advocate, registers a bond of caution, 262.

- Seaforth, Earl of, Colin, first, member of the Privy Council, vii; enters into a company for the casting of iron cannon, 64; proposes to the King the erection of Stornoway into a royal burgh, xlvi, 336, 337; he is to answer the burghs' objections, 379; he gives in his answers, 383; the burghs' reply given to him, 396, 397; admitted upon the Council, 354; takes the oaths of office as a Privy Councillor, 354; produces in Council the patent of Donald, Lord Reay, 357; appears before the Council in the Isles' justice-court matter, 634; commissions to him, 4, 96^a, 194, 296, 297, 517; present in Council, 357, 374, 380, 388, 391; signs Acts of Council, missives, etc., 379, 382^a, 386, 387, 390^a, 391, 393, 395, 396, 615^a; indorses a petition, 616.
- Seals: the, 179; references to the Great Seal of Scotland, 15, 20, 107, 364, 414; it is to be appended to a Birth-brief, 324; the Privy Seal, 255, 466; produced by the Advocate in Council and delivered to the Earl of Haddington, 109, 110; a gift of sheriff-clerkship under it, 205; the Quarter Seal, 416, 421; a seal to be engraved for the office of Lord High Admiral, 16, 17, 65, 551: Private seals—of Sir Archibald Acheson, Secretary of State for Scotland, 606; David, Lord Carnegie, 557; Sir William Grierson of Lag, 556; the Earl of Haddington, 635; the Earl of Lauderdale, 582; Robert Primrose, 559; Sir James Pringle of Galashiels, 584; Sir John Wemyss of that Ilk, 557; the town of Aberdeen, 584; seal of cause of the candlemakers of Edinburgh, 299.
- Seal, Lord Privy, the office vacant by the death of Sir Richard Cockburn of Clerkington, 95; Act in favour of the depute, Mr William Hay, 95; appointment of the Earl of Haddington as Lord Keeper, vii, 109, 110.
- Secretary of State for Scotland, office of, vi, vii.
- Secrets, references to, 289^a, 339, 402, 543, 595.
- Sederunt, Books of, 525-531.
- Segie, town of, 153.
- Selkirk, burgh of, proclamation at the market cross, 99^a; the tolbooth, 441, 442, 555.
- shire of, 33, 34, 92, 245, 247; a Border county, 173; the submission of the teind-sellers and teind-buyers there, 309, 479; circuit-courts of judiciary to be held, 347; the number of the fencibles, 584; appointments of Sir James Pringle of Galashiels as sheriff, 56, 451; he is summoned before the Council, 475; charges and missives to the justices of peace, 12; they are to report as to the fencibles, 168, 169; report by them, 555.
- Semple (Sempill), Lord, Hew (Robert), Sheriff of Renfrew, charge to deliver the castle of Stanelie, 147, 175; to take the subscriptions of the teind-sellers of Renfrewshire, 246, 573.
- of Aikinbar, John, to take the subscriptions of the teind-buyers of Dumbartonshire, 248; to report the names of such as refuse to sign, 479.
- of Beltrees, . . . , his dwelling-house in Paisley, 328, 597.
- of Foulwood, William, as sheriff-principal of Renfrew, has difficulty in obtaining deputies and clerks, 52; to examine and report on Dumbarton Castle, 52, 133; as Sheriff of Dumbarton, he signs a report about Dumbarton, 626; commission to him, 476, 477.
- John, late provost of Dumbarton, 627
- John, burgess of Dumbarton, to assist in inspecting Dumbarton Castle, 133.
- John, reports the submission by the teind-buyers of Dumbartonshire, 310.
- Sermon by Peter Smart to be suppressed, 449, 450, 626.
- Session, Court of, its institution and reformation, 365, 531; Sir Archibald Acheson appointed a Lord, vi; the King writes as to the contributions of the members of the College of Justice towards the payment of the ministers, 2; letter to them from King James VI., 2, 3; the Lords demur to be taxed for the support of the Edinburgh ministers, 3; they are discharged to interfere with a commission to the Earl of Moray, 5; letter to them about Elizabeth Leslie, 24; the two Signets of the Session kept by James Winram, 108; decision of the Council as to their contributing towards the support of the Edinburgh ministers, xxix, 132; the Lords are the only competent judges in cases of superiority, 185; Act in favour of the members of the College of Justice with regard to their taxation, 195, 216, 563; their offer of composition for the taxation, 228, 569, 570; they are to provide com-

- missioners for holding circuit-courts of justiciary, xxii, xxiii, 345, 420, 421; a copy of the King's letter in favour of the Islanders to be given to them, 363; the Lords are to produce the Practicks of the Court to the commission for revising the statutes, 366; reference to cases before them, 166, 195, 210, 282, 348, 400, 401, 410, 428, 430, 454, 460, 462, 465, 466, 515, 524, 527, 598, 610, 618; not in session, 469; Clerks of Session. *See* Sir William Scott and Mr Alexander Hay; Macer, Alexander Maxwell, 481; Books of Session, 525-531.
- Seton (Seatoun, Setoun, Seytoun), of Barns, Sir John, to consider as to the erection of beacons in his district, 54.
- Sir William, to consider as to the erection of beacons in his district, 54; on a committee of arrangements for the King's coronation, 385; to be a Master of the Household during the King's visit, 385; written for to come and accept the office, which he does, 388, 391.
- of Blair, William, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- of Fawside, Mr James, complains of being illegally imprisoned, 541, 542, 546.
- of Kilcreuch, Mr Alexander, 379; commission to him to hold circuit-courts of justiciary, 347, 434, 435; he accepts the commission, 424, 425; Mr William, his son, appears as a procurator, 379.
- of Kylemure, Sir William, to superintend the wapenshaw of the inhabitants of East Lothian, 89; a Commissioner for the Middle Shires, 99; he reports upon the state of the Borders, 143, 144, 223; publication of his appointment as a Commissioner for the Borders, 172, 173; desired to attend a meeting of the Border Commissioners, 198.
- of Meldrum, William, to take the subscriptions of the teind-buyers of Aberdeenshire, 312; he reports their submission, 318; commission to him, 376; the Council write to the King with his petition for liberty, he having been arrested on coming from France, 220, 221.
- Captain John, complains of his arrest, 63.
- Robert, in Tranent, elder, commission to him, 471, 516.
- Seton, place of, 561; the Council to meet the King there on his coming to Scotland, 384.
- Shand, James, in Logie, caution for him, 41.
- Shanks, Henry, in Kinghorn, caution by him, 174.
- Sharp (Schairp, Sherp) of Houston, Mr John, advocate, his claim upon the Mint-house, 429, 430, 469.
- George, burghess of Dumfries, complaint by him, 316, 317, 322.
- John, in Kelso, apprehended as an idle and masterless person, 636.
- Shaw (Schaw) of Sauchie, Alexander, charged to appear before the Privy Council, 146, 147, 561^r; charged not to accept dog-dollars in payment of his coal or salt, 162.
- Alaster, in Achirhetnache, 607; John, his son, charged with hamesucken, 607.
- Donald, or McJames, charged with assault, 614.
- Farquhar, in Urie, 607; John, his son, charged with hamesucken, 607.
- Captain Harry, complaint by him, 16, 48.
- Harry, ensign, wounded, 16.
- James, in Rothiemurchus, charged with hamesucken, 607.
- James, summoned as a witness in a case, 153, 154.
- John, in Holm of Riccarton, petition by him, 612.
- John, in Rothiemurchus, charged with hamesucken, 607.
- . . . , son-in-law of Philip Whitehead of Park, 66; charged to appear before the Privy Council, 136.
- Shearer (Scheirar), Marion, in Cranston, to be tried for witchcraft, 471, 482.
- Sheep, prices of, to be sent in yearly by the justices of peace, xxix, xxx, 12; reports of prices, 363, 380, 553-556, 616, 618, 634; customs paid for them at fairs, 616; sale of some sheep, 226; killing sheep, 608; exportation of, prohibited, 61, 62, 73, 91, 99, 102.
- Sheill (Scheill), James, in Cruiksford, charged with cutting and stealing trees, 398.
- James, in Earlstoun, charged with cutting and stealing trees, 398.
- Sheills (Sheillis), John, burghess of Glasgow, goods stolen from him, 19.
- Sheills (Sheild), in England, 45.
- Sheriff (Schereff), John, burghess of Stirling, witness to a proclamation, 574.
- Sheriff gate, 609.
- Sheriffs: to take the survey of idle and masterless men where necessary, 33; deputes or clerks difficult to obtain owing

to their being responsible for the taxation, 52, 65; appointment of sheriffs, 56, 451; the sheriff-deputes of Edinburgh are continued in office during a vacancy in the sheriffship, 117; commission of the sheriffship of Elgin and Forres, 236-238, 571; they are to receive the judges of the Circuit-courts at their entry into their respective sheriffdoms, 347; and to assist these judges in their work, 373, 435, 436, 450; written to to take steps for continuing the commissioners to Parliament in office, xxxix, 413, 415, 418, 419, 474-476, 628; question raised by them as to the commissioners for the shires, 440, 441; they are to grant certificates for passage to Ireland, 445; the Council write to the nominees for the sheriffships, 445, 446; written to to report rolls of the barons, freeholders, and others capable of being appointed justices of the peace, 466, 472, 473; registration in Sheriff Books, 491.

Shetland, xvii; foreign warships discovered off the coast, 44, 47; invaded by the Spaniards, 65; a ship wrecked at Unst, 122, 124; the inhabitants charged with robbing a ship, xlvi, 139. *See also* Orkney and Shetland.

Ships and Shipping: trade in furnishings for ships forbidden with Spain, 10, 11; privateers to be fitted out against Spain, 11; all masters of ships forbidden to give passage to any soldiers escaping from military service on the Continent, 40, 41; the privateers to be dismissed, 59; a sea captain charged with cowardice in face of the enemy, 59, 60; Middleburgh ship to be restored, 64; a Dunkirk ship sunk, 64; mariners refusing service in the transports for France to be arrested, 71, 72; one ship refused as a transport to be displeas'd of its ordnance, 75; mariners engaged for the French transports who have failed to serve are ordered to compare before the Council, 91; furnishing of some as transports, 93; a transport at Burntisland, 109; grant to a shipwrecked crew of Lübeck, 131, 135; arrival of two of the King's ships, 179; one wrecked on the Aberdeenshire coast, 199; an increase of shipping desired, 338; to be supplied with guns and ammunition, 338; ships captured by French pirates and recovered by an English fleet, 381, 382; the Admiral relieves Edinburgh of providing a boat for

transporting his Majesty over the Forth, 521, 631; two warships of Hamburgh seize a Scottish ship, 544, 545; Scottish, English, and Flemish ships forbidden to bring French goods, 567; trial of prize ships, 551, 552; one of H.M. ships in Aberdeen harbour, 584; some ships craved for the defence of Orkney and Shetland, 605; furnishings of ships, 298; destruction of fittings, 341; the three warships, xiv, xv, 22, 23, 23 n., 24, 25 26; to be furnished for service, 37; provided with ammunition, 41, 42, 45, 109, 110; to be sold to the Earl Marischal or the Earl of Linlithgow or both, 55, 59; to be victualled for ten weeks, and to convey the forces to the Isle of Rhé, 67, 76, 77, 78, 84; two of them delivered to the Earl of Linlithgow, 209; question of the payment of the crews of the three warships, xxxvi, 149, 201, 205, 208, 209, 227, 253, 269, 270, 274, 276, 277, 418, 574; payment to be made from the proceeds of the sale of the cargo of the Lübeck ship, 210, 222; a letter to the King in favour of the captains, 303; names of ships:—*The Alexander*, formerly *The Lamb*, 42, 46; *The Blessing*, of Bruntland, 42, 46; *The Blessing*, of Leith, 180; *The Consort*, of Carrail, 20, 21; *The David*, of Dundie, 289; *The Gift of God*, of St. Monans, 23, 35; *The Grace*, of Dysert, 16, 26, 42, 46; *The Grace of God*, of Kirkcaldy, 381; *The James*, of Anstruther, 452; *The Jonas*, of Dundie, 289; *The Jonet*, of Dysert, 381; *The Hoipweill*, of Carrail, 20, 21; H.M. ship called *The Lyon*, 586; *The Marie*, of Leith, 20, 21; a French ship, *The Marran*, 67; *The Providence*, of Dumbartane, 340; of Lübeck, called the *Sanct Lawrence*, 131, 135, 138; of Lübeck, called the *Sanct Marie*, xxxix, xl, 189-192, 204, 238, 276, 291, 298, 564, 565, 576; a French ship called *St. Nicolas* captured in a Norwegian port, 217, 218, 253; H.M. ship *The Thrissell* driven into Aberdeen harbour, 179, 253; *The Unicorn*, of Kirkcaldy, 381; H.M. ship *The Unicorn*, brought into Leith for repair, 451-455; a ship of Enkhuizen called *The Whyte Fulke* cast ashore at Unst, 122, 124, 125.

Shirlaw (Sheirrelaw), John, merchant in Duns, witness to a charge, 577.

Shitlington (Schitlingtoun), Janet, in Newbattle, to be tried for witchcraft, xli, 410;

- to be examined on her complicity in the death of the Earl of Lothian, 442; to be taken to Dalkeith for trial, 468, 469, 624, 627.
- Shoemakers of Cupar, xxx, xxxi. *See* Cordiners.
- Short (Scheort), Mr John, skinner, burghess of Edinburgh, caution by him, 106.
- Marion, an infamous person, charged with theft, 621.
- Shorthouse (Schorthous), Patrick, in Faw-side, witness to a summons, 582.
- Shortreid, Robert, charged with stealing trees, 590.
- Shwarten, Christian, a Hamburgh skipper, 3.
- Sibbald, Mr James, minister of Aberdeen, petition by him, 360, 361, 614.
- Mr P., signs a report as a justice of the peace, 560.
- Signatures: drawing, docketing, and presenting of, claimed to belong to the office of Treasurer, 108; office of Presenter of, 509; for a patent to Gordon of Lochinvar, 207, 208; a commission to James, Marquis of Hamilton, for privateers, 324, 325; a commission to the Earl of Menteith as Justice General, 364, 424; a commission to the Earl of Morton, 51, 52; a respite to David White, 412; erecting Stornoway into a royal burgh, 336, 337, 357, 379, 383, 396, 397; a patent for casting iron ordnance, 338, 339; ratifying an Act by the magistrates of Edinburgh as to services of heirs, 102.
- Signets: the Great Signet, and the signet appointed for closing his majesty's letters, both of gold, the two signets of the Session and the signet of the Privy Council or the Court Signet, handed over to the new Secretaries, 108, 109; warrants of discharge granted for the Signet, 175; Depute-Keeper of the. *See* James Winram.
- Silbot (Sibbot), of North Kintail, John, he and Katherine Murray, his wife, prosecuted for destroying a bond, 231, 253.
- Simmer, Mr George, minister of Kilsplindie, a debt due to him, 222.
- Simprim (Symprene), in Berwickshire, 464.
- Simson (Simpson, Symson), Mr Adam, minister of New Abbey, complains of being assaulted by his Roman Catholic parishioners, 285, 286, 579, 580.
- Alexander, bailie of Dysart, appears before the Council, 143.
- Simson, Alexander, in Whitehouse, charged with molestation, 612.
- Elspeth, wife of John Bayne in Badarrach, to be tried for witchcraft, 489.
- John, master of a Kirkcaldy ship, 331; fined for illegally selling English beer, 261, 262.
- Lucas, notary, as clerk, signs a report of the justice of peace court of Kincardine, 554, 560.
- William, burghess of Dysart, reward to him for heroic service, 64.
- William, in Dysart, fined for illegally selling English beer, 261, 262.
- Sinclair (Sinclare, Sincleir) of Cadboll, Sir William, commission to him to take the subscriptions of the teind-buyers of Inverness-shire, 311, 312, 321, 585.
- of Dunbeath, John, commission to him, 317.
- of Easinqhuy, Edward, to take the subscriptions of the teind-buyers and teind-sellers of Orkney and Shetland, 357, 358.
- of Hermiston, John, peremptorily ordered to report the number of fencible persons in his parish, 94, 95; complaint against him, 465; commission to him, 517, 543.
- Sir John, apparent, commission to him, 517.
- of Mey, . . . , to take the subscriptions of the teind-buyers of Inverness, Caithness, and Sutherland, his report, 379.
- of Murkill, Colonel Sir James; levies a regiment for the King of Denmark, xiii, 27 n., 55, 56, 308, 321; certain counties prescribed in which he is to raise his troops, 32-34; deserters from his regiment, 34-35; pursues Innes of Crombie for soldiers, 147, 148, 154; men delivered to him for the wars in Germany, 332, 333; his accounts to be examined, 357; in the King of Denmark's service, 405; caution to be found by him, 440; challenged to a duel by Mr James Hay, 446, 447, 466; his care in raising the levies for the King of Denmark to be reported to that King, 472; petition by him, 607, 608; he ships his soldiers for Germany at Leith, 608.
- of Ratter, John, commission to him, 317.
- of Roslin, . . . , peremptorily ordered to report the number of fencible

- persons in the parishes of Lasswade and Pentland, 114.
- Sinclair of Tolquhop, William, to take the subscriptions of the teind-buyers and teind-sellers of Orkney and Shetland, 357, 358.
- Agnes, in Lochrutton, under the sentence of excommunication for adultery, 129; to be apprehended, 202; not to be reset by the lieges, 264.
- Alexander, vagabond, to be tried for witchcraft, 543.
- Francis, son of George, Earl of Caithness, charged with assault and deforcement, 515.
- George, servitor to the Earl of Caithness, charged with assault, 515.
- James, litigation by him, 322, 342.
- John, bailie of Edinburgh, charged to produce prisoners, 482, 519, 520, 480, 542.
- Margaret, widow of John Grant of Carron, charged to appear before the Council, 492.
- Robert, burghess of Inverness, caution for him, 9; prosecuted for failure to assist in the execution of a commission, 585.
- Susanna, complaint by her against the Laird of Bass, 547.
- Sinclair Castle, 604.
- Sinnaherd, Over, lands of, 591.
- Skafintie, lands of, 134, 188, 229.
- Skene (Skeene, Skeyne) of Curriehill, Sir James, 443; commission to him to hold circuit-courts of justiciary, 347, 435; he accepts the commission, 424, 425; on the committee for revising and printing the statutes, 365, 366.
- of Halyards, Mr Andrew, commission to him, 28.
- of that ilk, Alexander, commission to him, 376.
- Mr John, Lord Advocate, 526
- Skins, exportation of, xxxiii.
- Slains, letter of, 226.
- Slaves, Scottish seamen in Barbary as, 3, 4.
- Sleat, parson of, 20.
- Slinging of stones, 579.
- Slimman (Slymman), William, in Thornhill, witness to a writ, 27.
- Smailhame, George, an elder of Leith kirk, complaint against him, 119.
- Small, James, in Dundee, caution by him, 174.
- John, in Draffin, petition by him, 603.
- John, at the Mill of Minnes, to be apprehended as an idle and masterless person, 106.
- Smallat, James, merchant burghess of Dumbarton, complaint by him of the spoiling of his ship, 340-342.
- Smart, Peter, a prebendary of Durham, prints a sermon against the Church, 449, 450, 626.
- Walter, bailie of Musselburgh, charged to produce a prisoner, 481.
- . . . , caution by him, 228.
- Smetoun, William, master of the ship *The Blessing* of Leith, caution for his compearing before the Admiral, 180.
- Smiberd, Thomas, 471; his wife, Janet Unes or Middleton, and his daughter Janet, to be tried for witchcraft, 471, 482.
- Smith (Smythe), Adam, chamberlain of the Enzie, and Barbara Law, his wife, excommunicated for Popery, and to be apprehended, 497, 498, 502, 506, 507, 508.
- Andrew, cutler, burghess of Edinburgh, caution by him, 26; his signature, 26.
- David, in West Fenton, fined for an armed assault, 129, 139.
- Henry, in Altacroy, petition by him, 625.
- Isobel, in Burntisland, deceased, 480.
- James, in Leith, prosecuted for wrongful imprisonment, 480.
- James, caution by him for bringing his mother to trial for witchcraft, 540.
- John, burghess of Burntisland, prosecuted for wrongful imprisonment, 480.
- John, merchant in Duns, witness to a charge, 577.
- John, in Faircross at Kelso, witness to a charge, 577.
- John, merchant in Edinburgh, prosecuted for wrongful imprisonment, 462, 463.
- John, petition by him, 542.
- John, petition by him, 542.
- Patrick, in Auchinheif, charged to find lawburrows, 611.
- Robert, burghess of Edinburgh, has a man in prison for debt, 464, 465.
- Robert, maltman, burghess of Glasgow, horning at his instance, 515, 516, 547.
- Thomas, in Dunbar, apprehended as an idle person, 66.
- William, in Cluny and Monymusk, given up as an idle and masterless person, 558.
- William, maltman, burghess of Glasgow, horning at his instance, 515, 516, 547.

- Smith, William, servitor to David Richard in Ayr, witness to a writ, 144.
- Snodgrass, Robert, makes a protestation, 83.
- Soldiers: for France, 51, 52, 55, 71, 72, 75, 76, 79, 84; levies of soldiers in Scotland, ix-xvi; for Denmark, 55, 56, 63, 83, 102, 139, 147, 148, 176, 295-297, 303, 456, 457, 472, 580; for Germany, 77, 78; the enlistment of students at the universities forbidden, 7, 8; precautions for preventing disorders among soldiers going abroad, 27; expedients for raising the regiments for the service of the King of Denmark, 31-34; warrants for the apprehension of deserters and punishing such as conceal them, 34, 35; none to be warded in any jail unless upon letters of caption, as arrestments are being used to evade service, 36, 37; 2000 men to be raised and sent under the command of the Earl of Morton for the French war, 38, 39; the sentence of death pronounced against deserters from the regiments enlisted for the King of Denmark who shall return to Scotland, 40; masters of ships forbidden to give them passage, 40; order forbidding the bringing of any fugitive soldiers home in ships coming to the Forth for coal and salt, 74; riotous and disorderly soldiers in Burntisland, 79; not to be supplied for over 48 hours without payment, 79; a number have deserted from the regiments of William, Earl of Morton, 90; provision of some as garrisons for Edinburgh and Leith, 160; fugitive soldiers kept in Canongate tolbooth, 208; an English prisoner taken in Scotland as a deserter, 283; a note of some deserters from the Earl of Morton's regiment sent by the King, 285; some enlisted by Sir David Home of Wedderburn, 291; commission for trial of resettlers of deserters in the northern counties, 296, 297, 580; other commissions against resettlers of deserters, 303, 304, 308, 322, 325, 326, 582, 600.
- Somerville (Somervell, Somerwell) of Plean, Ar., signs a report as a justice of the peace, 556.
- David, in Coldingham, caution for him, and for Richard, his son, 75.
- Hugh, bailie of Melville, peremptorily ordered to report the number of fencible persons in the parishes of Lasswade and Pentland, 114.
- Sonkey, Thomas, an Englishman, keeper of Durham gaol, complaint by him, 283.
- Sorbie, minister at. *See* Mr William Paterson.
- Sorcerers to be dealt with by the circuit-courts, 437.
- Sorners to be dealt with by the circuit-courts, 437.
- Sorrolesfield, woods of, 398.
- Souter (Sowtar), James, brother-in-law of John Crokot, charged with hamesucken, 603.
- Southampton, treaty of, in 1625, 551 n.
- Southhouse, place of, 278.
- Southwick, royal letter dated there, 449.
- Soutra (Sowtray), parish of, the minister peremptorily ordered to report the number of fencible persons in his parish, 94, 95.
- Spades, 410; assault with a peat spade, 609.
- Spalding (Spaldine) of Aschintullie, David, commission to him, 278; complaint by him, 458, 459.
- David, skipper, burgees of Dundee, caution by him, 116; his signature, 116.
- Spain, 135, 189, 551 n., 552; war between England and Spain, ix, xvi, 9, 9 n., 10, 11, 16; prohibition of commerce with, 10, 11, 65; ships sent from Spain to West Flanders with money, 47; leagues with France against England, 47 n.; the Spaniards invade Shetland, 65; traffickers with Spain shelter in the Shetlands, 605; reference to the Spanish Armada, xvi; to the King of Spain, xlix, 9-11, 13-15, 362, 593.
- Span, Robert, at the Brigend of Dumfries, and Mawsie Stowane, his wife, 328.
- Spang, John, chirurgon in Edinburgh, complaint against him, 354, 355.
- Spears (speirs), 399, 401, 600, 619.
- Speir, Alexander, bailie of Edinburgh, charged to appear before the Privy Council, 193; charged to produce prisoners, 194, 349*, 350, 465.
- Spence of Wormiston, Sir James, in the service of the King of Sweden, wishes levies, 397; his reception by the King of Sweden, 559, 559 n.
- John, notary in Pirriesmylne, excommunicated for Popery, and to be apprehended, 498, 502, 508.
- Spittle (Spittill), Mr William, a minister of Dysart, appears before the Council, 143.
- Spott, parish of, survey of the fencible persons there, 94.
- Spottiswood of New Abbey, Sir Robert, senator of the College of Justice, petition by him, 606, 607.

- Spottiswood, Archbishop. *See* St Andrews.
- Sprot, Patrick, in Killerne, caution for his indemnity, 69.
- Sprunt, William, tenant in Strathord, complaint and petition by him, 399, 400, 618-620.
- Spynie, Lord, Alexander Lindsay, 289, 488, 599; warrant to him to communicate with the Earl of Crawford, 27; he levies a regiment for the King of Denmark, xiii, 27 n., 55, 56, 97^a, 105, 183, 184, 229, 463; certain counties prescribed in which he is to raise his troops, 32-34; deserters from his regiment, 34, 35, 303, 304, 582; caution by him to convey a prisoner to the wars, 31; protests for his fair share of the idle and masterless men, 36; complaint by him, 48; charge by him against some persons for recruits, 82, 83; masterless men to be delivered to him, 101, 229; a criminal sent to the wars of Germany under him, 162, 562.
- Staikfurd, mill of, 596.
- Stainhyve. *See* Stonehaven.
- Stamkirk, misprint for Stanikirk, 601. *See* Stonykirk.
- Stanelie, lands and castle of, 147, 175.
— Laird of. *See* Maxwell.
- Stanikirk, minister of. *See* Mr Gilbert Powrie.
- Statutes, revising and reprinting of the, 1, 365. *See* Acts of Parliament.
- Staves (stalfes), references to, 120, 217, 289, 351, 399, 401, 410, 516, 600, 606, 612, 617, 619, 623.
— bandit, 120, 163, 355, 356, 423, 431.
— long, 140, 512, 586, 596, 606, 608.
- Steding, Casting, a mariner in a Lübeck ship, 135.
- Steelbonnets, 339, 428, 431, 543, 595.
- Steel hats, 339, 402, 595.
- Steele (Steill), Cuthbert, merchant-burgess of Edinburgh, deceased, complaint and petition by his son David, 427, 428, 622, 623.
— Marjory, an inhabitant of Dunfermline whose house was burnt, 141.
- Stennos, town of, 34^a.
- Stermunt, William, in Dumfries, prosecuted for wrongful imprisonment, 462, 463.
- Steven (Stevin), Mr Andrew, called Father Stevin, a Popish priest, to be apprehended, 499-502.
- Stevenson (Stevinsoun), Andrew, in Cruikford, charged with cutting and stealing trees, 398.
- Stevenson, Charles, in Cruikford, charged with cutting and stealing trees, 398.
— Gavin, baker, burgess of Edinburgh, caution by him, 83, 84; his signature, 84.
— James, in Pittenweem, charged with cowardice in the using of his letters of marque, 59, 60; caution for his compearing before the Council, 82.
— James, petition by him, 542.
— William, burgess of Inverness, caution for him, 9; prosecuted for failure to assist in the execution of a commission, 585.
- Steward (Stewart), the Lord, an officer of State, 526.
- Stewart (Steuart, Stuart) of Appin, Duncan, his warrant prorogued, 21; caution by him and for his indemnity, 22.
— of Ardbreck, John, debt due by him, 578.
— of Balleachan, Robert, bailie of Athole, commission to him, 329.
— of Blackhall, Archibald, to take the subscriptions of the teind-buyers of Renfrewshire, 248; and to report the names of such as refuse to sign, 479; he reports the submission by the teind-buyers of Renfrewshire, 318, 319.
— of Blairquhan, Josias, caption against him, 464.
— of Coldingham, John, 80; appears before the Council on behalf of some of his tenants, 219; protection to him to come and treat about his teinds, 211, 241, 299; caution for Francis, his eldest son, 80.
— of Culbeg, Robert, deceased, 339; complaint by Captain James, his son, 339.
— of Grandtully, Sir William, commission to him, 329.
— of Ladywell, Mr James, commissary of Dunkeld, complaint by him, 142; summoned to produce his registers, 552; execution of summons against him, 552.
— of Methven, Sir John, captain of Dumbarton Castle, xv; charged to appear before the Council for his neglect of Dumbarton Castle, 131, 132, 200, 560^a; deposed from the captaincy of Dumbarton Castle, 150-153, 174; caution by him to remain in Edinburgh, 321, 323, 330; charged to appear and grant a maintenance to his wife, 321, 323; transported from the castle to the tolbooth of Edinburgh, 332; he comes into the King's will for the crime of adultery, and so injures his wife's

- obtaining her aliment, 336; an allowance from his estate to his wife, 374, 375.
- Stewart of Minto, to examine and report upon Dumbarton Castle, 52; his report, 153; he is to repair the highways in his neighbourhood, 374.
- of Newton, Mr David, caution by him, 5; horning at his instance, 585; his signature, 5.
- of Ravenston, Josias, petition by him for a protection, which is granted, 520.
- of Sheirglass, Neil, procurator-fiscal of Perth, prosecutes resettlers of the Clangregor, 283.
- of Toldamff, Robert, 142.
- of Traquair, Sir John, a member of the Privy Council, vi; apprehends two murderers, 2; presents to the King some submissions of teinds, 87; a Commissioner for the Middle Shires, 99; charged, as a Commissioner for the Surrenders and Teinds, to attend a meeting, 106; he reports upon the state of the Borders, 143, 144; he is appointed captain of Dumbarton Castle, under the Duke of Lennox, one of whose curators he is, xv, 150-153, 157, 158, 176; his report on the state of the castle, which he is to repair, 174, 175; his appointment confirmed by the King, 200, 201, 564; publication of his appointment as a Commissioner for the Borders, 172, 173; he is to consider the claims of the captains of the warships, 209; desired to attend a meeting of the Border Commissioners, 198; to revise the contribution books for Dunfermline, 232; he hands over the Castle of Dumbarton to a servitor of the Duke of Lennox, and protests in Council for exoneration, 252; letter to him from the Council, 307, 308; he is created a lord of Parliament as Lord Stewart of Traquair, 357; commission to him, 482; present in Council, 1, 3, 50, 61, 85, 102, 107, 112, 140, 142, 145, 150, 195, 200, 204, 209, 210, 225, 231, 233, 236, 245, 252, 254, 262, 266, 269, 293, 309, 311, 319, 456, 459, 466, 484, 490, 491, 494, 497, 513, 524; signs Acts of Council, missives, etc., 100, 101, 155, 156, 199, 207, 228, 311, 470, 471, 472, 489, 496, 513, 546, 563, 580, 627, 632; indorses a petition, 573.
- Abraham, mariner in Cramond, imprisoned for an assault, 290, 291.
- Alexander, in Croshrie, complains against the Earl of Cassillis, xliv, 81, 82.
- Stewart, Alexander, in Tuthill, charged with assault and robbery, 458, 459.
- Andrew, in Earlstoun, charged with cutting and stealing trees, 398.
- Bernard, in Torryburn, 218; Marjory, his daughter, wife of Andrew Callendar, there, 218.
- David, in Darnley, and Elspet Stewart, his wife, to be apprehended, 171, 329; petition by him for release from prison, 351; to be liberated, 419.
- Elizabeth, widow of John Turner, sheriff-clerk of Wigton, refuses to deliver his registers, 398.
- Elspet, wife of David Stewart in Darnley, to be apprehended, 171, 329.
- Hew, in Clogholes, to be apprehended, 170, 329.
- James, merchant burghess of Glasgow, 560.
- James, indweller in Leith, witness to a writ, 80.
- Janet, in New Abbey, charged with assault and molestation, 579.
- John, in Over Cramond, caution by and for him and his sons, John, Abraham, and Alexander, 65, 83, 84; his signature, 65, 84.
- John, *alias* Fisher, at Dalry Mills, charged with assault and molestation, 163, 164, 176.
- Katharine (*alias* Kait Toshe), in Bonjedburgh, to be tried for witchcraft, 494.
- Katherine, wife of Mr Charles Brown, complaint against her, 235, 236, 579, 580.
- Mr Lewis, advocate, 80, 391, 483; appears before the Council, 132; on the committee for revising and printing the statutes, 365, 366; he pleads as an advocate before the Council, 511; appears before the Council as an agent, 527; sued for delivery of a bond of caution, 608.
- Robert, burghess of Elgin, debt due by him, 578.
- Robert, acts as procurator in a case, 120.
- Robert, petition by him, 598.
- Thomas, in Rirorie, petition by him, 629, 630.
- Mr Walter, minister, at the horn for not paying his taxation, 523.
- William, in Duntealiche, 458; Alexander, in Tuthill, his son, *supra*.
- William, writer in Edinburgh, as an agent imprisons a debtor, 316.

- Stewart, William, in Redpath, charged with cutting and stealing trees, 398.
- . . . , sheriff of Bute, to take the subscriptions of the teind-buyers of Bute-shire, 248; to report the names of such as refuse to sign, 479.
- Captain . . . , his soldiers for Germany, 608.
- . . . , apprehended by Cluny Gordon, 254.
- Stings, 401, 431.
- Stirk, Margaret, widow of Alexander Brown, in Burntisland, prosecuted for wrongful imprisonment, 480.
- Robert, messenger, acts as procurator, 141, 381.
- Stirling (Stirline) of Brakie, James, fiar, charged with molestation, 586; charged to find lawburrows, 586, 587.
- of Keir, . . . , commission to him, 353; to repair the highways in his neighbourhood, 374.
- John, messenger, witness to a writ, 560.
- Robert, in Dundee, caution by him, 174.
- Walter, burghess of Glasgow, goods stolen from him, 19.
- Stirling, burgh of, the composition for its taxation, 287; the highways thence to Linlithgow and Dunfermline to be repaired, 374; the magistrates are warned of the King's proposed visit, 389, 390; they are to convey a prisoner to Linlithgow, 536; circuit-courts to be held there, 433; report dated there, 556; proclamation at the market cross, 573, 574; the bridge of Stirling, 72, 146; the tolbooth, 353, 536.
- palace of, 372; the King wishes to see it, 384.
- shire of, 33, 34, 245, 248, 574; the submission of the teind-sellers and teind-buyers there, 310, 318, 479; circuit-courts of justiciary to be held there, 346, 435; order to the sheriff, 381; he is summoned before the Council, 475; commission to the sheriff-deputes, 353; charges and missives to the justices of peace, 12, 61; they are to report as to the fencibles, 168, 169; report by them, 556.
- Stitchill, Father, a Popish priest, to be apprehended, 499-502.
- Stobo, parson of. *See* Mr Thomas Hog.
- Stode, Hans, a mariner in a Lübeck ship, 135.
- Stonehaven (Stainhyve, Stanehavyn), the commissioners for the erection of beacons to meet there, 54; report dated at the tolbooth, 553.
- Stones, assaults with, 352, 463, 591, 599.
- Stonykirk (Stanikirk), parish of, in Wigtonshire, 601.
- Storie, William, in Hawes, charged with resetting a rebel, 599.
- Stormont, Viscount, David Murray, a member of the Privy Council, vi; charged with oppression in acting as provost of Perth, and ordered into ward in the Castle of Edinburgh, xlili, 213, 214, 217; charged with obtaining himself illegally elected provost, and the election annulled, 233-235, 236, 254; a certificate of his ill-health produced in Council, 234; his entry into ward postponed, 280; his warding in the Castle of Edinburgh dispensed with, 326; caution for and signature of, 230; letter to him to attend the Council, 321; to attend a meeting of the Commission for Surrenders, 331; to repair the highways in his neighbourhood, 374; present in Council, 325; signs an Act of Council, 329^s; indorses a petition, 600.
- Master of. *See* Sir Mungo Murray of Drumcairn.
- Stornoway, proposal to erect it into a royal burgh, xlvii, 336, 337, 357, 379, 383, 396.
- Stow, parish of, 114.
- Stowane, Mawsie, wife of Robert Span at the Bridgend of Dumfries, to be tried for witchcraft, 328.
- Stracathro, parish of, survey of fencible persons there, 170.
- Strachan (Strauchane) of Glenkindie, . . . , 105, 141, 188.
- of Kinnadie, Patrick, petition by him, 602, 603.
- of Thornton, Sir Alexander, 80; he returns from Court, 582; and brings a letter, 635.
- Mr Adam, chamberlain to Lord Aboyne, excommunicated for Popery, and to be apprehended, 497, 498, 502.
- Mr James, merchant burghess of Edinburgh, caution for him, 116; he is to be empowered to arrest French goods, 116, 117, 166, 195; his signature, 116.
- Janet, wife of Walter Finlayson in Prestonpans, to be tried for witchcraft, 439.
- John, in Fettercairn, caution by him, 80, 81.

- Strachan, J., signs a report as a justice of the peace, 560.
 — Patrick, brother of the Laird of Glenkindie, his dispute with Fraser of Elrig, 83; caution as to his sword, 141; horning at his instance, 188.
- Stralsund, 280 n.
- Strang, David, an inhabitant of Dunfermline whose house was burnt, 141.
- Stranraer (Stranrawer), complaint by the provost and bailies, 144; horning at their instance, 193, 194, 216; the tolbooth, 144.
- Strabogie, bailie of. *See* Mr Robert Bissett.
- Strathdon (Stradoun), 274.
- Strathearn, stewardry of, 33, 34, 292, 435; the steward summoned before the Council, 475; report by the justices of the peace, 554, 555.
- Strathord (Strathuird), barony of, 399, 618.
 — muir of, 401.
 — place of, 399, 401, 619.
- Strathspey, 274.
- Straton of Lauriston, . . . , to consider as to the erection of forts in his district, 53; also as to the erection of beacons, 54.
 — James, W.S., witness to a writ, 41.
 — Mr Robert, signs a report as a justice of the peace, 560.
- Stravane, parsonage of, 523.
- Strathmartin (Strickmartine), parish of, survey of fencible persons there, 170.
 — Laird of. *See* Wenton.
- Stornach (Stronoché), John, Burgess of Dundee, prosecuted for importing English beer, 289.
- Sturgeon (Strudgeoun), Adam, in Troqueer, charged with malicious damage, 602.
 — Andrew, caution by him, 434.
 — John, servitor to the Secretary, witness to a writ, 175.
- Sturrock (Storik, Storrock), John, in Edinburgh, disposes of some property, 355;
 — John, mariner, action against his creditors, 83; complaint by him and his wife, Marion McCoull, 189, 216.
- Submissions for the teinds, a form to be prepared, 86-88; the subscribing of them, 211, 225, 371, 372, 379, 477, 478, 518, 581, 602, 614, 615; those who refuse to subscribe to be prosecuted, lists of their names to be supplied, 478-480, 490, 518, 628; commission for taking the subscriptions of the teind-buyers and teind-sellers, 245-249, 309-313, 357, 358, 478-480, 527, 614; the obtaining of their signatures, 288, 302, 309-314, 318-321, 357, 358, 379, 477, 478-480, 490, 518, 614; the Council send to the bishops specially to sign the submission, 311; the magistrates of Edinburgh obtain exemption, 323; the submissions prorogated to the end of December 1629, 368-371; all buyers and sellers of teinds to appear before the Council and subscribe or give their reasons for refusal, 371, 372, 615. *See also* Surrenders and Teinds.
- Suddie (Sudy), George, witness to a writ, 553.
- Suffolk, Earl of, letter from the King about him, and his dispute with Home of Wedderburn, 58, 75, 76.
- Sugar and sweetmeats in the Lübeck ship, xl, 199, 275.
- Surrenders, Commission for the, xvii-xix, 527; appointment of sub-commissioners, xvii; Sir Archibald Acheson appointed a Commissioner, vi; in reply to the Commissioners' letter the King agrees to arbitrate upon the teinds, and appoints a form of Submission to be drafted, 86-88; the members summoned for the 16th November, 106; the Commissioners summoned to attend a meeting, 204; the Commissioners write to the King on the appointment of a third clerk, 255; letter from the Council to the Commission, 323; their first meeting, 323; the meetings badly attended, 331; references to their meetings in Edinburgh, 111, 115, 134, 188, 189, 211, 222, 225, 229, 231, 250, 291, 299, 330, 331, 348, 358, 483.
- Survey of fencible persons in the kingdom, 114, 115, 116, 168-171, 230, 557, 559, 560; threat of horning by the Council against those justices of the peace and others who fail to report those in their respective districts, 114, 115.
- Survey of the idle and masterless men in the kingdom, 32-34, 106, 558.
- Sutherland of Forse, Alexander, commission to him, 317.
 — Alexander, in Howburnheid, charged with malicious damage, 516, 547.
 — Harie, in Bidderdy, charged with molestation, 586; and to find lawburrows, 587.
 — James, tutor of Duffus, commission to him, 389.
 — Janet, wife of Donald Beg, in Rangoke, 317.
 — John, in Reister, to be apprehended and tried for incest, 317; Janet Walter, his wife, 317.

- Sutherland, Malie, sister of Janet, *supra*, to be apprehended and tried for incest, 317.
- Sutherland, shire of, 3, 33, 34, 246, 248, 296; the submission of the teind-sellers and teind-buyers there, 312, 379; circuit-courts of justiciary to be held, 347.
- Suttie, George, bailie of Edinburgh, charge to him, 215; to produce a prisoner, 443.
- Swan, George, provost of Dunbar, caution for his compearing before the Council, 66.
- Sweden, the wars of, 38, 283; soldiers enlisted in Scotland for them, ix, xiv, 163, 319, 397; prisoners given for the service, 287.
- Swift, Dean, vi.
- Swinzie, lands of, 515.
- Swords: dispute about one, 188, 602, 603; assaults with, 111, 112, 140, 163, 217, 236, 278, 290, 326, 327, 349, 351, 352, 399, 403, 410, 423, 427, 428, 431, 458, 459, 515, 518, 572, 586, 588, 589, 591, 592, 595, 596, 597, 598, 601, 603, 604, 606, 607, 612, 614, 617, 619, 623; references to, 120, 289, 355, 356, 516, 534, 559, 560, 571, 594, 600, 620.
- Swyne (Suyne), David, baker, burgess of Edinburgh, caution by him, 65^a; his signature, 65^a.
- Sydsferfe of Ruchlaw, William, peremptorily ordered to report the number of fencible persons in his parish, 94, 95.
- Syrup (ayrope) in the Lübeck ship, xl, 199, 270, 275, 276.
- TAGART, James (*alias* Jackie), in Crossdykes, caution for his compearing before the Justice, 519.
- Tain (Tayne), provost, bailies, and town clerk of, 489, 576; proclamation at the market cross, 576.
- presbytery of, report about witches, 489.
- Tait of Pirnie, Alexander, commission to him, 267.
- John, piper in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xii, xiii, 84, 85, 97, 98, 105, 106.
- John, summoned as a witness in a case, 153, 154.
- Tallow, prosecution for exporting it to Holland, 115, 139; melters and exporters to be dealt with by the circuit-courts, 437.
- Tannadice (Tannadyis), parish of, survey of fencible persons there, 170.
- Tanning Reform, xxx, xxxi; the King desires the Council to enquire into the complaints of the tanners about the reform, 101, 102, 123; postponement of the business in the Council, 133; Lord Erskine's reply to the petition of the barkers and tanners, 165, 168, 181; the tanners' answers to Lord Erskine's reply, 193; the Council's decision in the case, 196.
- Tar, trade in, and similar products with Spain forbidden, 10, 11.
- Tarbert of Lochkinkerrane, justiciary-courts to be held there for the north isles of Scotland, xxiv, 632, 633.
- Tarbet, proclamation at the market cross of, 313.
- shire of, xxiv, 33, 34, 246, 632; circuit-courts of justiciary to be held there, 347; the submission of the teind-sellers and teind-buyers there, 396; the sheriff summoned before the Council, 475; charges and missives to the justices of peace to report upon the fencibles, 168, 169.
- Tarf (Terff), Water of, 305.
- Targes, 607, 614.
- Tarras, moss of, 403.
- Tarsiche, Christian Irene, wife of John McJoan VcEall in Trantlemoir, to be tried for witchcraft, 336.
- Taxation, the amount collected by, has been used up, xxxvi; extraordinary, of the 20th penny upon annual rents, xxxvi, xxxvii; responsibility for the taxation hinders men accepting the offices of sheriff-depute and clerk, 52, 53, 65; the accounts of Sir James Baillie as collector to be audited, 59; an extension of the time granted for giving in inventories of lent moneys, 102, 103, 139; injuriously affected by the proposed respite of offenders against the penal statutes, 183; the offer of the College of Justice of 11,000 merks as a composition for their taxation, 195, 216, 228, 563, 569, 570; expedients followed to defeat the extraordinary taxation on annual rents, 287, 288; one proposed for defraying the expense of the King's visit, 416; the King urges that the arrears be collected, 425, 426, 524; six persons to be appointed for collecting these, 427; prosecution of defaulters, 521-523, 631; charges of concealment of lent money, 578, 579, 629, 630; rolls of the taxation sent to Archibald Primrose, 636; the taxation of 1621,

- 73, 74, 563, 578; prosecution of defaulters in it, 582, 583; the taxation of October 1625, 39, 287, 288, 563, 580; the ingathering of the arrears of it, 6, 7, 73, 74, 78, 395, 396, 481, 583, 607; taxation of the lands of Friermure, 562, 563; of the regality of Kirriemuir, 611; of the lordship of Lindores, 65; collector of the taxation. *See* Sir James Baillie of Lochend.
- Tay, Water of, 92.
- Taylor (Tailliour, Tallyeour) of Deskie, Adam (? Thomson), charged with assault, 518, 547.
- Alison, in Pencaitland, to be apprehended for witchcraft, 518.
- Christian, to be tried for witchcraft, 444.
- David, in Balbrogo, charged with assault, 401.
- George, servitor to Mr James Lawtie, intimation to him, 241, 242.
- Gilbert, messenger, charged with resetting a rebel, 599.
- Gilbert, notary, 519.
- James, caution by him, 460.
- John, in Auchinheif, charged to find lawburrows, 611.
- John, charged with assault, 518.
- M. Rich, his name on the back of a petition, 598.
- Teachers of youth, being Papists, to be dealt with by the circuit-courts, 437.
- Teilling, parish of, survey of fencible persons there, 170.
- Teinds, Commissioners for the, xvi-xx; the King agrees to arbitrate in the differences between buyers and sellers, xvii, 86-88; proclamation anent the surrendering of the teinds, 102; buyers of teinds authorised to hold meetings, 167, 558; charge to the Lords of Erections to appear before the Council, 195, 196; a legal submission prepared to be subscribed by the owners of teinds, 195, 196; commissioners for the teind-buyers and teind-sellers to go to Court, 292, 307, 308; instruction to the commissioners for the teind buyers and sellers, 311; the commissioners at work upon the parish of St Cuthberts, 348; their meetings at Holyrood, 348, 371, 372, 477, 483; the King's intention to relieve his subjects in respect of the teinds, 368-371; the teinds to be sequestered pending the King's decision, 368-371, 615; the Council recommend the general production of tacks, 513; sub-commissioners for valuations to be chosen by presbyteries, 546; the question of appeal concerning valuations, 546; the gentlemen of Orkney and Shetland petition for admission to subscribe the Submission, as they have been overlooked, 609, 610; protections granted to teind-buyers and teind-sellers for subscribing the Submission, 110, 112, 115, 134, 188, 189, 293, 580, 581; executions of charges about the teinds, 576, 577; disputes about those of the parish of Abercorn, 66, 67; Cranston Riddell, 457, 458; Langnewton, 469, 512, 513; Simprim, 464.
- Temple, lands and place of, 17, 65, 314.
- Tennent of Cairns, John, charged with disobedience, 598; to be apprehended, 335.
- Tenure, ward and relief, 96; a ward holding changed to blench, 364, 365; reduction of tenures prejudicial to the Crown, 365.
- Terce, ladies of, 562, 562 n.; a terce cannot be claimed by a widow when her husband was not infert in his lands at his death, 2, 8, 9.
- Theobalds, letters dated there, 19, 32, 70, 121, 123.
- Thieves and their resetters to be dealt with by the circuit-courts, 437; takers of assurance from, or such as refuse to pursue them, to be dealt with by the circuit-courts, 438.
- Thiggate (Thegate) Burn, the highways thence to Holyroodhouse to be repaired, 434.
- Thirlage dispute, 163, 164.
- Thirty Years War, the, xi.
- Thomas, John, in Ardonochie, charged with assault, 401.
- Thomson of Deskie, Adam (? Taylor), charged with assault, 518, 547.
- of Duddingston, Thomas, peremptorily ordered to report the number of fencible persons in the parish of Duddingstone, 114.
- Adam, charged with deforcement, 512.
- Alexander, cutler, debt due to him, 348.
- Andrew, cordiner, burgess of Cupar, complaint by him, 177-179, 216, 300, 301.
- Andrew, tailor in Edinburgh, prosecuted for wrongful imprisonment, 465.
- David, in Prestonpans, 439; Janet Darling, his wife, to be tried as a witch, 439.

- Thomson, David, makes the King's fire-vessel, 380.
- George, in Auchinheif, charged to find lawburrows, 611.
- George, an elder of Leith kirk, complaint against him, 119.
- George, W.S., caution for him, 22; caution for his indemnity, 26; his signature, 22.
- Isobel, in Craikford, to be tried for witchcraft, 540.
- James, in Ballastradie, to be apprehended as an idle and masterless person, 105.
- James, in Balnaskaid, to be apprehended, 97.
- James, in Crumlett, charged with assault, 407.
- James, in Earlston, charged with cutting and stealing trees, 398.
- James, burgess of Inverkeithing, deceased, 593; Harry, his son, wants a seat in Inverkeithing kirk, 593, 594.
- John, in Aberlady, charged with assault and molestation, 329, 330, 589; complaint and petition by him, 326, 327, 361, 409, 419, 592; to be liberated, 361, 409.
- John, in Airdrie hill, charged with unlawful convocation, 119-121.
- John, bailie in Prestonpans, caution by him, 121; his signature, 121.
- John, in Prestonpans, caution by him, 121; his signature, 121.
- Matthew, in Roughcraig, charged with assault, 407, 420.
- William, an inhabitant of Dunfermline whose house was burnt, 140, 141.
- William, in Hoill, officer, charged with molestation, 401.
- . . . , skipper, transports some ordnance from Leith to Aberdeen, 83.
- Thornhill, document dated there, 26, 27.
- Thornton, Laird of. *See* Strachan.
- Tibbermure, vicarage of, 522.
- Tilly, the Imperialist general, 27 n., 56 n.
- Timber brought from Norway, 218.
- Tinwald, Laird of. *See* Maxwell.
- Tirie (Terie), island, 340.
- Tobacco, drinking ale and, 120.
- Tod, Archibald, bailie of Leith, complaint against him, 119; appears before the Council, 362; prosecuted for disrespect to the Lord Admiral, 451-455.
- Isobel, a servant in Montrose, to be tried for murdering her illegitimate child, 20.
- Tod, Massie, wife of Martin Bruke in Burntisland, prosecuted for wrongful imprisonment, 480.
- Todshauch, woods and park of, 590.
- Tofts, Laird of. *See* Douglas.
- Toll imposed at Portpatrick, 64.
- Tolquhon, Laird of. *See* Forbes.
- Torphichen (Torphine), Lord, John, caution for him, 75; his bailie charged with riot, 83; he is to superintend the wapenschaw of the inhabitants of Linlithgow, 90; peremptorily ordered to report the number of fencible persons in the parish of Calder, 115; he signs a report about Dumbarton, 626.
- Torrie, Alexander, charged with riot, 322.
- Torrie, town of, 561; the coalheuchs and salt pans there, 146, 561.
- Torrieburn, lands of, 218.
- Toshe, Kait (*alias* Katherine Stewart), in Bonjedburgh, to be tried for witchcraft, 494.
- Touns, Thomas, town clerk of Queensferry, charged with assault, 422, 423.
- Towdop, James, in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xii, xiii, 85, 97, 98, 105, 106.
- Towers (Towres) of Inverleith, Sir George, peremptorily ordered to report the number of fencible persons in the parish of St Cuthberts, 114, 115; charged with assault and molestation in a thirlage case, 163, 164.
- Captain, recruiting for soldiers, 636.
- Trade and Commerce, regulations for, during the period of this volume, xxix-xxxv. *See also* Commerce.
- Traill, James, consulted as to the erection of forts, 70, 71; to visit Montrose, 74, 75; he inspects the site for the forts at Montrose, 557.
- Traitors, resettlers of, to be dealt with by the circuit-courts, 437.
- Traquair, Laird of, afterwards Lord Stewart of. *See* Stewart.
- place of, 444.
- Treasurer, office of, protest against encroachments on the, 108. *See* Earl of Mar.
- Depute. *See* Lord Napier of Merchiston; late, *see* Sir Gideon Murray.
- Trenches. *See* War.
- Trinity lands of Hawick, 430, 590.
- Troqueer (Traqueir), kirk of, ministers and elders of, 82; minister there. *See* Mr Herbert Gladstones.

- Trotter of Cachillaw, Thomas, to lead the teinds of Simprim, 464.
- William, merchant burghess of Edinburgh, petition by him to bring home his wines from France, 572.
- Troup of Pendreich, William, 80; caution by his son, William, 80, 81; his signature, 81.
- Tulliallan, coalheuchs and salt pans of, 146, 561.
- Tullibardine, Earl of, William Murray, second, a member of the Privy Council, v; an absentee from Council meetings, viii; deceased, 142, 402; patent granted to Sir Patrick Murray to succeed his brother as Earl, 402.
- Tulloch of Tannachies, Alexander, deceased, 104, 286, 289, 402, 420, 488, 594, 597, 622.
- Mr Patrick, minister at Forres, grants a certificate, 340.
- Robert, in Boghill, son of Alexander, of Tannachies, horning at his instance, 104, 139; caution for his remaining in Edinburgh, 286, 287; charged with rescuing a prisoner from Forres tolbooth, 289, 290; imprisoned for assault, 339, 340, 402, 403, 594, 595, 622; excused on account of his injuries, 340; caution for his indemnity at the hands of the Dunbars, 403, 404; petition by him, 597, 598.
- Ursilla, wife of Patrick Kinnaird in Alves, assaulted, 404.
- William, burghess of Inverness, caution for him, 9; prosecuted for failure to assist in the execution of a commission, 585.
- Tullos, Mr John, minister at Wemyss, appointed to try an alleged witch, 143.
- Turing of Foveran, John caution for him, 106.
- Turings, lands of, 586.
- Turks: capture by a Turkish man-of-war, 3, 4.
- Turnbull (Trumbill) of Bewlie, Andrew, caution by and for, and signature of, 268.
- of Braidhauch, William, and James, his son, charged with riot, 83; caution for their compearing before the Council, 122; he is warded for effecting the escape of his son James, 197, 198, 216; caution by him, 203; his son James to be brought before the Council, 203.
- of the Know, Thomas, caution for his indemnity, 267, 268; caution by and for, and signature of, 268; charged to appear before the Council, 572.
- Turnbull of Minto, Thomas, arrests an idle and masterless person, 65; caution by him, 122; he signs a report as a justice of the peace, 553; his signature, 122.
- Archibald, bailie in Longniddry, commission to him, 471.
- Archibald, bailie of Tranent, commission to him, 471, 516.
- Hector, petitions for time to pay an assythement, 547.
- Henry, an inhabitant of Dunfermline whose house was burnt, 141.
- James, son of Braidhauch, question if he is an idle and masterless person, 154.
- Walter, in Know, caution for his indemnity, 267, 268; charged to appear before the Privy Council, 572.
- William, "cowper" in Heriot, slain, 444.
- Turner (Turnour), John, sheriff and town clerk of Wigton, deceased, 398; Elizabeth Stewart, his widow, refuses to deliver his registers, 398.
- Malie, in Stobhill, tried as a witch, 482.
- Mr Patrick, minister at Borthwick, concerned in a witchcraft case, 468, 469.
- Tweed, river, the fishings dispute between the Earl of Suffolk and Home of Wedderburn, 75, 76; slayers of salmon or black fish in the river to be dealt with by the circuit-courts, 438.
- Tweeddale (Tweddail), shire of. *See* Peeblesshire.
- Tweedie (Twedie) of Drumelzier, James, complains of being illegally imprisoned, 428.
- James, indweller in Prestonpans, caution by him, 121; his signature, 121.
- John, in Linton, charged with assault and molestation, 378, 379, 419, 613, 614.
- Tweedside, 577.
- Twiselhaugh, 79 n., 80 n.
- Tynninghame (Tininghame), letters dated there, 635, 636.
- Tyok, Links of, 20.
- Tyrie, Father, a Popish priest, to be apprehended, 500-502.
- UDNY (Udny) of Kirkhill, Andrew, caution by him, 106.
- of Ochtirellon, Alexander, commission to him, 376.
- Udward, Mr Nathaniel, craves remission of rent for five years, 64; a patent granted to him for casting iron ordnance, xxxiii, 338, 339.

- Udward, Nicol, imprisons a soldier for debt, 327.
- Unes, Janet (or Middleton), wife of Thomas Smiberd, to be tried for witchcraft, 471, 482; also Janet Smiberd, her daughter, 482.
- Margaret, in Borthwick, to be tried for witchcraft, xl, 410, 624; to be examined as to her complicity in the death of Lord Borthwick and others, 442^a; to be taken to Dalkeith for trial, 468, 469, 627.
- Union of the Crowns, 172.
- United Provinces. *See* Holland.
- Universities: ordinance prohibiting the enlistment of students as soldiers, x, 7, 8.
- Unst, Isle of, in Shetland, a Holland ship wrecked there, xlviii, 122, 124.
- Ur (Ure), kirk of, 607.
- Water of, 305.
- Urquhart of Burdsyards, Thomas, caution for his indemnity, 286.
- of Craigston, John, commission to him, 376.
- of Cromartie, . . . , sheriff of Cromartie, to take the subscriptions of the teind-buyers of Cromartyshire, 248; and to report the names of such as refuse to sign, 479; commission to him, 376.
- Adam, burges of Forres, appears before the Council with Elizabeth Vaus, his wife, 29.
- Alexander, in Ballacharrie, and James and Henry, his sons, horning at their instance, 96, 97, 194, 195; petition by them, 613, 622.
- Alexander, also his son, slain, 97, 194, 195, 613, 622.
- Usher (Isher), the, an officer of State, 526.
- Usseill, Philip, merchant, owner of a Holland ship wrecked at Unst, 125.
- Usurers, prosecuted under the penal statutes, 138; to be dealt with by the circuit-courts, xxiii, 437, 438.
- VAGABONDS to be dealt with by the circuit-courts, 437.
- Vaus of Barnbarroch, Patrick, apparent, charged with illegal apprehension and warding, 625.
- of Blance, David, complains of being illegally imprisoned, 464, 465, 481, 482.
- of Longcastle, John, caption against him, 464.
- Elizabeth, wife of Adam Urquhart, burges of Forres, appears before the Council and is released from ward, 29.
- Veitch, Alexander, in Horsburgh, commission to him, 468, 627.
- Viscounts: fees to be paid to the Lyon and heralds upon their creation, 121, 139; to register their arms upon their creation, 165.
- Vtinghowde, Michael, captain of a Ham-burgh warship, charged with oppression, 544, 545.
- WAIDDO, James, ferryman at Kelso, witness to a charge, 577.
- Wairthe, John, in Looke, charged with assault, 401.
- Walker (Walcar) of Caikmure, Adam, commission to him, 444.
- of Meikle Creichie, John, caution by him, 141; his signature, 141.
- Alexander, tailor, burges of Edinburgh, appears before the Council, 481, 487.
- Andrew, in Foveran, to be apprehended as an idle and masterless person, 106.
- Cuthbert, in Carronhill, witness to a writ, 27.
- David, an inhabitant of Dunfermline whose house was burnt, 141.
- George, burges of Lauder, caution for him, 16; his signature, 16.
- Harry, citizen of London, charged with marrying his wife, Isobel Bains, against her will, 207, 216.
- Henry, in Elrig, to be apprehended, 112.
- James, burges of Edinburgh, caution by him, 69; his signature, 69.
- James, in Pilmour, to be apprehended, 112.
- Janet, charged with deforcement, 512.
- William, *alias* Henry or Crawford, in Weathernock, to be tried for theft, 353.
- Wallace (Wallass) of Prestickhouse, William, charged with hamesucken, 612.
- Alexander, in Carrzeill, charged with hamesucken, 431.
- David, brother of Alexander, in Carrzeill, charged with hamesucken, 431.
- John, in Arbroath, 23.
- John, miller in Zetherslaw, 577.
- Robert, servitor to Peter Algeo, appears before the Council, 516.
- William, in Bidderdy, charged to find lawburrows, 587.
- William, master-mason to his majesty, to report upon Dumbarton Castle, 133.

- Wallace, William, messenger, makes a proclamation at Stirling, 574 ; his signature, 574.
- Wallenstein, the Imperialist general, 27 n., 56 n. ; his victories, 280 n.
- Walter, Janet, wife of John Sutherland, 317.
- Marion, sister of Janet, *supra*, to be apprehended and tried for incest, 317.
- Waponshawings, xvi ; proclamation for meetings in different parts of the country, 88-90 ; proclamation for general musters, 192 ; in Banff, 145 ; dispute about the musters of the lordship of Coupar, 30, 31, 65 ; upon Gladsmuir, 129 ; of Kincardineshire, 559, 560 ; of the inhabitants of the south side of Leith, to be at Edinburgh, 338.
- War, state of : its effects upon the country, lii ; raising of soldiers, ix-xiv ; other measures for defence, xiv-xvi ; the war with France, 37, 38, 62 n., 63, 79, 104, 105, 166, 218 n., 243 ; rumours of foreign preparations, 37 ; and of a foreign fleet off the Scottish coasts, 39, 40-42, 44, 46, 47 ; privateers hired to assist the warships in clearing the coast of these foreign ships of war, 42, 43, 44, 46 ; the Council of War to meet with the magistrates of Edinburgh about the forts at Leith, 57 ; to deal with merchants to import armour and ammunition, 59 ; to consider Nairn's plan for barricades, 146, 486 ; Act ordaining the inhabitants to resist invasion, 102 ; the King desires that blockhouses be built, arms imported, and the lieges drilled, 145, 146 ; drilling of the lieges, 146, 168-171 ; proposal for the construction of trenches, barricades, and beacons, 225, 244, 486 ; patent to the Earl of Linlithgow for making saltpetre, powder, and match, 333, 334, 337, 425, 426, 434, 439 ; ordnance to be cast by the Earl of Seaforth, 337 ; and by Sir James Galloway and Nathaniel Udward, 338, 339 ; the three warships purchased by the King, 22, 23, 23 n., 24, 25, 26, 109 ; sold, 55.
- the Thirty Years, 280 n. ; criminals sent abroad to the wars, 219 ; prohibition of the exportation to some parts of Denmark of munitions of war, 281, 576.
- Ward, relief, and marriage of the heirs of those who fall in the French war, to be remitted, 79, 80.
- Wardens of wardenries to receive the judges of the circuit-courts on entering their wardenries, 347.
- Wardlaw of Logie, Mr Thomas, a commissioner for the relief of the sufferers in the Dunfermline fire, 161, 197.
- of Pitrevie, Sir Henry, order to him to pay for maintaining a prisoner, 226, 227 ; complaint by him, 379, 419 ; to inspect the King's wardrobe, 380 ; on a committee of arrangements for the King's coronation, 385.
- of Torrie, . . . , charged not to accept dog-dollars in payment of coal or salt, 162.
- James, uncle of the Laird of Torrie, charged not to accept dog-dollars in payment of coal or salt, 162.
- John, an inhabitant of Dunfermline whose house was burnt, 141.
- Wardrobe, the King's, to be inspected, xxxviii, 380.
- Warrants of the Signet, delivered, 108.
- Warrock, George, usher to the Countess of Nithsdale, to be apprehended, 203 ; not to be reset by the lieges, 263, 264.
- Waterston, Alaster, in Strath of Dunbeth, complaint by him, 514, 515, 547.
- Watson, Alexander, merchant burghess of Edinburgh, complains of being illegally imprisoned, 460-462 ; Margaret Russell, his wife, 460.
- Andrew, shipmaster, charged to appear before the Privy Council, 322, 323, 587.
- Andrew, captain of the ship *The Blessing of Bruntland*, to assist the warships, 42, 43, 46 ; claims remuneration from the Council for his services, 201 ; order for the payment of him and his crew, 269, 270.
- David, town clerk of Dumbarton, signs a letter, 627.
- John, elder, in Knockcastell, petition by him, and by Gilbert and James, his sons, 618 ; John, also his son, slain, 618.
- George, W.S., witness to a writ, 175.
- John, in Midclauchrie, charged with hamesucken, 431.
- Thomas, in Midclauchrie, charged with hamesucken, 431.
- Watt (Wat), Gilbert, in Hawick, charged with cutting and stealing trees, 430, 590.
- James, workman in Edinburgh, complains of being illegally imprisoned, 377, 378.
- John, in Over Ruthvens, to be apprehended as an idle and masterless person, 97, 105.
- William, in Westhouses, to be tried for witchcraft, 482.

- Watts, William, merchant tailor in London, prosecution by him of Home of Eccles, and of officers of the law for allowing his escape, 282, 314, 315, 318², 322, 332, 349, 350, 410, 443, 444.
- Wauchope of Caikmure, Adam, commission to him, 471, 482.
- Laird of. *See* Lindsay.
- Lady. *See* Marion Maxwell.
- Wauchopedale, lands of, 582.
- Wauchton, Laird of. *See* Hepburn.
- Waugh (Wauch), James, officer in Hawick, to be exhibited before the Council, as a masterless person fit for the wars, xii, xiii, 85, 97, 98, 105, 106.
- Robert, in Dyke, charged with resetting a rebel, 599.
- Steven, caution for his compearing before the Council, 82.
- Weddell of Langside, Archibald, commission to him, 410.
- Archibald, bailie of Dalkeith, peremptorily ordered to report the number of fencible persons in the parish of Dalkeith, 114.
- Archibald, bailie in Seton, commission to him, 471, 516.
- Gilbert, master of the ship *The Marie of Leith*, 20.
- Wedderburn, Mr Alexander, common clerk of Dundee, witness to a writ, 71.
- James, bailie of Dundee, caution for him, 71.
- Laird of. *See* Home.
- Weem (Weyme), parsonage of, 522.
- Weights and measures, users of false, to be dealt with by the circuit-courts, 438.
- Weir (Weyr) of Auchtisfardell, David, to assist the Earl of Angus upon the Borders, 98.
- of Cloburn, John, murdered, 301; horning at the instance of Hew, John and Marion, his children, 301.
- James, tailor in Edinburgh, complaint by him, 354, 355, 419.
- Robert, keeper of the chapel royal of Holyrood, complaint by him, 350, 419.
- Wellwood (Walwod), Adam, an inhabitant of Dunfermline whose house was burnt, 141.
- William, baker, an inhabitant of Dunfermline whose house was burnt, 141.
- Wemyss (Wemes, Weymis) of Bogie, James, younger, written for by the Council to produce his patent anent English beer, 112; he appears before the Council and is ordained to enforce his commission against the importers of foreign beer, 115, 116².
- Wemyss of that Ilk, Sir John, to consider as to the erection of forts in his district, 53; also as to the erection of beacons, 54; caution for him, 48; he signs a letter to the Council about the forts, 70; he is to superintend the wapenschaw of the inhabitants of Kirkcaldy presbytery, 90; charged to appear before the Privy Council, 146, 147, 561²; charged not to accept dog-dollars in payment of coal or salt, 162; as convener of the justices of peace of Fife, to report the fencibles in every parish, 230; his report, 285; he is created Lord Wemyss of Elcho, 317; charged, as a Commissioner for the Surrenders and Teinds, to attend meetings, 106, 331, 419; he signs a report as a justice of the peace, 555; his seal, 557.
- Mr David, minister at Scone, a certificate by him of the ill-health of the Viscount of Stormont produced in Council, 234.
- Wemyss, coalheuchs and salt pans of, 147, 561; letters, etc., dated there, 555, 557.
- parish of, 48; minister there. *See* Mr John Tullos.
- Wenton of Strictmartine, Sir Thomas, letter from the King about the taxation collected by him, 2; peremptorily ordered to report the number of fencible persons in his parish, 170, 171.
- West Country, 334.
- Weyland, David, cordiner, burgess of Cupar, complaint by him, 177-179, 216.
- Whingers, references to and assaults with, 96, 140, 214, 256, 317, 349, 351, 408, 463, 464, 572, 599, 602, 604, 606, 608, 611, 612, 620; a long one-edged, 134.
- White (Whyt, Whyte), Andrew, keeper of the tolbooth of Edinburgh, to be paid for keeping prisoners, 106, 206, 207, 428; produces prisoners, 194, 207, 215, 222, 461, 462; agrees to release one, 428; present at the sale of some sheep belonging to a prisoner, 226.
- David, cordiner, burgess of Cupar, complaint by him, 177-179, 216, 300, 301.
- David, in Nenthorn, charged with the murder of his daughter, 354, 402, 412; a respite granted to him, 402, 412; the King to be consulted, 412; his cruel character, 412; to be tried for the murder, 521.
- David, schoolmaster at New Abbey, and his wife, Helen Marshall, and servant, assaulted by Papists, 285, 286, 579, 580.

- White, Henry, in Renton, witness to a writ, 80.
- James, master of a Kirkcaldy ship, 381.
- John, in Bavelaw, 589; William and Alexander, his sons, charged with poaching, 589, 590.
- Patrick, servant of George Maxwell, charged with assault and molestation, 140.
- Robert, an inhabitant of Dunfermline whose house was burnt, 141.
- Robert, indweller in Kirkcaldy, complains of harsh imprisonment, 480, 481; he and his son David forced to leave the country, 481.
- Whiteford (Quhytefoorde, Whytefurd), Mr Walter, parson of Moffat, complaint by him, 5; makes some proposals relating to the Borders, 19; commission to him, 242; complains of opposition in attempting to execute it, 463, 464; excused for not reporting a list of the fencibles of Annandale, 445; petitions by him, 598, 599, 600.
- Whitehall, xxxiv; royal letters dated there, 2, 102, 103, 104, 107, 110, 113, 114, 117, 123, 131, 146, 149, 159, 166, 167^s, 181, 183, 200, 205, 209, 225, 228, 232, 233, 281^s, 285, 297, 298, 299, 307, 309, 317, 324, 332, 337^s, 338, 354, 357, 365, 367, 371, 372, 374, 375, 385, 398, 402, 413, 414^s, 418, 425, 457, 485, 486, 493, 494, 537, 566, 606.
- Whitehead (Quhythead) of Park, Philip, he, his eldest son, and son-in-law at feud with Dundas of Newliston, 66; precognition against him, 83; he and his son charged to appear before the Privy Council, 136, 139; caution for him and for his indemnity, 144^s; his signature, 144; precognition against him, 175.
- Mr James, son to the Laird of Park, caution for him and for his indemnity, 144^s; his signature, 144.
- Whitelaw, William, his flight to England, 265; the justices of Northumberland requested to apprehend him, 269; apprehended and sent back to Scotland, 577; to be tried for murder, 294, 580, 581.
- Whittet, Robert, an inhabitant of Dunfermline whose house was burnt, 141.
- Wichtano, Thomas, notary at Dundee; 71; witness to a writ, 84.
- Wick, burgh of, 515; the market cross, 515.
- Wicketshaw, Alexander, burghess of Lauder, witness to a charge, 577.
- Wight, Isle of, xii, 291.
- Wightman (Wichtman), James, in Kirkhill, his horse killed, 588.
- James, in Smailholme, petition by him, 587, 588.
- Thomas, in Over Dormont, charged with assault, 587, 588.
- Wigtown, Earl of, John Fleming, second, a member of the Privy Council, v; an absentee from Council meetings, viii; summoned to attend a meeting of Council, 321; charged, as a Commissioner for the Surrenders and Teinds, to attend meetings, 106, 331; to repair the highways in his neighbourhood, 374; present in Council, 22, 450, 456, 491, 494; signs Acts of Council, missives, etc., 410, 412^s, 494^s.
- burgh of, xvii, 283; proclamation at the market cross, 345.
- shire of, 33, 34, 245, 247, 398; circuit-courts of justiciary to be held there, 346; the submission of the teind-sellers and teind-buyers there, 479; order to the sheriff, 464; he is summoned before the Council, 475. *See* Sir Patrick Agnew of Lochnaw; the sheriff-clerk's books, 420; charges and missives to the justices of peace, to report upon the fencibles, 168, 169.
- Wilkie, Mr James, burghess of the Canongate, caution by him, 101; his signature, 101.
- John, witness to a writ, 262.
- Wilkieison (Wilkesone), Alexander, notary, as clerk signs a report of the justice of peace court of Selkirk, 555.
- Francis, burghess of Lauder, late bailie, caution for him, 101; caution for his indemnity, and that of Alexander and James, his brothers, and Alexander, John, Ephraim, and James, his sons, 16.
- Williamson, Angus, to be punished and transported, 74.
- David, bailie of Edinburgh, charged to produce prisoners, 355, 377, 378^s.
- David, in Kirkcaldy, fined for illegally selling English beer, 261, 262.
- Gilbert, bailie of Edinburgh, charged to produce prisoners, 428, 462, 465.
- James, in Crawford, caution by him, 36.
- James, in Dunbar, apprehended as an idle person, 66.
- John, bailie of Burntisland, signs a letter to the Council about the forts, 70.
- John, in Lochrutton, under the sentence of excommunication for adultery,

- 129; to be apprehended, 202; not to be reset by the lieges, 264.
- Williamson, John, W.S., caution for his indemnity, 232.
- Robert, in the Shoircleuch, caution for him, 36.
- Wilson, Alexander, in Fortoun, unwilling to take satisfaction, 361, 419; ordered to liberate his prisoners on receiving payment, 409.
- Alexander, in Spittell, charged with assault, 592; absolved, 326, 327.
- Alexander, servitor to Sir Alexander Hamilton of Redhouse, complaint and petition by him, 329, 330, 589.
- Allan, in Hawick, to be exhibited before the Council as a masterless person fit for the wars, xii, xiii, 84, 85, 97, 98, 105, 106.
- Andrew, bailie of Perth, appears before the Council, 234; charged with illegal election of the provost, 233-235.
- David, in Queensferry, charged with assault, 423.
- James, W.S., writes a bond, 80.
- John, in Twigleis, charged with armed convocation, 410.
- John, mealmaker, an inhabitant of Dunfermline whose house was burnt, 141.
- Robert, indweller in Coldingham, complaint by him, 219.
- Thomas, shipmaster, brings his ship in to Leith, 452.
- Winchester, Bishop of, Lancelot Andrewes, a member of the Privy Council of Scotland, vi.
- Windsor, royal letter dated there, 56.
- Wines, importation of, from France, xxxiii, xxxiv, 253, 265, 266; prohibition of importation, 284, 305-307, 567, 568, 582; the British wine fleet seized by the French, 37 n., 38 n.; petition by some merchants for liberty to bring home their wine bought before the proclamation, 243, 244, 253, 572, 573; letter to the King in favour of the merchants, 291; price of, 191, 461; Malaga and other wines in a wrecked Lübeck ship, xxix, xl, 189-192, 199, 227, 238-240, 275, 276, 298, 417; wine to be imported for his majesty's visit, 414, 416; the scarcity of it to be remedied by the King's license to import it, 471; fraudulent mixers of wine to be dealt with by the circuit-courts, 438.
- Winrahame of Liberton, James, deputy keeper of the Signet, hands over the Warrants of the Signet and the Signets of the Session to the new Secretary, 108, 109; receives a discharge for these, 175; peremptorily ordered to report the number of fencible persons in the parish of Liberton, 115.
- Winsheills, 236.
- Winton, Earl of, George Seton, third, a member of the Privy Council, v; to consider as to the erection of beacons in his district, 54; to meet with the magistrates of Edinburgh about the forts at Leith, 57, 133; to superintend the wapenshaw of the inhabitants of East Lothian, 89; charged, as a Commissioner for the Surrenders and Teinds, to attend a meeting, 106; charged to appear before the Privy Council, 146, 147, 561^a; to take the subscriptions of the teind-sellers of Haddingtonshire, 245, 573; to preside in the Council if the Lord Privy Seal be absent 303; summoned to attend a meeting of Council, 321; to repair the highways in his neighbourhood, 374; has an assignation to part of the duties of Orkney and Shetland, 473; commission of justiciary to him against witches within his own bounds, 482; present in Council, 1, 3, 6, 9, 16, 19, 21, 22, 27, 30, 36, 39, 41^a, 45, 50, 61, 66, 71, 75, 76, 85, 102, 131, 135, 144, 150, 167, 200, 204, 209, 210, 217, 222, 231, 236, 245, 252, 256, 262, 266, 269, 270, 274, 280, 285, 293, 305, 309, 311, 319, 339, 347, 351, 353, 357, 374, 380, 388, 391, 397, 402, 406, 412, 420, 425, 440, 448, 450, 456, 459, 466, 473, 484, 490^a, 491, 494, 518, 521; signs Acts of Council, missives, etc., 2^a, 4^a, 9, 15, 16, 20^a, 21, 22, 23, 24, 25^a, 26, 47, 48, 62^a, 63^a, 64, 68^a, 76^a, 80, 96^a, 100, 101, 135, 138, 139, 155, 156, 165, 171, 202, 203, 208, 215, 220, 221, 242^a, 243, 245, 265, 267, 269^a, 274, 284^a, 293, 301, 302^a, 307, 308, 311, 317^a, 339, 342, 347, 351^a, 353, 364, 367, 379, 382^a, 386, 387, 390^a, 391, 393, 405^a, 406, 410, 411, 412^a, 416, 444^a, 445, 470, 471, 472, 477, 489^a, 494^a, 516, 517, 520, 568, 571^a, 576^a, 577, 580, 585, 615^a, 626, 627, 630, 631^a, 632; indorses petitions, etc., 573, 586, 616.
- Wintrop, Janet, summoned before the Council, 513.
- Wishart (Wischart) of Pittarrow, Mr James, former Justice Clerk, 526.
- — — — —, to consider as to the erection of beacons in his district, 54.

- Wishart, James, tenant to MacGill of Rankeillor, petition by him, 609.
- Wismar, 280 n.
- Witchcraft, cases of, xl-xlii, 328, 329, 410, 442, 444, 468, 469, 627; witches to be dealt with by the circuit-courts, 437; persons accused of witchcraft to support themselves, when able, during imprisonment, 470; witches about Dalkeith and East Lothian, 353, 379, 439, 470, 471, 482, 516, 517, 518, 540, 624; Dumbarton, 476, 477; Dysart, 83, 122; Jedburgh, 494; Leith, 362, 494; Musselburgh, 481, 487; Perthshire, 623, 624; Stirlingshire, 353; and Tain, 489; cases of Katharine Christie, 142, 143; Janet Reany, 317; Bessie Carrilie in Twynholme, 542; Alexander Drummond in Auchterarder, 536.
- Witnesses, payment of, 24, 212^s, 290, 349, 352, 356, 357, 442, 622; protection to, 514; false witnesses to be dealt with by the circuit-courts, 437.
- Women, ravishers of, to be dealt with by the circuit-courts, 437.
- Wood (Uoode) of Bonington, Sir Harry, to consider as to the erection of forts in his district, 53; also as to the erection of beacons, 54; appointed Sheriff of Forfar, 56; signs a letter to the Council about the forts, 71; peremptorily ordered to report the number of fencible persons in his parishes, 170, 171; to take the subscriptions of the teind-buyers of Forfarshire, 248; and to report the names of such as refuse to sign, 479; he reports the submission by the teind-buyers of Forfarshire, 310; he makes a report for Douglas of Glenbervie, 320; signs a report as to the forts at Montrose, 557; as Sheriff of Angus he writes to the Clerk of Council for power to carry arms for arresting the Earl of Crawford, 580, 581.
- Alexander, town officer, imprisons a man for debt, 327.
- David, servitor to the Viscount of Stormont, witness to a writ, 230.
- John, in Crawford, caution by him, 36.
- John, in Prestonpans, caution by him, 121; his signature, 121.
- Rany, servant to Maxwell of Castle-milk, charged with assault, 406, 407.
- Robert, charged with assault and molestation, 163.
- William, in Kelso, apprehended as an idle and masterless person, 636.
- Wood, William, imprisons a man for debt, 327.
- . . . , in St Andrews, charged to exhibit some writs, 195.
- Woods, destruction of, 398, 399, 430, 590, 602; destroyers of, to be dealt with by the circuit-courts, 437; the wood of Todshauch, 590.
- Woodhouselee (Wooderslie), barony of, 134.
- Wool, trade with France in, 243; exportation of, restrained, 61, 62, 73, 91, 99; the market prices to be sent in yearly by the justices of peace, xxix, xxx, 12, 363, 380, 553-556, 616, 618, 634; customs paid for, at fairs, 616.
- Workman, George, wounded, 291.
- Wormett (Wormditt) taken by Gustavus Adolphus, 559, 559 n.
- Wrecking, case of, xlviiii, 124.
- Wright (Wricht), Bessie, at the Querrelmill, petition by her, 420, 610; charged with witchcraft, 623, 624.
- Duncan, tenant to Blair of Finnich, petition by him, 617.
- James, complaint against him, 547.
- Janet, wife of James Balderston in Niddrie, to be tried for witchcraft, 444.
- Writers: petition by them respecting their taxation, 563; David Anderson, 3; James Guthrie, 223; Patrick Hamilton, 180; William Hering in Edinburgh, 318; John Johnstone, in Edinburgh, 80; Robert Keith, 59, 190; Mr Richard Kene, 262; John Ker, 190; Thomas Macaulay, 3; John Nicol, 396; Andrew Nimmo, 262; Mr Robert Petrie, 584; Robert Pringle, 29; John Richardson, 268; William Stewart, 316; Mr Thomas Young, 117.
- Writers to the Signet: their offer of composition for their taxation, 569, 570; David Anderson, 132; Alexander Cunningham, 217; Andrew Hay, 408; Mr Francis Hay, 622; Robert Keith, 188; James Mowat of Fawside, 205, 235; James Straton, 41; George Thomson, 22; George Watson, 175; John Williamson, 232; James Wilson, 80.
- Writs: the magistrates of Edinburgh decline to show their evidents, 185; action for inspection of, 189; the papers of the Lübeck ship to be sent to the Council, 195, 210; they are sent, 236; alleged theft of some, 210; charge of destroying a backbond, 218; a woman imprisoned for

- tearing a bond, 231, 253; some placed in the care of the Clerk of Council, 253; action for delivery of some, 355; order to the Clerk of Council to deliver some, 419; those of the Mint-house gone amissing, 430; forgers of writs to be dealt with by the circuit-courts, 439.
- YARMOUTH, 45.
- Yeoman, lawburrows of a, 188.
- Yester, Lord Hay of, John, a Commissioner for the Middle Shires, 96, 99; makes a report, 223; to take the subscriptions of the teind-sellers of Peebles, 245; reports their submission, 311; written for to attend meetings of the Commission for Surrenders, 331, 419; written to by the Council to apprehend Captain James Hay, his kinsman, 446; caution by him, 472.
- Yettis, Peter, appears before the Council for his brother, 272.
- York, 283.
- Yorkson, Megie, wife of Patrick Robeson, charged with child murder, 130
- Young (Yonge) of Middlerig, Thomas, 231.
- David, porter of Dumbarton Castle, witness to a writ, 560.
- George, servitor to Crichton of Fendraught, complaint by him, 534.
- Isobel, servant to the Countess of Nithsdale, prosecuted as a Papist, 535.
- Isobel, wife of Robert Pearson, flesher, 348.
- James, elder, chirurgion, burges of Dumfries, horning at his instance, 148.
- James, chirurgion, son of Patrick, *infra*, to assist the Earl of Nithsdale upon the Borders, 129^s, 149.
- James, skipper in Dundee, prosecuted for importing English beer, 289.
- James, brother's son of John, *infra*, horning at his instance, 148.
- John, sheriff clerk of Dumfries and clerk to the Border Commission, son of James, elder, *supra*, murdered, xxi, 129^s, 148, 280, 447; Bessie Newall, his widow, 148; letter from the King for the arrest of his slayers, 166, 167.
- John, an inhabitant of Dunfermline whose house was burnt, 141.
- John, sheriff clerk of Edinburgh, brother of Isobel, *supra*, imprisons his sister's husband for debt, 348.
- Young, John, in Kirk Yetholm, to be exhibited before the Council as a masterless person fit for the wars, 65, 66.
- John, poultryman, to be executed for assault at the Council-house door, 95, 96.
- Katherine, wife of Alexander Peacock, to be tried for withcraft, 468, 627.
- Margaret, in Prestonpans, to be tried for witchcraft, 353.
- Patrick, chirurgion, to assist the Earl of Nithsdale upon the Borders, 129^s, 149.
- Patrick, brother of John, *supra*, horning at his instance, 148.
- Sir Peter, ambassador to the King of Sweden, and knighted by him, 559, 559 n.
- Peter, skipper of a Lübeck ship, 135.
- Stephen, messenger, charged with hamesucken, 431.
- Stevin, notary in Dumfries, appointed to assist the Earl of Nithsdale as a Commissioner for the Middle Shires, 129^s, 149.
- Mr Thomas, writer, sheriff depute of Edinburgh, petition by him, 117; to get a letter from James Primrose, 582.
- Thomas, messenger, charged with allowing a prisoner to escape, 282; undertakes to recapture him, 318^s, 332; caution for him, 318; complaint by him, 349; to be liberated from ward, but deprived of his office, 350; reponed to his office, 410, 420.
- William, in Kirkcaldy, fined for illegally selling English beer, 261, 262.
- William, under keeper of Dumbarton Castle, 252.
- . . . , to be tried for witchcraft, 540.
- Youngson, Andrew, in Auchinheif, petition by him, 611.
- George, in Wester Drum, son of Andrew, *supra*, petition by him, 611.
- Yuile (Yoole), Andrew, in Dysart, deceased, 122, 135, 142; his widow, Catherine Christie, accused of witchcraft, 122, 135.
- George, burges of Dysart, son of Andrew, caution by him, 135; he appears for his mother before the Council, 143; his signature, 135.
- Yule (Yoole), feast of, 81.
- ZEELAND, 218.
- Zetherslaw, in the parish of Ford, 577.
- Zetland. *See* Shetland.

22
70



SEP 22 1937



