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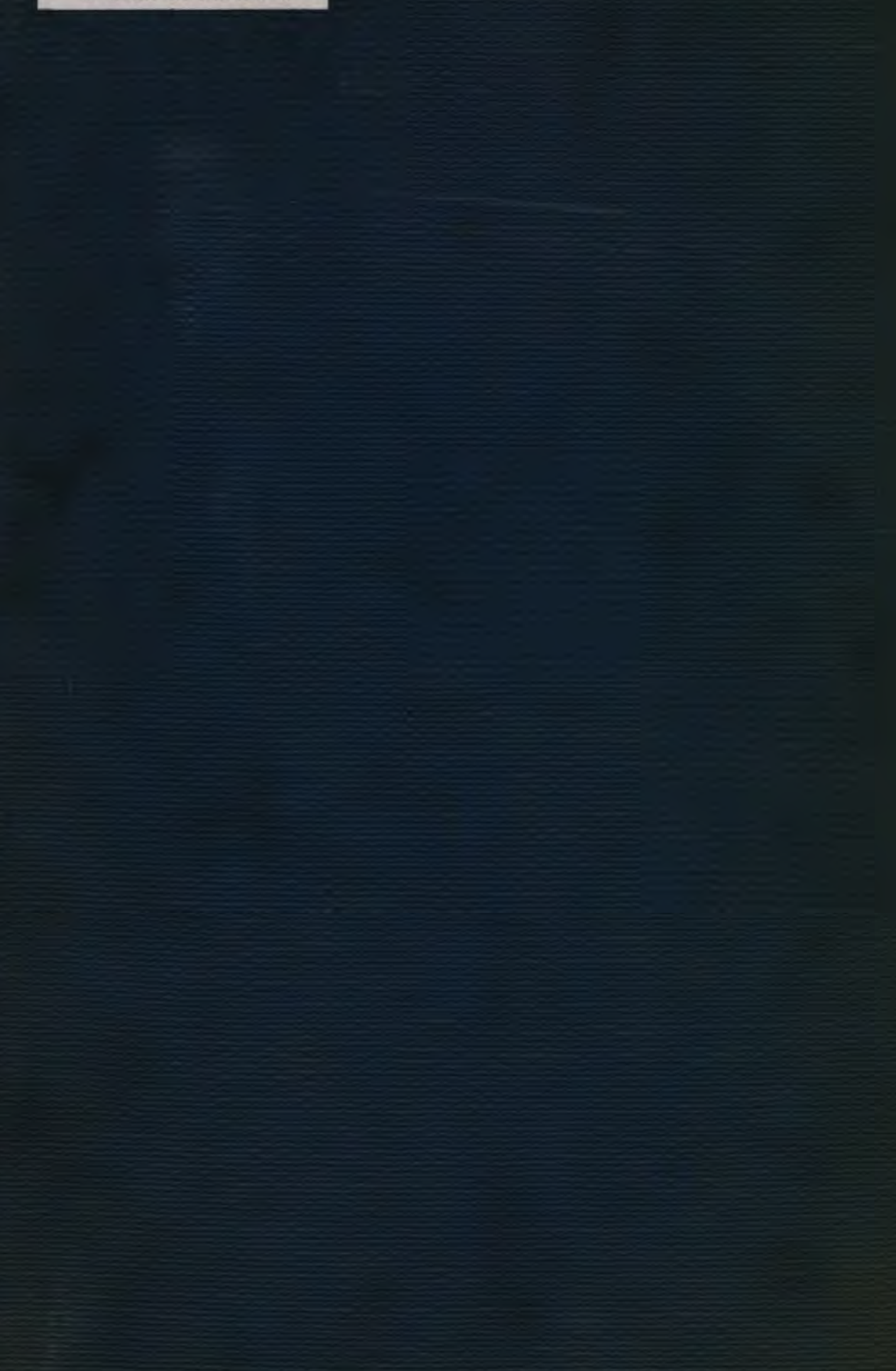
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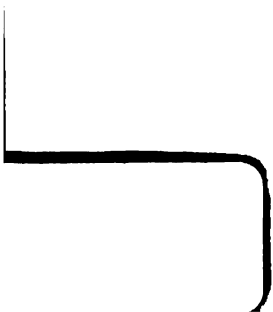
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Register.







**THE REGISTER**  
**OF THE**  
**PRIVY COUNCIL OF SCOTLAND.**

**VOL. III.**



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**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.**

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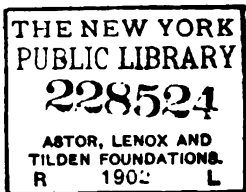
**A.D. 1629-1630.**

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**EDINBURGH.**

1901.



ROY VAN  
JULIEN  
VIAZULI

## INTRODUCTION.

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THE period covered by the present volume of the Privy Council Register (January 8, 1629 to July 27, 1630) is distinguished by no outstanding events in the history of either Church or State in Scotland. The two contemporary annalists of the time, John Row and Sir James Balfour, devote respectively four and three pages to these eighteen months, and modern historians pass them over with equally scant notice. In the various functions and activities of the Privy Council we have the sufficient explanation of the uneventful character of the period. Not even during the last days of James VI. did the Council more completely dominate the life of the nation than in the opening years of the reign of his son. In civil as in ecclesiastical affairs there was no initiative, except what proceeded from its deliberations, and these deliberations were alike inspired and directed by the mandate of Charles himself. No Parliament met during the period and no General Assembly, and bishops, judges, Privy Councillors, and high officers of State all retained their positions on the terms of unconditional submission to the royal authority.

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The members of Council who took part in its business during the period under notice were as follow<sup>1</sup>:—

George Hay, Viscount of Duplin and Lord Kinfauns, *Lord High Chancellor* (57).  
John, seventh Earl of Mar, *Lord High Treasurer* (100).  
William Graham, seventh Earl of Menteith, *President of the Council* (55).  
Thomas Hamilton, Earl of Haddington, *Keeper of the Privy Seal* (82).  
Sir William Alexander of Menstrie, *Chief Secretary* (2).

<sup>1</sup> The numerals attached to each name indicate approximately the number of days on which each member attended the Council. During the period under notice the Council sat on one hundred and twenty-seven days, usually meeting twice each day.

Sir Archibald Acheson of Glencairny, *Joint-Secretary* (32).  
 Sir John Hamilton of Magdalenes, *Lord Clerk of Register* (104).  
 Sir Thomas Hope, *Lord Advocate* (117).  
 Sir George Elphinstone of Blythswood, *Lord Justice Clerk* (67).  
 Archibald, Lord Napier of Merchiston, *Treasurer Depute* (35).  
 Sir John Scot of Scotstarvet, *Director of Chancery* (103).  
 John Spottiswoode, Archbishop of St. Andrews (21).  
 Alexander Livingstone, second Earl of Linlithgow (80).  
 George Seton, third Earl of Winton (76).  
 Robert Ker, first Earl of Roxburgh (10).  
 John Drummond, second Earl of Perth (12).  
 John Fleming, second Earl of Wigtown (11).  
 William Douglas, seventh Earl of Morton, *High Treasurer* from July, 1630 (7).  
 James Stewart, third Earl of Moray (25).  
 John Maitland, first Earl of Lauderdale (21).  
 William Keith, fourth Earl Marischal (21).  
 Walter Scot, first Earl of Buccleuch (9).  
 Colin, first Earl of Seaforth (48).  
 Alexander, first Earl of Galloway (19).  
 John Murray, first Earl of Annandale (1).  
 Alexander Lindsay, Bishop of Dunkeld (27).  
 Adam Bellenden, Bishop of Dunblane (98).  
 Patrick, Bishop of Ross (3).  
 Patrick Forbes, Bishop of Aberdeen (3).  
 Archibald, Lord of Lorne (32).  
 David, Lord Carnegie (50).  
 John, Lord Stewart of Traquair (26).  
 Alexander, Master of Elphinstone, Lord Kildrummie (20).  
 John, Lord Erskine (87).  
 Sir James Baillie of Lochend (54).  
 William Cruthen, Viscount Ayr (55).  
 Robert, second Lord Melville (70).  
 George, Lord Gordon (16).

Of these thirty-eight persons, who at one time or other put in an appearance at the meetings of the Council, it was but a small number who actually did its work. Only some nine members attended half the number of days on which it met, and of these nine, five were officials—the Lord High Treasurer, the Privy Seal the Clerk Register, the Lord Advocate, and the Director of Chancery. The nature of their duties explains the rare attendance of the other officials. Sir William Alexander, the Chief Secretary, had his permanent residence in London, while Menteith, the President, Elphinstone, the Justice-Clerk, and Napier, the Treasurer-Depute, had to make frequent visits there to maintain the connection between the English and Scottish sections of the Council. Of the non-official members, the Bishop of

Dunblane, the Earls of Wigtown and Linlithgow, and Lord Erskine were most assiduous in their attendance. Archbishop Spottiswoode appeared only about twenty times at the Council Board, but his frequent journeys to Court are sufficient evidence that his influence was none the less powerful.

In spite of Charles's permission for the Council to meet in the Burgh of Edinburgh, the Councillors did not avail themselves of the privilege: both during the winter and summer months they continued to meet at Holyrood, a place, as they had been told, more becoming their "state and dignity" (Vol. II. Second Series, 113). Only once (December 29, 1629) did the attendance fall short of the seven that had been fixed as a quorum, and the average attendance was not under sixteen. The most important change in the composition of the Council was the resignation of the Treasurership (April, 1630) by the Earl of Mar, who had held the office since 1616. His successor was William Douglas, seventh Earl of Morton, who had commended himself to Charles by heading a body of Scots in Buckingham's expedition for the relief of La Rochelle. The admission of Sir James Baillie of Lochend (February 5, 1629), of Sir Andrew Ker, under his new title of Lord Jedburgh (February 17, 1629), and of Patrick Murray, third Earl of Tullibardine, in place of his father (July 27, 1630), are the only further changes to be noted in the *personnel* of the Council.

In the summary of the preceding volume of the Register it was found necessary to assign a special section to the foreign relations of the country. During the period dealt with in that volume Charles was engaged in wars with France and Spain, and had become bound to supply contingents to Count Mansfeld, Charles IV. of Denmark, and Gustavus Adolphus of Sweden. As part of the United Kingdom Scotland had to contribute its own share in these undertakings, and much of the business of the Council had consisted in raising levies, and in placing the country in a state of defence against invasion. By the date when the present volume opens, however, peace had been made

with France and Spain, and Charles was no longer so urgent in his demands for Scottish soldiers now that he had no war on his own hands. The raising of levies, indeed, still proceeded. In March, 1629, Sir George Hay received a warrant to raise a regiment for service in the Low Countries, and at different times three contingents were levied in aid of Gustavus Adolphus (pp. 99, 136, 208, 313). There was apparently the same difficulty as ever in persuading men to enlist in a service in which they were assured neither of clothing nor pay. Thus, Sir James Sinclair of Murkill, who had been commissioned to raise a regiment for the King of Denmark, found the task beyond his ability (p. 147), and elsewhere we read that numbers of the Earl of Morton's men deserted their regiment on their return from La Rochelle, to avoid being again drafted abroad (p. 120). With the exception of the business connected with these levies, foreign relations hardly came within the scope of the Council, and the contents of the present volume may be conveniently classified under the two heads of DOMESTIC LEGISLATION and DOMESTIC INCIDENTS.

#### DOMESTIC LEGISLATION.

**The Act of Revocation.** Among the matters dealt with in the present volume, as in the case of the two that precede it, the pre-eminent place has to be assigned to the great Act of Revocation with which Charles had opened his reign. In the Introductions to the two preceding volumes of the Register an account has been given of the various stages of the working of the Act as far as it came within the scope of the Council. In 1627 had been appointed the Commission for Surrenders of Superiorities and Teinds, which was to hold its sittings in Edinburgh, and to which the various parties interested were charged to give in their submissions and to report the value of their stock and teinds. It was speedily discovered that this Commission was inadequate to the task imposed upon it. It was arranged, therefore, that every presbytery should be empowered to appoint sub-commissioners whose duty it should be to ascertain the value of the stock and teind within their

respective bounds, and duly to report the same to the central Commission sitting in Edinburgh. As far as the general character and scope of the Act is concerned, the present volume of the Register contains nothing which is not to be found elsewhere. In the details of the working of the sub-commissions, however, we find an interesting contribution to the history of Charles's great measure. The two main causes assigned by historians for the revolt of 1638 which resulted in the National Covenant and the temporary overthrow of the royal authority are the ecclesiastical policy of Charles and the discontent produced by the Act of Revocation. It is the existence of this discontent which receives emphatic illustration in the proceedings of the Council. As perhaps the most effective method of showing the amount of opposition encountered in the working of the Act, the substance of the various entries relating to it are here presented in chronological order.

1629—January 29.—Those who have been appointed sub-commissioners charged to take the oath of office before their respective presbyteries on the next day of meeting of the said presbyteries (pp. 21–2).

February 19.—Charge to certain presbyteries (fifteen are named), which have hitherto failed to appoint sub-commissioners, to ascertain the value of stock and teind within their bounds (pp. 53–4).

February 24.—Still “some few presbyteries” that have not given in their reports (p. 62).

February 26.—Charge to the Bishop of Orkney and others to ascertain the value of stock and teind in Orkney and Shetland, which they have not yet done (pp. 70–74).

March 10.—Bishop of Argyll and others denounced for failing to appear before the Council, as commanded, to give account of their neglect to nominate sub-commissioners (pp. 87–8).

March 24.—General charge to the conveners of sub-commissioners, many of whom are still negligent of their duties (pp. 105–6).

March 26.—Mr. Simon Durie, moderator of the Presbytery of Arbroath, put to the horn for non-appearance before the Council. He had been summoned for his failure to appoint sub-commissioners (pp. 115–6).

June 2.—Persons who have refused to act as procurators-fiscal and clerks to the sub-commissioners are threatened with the charge of rebellion if they do not accept these offices (p. 151).

June 2.—Thomas Norrie, messenger in Stirling, charged with neglect of his duty in connection with the sub-commission for the presbyteries of Stirling and Dunblane (pp. 152–3).

June 9.—“A number of persons throughout the several presbyteries” of the kingdom still refuse to accept the office of sub-commissioner (p. 162).

June 9.—All the presbyteries of the kingdom except that of Banff have appointed sub-commissioners (p. 165).

June 25.—The Archbishop of Glasgow has not yet signed the principal Submission. A copy of it is to be sent to him for signature (p. 192).



The next entry relating to the Act of Revocation is under date September 18, 1629, and contains the proclamation of the four Determinations or Decreits-arbitral in which Charles, with the advice of some of the nobility and Privy Council and of certain experts, announces the composition he is prepared to make for the surrender of the superiorities and teinds. The purport of these Decreits is to be found in the various histories of the period as well as in the special treatises on the subject of teinds, and therefore does not call for special notice here. As has already been remarked, it is only on the working of the Act that the Register can be said to make any new contribution to the subject. The date of the Decreits is September 2, 1629, and the original Commission of Surrenders and Teinds had sat from March 1 to August 1, 1627, so that already more than two years had elapsed since the great business had been taken in hand. The foregoing quotations have shown the obstacles that had to be overcome in carrying the Act into operation, and from those that follow it will be seen that the publication of the Decreits did not greatly accelerate the process.

November 3, 1629.—Meeting of the principal Commission for Surrenders to be postponed till January 8, 1630, on which date and on February 10 the sub-commissioners are to present their reports (p. 336).

November 10.—Proclamation specifying the times and places of meeting between the sub-commissioners and the great Commission. The dates are January 8 and February 10, 1630 (p. 341).

January 8, 1630.—Letters to be addressed to the Provost of Dundee and others charging them to appear before the great Commission on January 13 (p. 401).

January 19.—Certain persons in Glasgow have not yet accepted the office of sub-commissioner (pp. 416-7).

February 11.—All sub-commissioners to give in their reports within twenty days after this date (p. 455).

February 18.—James Ross, notary in Irvine, put to the horn for refusing to undertake the office of procurator-fiscal to the sub-commissioners of the Presbytery of Irvine.

March 6.—Letter to the Provost of Dundee desiring him to be present at the meeting of the great Commission on March 10 (p. 478).

March 6.—The meeting of the chief Commissioners has been frequently postponed for various reasons, and the 10th of March is now fixed for their meeting.

June 17.—Letter to the chief Commissioners for Surrenders beginning as follows:—"There hes been ane great delay and hinder in the progresse of the Commissioun anent the Teinds by reasoun of the frequent

absence of some of the Commissioners, quhilk hes caused a number of the dyets of the Comissioun to desert, highlie to his Majesteis offence and disappointing of this good worke, quhilk his Majestie out of his princelie regarde of the weale of his subjects hes so earnestlie affected . . . we have thairfoir appointed ane solemne meeting of the Comissionners to be heere at Halyrudhous upoun the last of this instant," etc. (p. 570).

July 15.—The Bishop of the Isles and such of the Islesmen as are then in Edinburgh to be urged to subscribe the general Submission and to take some course for ascertaining the value of the teinds of the Isles (p. 610).

The purport of these extracts cannot well be mistaken. They prove that in certain quarters, at least, Charles's offers were received either with actual opposition or complete indifference. What is specially noteworthy is that difficulties seemed to arise at every point in the working of the Act. Sub-commissioners and chief Commissioners alike took up their offices with a grudge and sought every opportunity of shirking the duties that pertained to them. As far as the various parties interested are concerned, the majority had apparently accepted Charles's arrangement by the date of the Decreits-arbitral. That there was a considerable minority who still held out, however, is proved by the fact that as late as 1633 many still refrained from subscribing the general Submission (Connell, *Treatise on Tithes*, I., 140, sec. edit.).

If the Revocation Act was the most important matter that occupied the Council, it was far from engaging the most of its attention. This distinction easily belongs to that endless question that had exercised successive General Assemblies and Parliaments and Privy Councils since the Reformation—the continued existence of Roman Catholicism in the land in spite of all the efforts that had been made to extinguish it. Of the present volume fully one-fourth is devoted to dealings with Roman Catholics, individually and collectively. In these dealings there was nothing new: they consisted simply of reiterated proclamations of penal laws that at one time and another had been enacted since the overthrow of the ancient religion. What is special in the present volume, however, is that at this time the Council seems to have deemed it necessary that a strenuous

Legislation  
against  
Papists.

effort should be made to stamp out the religion of Rome once for all. The motive for this unusual activity was not merely religious zeal: there was a genuine conviction that the numbers and influence and activity of Roman Catholics in the country were a serious menace to the stability of the kingdom—a fear which at this period was as keenly felt in England as in Scotland (Gardiner, *History of England*, Vol. VI.). It is to be remembered that at this moment the prospects of Protestantism in Europe were sufficiently gloomy: the fall of La Rochelle had been a disastrous blow to Protestantism in France, and the conquering career of Wallenstein appeared to have crushed it for a time in Germany. In a communication of Charles, approving of the Council's measures for the suppression of Papists, the political action of the emissaries of Rome is thus described. They are "craftie and politick heads and traffiquers in maters of state," who "bend thair whole endeavoures by surmising and forging of lees and dispersing of brutes and rumours of forrane projects and resolutiouns among his Majesteis subjects of better sort to distract thame in opiniouns and affectiouns and interteane factiouns and seditioun in the state to the trouble and disturbance of his Majesteis peace" (p. 321). Of the relative numbers of Protestants and Catholics in the country at this time we have no definite information, but from the Register as well as from other sources we know that Catholics were still numerous in Dumfries and in the northern counties, Aberdeen, Inverness, Moray, Sutherland, and Caithness, and that there was a sprinkling of them in various other parts of the kingdom. What made this Catholic minority the more disquieting was the fact that it was represented by such nobles as the powerful Marquis of Huntly, the Earls of Errol, Angus, Caithness, Winton, and Nithsdale—to name only those who are brought before us in the present volume. One other fact has to be mentioned in explanation of the extreme assiduity of the Council in its action against Catholics: this was "the preferment of Papists to Counsell, judicatoris, commissiouns, and other determinatiouns and effaires of this kingdome, contrarie to the lawes, acts, and

statuts of the same"; (p. 186). How this came to pass we shall presently see.

The central fact of the volume with reference to the treatment of Papists is the great meeting of the Council held on July 23, 1629, for the express purpose of dealing effectually with the whole question. Before we reach that date, however, there are various entries bearing on the subject which illustrate the means and methods adopted by the Council for the extirpation of the dreaded evil. The following are the most significant of these entries, given as before in chronological order.

January 27, 1629.—Roman Catholic nobles charged to send their sons to the Universities of Glasgow, Edinburgh or St. Andrews (p. 26).

January 29.—Missive addressed to his Majesty "towcheing the insolencyis of Papistis" (p. 24).

February 3.—The Marquis of Huntly to be put to the horn for failing to produce certain Papists for whom he is responsible (pp. 28-30).

February 3.—Certain Papists in Aberdeen whose names are specified to surrender their lands and goods under pain of forfeiture (pp. 30-31).

February 3.—Alexander Irving, burgess of Aberdeen, and others to be denounced for writing and devising pasquils "conteaning treasounable warnings and predictionous of the change of state and religioun within twa yeeres" (pp. 31-2).

February 5.—Letter from Charles anent the Papists in the North (p. 35).

February 26.—George, Earl of Caithness, denounced for disregarding the censures of the Church (p. 75).

February 26.—Letter to be addressed to his Majesty complaining that the Marquis of Huntly, now a denounced rebel, has addressed himself to his Majesty without consulting with the Council (p. 76).

February 28.—Letter of Council to his Majesty complaining that by the Marquis of Huntly's neglect to enforce the Council's order anent Papists, their presumption "will become so intolerable as hardlie can the best affected subjects be perswaded to beleve that we can long enjoy ather peace of conscience, protection by your lawes, or saulfetie in our estaits frome intestine troubles, the last and worst of all publict calamiteis (pp. 79-80).

March 31.—Decree against Papists in the North and other parts of the kingdom who have eluded the arrest of their goods by conveying them to their friends.

June 23.—Charge from his Majesty directing that the Lords of Privy Council and all persons holding offices of trust take the communion quarterly in Holyrood Chapel. The reasons given for this charge are "the dangerous consequences following upon the preferment of Papists to Counsell, judicatoris, commissiouns and other determinatiouns and effaires of this kingdom," and that his Majesty conceives "the dew participatioun of the halie communioun to be ane readie and easie way of discoverie of recusants who manie tymes taking the oath of allegiance doe usuallie returne to thair vomite again" (p. 186).

In a letter from Charles, dated June 12, came the order for a meeting to be held at Holyrood for the express object of taking measures to check "the great increase and insolencies of Papists" (p. 185). The meeting was to be attended not only by all the Privy Councillors, but also by the archbishops, bishops, and such commissioners from their respective dioceses as they might think most suitable for the business in hand. With them the clergy were to bring the names of all "profest Papists" within their several bounds. The various parties summoned duly met in Holyrood on July 23rd. There were present eighteen lay members of Council, twelve bishops, and a number of commissioners from the various presbyteries of the kingdom. The most important transaction of the meeting was the appointment of commissioners for every part of the country, with power to seize "all and sindrie Jesuits, seminarie and messe preists, and excommunicat traffiquing rebellious papists," as well as all persons "going in pilgrimage to chappellis and wellis" (pp. 240-1). For the suppression of Roman Catholicism generally the old penal laws were confirmed: bishops and presbyteries were to apprehend all reseters of priests and to fine all who refused to communicate; the property of excommunicated persons was to be confiscated; no one who did not profess the true religion was to be capable of holding any public office whatever; hearers and sayers of mass were to be fined and imprisoned; husbands were to be responsible for their wives resetting Papists; and the names of excommunicated Papists were to be proclaimed at the Cross of Edinburgh, and affixed to the Tolbooth. Having accomplished its task, the Council sent the report of its proceedings to Charles together with a letter in which they made three requests. His Majesty, they said, was sure to be "muche importunned by the frequent sutes of incorrigible Papists," desiring a mitigation of the Act which ordained the confiscation of their "goods and leving." They prayed his Majesty, therefore, that he would leave such persons wholly in their hands. The next request was that a commission might be granted to the Earl of Seaforth for the apprehension of the Earl of Caithness,

“ane excommunicat rebell,” “that others by his exemple being terrified may thus be the more readilie reclaimed” to his Majesty’s obedience. Lastly, they craved that his Majesty would give order that the sons of Lord Gordon might be sent to the University of St. Andrews for their education, as, being now in the house of their grandfather, the Marquis of Huntly, they might “be corrupted in thair religioun by the travellis and insinuation of the Marqueis and others Popishly inclined frequenting to that hous” (pp. 249-250). In his reply, signifying his approval of the measures taken against Papists, Charles makes no reference to these requests of the Council (p. 331).

By far the most formidable of Scottish Roman Catholics was <sup>Prominent Roman Catholics:</sup> the great Marquis of Huntly, and, as the proceedings of the Council with him show, it was found no easy matter to make <sup>The</sup> him a docile instrument against those of his own religion. On <sup>Marquis of Huntly.</sup> December 2, 1628, he had been charged on pain of outlawry to apprehend certain Papists on his lands and within his household (Vol. II., Second Series, p. 497). He paid no heed to this order, and, knowing what he had to expect from the Council, without its cognisance proceeded to Court and sought and obtained an interview with Charles. On hearing of this action the Council indignantly wrote both to Charles and the Scottish Councillors in London, representing that his conduct implied at once contempt of his Majesty and “vilipending” of his Majesty’s Council (pp. 78-79). This was on February 28, 1629; and the next thing (September 8) we hear of the Council’s dealing with the Marquis is that it has taken him bound to remain south of the “North Water” till its next meeting on November 3rd (p. 291). Meanwhile, Huntly’s communication with Charles had resulted in an important transaction: he and his son, George, Lord Gordon, had agreed to demit their hereditary sheriffships of Inverness and Aberdeen in return for the sum of £5000 sterling. Being now relieved of his legal jurisdiction, Huntly appears to have thought that he would henceforth be freed from the disagreeable necessity of persecuting those of his own faith. If such was his hope in resigning his sheriffship, he

speedily found that he had been mistaken. On November 3rd he duly appeared before the Council as he had been commanded, and petitioned "that he might have licence to repaire to his awin houses in the north and to remaine there some certane space for settling of his affaires" (p. 333). At the same sederunt there was read a letter from Charles in which he informed the Council of the demission of the sheriffships, representing that as Huntly was no longer Sheriff he could not be held responsible for arresting Papists in that capacity, and desiring that he might be released from the horn if he showed himself becomingly submissive (p. 332). The Council did not relax him from the horn, but permitted him to go north on condition that he should again appear before them on the 8th of December. When he presented himself on that day, he was told that though he was no longer a sheriff he was still a landlord, and as such must give an account of all Papists to be found on his own domains (p. 363). Two days later he was further informed that if he showed fitting zeal in this business his petition for relaxation would be considered on the 7th of January following (p. 372). Under the date January 14, 1630, we read that Huntly has at length been released from the horn, but that he is still held responsible for the production of certain excommunicated Papists "upon his own ground" (p. 415). Finally, on February 11th he received a licence to proceed to his house in the north, though under the double condition that he must do his duty as a landlord against all Papists and not fail to return south on the 1st of July following (pp. 453-4).—George, Lord Gordon, Huntly's eldest son, does not appear to have had the same objections as his father to enforcing the laws against his Catholic fellow-subjects. On January 12, 1630, the Council endorsed a warrant from Charles appointing him a Commissioner for the suppression of Papacy in the North—the warrant conveying the right to all the escheats and life-rents of excommunicated Papists, after the necessary abatement in the interest of the Crown (p. 404). Nor did Gordon shrink from the duties of his office. When certain Roman Catholics sought to save their estates by offering to quit the country he besought

George,  
Lord  
Gordon.

the Council to pass an Act that would prevent his being defrauded of the dues of his commission. Moreover, on the 1st of June he gave the Council satisfactory proofs of his zeal and diligence by presenting a list of Papists with whom he had taken such order as he had deemed fitting and necessary (p. 547).

The experience of the Council with another Catholic noble, <sup>William</sup> William Douglas, Earl of Angus, will further illustrate the difficulty of the task of suppressing a religion by methods of law. As <sup>Douglas,</sup> <sup>Earl of</sup> <sup>Angus.</sup> one of the means of rooting out Papists it had long ago been enacted that children of Catholic nobles should be taken from their charge and placed where they would be brought up in sound Protestant principles. In accordance with this law, Angus, on February 12, 1629, was commanded to appear before the Council on the 26th of that month, and to bring with him his eldest son and two daughters, on pain of rebellion (p. 45). Angus appeared on the appointed day, but alone. His son, he told the Council, was "bedfast with a sore leg," and his daughters were in Tantallon, whereupon he was charged to choose a pedagogue for his son by the 10th of March, and on that day to produce his two daughters (p. 69). On the 10th of March the Earl duly presented himself with the three members of his family. On examination by their lordships the daughters gave such satisfactory proofs of the correctness of their opinions that they were allowed to remain under the charge of their father. In the case of the son, however, it was ordained that he should make his residence in Edinburgh—the father to make choice of his place of abode, and the Council to nominate his religious instructor. The Earl chose Mr. William Douglas, macer, as his son's landlord, and Mr. Archibald Watson as his pedagogue, while the Council appointed the Rev. Andrew Ramsay at once to test the pedagogue and to look to the spiritual welfare of the pupil. The next thing we hear of the youth is that he and the son of Patrick, Lord Gray, "have caried thameselffes verie scandalouslie" at the College of Edinburgh; "refuise to goe to church and heare sermoun, spends the Sunday in suspect places and companeis,



corrupts others youths within the colledge, and gives verie great mater of offence to the regents and maisters of the colledge" (p. 156). When the Earl was summoned and questioned regarding the frolics of his heir, he "excused himselfe" on the ground that the matter was "besides his knowledge." To give the youth every advantage, however, the Council ordered that he should be placed for fifteen days under the roof of the Principal of the college, Mr. John Adamson, who might thus have "the more frequent occasioun to conferre" with him (p. 166). Before the fifteen days had expired the Principal had to inform the Council that the young Douglas had disappeared, and that "he had some suspicions that his pedagogue was accessorie" to his flight. Indicted to appear with his son on July 9th, Angus, instead of obeying the summons, sent in a petition for eight days' grace. When he presented himself on the 16th, the Council discovered how completely it had been fooled. Of his son's flight the Earl declared that he knew nothing, but that in the meantime he had sent him to England to be educated and "disposed of as his Majestie sould direct" (p. 220). In these circumstances there was but one step left to the Council—somewhat weary, we may suppose, of such an incorrigible father and son. They wrote to his Majesty, telling him the whole story of their ineffectual efforts for the religious well-being of the future Earl, and committing "the young gentleman" to his Majesty's "accustomed pious care."—Other prominent Papists on whom the Council laid its hand it may be sufficient to name: they were the Earls of Caithness, Errol, Winton, and Nithsdale, Hew, Lord Sempill, Patrick, Lord Gray, James Maxwell of Kirkconnell, and Dr. William Leslie; the Countesses of Nithsdale and Abercorn, the Ladies Herries and Kirkconnell.

The Admin-  
istration of  
Justice:

The  
Borders.

From the last volume of the Register we learned that on the Scottish Border there had been a recrudescence of crimes that appeared to have been effectually suppressed during the last years of James VI. The instrument by which James had accomplished this result was a Joint-Commission of English and Scots who met at stated intervals and worked into each other's hands. At

James's death this Commission had fallen into abeyance, and as the most effectual means of checking the renewed disorders, the Council had suggested to Charles that this Commission should at once be revived. In a letter dated 3rd March, 1628, Charles had granted the necessary warrant, and from the urgency of the Council in the matter we should have expected that it would have taken immediate steps to put the warrant in execution. Yet from the present volume we gather that, though the disorder still continued, the Commission is not yet in existence. On January 27, 1629, a summons was issued to the Earls of Angus and Buccleuch, the Lords Yester and Traquair, and Sir William Seton to appear before the Council to give their advice "anent the satling of the disordouris of the Middle shyris and discoverie of the stouthis committit thair" (p. 21), and on March 19 the Commissioners were ordered to meet on the following day to consider certain changes in their commission which the Council had recommended (p. 102). The result of this consultation was a letter of the Council to Charles, which shows that things were no further forward than they had been a year before. Owing to "a new invented slight and evasioun," they wrote, all the efforts of the Scottish Commissioners to suppress theft and maintain law and order had been rendered nugatory: thieves and reseters of thieves by simply passing into England found themselves perfectly secure from the consequences of their crimes; and they craved that Charles would see to it that such absconding delinquents should be summarily sent home to abide their just punishment (p. 112). Two more entries conclude all that refers to the subject—a letter from Charles desiring the appointment of Sir Richard Graham as one of the Scottish Commissioners (p. 147), and another from the Council to Charles recommending the revival of the Joint-Commission as the only means of checking the evils in question (p. 265).

The work of reviving Justice-Ayres, which had begun in Justice-1628, still proceeded. In August of that year a number of judges <sup>Ayres.</sup> had been appointed for these Courts, and the places specified where they were to sit, as well as the crimes that were to come

within their jurisdiction (Vol. II., second series, pp. 434 *et seq.*). On July 21st, 1629, there was a further nomination of judges for parts of the country for which provision had not yet been made (pp. 225-7.). Again, also, we have a list of the offences with which the Courts were to deal, similar to that already given in the preceding volume (pp. 257-9). Of crimes committed before the 31st of August, 1629, the new Courts were forbidden to take cognisance, and they were likewise forbidden to interfere with cases connected with the export of linen (pp. 314-6). From an entry of date November 24, 1629, we learn that the new tribunals were not giving general satisfaction. For "restraying the unquyet and clamorous complaints of particular parteis aganis the Commissioners of the circuit courts" the Council issued an order that all such complaints must be addressed directly to itself, and accompanied the order with the threat that if the complainer proved to be "a calumniator," he would be made to suffer both in his person and his goods (p. 358).

Justice-  
Courts in  
the Western  
Highlands  
and Islands.

In the case of the West Highlands and Islands a difficulty had arisen with regard to the Justice Courts. On the one hand, Lord Lorne, as hereditary Justiciary of the Isles, claimed the right of holding courts wherever he pleased, while the Islanders maintained that by an Act of James IV. in 1504 Dingwall or Inverness had been fixed as the seat of justice for the North, and Tarbert or Lochkinkerran, for the South Isles. In the last volume of the Register we found that the dispute had been referred to the Council, which had arranged to hear both parties at its first meeting in June, 1629. As we gather from a letter of Council to Charles (June 12), the dispute came duly up for consideration at the time appointed. The representatives of the North Islanders, taking their stand on the Act of James IV., craved that Inverness might be the sole place where justice should be administered for the North Isles, and after "long contestatioun" Lord Lorne acquiesced in this demand, but only on a condition which the Islanders refused to accept. This condition was that he should have powers "to keepe courts indefinitelie aganis particular delinquents." To this the Islanders objected that the remoteness

of such courts would deprive them of the means of satisfactory defence, as, among other inconveniences, it would be impossible to secure the service of counsel. In these circumstances, the Council referred the dispute to his Majesty's "most judicious and royal consideratioun," and suggested, at the same time, that pending the settlement of the question a warrant might be given to Lorne to hold his court at Inverness—a suggestion to which Charles gave effect (pp. 171, 272).—In this connection may be noted certain other entries relating to the Western Islands, though in the case of these it is the bishop and not Lorne who is in question. Under date June 16, 1629, we have no fewer than six recommendations of the Council for the improvement of the diocese of the Isles. The planting of schools, the building of churches, the tightening of ecclesiastical discipline—such are the matters which the Council presses on the attention of the bishop (pp. 172-3). A later entry (August 1st, 1629) records the fact that in spite of all the past efforts of the bishop the state of his charge was still far from being satisfactory. The entry contains a warrant from his Majesty appointing the bishop Lord Justice and Commissioner for the space of a year, "as weile within the Isles as the Continent," and the reasons given for the extraordinary commission are sufficiently cogent (p. 266).

In the last volume of the Register we found the Council much exercised as to the expediency of allowing the lieges to export live stock and wool. During the years 1629 and 1630 a similar problem was forced on their attention. In both of these years the harvest was bad, and the Council had to consider to what extent, if at all, the various kinds of grain should be allowed to be exported. They determined the question in accordance with the opinion of a Commission of the smaller barons and burghs in April, 1626: when the prices of wheat, beir, meal, and oats rose to a certain figure, the export of these commodities was thereupon to cease (p. 11). For their guidance in coming to a conclusion, therefore, the Lords directed all sheriffs and justices of peace to report the prices of victual within their respective bounds. This order was issued on January 17, 1629, and, as a

Trade  
Legislation:  
The Export  
of Victual.

result of the various reports, an embargo was put (February 19) on the export of oats and meal throughout the current year (p. 53). But the dearth of 1630, it would seem, was even greater than that of 1629; "the noblemen and others his Majesteis subjects attending his Majesteis Counsell and Sessioun," we read, could not "be furnished with sufficient and good bread as formerlie they wer wount to be." During 1630, therefore, not only oats and meal, but "all kinds of victual," were forbidden to be exported, while at the same time the importation of foreign grain was encouraged by the removal of all imposts except the old duty of twelve pennies per boll (pp. 520, 578).—In this connection may also be noted two petitions of the Tacksmen of his Majesty's customs. The Council's dealing with these petitions, it will be seen, shows how sharp a surveillance they kept on all matters of trade. The first petition was to the effect that, as several merchants had a large stock of wool on their hands for which there was no demand at home, the tacksmen might receive licence to export 5000 stones of it (p. 279). This petition was granted, but when at a later date the same parties craved that they might be allowed to export 4000 stones more, they were told that the export of 3000 stones was all that would be permitted (p. 313).

The Importation of French Wines.

During Charles's war with France he had forbidden the importation of all commodities from that country, and, though peace had been proclaimed, the prohibition had not been removed at the beginning of 1629. The Scottish merchants, however, had ascertained that by that date the wines of France were being freely imported into England, and they contended that the same privilege could not be denied to themselves. But when, in January, 1629, a consignment of French wines was brought into the port of Leith, it was peremptorily arrested by the Lord High Admiral, the Earl of Linlithgow. The importers of the wines laid their case before the Council, which at once wrote to Charles on the inexpediency of the Admiral's proceeding. The Scottish merchants, they urged, had only done what English merchants were doing, and, moreover, in view of his Majesty's approaching

visit, it was desirable that wines should be both cheap and abundant in Scotland—not to mention that the imposts would be a welcome addition to his Majesty's Exchequer. So confident were they of the cogency of these reasons, they added, that they had granted licence to the merchants to sell the arrested wines on condition that they should "make the price their forthcoming," if his Majesty should require it (pp. 24-5). Charles appears to have taken the action of the Council in good part, as, under date February 12, we have a proclamation to the effect that the embargo on French wines is henceforth to be removed, and in the following December the offer of the lease of imposts to the highest bidder (pp. 44, 395).

In the case of another Scottish industry the Council had to address a reasonable expostulation to Charles. In July, 1626, <sup>The Green-</sup>land <sup>Fishing.</sup> Mr. Nathaniel Udward, one of the most enterprising Scots of his day, had received a patent "to fishe and trade in the cuntrees and seas of Greenland" for twenty-one years, the object of this fishing being to procure oil for the soap-manufactories which Udward and his partners had set up at great expense to themselves. (Vol. I., second series, p. 375.) In November, 1629, Udward had to lay before the Council a pitiful story regarding the success of his speculation. For some time past the Greenland Company of London had done all in their power to deter his ships from fishing in the desired waters, and had subjected them to "manie wrongs, insolenceis, and oppressiouns." The complainer had hitherto borne all these grievances in the hope of "a forbearance in tyme comming," but this year the same Company had passed all bounds of endurance. They had seized the complainer's two ships, made free with their stores, and imprisoned their crews, whom they treated "with all rigour and extremetie." The result of all this had been a loss to Udward and his partners of £4000 sterling. In such a case there was but one course open to the Council: they despatched Udward's petition to Charles, pointed out that the interests of the kingdom were at stake in the question, and recommended the nomination of a

special committee of his two Privy Councils to consider it in all its bearings (pp. 354-5).

Trades and  
Industries:  
The New  
Method of  
Tanning.

The new process of tanning that had so often occupied the attention of the Council again comes before us in the present volume. Though many of the trade had adopted this new method that had been patented by Lord Erskine, there was still a considerable number who objected to it on the ground of its expensiveness and of the quality of the leather it produced. To convince all parties, therefore, Erskine, in January, 1628, had offered to set up a tannery under the eyes of the Council, so that once for all his work might be tested and judged (Vol. II., second series, p. 196). By March, 1629, Erskine had erected his tan-work and produced specimens of the new manufacture, on which he invited the adjudication of the Council (p. 85). A number of "skilfull and honnest men" having been appointed to test the new leather, they reported that it was "als good tanned ledder and wrought at als easie pryces as anie tanned ledder brought frome England" (p. 108). On the strength of this report the Council (April 15) passed an Act ordaining the universal adoption of the new process on pain of confiscation. But, as the sequel shows, Erskine had by no means gained a final victory. On three several occasions during the fifteen months that followed the passing of this Act we find him presenting batches of inveterate delinquents, the majority of whom paid the full penalty of their offence (pp. 359, 425, 611).—Of other industries there is little or no mention in the present volume. At page 151 we have a

Cannon.

letter from Charles encouraging the manufacture of cannon by the offer of the "boig-myne" pertaining to the Crown, and at

Breeding of  
Hounds.

page 222 we have another suggesting the breeding of hounds in the neighbourhood of Dumfries, Lochmaben, and Annan. In connection with the manufacture of golf-balls we have a story which throws its own light on the time. James Melville, quartermaster to the Earl of Morton's regiment, maintained that he had received from James VI. the privilege of exacting a tax on every

Golf-balls.

golf-ball made in the kingdom. Two ball-makers in Leith, William and Thomas Dickson, having refused to pay this

exaction, Melville despatched a number of "lawlesse souldiers" to their premises, who made off with a set of balls which had been specially made for the use of his Majesty. Moreover, Melville added insult to injury by threatening to take the lives of the two victims if they did not him pay him his dues. The case having been brought before the Council, and Melville being unable to make good his claim, he was fined £5 for the benefit of the pursuers and obliged to find caution in £100 for his future good behaviour (p. 174).

The most interesting entries regarding the Burghs are those <sup>The Burghs.</sup> that refer to Stornoway and the island of Lewis. In June, 1628, Charles had given his signature to the Earl of Seaforth for the erection of Stornoway into a Royal Burgh. In making this grant, however, he had attached the condition that the royal burghs of the kingdom should be consulted before the signature passed the seals. (Vol. II., second series, p. 336.) When the burghs were consulted through their commissioners, it was found that they strenuously objected to the proposed erection, and in the present volume we have the precise grounds on which the objection was taken. In setting up a royal burgh in Lewis it had been part of Seaforth's scheme to introduce a colony of foreigners into the island, and though the erection had not been confirmed he had already taken steps in this direction. But there was an Act of Parliament of 1621 which declared "that no strangers nor others inhabitants within this kingdome sould packe or peill in anie place of the Yles outwith free burrowes nor transport anie forbiddin goods furth of the same." The evil results of Seaforth's action, the Commissioners urged, were already evident. The "Incountrie" had formerly been supplied with cattle from Lewis, but of cattle there were now "few or none," and the commodities for which the island had been frequented by Scottish traders was "lyke to be devolved in strangers hands." To these objections Seaforth rejoined that the Burghs were not competent "to pursue him," and that for any breach of the Act quoted he was responsible to his Majesty alone. The Council decided, however, that the Burghs were quite within their rights in mak-



ing their complaint, and enjoined Seaforth to observe the Act in question "upon his highest charge and peril" (pp. 95-6). The complaint of the Burghs was presented in March, 1629, but it was not till July 28 that the Council sent it to Charles accompanied with a letter in which they showed that their sympathies were decidedly with the complainers. Charles was as dilatory as the Council, for his reply did not come till January of the following year. Apparently impressed with the importance of the matter in dispute, he desired that Seaforth and the Commissioners for the Burghs should repair to him in London, and ordered the Council in the meantime to delay giving effect to his patent for the erection (p. 421). The next step of the Council was to "intreat" the Chancellor and the President to use their endeavours to compose the differences of the two parties (p. 426). Four days later Seaforth and three commissioners for the Burghs appeared on summons to hear the provisional decision of the Council. Though Seaforth was able to say that all the foreigners he had introduced were only "about ten or twelffe men," he was given to understand that he had committed a serious breach of the law and must see to it that he brought in no more strangers pending the settlement of the dispute (p. 428). The Burghs now came forward with a proposal of their own: this was "to plant and people the town of Storneway with natives onelie and to follow out the trade of fisheing in these bounds and to find caution for performance thair of" (p. 479). Nothing immediately came of this proposal, for on March 19 the Council despatched another letter to Charles together with the respective averments of the contending parties. In this letter they submit the whole business to the King's decision, praying him at the same time that in delivering his judgment he will have more respect to his own interest and that of his kingdom than the private ends of either party (p. 495). It was in June, 1628, that Charles had granted his provisional patent to Seaforth, and it was now March, 1630, and the settlement of the point in dispute seemed as far off as ever.—In another case the commis-

The Masons  
and  
Wrights of  
Dundee.

sioners for the Burghs exercised their influence more decisively. The masons and wrights of Dundee had petitioned the King for

the privilege of electing a deacon of their craft after the manner of other free burghs. In a letter to the Council Charles desired that the privilege might be granted, but only on the condition that the other burghs approved. After hearing the opinions of the magistrates of Edinburgh and Dundee, the Council finally referred the matter to the Convention of the Burghs. The report of the Convention was adverse to the petition, and the Council accepted the report as final (pp. 111, 118, 127, 135, 227).

Next to the business of suppressing Papists it is a controversy <sup>Dispute</sup> between Edinburgh and Leith that bulks most largely in the <sup>between</sup> present volume. The question at issue was the long-standing <sup>Edinburgh</sup> and Leith. one of the superiority claimed by Edinburgh over Leith, which at this period Leith made a resolute effort to shake off. The first entry tells us the story of the misfortunes of a certain John Kellock, maltsman in Leith. It was one of the claims of Edinburgh that no citizen of Leith had the right to brew or sell ale without its licence, and Kellock, having set this claim at naught, was fined £5 by a Leith bailie acting in the interests of Edinburgh. Having refused to pay the fine, Kellock was warded "in a filthie hole where all the witches had been imprissoned." From this uncomfortable place he appealed to the Privy Council, which found that the defenders, among whom were the provost and bailies of Edinburgh, had been "more summar" in their proceedings than the offence warranted, and gave orders that the prisoner should at once be freed from his ward. As to the question whether the defenders were within their rights in punishing Kellock the Council remitted it to the Court of Session, but in the meantime allowed them to punish similar offenders till the 1st of July following (p. 55). Passing by the hard experience of another Leith citizen (p. 193), we come to the controversy itself. Under the date July 14, 1629, we learn that Leith has petitioned his Majesty regarding its grievances, and that in consequence his Majesty has communicated with the Council on the same subject. The purport of this communication was that Edinburgh should be required to

produce the various infestments of its asserted superiority over Leith. The reason given for this demand was sufficiently disquieting for Edinburgh. It was that the Lords might ascertain if there was any clause in these infestments that was "derogatorie to his Majestie or to his Majesteis officiers of Admiraltie and Shirefship or to the nobilitie or gentrie of this kingdome, or to the priviledges of the toun of Leith." Should any such clause be found it was to be notified to the King that it might be set right at the next meeting of the Estates (pp. 215, 630). From another letter of Charles (October 17) it appears that Edinburgh had been letting him know its side of the dispute. He had been informed, he tells the Council, "of diverse contempts and disordours committed by some of the inhabitants of Leith againis the magistrats of Edinburgh," and he desires the Council to make certain in its dealings with both parties that this insubordination does not proceed from mere "seditious humour" (pp. 349-350). Our next information is that both burghs have sent representatives to London to lay their respective cases before Charles and the English section of the Scottish Privy Council. First comes a statement of the grievances of Leith, seventeen in all, which the commissioners from Edinburgh were called upon to answer in detail (pp. 633-638). As far as the present volume is concerned, however, it is the Leith commissioner who has the last word, as he follows up his list of seventeen grievances with another list of no fewer than eighty-four (pp. 639-665). What made the indictment against Edinburgh more serious was the fact that its privileges were maintained not only to encroach on the liberties of Leith, but to conflict with certain rights of the Crown and the Scottish nobility, and especially of the barons of West Lothian. That Charles was moved by this representation appears from a letter which he addressed to the Council in January, 1630. From this letter we learn that Edinburgh had made a concession to the Crown, which Charles now calls on the Council to see formally ratified (p. 422). What this concession involved appears from the sederunt of January 28. On that day the magistrats of Edinburgh appeared before the Council

and made a formal "act of submission" to the following effect—His Majesty had been informed that in the charter granted to Edinburgh by his father in 1603 there were "manie strange clauses quhilks ar not competent to ane subject." If such were the case, they desired to prove their loyalty by the surrender of the following privileges—the renunciation of all rights of regality assigned to them in their Charter, of the right to the escheat of criminals and outlaws within their burgh, and likewise the right to the north and south bank of the Castle, together with all privileges that were "not competent to ane subject" (pp. 432-434). But this act of submission on the part of Edinburgh touched but one point of the controversy: the special complaints of Leith still awaited the decision of the proper authorities. At a sitting on February 11 the dispute was again before the Council, which now in some degree cleared the ground by giving its opinion on the seventeen' grievances above noted. Of these grievances, it declared, some touched on matters that concerned the Crown alone, and with which the Lord Advocate was the proper person to deal; others affected the interests of the barons of West Lothian, who were now engaged in settling their differences with the representatives of Edinburgh; and as for the complaints of Leith, they were too general to admit of a satisfactory answer from the parties complained of (p. 454). On one point, however, Edinburgh was called upon by the Council to give way to a protest on the part of Leith. The Court of Session had lately given a decret that the citizens of Leith could not legally store victual in their town without licence from Edinburgh, but in the opinion of the Council this prohibition was prejudicial to the interests of the country at large, and specially to certain barons who were in the habit of selling their grain to the merchants of Leith. Accordingly they gave orders to the magistrates of Edinburgh to abstain from enforcing the prohibition till they received further instructions regarding the matter in dispute. Such are the leading points in the somewhat tangled proceedings between the two irritated burghs, as they are recorded in the present volume.

Miscellaneous  
Legislation:  
Irish  
Beggars.

We have still to note a few items of legislation which exhibit the range of the Council's functions. On the prevalence of vagrancy we have two Acts—one dealing with beggars from Ireland, the other directed against those of home growth, most of whom appear to have been gypsies. To the presence of Irish beggars the Council had two objections: they went about in such gangs that they were an actual terror to the lieges, and, moreover, they appropriated alms which would be more fitly devoted to the native poor. The Act passed against these foreign vagrants would appear sufficiently formidable if we did not remember how many similar Acts had remained a dead-letter: they were commanded to betake themselves to their own country within fourteen days after the publication of the Act, and forbidden to return "under pane of death"—all landlords being charged to deport such of them as were found on their estates (p. 354). The terms of the Act against native beggars might lead us to believe that they were an invading host living at free quarters in an enemy's country. The Act begins with the frank admission that all previous legislation against this plague had proved ineffectual, and it ascribes this failure to two causes—the negligence of the proper persons in enforcing the law and "the preposterous pitie of the countrie people" in giving alms "without reasoun or discretioun." Through this weakness the evil had grown to be intolerable: these "strong and ydle vagabonds" swarm through the country—bridals and funerals being their special delight; they infest the capital itself, passing their nights "in drinking and beastlie filthines," and in the day-time plaguing the Privy Councillors themselves with their importunity; and finally they live "in all kynde of impietie . . . without mariage or baptisme of thair barnes, to the great offence of God and reproache and scandall of the countrie." It was impossible to go beyond the severity of previous Acts against such persons, and the Council had to content itself with confirming all these Acts together with one which it had passed in 1619. By this Act every person giving alms to a beggar not belonging to his own parish was to be fined £5 for every offence of the kind, and in the event of his refusing

Native  
Beggars.

to pay the fine he was to be summoned before the Council and mulcted in £100 or more at its discretion. How numerous the tribe of beggars appears to have been is forcibly shown by another clause of the same Act. It often happened, we are told, that so many of them were in ward in one place that the parish was unable to maintain them and that they died of starvation before their day of trial. To provide against such a contingency it was enacted that a weekly tax not exceeding five shillings Scots and not less than one should be imposed on each parishioner for the maintenance of such vagabonds and the payment of the constables who had charge of them (pp. 411-2). As a separate tax was also to be levied for the "proper poor" of each parish, it will be seen that "the plague of beggars" was a veritable incubus on the land.

More than once since the Reformation both the Privy Council <sup>A Latin</sup> and the Parliament had been exercised with the problem of <sup>Grammar.</sup> securing the best possible Latin Grammar for universal adoption in the schools of the country. In the Middle Ages the difficulty had not arisen: Donatus in the schools and Alexandre de Villedieu in the universities had satisfied the needs of the successive generations. At the revival of learning, however, such a multitude of Latin grammars was produced that they seriously interfered with the efficient teaching of the language. In Scotland, as elsewhere, the difficulty had been felt, and early in the reign of James VI. a committee of four scholars, with George Buchanan as its president, had been commissioned to prepare a satisfactory text-book. The work they produced was not a success, and it was superseded by one text-book after another—the one that now held the field being that of Alexander Home, schoolmaster at Dunbar, which had received the sanction of James. Lately, however, there had been complaints of "the obscuritie and difficultie" of Home's Grammar, and the King's attention having been called to the fact, he desired the Council to appoint a committee of "learned, indifferent men" to determine whether the book should be retained in use. The character of the persons chosen for this purpose shows how seriously the

Council regarded the charge. Among the eleven who composed the committee were the Lord Advocate, the Bishop of Dunkeld, and the Director of Chancery. In the discharge of their task the members were to sit in the Laich Council-House, Edinburgh, to meet as often as they found necessary, to peruse the Grammar for themselves, and to take the opinion of the leading teachers of the country, who were to answer to their summons "under the pane of rebelloun" (pp. 596-7). The result of their labours does not appear in the present volume.

The  
Currency.

Several times during the reign of James VI. the effort had been made to benefit the poor by the issue of penny and two-penny pieces in copper. The last occasion on which this had been done was in 1623, but since that date these coins had again become scarce, and now we find the burghs petitioning the Council for a renewal of the issue. The grounds of the petition were that through the insufficiency of small change the poor were defrauded of alms, and "the commoun sort of people" were inconvenienced in their marketing (p. 47). The Council responded to the petition, and with the King's consent gave order that 500 stones of copper should be coined into penny and two-penny pieces—the whole issue to be ready by the 15th of April, 1631 (pp. 47, 130-2).—The only other point connected with the currency that comes up in the present volume is the never-failing one of the surreptitious circulation of foreign coin.

The circula-  
tion of  
Foreign  
Coins.

On January 15, 1629, there was a special meeting of the Council for the consideration of the whole question, a number of Edinburgh merchants and officials from the Mint being present to give their advice. As the result of the conference, it was concluded that of the various foreign dollars in circulation the Rixdollar and the Lion-dollar were the most suitable to be retained in use. As to the other dollars the officers of the Mint and the merchants were to take into consideration how they could be got rid of with the least loss to the country (p. 8). The further dealings of the Council with the question may be read at pp. 16, 19, 51. Apparently all their efforts were ineffectual, as in the following year (February 3rd, 1630) there

came a sharp letter from Charles which stirred them to more energetic action (p. 458). They appointed a special committee composed of the leading officials of the Council, together with the Bishops of Dunblane and Brechin, who in conference with the merchants and officials of the Mint were "to consider the best wayes for removing of the present abuse in the course of forrane coyne and for bringing in of bulyeoun to the mint-hous hereafter" (p. 464). This committee was appointed on February 23rd, and the result of its deliberations does not appear in this volume.

In February, 1628, the Council had to inform Charles that owing to "the weak estait" of the Exchequer they were "altogidder disabled to ordour the effaires of the Estait." Writing to him in June, 1629, they had to tell him the same story. Desired by Charles to pay the pensions due to his nurse and certain gentlemen of the Privy Chamber, they had to report that for the time they had not so much money at their disposal. It was all they could do to meet the ordinary public expenses, such as those involved in the Despatches of the Council and the payment of the Lords of Session. For several years past there had been "a verie great and sensible decay" in the customs, and, moreover, the Lord Treasurer had at that moment to reckon on the outlay connected with his Majesty's approaching visit. In these circumstances, they wrote, they could only undertake to pay these gentlemen their pensions "with the first conveniencie of [his] Majesteis coffers."

#### DOMESTIC INCIDENTS.

No fewer than three times within our period was it announced that Charles was about to visit his northern kingdom. He was to appear in the spring of 1629, in the autumn of the same year, and in June of 1630, and on each announcement of his coming the Council had the fruitless trouble of making the necessary preparations for his reception. What these preparations meant we had before us in the previous volume, but in connection with



these abortive visits there are a few items of antiquarian interest that deserve a passing note. Again, as in the preceding year, the question arose whether the Church of St. Giles or of Holyrood was the more suitable place for the ceremony of the Coronation—a question in which Charles himself showed his interest by writing a letter on the subject to the Council (p. 422). To determine the question the Lord President and the Chancellor, with some others of the Council, were commissioned to examine the two churches—St. Giles “at eight of the clocke in the forenoone,” and Holyrood “that same day in the afternoone” (pp. 454, 493). The report of this committee was duly communicated to Charles, and he declared decisively in favour of St. Giles. To the Abbey Kirk there was the serious objection that it could not be got ready in time “for the solemnitie of so great ane action.” On the other hand, “without removing or casting down of the east wall,” the Kirk of St. Giles was found to be “the most convenient, eminent, and perspicuous place for his Majesteis coronatioun” (p. 497). Still in connection with the expected royal visit we have another antiquarian item—an ordinance of the Council for the closing of the east stile leading into Holyrood Churchyard. The reason for this proceeding gives us a curious glimpse into the habits of the time. “For diverse yeeres bygane,” we are told, “the people repairing to the burgh of Edinburgh from Mussilburgh, Fisherraw, and other pairts in East Lothiane, hes made thair ordinarie passage throw the kirkyaird of Halyrudhous whilk they defile with filth and otherwayes, especiallie at the verie side of the kirk and direct under the windowes of his Majesteis galrie of Halyrudhous, whilk will be verie unsemelie to be seene be strangers the tyme of his Majesteis heere being” (p. 74).

Cases of  
Disorder :  
Scene in  
Maybole.

The preceding volumes of the Register have shown that the efforts of James VI. to maintain law and order in his kingdom had not been in vain. In Highlands and Lowlands alike it had been brought home to every Scottish subject that in taking the law into his own hands he was playing a losing game. But the ingrained habit of centuries was not to be cured in the course of

a single reign, and for many a day to come there were to be cases of outrageous defiance of the law that recalled the wildest days of feudalism. Even within the limits of the present volume we have a few examples of daring defiance of authority, which, though not of the worst type, have a savour of earlier days. On the 22nd of November, 1629, James Maxwell, messenger, had the following experience while in the discharge of his duty. John Fergusson of Kilkerran had received letters of caption against James Kennedy of Blairquhan, and he had engaged this Maxwell to put the law in force. Attended by Fergusson and other gentlemen, Maxwell made his way into Kennedy's house in the town of Maybole. Kennedy, however, had arranged to give his visitors a warm reception. He betook himself to one of his chambers, closed the door in their faces, and "with manie horrible oathes" threatened to shoot the first who entered. Meanwhile, by his order the church bell was rung, a drum was beat, and immediately there beset the house some 300 men, "all armed with jacks, spears, steel bonnets, and other weapons, and the prohibited hagbuts and pistols." On the appearance of this formidable array the messenger desired to be as conciliatory as the circumstances demanded. He requested the besiegers "to use a more civill forme," and promised to let Kennedy go "upoun a reasounable conditioun." Flouting these overtures, they attacked the gates with forehammers, and supplied the prisoner with powder and lead, which he immediately made use of by trying to shoot his intending captor. In these circumstances, the baffled messenger and his supporters could only protest and retreat. The case came before the Council on the 13th of January, 1630, when the Laird of Blairquhan and his more ardent abettors had occasion to repent their heroic measures (pp. 4-6).

Beside these proceedings at Maybole may be placed a still Scene in Dumfries. more audacious action that happened in Dumfries. Three persons in whom Lord Herries and his sons were interested had been warded in the pledge-chamber of that burgh. Herries and his sons were "annoyed at this," and resolved at all costs to free

the prisoners. As the plan they hit upon was sufficiently desperate, they chose the Fair of the town for putting it into execution. Making his way into the pledge-chamber, one of Herries's men cajoled the warders, and was permitted to see the prisoners. To one of them he handed a whinger, and all four burst into the street, striking down the jailer by the way. As it happened, the bailies of the town were at that moment close at hand, and seeing the state of affairs they attempted to stop the further progress of the fugitives. But provision had been made for such a contingency: at convenient corners in the immediate neighbourhood a band of Herries's men had been lying in wait, and with pistols and drawn swords they now fell upon the bailies. In the tumult the three prisoners tried to make good their escape, but were pursued by the neighbours, two of them being captured. All this time the Master of Herries with others of his following was in wait near the town to receive the fugitives. Disappointed in the event, the family and friends of Herries conceived such "a deidly haitrent and malice" against the people of Dumfries that none of them dared to set foot outside of the town. Such was the story the provost and bailies of Dumfries had to report to the Council. On the day of trial neither Lord Herries nor his son the Master appeared—the one alleging illness, the other having left the country. Others who did not appear were outlawed, and those who did, of whom two were sons of Lord Herries, were ordered to enter the Tolbooth of Edinburgh within six days (pp. 12-14).

**The Earls of Wigtown and Cassillis.** From another entry we learn that at the Council's own door there was the possibility of scenes similar to those that have just been described. In July of 1629, the Earls of Cassillis and Wigtown were in Edinburgh in connection with a suit pending between them before the Court of Session. After the time-honoured Scottish custom they had both come attended with numerous followings, and there had been "unseemlie convocation" of both parties that alarmed the Council for the public peace. Other nobles, also, friends of Cassillis and Wigtown, had been adding fuel to the flame by "backing" the side which they

favoured. To prevent possible mischief, therefore, the Council sent three of its members to the two litigant nobles with the injunction that neither should appear in the streets with more than twelve followers, and that when they presented themselves at the bar neither should be accompanied by more than six, exclusive of his advocates (p. 224).—Other examples of contempt for the law will be found at pp. 18, 25, 40, 251, 531, 661.

Still under the head of lawless disorder we have to note the further development of two Highland feuds, one of which is sufficiently important to have found a place in the page of national history. The Feud of the Grants of Carron and Ballindalloch. The Grants of Ballindalloch and the Grants of Carron, both in Speyside, had long been at feud. In 1628 an encounter took place between them in the wood of Abernethy, which resulted in the death of John Grant of Carron and of several others on both sides. The Council immediately took steps to ascertain who were the guilty parties, and, when we left the story in the preceding volume, had summoned representatives of both sides to appear in January, 1629. The witnesses duly appeared, and the Council, having taken their depositions, sent them to Charles at his special request (pp. 42, 46-7). This was on February 12, 1629, and on March 25th came Charles's decision. It was to the effect that a pardon should be granted to Ballindalloch, but that he should make an adequate compensation to the widow and orphans of the slaughtered Carron. If the two parties could not come to an arrangement by the 1st of August, the Council was to take the matter into its own hands (pp. 113-4). In February, 1630, the parties had not yet come to terms, and they were now summoned to appear before the Council in the following June (p. 458). The case was heard on June 29th, when the widow of Carron and her son, the young laird, announced that they would not accept assythment till his Majesty had been more fully informed regarding the circumstances of the old laird's death (pp. 579-80). Connected with this feud and its chief instigator was one whose name has so often figured in this Register, the redoubtable James Grant in Daltaleis. As

we have been so often told, this James Grant had in 1618 slain one Patrick Grant in Lettache, and had ever since been in outlawry. Now we learn that in association with "a number of broken Hieland men of the Clanrannald, Clangregour, and some others out of Strathspey and Stradoun," he has become "ane opin reavir and oppressour" (p. 23). Commission after commission was issued for his apprehension, but when we leave him he is still at large and as enterprising as ever. How he marred the good intentions of the Council in the case of the Carron and Ballindalloch feud we shall learn in the next volume.

Feud of the  
Crichtons of  
Frend-  
raught and  
the Gordons  
of Rothie-  
may.

But it was another Highland feud—that between the Crichtons of Frendraught and the Gordons of Rothiemay—that was to be associated with a tragedy that has given it a place in the national history. We do not reach that incident in the present volume, but the development of the feud, as it may here be traced, has a direct bearing on the mystery that still surrounds the Burning of Frendraught. In March, 1628, a party of the Crichtons, while fishing in the Deveron, had been assaulted by certain of the Gordons, who, remaining defiant, had been put to the horn in the following December. When the present volume opens, William Gordon of Rothiemay and his son, John Gordon, had not yet obeyed the summons of the Council, which now issued a commission to the Marquis of Huntly for his immediate apprehension (p. 15). The next thing we learn is that James Crichton of Frendraught and young Gordon have appeared before the Council and made a joint declaration that "the differences betuix thame wer now fullie sattled and agreed and that there wes no forder mater of contestatioun betuix thame" (p. 215). Apparently the laird of Rothiemay was not a party to this peace-making, as in the same month (July) we find that he is still defying the law and going about his business "as if he were a lawful subject" (pp. 255-7). In December he was still at large, and the Council had been informed that there was every likelihood of fresh broils between the two families. Both parties, however, are now charged to appear before the Lords, and meanwhile to give caution that they will keep the peace. The

apprehensions of the Council were fully realised: frequent encounters took place between the dependants of the two lairds—the Gordons, it was alleged, being always the aggressors. At the instance of Crichton, a commission was given to Sir George Ogilvy of Banff for the arrest of Gordon and his son Walter, with certain of their servants. Accompanied by Crichton and others, Ogilvy proceeded to the Castle of Rothiemay with the object of carrying out his warrant. He was met on his errand by Rothiemay and certain of his followers, and in the fray that ensued Rothiemay was mortally wounded (pp. 429, 485). His son, John Gordon, thereupon sought to raise an action against Crichton and Ogilvy for the murder of his father, but the Council decreed the charge irrelevant on the ground that Rothiemay had been slain while in the act of defying the law. Refused this satisfaction, young Gordon pursued his rebellious courses, and though a special commission was issued for his apprehension he still succeeded in evading capture. Desirous, if possible, to put an end to a feud that disturbed the whole country-side, the Council proposed to Gordon that if he would make up his quarrel with Crichton all his past offences would be overlooked—the alternative being that he would be treated as an outlaw (p. 509). This was on April 1st, 1630, and when we last hear of Gordon he is still at large and unreconciled (pp. 530-1). Within a few weeks the tragedy was to take place of which he was to be one of the victims.

From two letters of the Council, addressed respectively to the Sheriff and the Bishop of the Orkneys, we receive a lively impression of the lawless condition of these islands, and still more so of the Shetlands. In the case of the latter the insubordination of the islanders took the special form of opposition to the ministers of the Church. Their “high contempt” of kirk discipline, we are told, “is now come to suche ane hight by the presumptioun and boldness of lewde and dissolute persouns within the saids bounds that in a maner there is ane avowed oppositioun made to the ministrie in all and everie thing.” In the list of their offences against their ministers we have such as

Lawlessness  
in the  
Orkney and  
Shetland  
Islands.

the following:—"The upbraiding of thame in thair pulpits in the discharge of thair functiouns, the cartalling of thame in thair presbyteriall meetings, the threatning of thame to breake thair heads, to bullett thair bodeis, to battoun thame if they presooome to use the censures of the kirk aganis thame." To amend this state of matters the Sheriff was empowered to summon before him all who were suspected of such offences and to report such as were found guilty to the Council, which would decree the nature of the punishment to be inflicted (pp. 202-4). From the letter to the Bishop, however, we learn that justice in the Orkneys was administered under considerable difficulties. The judges and magistrates had no "convenient place" where to sit and there was not even a "sure hous and prisoun" where to bestow delinquents. The Council had heard that there were "manie good rowmes" in the palace built by the late Earl of Orkney (the famous Earl Patrick), known as "The Yairds." They suggested that one of these rooms should be set apart for the judges, and that in the vaults below secure accommodation might be found for offenders. This economical arrangement, the Bishop was informed, was made only "till his Majesteis coffers, quhilks ar now straited and pinched with manie urgent occasiouns, be better provyded and furnished with moneyes for bigging of ane jayle and wairdhou" (p. 536).

**Witchcraft.** Among the usual numerous cases of witchcraft, those of two warlocks may be specially noted. The one, Alexander Drummond of Auchterarder, was speedily disposed of (pp. 2, 3), but the case of the other, Alexander Hamilton, is a longer story. To escape the law he had taken refuge in England, but was there apprehended, and in the first place committed to the Tolbooth of Haddington (p. 222). While awaiting his trial, however, he brought charges of witchcraft against several persons "of good fame, credite, and reputatioun," and the Council gave orders that he should be removed to the Tolbooth of Edinburgh (p. 261). The persons whom he accused were nine women of "meane estait," all residing within the Presbytery of Haddington, the members of which were commissioned to examine them and

report to the Council (pp. 361, 2). Another person against whom Hamilton pointed his finger was of higher social station—Lady Manderston, wife of Sir George Home. The husband and wife were known to be on bad terms, and the charge that Hamilton brought against the lady was that she used “devilish practices” against the life of her husband. When specially interrogated, Hamilton admitted that his only ground for making the charge was the statement of one John Neil of Tweedmouth. Hamilton was sent to his account, but we find that his informant Neil was carefully looked after and lodged in the Tolbooth of Edinburgh. When we leave him, Neil has brought an accusation against another lady of rank, Lady Samuelston. Her he accused of having actually done her husband to death by the same black arts (p. 541. Cf. Chambers, *Domestic Annals*, II., 32–4).

From Stirling we have a curious story regarding the bakers of <sup>The Bakers</sup> that burgh. A number of gentlemen with their families had taken <sup>of Stirling.</sup> up a temporary residence in the town, and naturally expected that they would be able to buy what they wanted for their money. They discovered, however, that the only kind of bread procurable was “so base and unworthie as the lyke is not to be found in no burgh of this kingdome.” This was the more provoking as the bakers of the town made another kind of bread of superior quality, which they refused to sell to the strangers. The matter having been brought before the Council, the bakers declared that they were only acting in accordance with an arrangement that had been adopted by their “whole brethren” in 1628. By this arrangement no baker in Stirling was allowed to sell “mainschots” or “unleavened bread” to any but nobles and barons who supplied the necessary wheat at a certain price. The bakers were curtly told that such an arrangement was “evill made to the hurt and prejudice of his Majesteis subjects,” and were sent home with the strait injunction that they should bake and sell all kinds of bread according to the needs and wants of <sup>The Ham-</sup> their customers (pp. 197, 8).—More commendable, as being <sup>mersmiths</sup> highly in the interests of the community, was a proceeding on <sup>of Edin-</sup> the part of the hammermen of Edinburgh. Alexander Gilchrist, <sup>burgh and a</sup> bad crafts-<sup>man.</sup>



locksmith in Torbreckie, submitted the following complaint to the Council. Within the preceding two years, when seeking to dispose of his goods at the Edinburgh market, he had been violently robbed of seven locks and seven keys by Thomas Brown, lately deacon of the hammermen. He had complained to the Council of this action of Brown, who had thereupon been charged to restore the complainer his wares and to desist from molesting him in the future. So far from attending to this injunction of the Council, Brown and those associated with him were now behaving with greater violence than ever. At a late market they had destroyed all the complainer's locks and bodily carried off certain others of his wares. Brown was now summoned before the Council, and he put a somewhat different complexion on the story. The locks made by Gilchrist, he declared, were so bad that the lieges could not use them with any security that their goods would be safe. To settle the dispute the Council appointed "four indifferent men" to report on the quality of Gilchrist's workmanship. The result was that all four "in one voice upon thair solemne oath and conscience" testified that the locks in question were "not worthie to serve his Majesteis lieges." On this crushing report the Council charged the bailies of the burgh to destroy Gilchrist's work and to look to it that he should present no such "disloyall and insufficient worke" in future (pp. 345-6).

Captain  
David  
Robertson  
and the  
City of  
Hamburg.

In the experiences of Captain David Robertson, a noted Scottish privateer, we have an illustration of the maritime law of the period. During the war with Spain Robertson had procured letters of marque, and had done efficient service against the enemy. It came to his turn, however, to be the sufferer. After a sharp encounter he was taken by two war-ships of Hamburg, several of his crew being killed and others severely wounded. As there was no war at this time with Hamburg, Robertson appealed to the Council for letters of reprisal that he might indemnify himself for his losses. The Council sanctioned his appeal and laid the case before the King (Vol. II., second series, p. 544). In due course, Robertson's witnesses appeared before the

Admiralty in London, with the result that Charles communicated with the magistrates of Hamburg and desired a reply in the course of a month. The reply having come, Charles despatched it to the Council with the advice that if they did not find it satisfactory they should grant to Robertson the desired letters of reprisal (p. 484). The Council did not find the reply satisfactory, and granted the letters, which from his previous record we may believe that he used to good purpose (p. 525). Examples of the activity of Scottish privateers will be found at pp. 86, 521, 589, 668.

A calamity which greatly impressed the public mind was the sliding of an extensive moss near Falkirk in December, 1628. The sliding of a moss in Stirling-shire. As an illustration of the expressiveness of the Scottish language of the time, the Act of Council which records it is worthy of note. "Forsamekle," it begins, "as in the moneth of [December] under silence of night there hes fallin out by the unsearcheable providence of the Almighty God, quhilk by no humane witt nor foresight could be prevented, suche ane fearefull, suddane, and unexpected accident, lyke ane thunder-clap, upoun the lands of Powes and Powmylne perteaning to David Rollock of Powes and Robert Johnestoun of Powmylne and upoun the lands perteaning to Patrik Bruce of Corsebruike and Thomas Bruce of Woodsyde, that the lyke wes never heard of in anie kingdome or age, in so farre as ane great and large mosse of the thickenesse of ane speir hes beene driven by the force and violence of wind and water fra the firme ground and bounds, where frome all beginning it unmoveable stood, to the lands of Powes and Powmylne and others lands of the persouns foresaids distant thairfra be the space of \_\_\_\_\_, and hes overflowed and covered the saids whole lands and hes tane ane solide, firme, and sattled stand thereon, hes overturned the whole houses for the most pairt of the saids lands, so that twentie familieis wer constrayned for lyffe and deid and with the extreme hazard of thair lyves to flee and leave thair houses and all within the same to the violence of the mosse." As usual in cases of great public calamities the Council appealed to the country for the relief of

the sufferers and nominated a committee to collect contributions (pp. 37-39). The committee did its work with great thoroughness, travelling through the whole country and collecting subscriptions from all classes of the community. Their labours were highly successful, "great sowmes" of money being raised, and the Council came to be pestered by the competing claims of the sufferers (p. 568).

Miscellaneous.

A few miscellaneous items of interest may close this survey of the present volume. From a letter of Charles to the Council we learn that the French Government had raised a claim to certain lands in that part of America where Sir William Alexander had so assiduously sought to plant a Scottish colony. The contention of France was that the lands had been seized during the late war between the two countries, and that now that peace was restored it had a right to claim its own. That he might be prepared to answer this demand Charles desired the Council to supply him with precise information regarding the claims of Scotland to the lands in question (pp. 613-4). As the beginning of the rivalry between France and Britain for the possession of Canada, this early dispute has an interest of its own.—The threatened visit of a plague at the close of 1629 called for the energetic action of the Council. It is described as "the contagious sickness of the pest," and was specially prevalent in Bordeaux and in the Orkney and Shetland Islands (p. 353). The Council imposed a rigorous quarantine in connection with the Scottish ports on the east coast, but from its repeated ordinances it is evident that it received only a partial obedience.—As one of the signs of the times, the surrender of their hereditary sheriffdoms by the Marquises of Hamilton and Huntly is worthy of note—the abolition of hereditary jurisdictions being part of the policy both of Charles and his father (pp. 317, 364).—The names of a few notable men of the time appear in the volume. On June 8th, 1630, Sir James Balfour, author of the *Annales*, received the formal gift of the office of Lyon King-of-Arms, and a month later we find him lodging a grievance against "diverse painters and goldsmiths, gravers, cutlers, and others artisans," for granting

arms "to all rankes of persons promiscuously at thair pleasure" (pp. 561, 594). The name of the venerable Robert Bruce, the famous Presbyterian minister, once more comes before us—on this occasion in connection with a supplication that he may be allowed to come to Edinburgh on legal business (p. 599). Dr. Peter Bruce, Professor at the University of St. Andrews, once a member of the Court of High Commission, gave offence to the Council by refusing to accept the office of rector of his university, and was threatened with outlawry if he persisted in his obstinacy (p. 345, 348). At pp. 336, 473 we have an interesting item relating to Dr. Arthur Johnston, scholar and physician, and the author of the Latin version of the Psalms, which was held to rival that of George Buchanan.

I have again to acknowledge the valuable assistance I have received from the Rev. Henry Paton, M.A., in the preparation of the present volume.

P. HUME BROWN.



**REGISTER**  
**OF THE**  
**PRIVY COUNCIL OF SCOTLAND.**

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**ACTA, DECRETA, &c.**



# REGISTER

OF

## THE PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.

Royal Letters, " CHARLES R., Right trustie and right weilbelovit cousine and counsellour, Whitehall, 5th  
1623-32. January 1629.  
Fol. 150, b. right trustie and weilbelovit cousines and counsellours, and right trustie Letter from  
and weilbelovit counsellours, we greete yow weill. Whereas upoun his Majesty  
good consideratiouns moving us we have beene pleased to send thither anent the  
the whole Scottish companeis which have beene abroad in our service to Scottish  
be trained up and mainteaned there till we sall be pleased to employ soldiers who  
thame againe, yitt considering that this cannot commodiouslie be have returned  
performed unlesse some convenient plaices be made choice of for this from foreign  
purpose, our pleasure is that (after dew deliberatioun) yow make service.  
choice of suche places there as yow in your judgement sall thinke most  
expedient whair the saids companeis may be trayned up and mainteaned  
during our pleasure and with all that yow be verie carefull to caus thame  
be furnished with all suche provisious and other necessareis at als easie  
a rate as yow sall thinke may be best granted; all which recommending  
to your special care, we bid yow fareweill. Givin at our court at  
Whitehall the fyft day of Januar 1629."<sup>1</sup>

*Sederunt*—Treasurer; S<sup>t</sup> Andrewes; Mentieith, præses; Privy Seal; Holyrood  
Linlithgow; Bishop of Dumblane; Secretary; Clerk of Register: House, 8th  
Advocate; Justice Clerk; Sir John Scot. January 1629.

Acta February " Anent the supplicatioun presented to the Lords of Secretit Counsell be Act of Council  
1628—July allowing the  
1629.

Fol. 78, b.

<sup>1</sup> This letter is again booked at Fol. 156, b. these countries was at an end by the close of  
Though a formal treaty of peace was not yet 1628, and hence the recall of the Scottish  
concluded between Charles, on the one hand, companies.  
and France and Spain, on the other, war with



commanders and officers of the regiment of the Earl of Morton to settle their soldiers in such parts of the country as they may find convenient on certain conditions.

the commanders, officers and souldiours under the regiment of Williame, Erle of Mortoun,<sup>1</sup> makand mentioun that whair the Kings Majestie hes directed and licenced thame to ly in garrisoun within this kingdome for the space of three moneths untill his Majestie sall be pleased to dispose otherwayes of thame and that his forder will be knowin thairanent; lykeas his Majestie hes provydit maintenance for everie ane of the saids souldiours at the rate of sax shillings money of this kingdome daylie, humblie desyryng thairfoir the saids Lords to grant unto the saids commanders and officers licence to sattle the saids souldiours in suche convenient touns and villages as may seeme most fitting unto thame for thair dyet upoun thair awin proper moneyes to be presentlie payed without anie greevance to anie of his Majesteis good subjects, and the rather seing the saids commanders and officers ar content that the saids souldiours sall be punishable and removeable when ever the saids Lords sall heare of anie just caus of complaint aganis thame, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords and they weill advised thairwith, the saids Lords hes allowed, and be the tennour heerof allowes the saids commanders and officers to sattle thair souldiours in suche parts of the countrie whair they may most convenientlie abide, they behaving thame-selffes soberlie and discretlie and making thankefull payment for suche victualls as they sall ressave; lykeas the saids Lords have recommendit, and be the tennour heerof recommends the saids commanders, officers and souldiours to the proveists and bailleis of burrowes and uthers his Majesteis officers whome it effeirs, commanding thame to show all lawfull favour to the saids officers and souldiours and to see thame convenientlie loddged and dyetted for thair moneyes, they behaving thame-selffes modestlie without greeving anie of his Majesteis good subjects as said is; and ordanis letters to be direct to make publicatioun heerof be opin proclamatioun at all places needfull, and to command and charge all proveists and bailleis within burgh and uthers his Majesteis officers to have a special care and regaird to see the saids officers and souldiours accomodat in loddging and dyet for thair moneyes, they behaving thame-selffes dewtifullie without greevance to anie of his Majesteis subjects as they will answeire to the saids Lords upoun thair obedience.”

Warrant to the Bishop of Dunblane and others to examine Alexander Drummond, who is charged with witchcraft.

“The Lords of Secret Counsell hes given and grantit, and be the tennour heerof gives and grants full power, commissioun and warrand to Adame, Bishop of Dunblane, Sir Archibald Achesoun, Secretar, Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat, Sir George Elphinstoun of Blythiswoode, knight, Justice Clerk, and M<sup>r</sup> Alexander Colvill, Justice Depute, or anie twa of thame, to examine Alexander Drummond, prissoner within the tolbuith of Edinburgh, upoun his

<sup>1</sup> The Scottish contingent under the Earl of Morton, it will be remembered, had formed part of Buckingham's army for the relief of La Rochelle.

That town had surrendered to Richelieu on October 18, 1628, and Morton's regiment had returned to Scotland.

Acta February 1628-July 1629. Fol. 78, b.

Fol. 79, a.

Acts February  
1628-July  
1629.  
Fol. 79, a.  
Commissions,  
1624-30.  
Fol. 185, b.

practizing of witchcraft and to report his depositions to the saids Lords."

Commission under the Signet to the provost and bailies of Edinburgh, Holyrood House, 8th January 1629. Commission granted to the provost and bailies of Edinburgh or any two of them to try John Learmonth and others, who are notorious thieves, or any two of them, as justices, to hold courts and try John Learmonth, John Balfour, and John Millar, three notorious thieves, who on December last lay in wait for Ninian Halyday in at his lodging place beside the West Port of Edinburgh, and masterfully reft from him his purse, with the sum of 400 merks therein. Being thereafter apprehended, they are now in the tolbooth of Edinburgh. Signed by Hadintoun, Linlithgow, Dumblane, Arch. Achesoun, Hamiltoun, and S<sup>r</sup> Thomas Hoip.

Sederunts,  
1625-29.  
Fol. 106, b.

"The Lordis continewis the mater anent the educatioun of nobelmenis sones till the nixt Counsall day." Education of noblemen's sons.

"The Lordis ordanis the generall, maister, and officiaris of the Cunyeehous, withe some of the Franshe, Flemis, and Easterline tradaris, to be warnit to the nixt Counsall day to confer and resoun upoun the course of foreyne coyne." Ordinance anent the currency of foreign coins.

"The Lordis recommendis to the Admirall thetry all of the personis homebringaris of Embden dolouris and to reporte thair names to the Counsell." The importers of Embden dollars.

"The Lordis continewis the mater anent the saltpeter to the nixt Counsall day." Saltpetre.

Acts February  
1628-July  
1629.  
Fol. 79, a.

*Sederunt*—Treasurer; Monteith, præses; Wintoun; Linlithgow, Holyrood House, 13th January 1629.  
Roxburgh; Bishop of Dumblane; Lord Lorne; Lord Carnegie; Tracquir; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot.

Fol. 79, b.

"Forsameekill as at the lait Justice courts kepted at the burgh of Dumbartane thair wes exhibite unto Williame, Erle of Monteith, President of his Majesteis Counsell and Lord Cheefe Justice of this kingdome, ane deposition made be Jonnet Boyd, spous to Robert Neill, burges of Dumbartane, in presence of the proveist and bailleis of Dumbartane and ministers thair of and subscriyved with thair hand proporting that the said Jonnet had frelie and willinglie confest that she had entered in covenant with the devill, that she had received 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 by the devill. Upoun consideratioun of which depositions the said Erle of Menteith, 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 proveist and bailleis of Dumbartane, for putting the said Jonnet to the knowledge of ane assyse for the said cryme; lykeas the Lords of Privie Counsell acknowledged the honourable and worthie behaviour of the said Erle of Monteith

Act of Council approving the action of the Earl of Monteith in granting a commission for the trial of Janet Boyd, who was charged with witchcraft.

in granting of the said commissioun for punishing of so foule and detest-  
 able a cryme they be thair act of the penult of October last not onelie  
 ratified and allowed the commissioun foresaid grantit be the said Erle in  
 the mater foresaid, bot they exped a new commissioun to the persouns  
 nominat in the former for putting of the said Jonnet Boyd to her tryell  
 and punishment, lykeas accordingle she underlay her deserved punishment.  
 And now the saids Lords understanding that the said Erle of Monteith  
 had nothing before his eyes in this mater bot the respect of justice and  
 purging of the land frome suche a mischaunt persoun; Thairfoir the  
 saids Lords finds and declairs that the said Erle of Monteith in granting  
 the commissioun foresaid did that whilk became him in honnour and  
 justice to doe, and they have of new allowed, ratified and approvin, and  
 be the tennour heerof ratifeis, allowes and approves the commissioun  
 foresaid grantit be the said Erle with the tryell and executioun following  
 thairupoun, togidder with the said former act of Counsell, with all the  
 points, clauses and articles conteanit thairin.”

Acta February  
 1628-July  
 1629.  
 Fol. 79, b.

Warrant to  
 the Bishop of  
 Dunblane and  
 others to try  
 Isobel Young,  
 prisoner in the  
 Tolbooth,  
 Edinburgh, for  
 witchcraft.

“ The Lords of Secreit Counsell hes givin and grantit, and be the tennour  
 heerof gives and grants full power, warrand and commissioun to Adame,  
 Bishop of Dumblane, Sir Thomas Hoip of Craighall, knight baronnet, his  
 Majesteis Advocat, Sir George Elphinstoun of Blythiswod, knight, Justice  
 Clerk, Sir Johne Scot of Scottistartvet, Directour of the Chancellarie, and  
 Mr Alexander Colvill, Justice Deput, or anie two of thame, to examine  
 Isobell Young, prissouner in the tolbuith of Edinburgh, upoun the cryme  
 of witchcraft objected aganis her, and to report her depositions to the  
 saids Lords.”

Allowance  
 granted for  
 the mainten-  
 ance of  
 Alexander  
 Drummond,  
 prisoner in the  
 Tolbooth on  
 the charge of  
 witchcraft.

“ The Lords of Secreit Counsell hes modified and allowed, and be  
 the tennour heerof modifeis and allowes to Alexander Drummond,  
 prisouner in the tolbuith of Edinburgh for witchcraft, the sowme of  
 aucht shillings money, to be payed unto him be his Majesteis Thesaurar,  
 Deputie Thesaurar, and ressavers of his Majesteis rents, daylie and ilke day  
 for his interteanement and jaylour fee during his remaying within the  
 said waird, anent the payment of the whilk sowme the extract of this  
 present act togidder with the acquittance of the partie sall be unto his  
 Majesteis said Thesaurar, Deputie Thesaurar, and ressavers, ane sufficient  
 warrand.”

Fol. 80, a.

[Sederunt as recorded above, omitting “ Carnegie.”]

Holyrood  
 House, 13th  
 January,  
 1628[9].

Complaint by  
 Sir Thomas  
 Hope, King's  
 Advocate, and  
 James  
 Maxwell,  
 messenger,  
 against James  
 Kennedy of  
 Blairquhan  
 and others for

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, and  
 James Maxwell, messenger, as follows:—Notwithstanding the laws pro-  
 hibiting the bearing of hagbuts and pistols and convocation of the lieges  
 in arms for lawless deeds, when on 22nd November last the said James  
 Maxwell was executing letters of caption at the instance of Mr. John  
 Fergusoun of Kilkerrane against James Kennedie of Blairquhan, and  
 had passed to Kennedy's dwelling-house in Mayboll with some other

Decreta,  
 November  
 1627-January  
 1630.  
 Fol. 152, b.

Decreta,  
November  
1627-January  
1630.  
Fol. 152, b.

gentlemen whom he commanded in his Majesty's name to assist him, he no sooner entered the house than "the said James closed his chamber doore and avowed with manie horrible oathes to shoote the first that preast to come in, and than caused ring the kirk bell and towke thair drwm, whilk wes no sooner heard when Alexander Kennedie of Cullene, David Kennedie of Garrihorne, convocat and assembled togidder the persouns underwrittin; they ar to say, Gilbert Baird, sometyme of Kilquhinze, Johne M<sup>c</sup>Calle in Knockla, Johne Cochrane, messinger in Mayboll, Peter M<sup>c</sup>Lurg in Largis, John Dick in the Maynes of Blairquhan, John Kennedie, tailyeour in Mayboll, Johne M<sup>c</sup>Murtney in Bishopland, Gilbert M<sup>c</sup>Kamgeour in Knockskaithe, Gilbert Kennedie in , Johne M<sup>c</sup>lewnand in Benand, Johne M<sup>c</sup>Keoger in Ballicroyne, John Kennedie in Park of Blairquhan, Allane Cathcart in Watersyde, Gilbert Geddie in , Henrie Geddie at Kirkmichaell mylne, Mitchell M<sup>c</sup>Clure and Henrie M<sup>c</sup>Clure in Clongall, Johne Kennedie in Rottinmoss, Androw Kennedie, servitor to the said James Kennedie, James Kennedie at Stratoun kirk, Johne Crawford, servitour to young Ardmillane, James M<sup>c</sup>Ilhaggow in Ardmillane, Hew Kennedie of Pinquirrie, Johne Kennedie, his sone, David Young, merchand in Mayboll, Johne Kennedie, tailyeour there, James Campbell, Williame Campbell, Thomas M<sup>c</sup>Millane and Quintene Kennedie there, with others thair freinds and complices" to the number of 300 persons all armed with jacks, spears, steelbonnets and other weapons, and the prohibited hagbuts and pistols, who "besett the hous round about and sett a nomber of thair servants with bendit hacquebutts at everie corner and window of the hous." The complainer when he saw this charged them in his Majesty's name to assist him, "and thereafter desyred thame to use a more civill forme and to come twa alone and they should have the said James out upoun a reasounable conditioun, whilk they disdanefullie refused, avowing with manie horrible and execrable oathes that when they come in it sould be worse for the said compleaner, and that they sould caus fourtie knaves lyke himselfe bring him out nill he wald he; and that nather he nor nane of his companie sould come out with thair lyffes." When he reminded them that he was there in the execution of his office and that if they offered violence he would complain to the Council, they "swoore that he should never see the saids Lords bot that they would take ordour with him thameselffes and than send the shout throw the countrie on horsebacke, whilk immediatlie conveyed armed in maner foresaid and with great forehammers strake at the yett, avowing before the compleaner gott the said James they sould all goe to the buriall togidder. And for this effect they send up powder and leid and ane letter to him be ane string in at the window, whilk so soone as he gott, he cutt hoales in the floore thinking to have shott the compleaner"; and this he would have done if Mr. James Bonnar, minister at Maybole, "perceiving his treacherie, had not putt thame out of the

violent resist-  
ance to the  
execution of  
the law.

Fol. 153, a.

hall, and than they who wer without stode with thair bendit hacque-  
 butts in thair hands, crying in to the minister to come frome thame that  
 they might shoote, sua that they durst not come neere the window with-  
 out great hazard of thair lyffes, till in end the said compleaner brake his  
 wand and tooke witnes thairof, and wes forced to intreate the minister  
 and Fergus Kennedie of Knockdaw to deale with thame that he and his  
 companie might depairt saulffe away, whilk at thair request bot after  
 long refusall they grantit. Neverthelesse one of the said David  
 Kennedie of Garrihorne his footemen, of his speciall causing and com-  
 mand, followed the said compleaner with a bendit hacquebut in his hand  
 and after him three or foure score of lawlesse rascallis of purpose to have  
 shott him, whilk they had not failed to have done if they had not been  
 hindered be some gentlemen who for the respect they caried to his  
 Majesteis auctoritie conductit the said compleaner and his companie  
 saulffe away." These persons foresaid daily wear firearms in their going  
 up and down the country for purposes of private revenge. Charge  
 having been given to them to compear, and the pursuers compearing,  
 likewise of the defenders Alexander Kennedie of Culzeane, David  
 Kennedie of Garrihorne, and John Cochrane, and certain witnesses  
 having been heard, the Lords find that the said James Kennedie of  
 Blairquhan, John Cochrane, Gilbert Baird, Andrew Kennedie and John  
 Kennedie, tailor, bore hagbutts, and ordain John Cochrane to be warded  
 in the tolbooth of Edinburgh until released by them, and the others,  
 viz., the Laird of Blairquhan, Gilbert Baird, Andrew and John Kennedie,  
 are ordained to be charged to enter the same ward within six days, and  
 if they disobey, they are to be denounced. Alexander Kennedie of  
 Culzeane and David Kennedie of Garrihorne are assoilzied, as the wit-  
 nesses failed to prove any part of the complaint against them, and the  
 remaining defenders who did not compear are ordered to be denounced  
 and escheat. Further the Lords ordain the said Lairds of Culzeane and  
 Garrihorne on the one part and Mr. John Fergusson of Kilkerrane and  
 James Ros, "parteis assisting this complaint," on the other part, to find  
 law-surety the one to the other acted in the books of Secret Council,  
 James Ros in 1000 merks and each of the others in 3000 merks.

Appointment  
 of the Laird of  
 Bonjedburgh  
 and Sir James  
 Ker of Crailling  
 to determine  
 upon the  
 differences  
 between  
 Ragwell  
 Bennet of  
 Chesters,  
 Barbara Buck-  
 holme, wife of  
 Thomas  
 Brown, and  
 William  
 Rutherford,  
 her son.

The Lords, with consent of Ragwell Bennet of Chesters, appoint the  
 Laird of Bonjedburgh and Sir James Ker of Crailling to hear and deter-  
 mine upon the differences between Bennet and Barbara Buckholme, wife  
 of Thomas Browne, and William Rutherford, her son, in reference to a  
 decree of removing from the lands of Ryknow and Abbotismedow, recovered  
 against them by the said Ragwell Bennet, and any other differences—  
 the said Ragwell obliging himself to abide by their decision. The  
 arbitrators are to report to the Council on 17th February next the  
 grounds and causes of their variance that the Lords may then determine  
 therein; but this submission is not to be obligatory on Bennet unless  
 the other parties also consent. The Earl of Roxburgh, being present,

Decreta,  
 November  
 1627-January  
 1630.  
 Fol. 153, b.

Fol. 154, a.

Fol. 154, b.

Fol. 155, a.

Decreta,  
November  
1627-January  
1630.  
Fol. 155, a.

promised to inform the Council "this day fourtein dayes" what the parties intend to do and "who will undertake for thame."

Petition by Sir George Ogilvie of Bamff, as follows:—By direction from his Majesty their Lordships had summoned him to compear before them on 15th instant with such witnesses and evidence as will elucidate the circumstances of the slaughter of James Ogilvie of Podula. He has come to this burgh prepared as said is, but "his partie" intending to frustrate the same is about to execute against him "some privat horning and captioun" under which he lies for some cautionries undertaken by him, and craves their Lordships' warrant for his protection. This they grant until 22nd January instant.

Protection granted to Sir George Ogilvy of Bamff to appear before the Council.

Sederunts,  
1625-26.  
Fol. 107, a.

"The mater of the coyne continewit to Thurisday and the pairtyis warnit *apud acta* to attend."

Anent the coynage.

"The mater anent the victuall continewit to Thurisday and the burrowis warnit to attend."

Anent the victuall and the Burghs warned to attend.

"The Lordis continewis the ansuering of the Burrowis petition towcheing the restreaning of the unlaughfull trade of strangearis in the Ilis of this kingdome untill the 20 of this instant, and ordanis the petition to be delyverit to his Majesteis Advocat that in the meantyme he may consider the equitie thair of and to examine the Actis of Parliament with the warrands thair of and to reporte his opinioun thairanent to the Counsell the day foirsaid."

Anent the petition of the Burghs touch- ing the illegal trade of foreigners in the Islands of Scotland.

"The Lordis ordanis the Act and proclamatioun direct furth in favouris of the Earle of Morton's regiment, beareing everie souldiour to haiff viij s. *per diem* in allowance, to be renewit in that point and to beare vj s. allanerlie."

The Earle of Morton's regiment.

"The Lordis with consent of Raguell Bennett of Chesters nominatis and appointis the Laird of Bonjedburgh and Sir James Ker of Craling to be arbitouris for heiring and determining of the differenceis betuix the said Raguell and Barbara Bukholme, spous to Thomas Broun, and Williame Rutherford, hir sone, anent the decreit of removing recoverit be the said Raguell aganis thame for removeing fra the landis of Ryknou and Abbotismedow and for determining in all otheris actionis and caussis criminall and civile standing betuix the saidis pairtyis, to whose decreit and sentence to be gevin and pronunceit in the premissis the said Raguell submittis himself and oblissis him to stand and abyde thairat but appellatioun. And yf the arbitouris can not agree and saddle thir differenceis, ordanis thame to reporte to the Counsell upoun the xvij day of Februaire nixt to come with continewatioun of dayis the ground and caussis of thair variance to the intent the saidis Lordis may determine thairin as thay sall think goode: and that thir presentis be no way obligatorie aganis the said Raguell unles the said Barbara, hir husband, and sone, consent to this present Act and submissioun in forme and maner as the said Raguell hes consentit. And the Earle of Roxburgh being personalie [present] promiseit

Decree of Council anent the differenceis between Raguell Bennett, Barbara Bukholme, spouse to Thomas Broun, and William Rutherford her son.  
See ante, p. 6.

Fol. 107, b.

to acquent the Counsall quhat the saidis personis will do thairin and who will undertak for thame this day fourtene dayis."

Sederunta,  
1625-29.  
Fol. 107, b.

Holyrood  
House, 15th  
January 1629.

*Sederunt*—Treasurer; Monteith, præses; Privy Seal; Wyntoun; Linlithgow; Perth; Roxburgh; Lauderdail; Bishop of Dumblane; Carnegie; Tracquir; Sir Archibald Acheson, Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Acta February  
1628-July  
1629.  
Fol. 80, a.

Anent the  
circulation of  
foreign dollars.

"The whilk day the generall with some of the officiars of the Cunziehous compeiring before the Lords of Secreit Counsell, on the ane pairt, and Johne Sinclair, baillie, Williame Dick, David McCall, George Suttie, James Murrey, David Jonkene, Alexander Monteith, and Johne Fleeming, merchants, burgesses of Edinburgh, on the other pairt, and the Lords having at lenth conferred with thame anent the forraine coyne and what speces of dollours ar fittest and may with least losse have course in the countrie, it wes found by thair overtour and advice that the Rex and Lyoun dollours wer fittest to be allowed and to have course and passage in the countrie. And tuicheing the other dollours the Lords ordanis the officiars of the Cunziehous and the merchants to meete in the Cunziehous and to conferre and advise upoun the best and readiest way how with least losse the saids other dollours may be dischargit to have course ather by imbringing thame to the Cunziehous or by carying thame backe frome whence they come and to advise how the forder course and imbringing of forraine dollours may be restrayned, and that they report thair opinioun thair-anent to the Counsell upoun Tuisday nixt."

Holyrood  
House, 15th  
January 1629.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 155, b.

Escheat of  
Robert Dick  
in St. Andrewes  
for spoiling  
the house of  
Alexander  
Matheson in  
Kilconquar.

Complaint by Alexander Matheson in Kilconquhar as follows:—On September last he and his whole family were shearing his corn in the fields when Robert Dick in St. Andrewes, and William Scrimgeour there, knowing this and taking advantage thereof, went to his dwelling-house in Kilconquhar armed with swords, staves and other weapons, and after breaking up the doors "with great trees" they "spoyled and abused his insicht and plenishing," and carried away the greatest part thereof. Charge having been given to the said Robert Dick, and the pursuer compearing but not the defender, the Lords ordain him to be denounced and escheat.

Fol. 156, a.

Decree against  
James  
Simpson, son  
of Alexander  
Simpson, late  
postmaster of  
Haddington,  
who has  
wrongfully  
obtained from

Complaint by Sir William Seatoun, knight, "generall postmaister to his Majestie throughout this hail kingdome," as follows:—It pleased the King and his late father to appoint the complainer to the above office with commission to appoint postmasters under him in all necessary places, as his patent "cled with ane uninterrupted possessioun," shows. Now the late Alexander Simsoun, postmaster of Hadingtoun, having, "be reasoun

Decreta,  
November  
1627-January  
1630.  
Fol. 156, a.

of his age and others infirmiteis incident to age," become unable adequately to discharge the duties, the complainer "in honnour and conscience being loath to prejudge the old man during his tyme in anie thing that wes dew to the service, he wes content to oversee James Simsoun, his sone, and allowed him to supplee his fathers infirmiteis and weakenesse in that service" on the special condition and promise that he would arrogate no further right to that office than the complainer should confer upon him. But he is informed that the said James Simsoun, circumventing the complainer, has by sinister information purchased a gift of the said office from the King, which has been exped through the privy seal, alleging that he had the complainer's consent. He is sure that if the King had been truly informed "he would never have layed that unthankfull persoun in a ballance with the compleaner, nor established in his persoun anie right prejudiciall unto him." He therefore craves the annulling of the said gift. Charge having been given to the said James Simsoun, and the pursuer compearing and producing his gift of the said office under the great seal, dated at Edinburgh 2nd May 1616, and the defender also compearing, and producing his gift from the King of the said office dated at Theobalds 21st July 1626, the Lords find that the gift to the said James Simsoun has been "wrongouslie and surreptitiouslie purchast" as above complained of, and declare the same null and void.

Fol. 156, b.

Fol. 157, a.

Complaint by Sir Thomas Hoip of Craighall, knight baronet, King's Advocate, Alexander Kennedie of Culzeane, and David Kennedie, his brother, as follows:—Though the bearing of hagbutts and pistols is strictly forbidden, yet Mr. John Fergusson of Kilkerrane, Francis Mure, his son-in-law, Gilbert M<sup>c</sup>Graine, his servitor, James Maxwell, messenger, John Fergusson, servitor to the Laird of Craigdarroch, James Ros, clerk depute of Carrick, and John M<sup>c</sup>Raith, out of a deadly hatred against the complainers, have long sought their lives, and from at least May to December last have gone about armed with hagbutts and pistols for this purpose. On 22nd November last they came to the town of Maybole armed with swords, staves and other weapons, and the forbidden hagbutts and pistols, "possest thameselfes be force and violence within the dwelling hous of the Laird of Blairquhan" there, pretending they had letters of caption against him, and seeing the complainers upon the streets, they "after ane insolent and bragging maner presented thair hacquebutts and pistolets to thame, threatning to shoote thame thair-with." The said Alexander Kennedie, having declared to them he was a justice of the peace and offered as such to assist if the said James Maxwell would show his warrant, and the said James Maxwell having declared that he had no warrant, the said John Fergusson, in contempt of his said office, "presented ane bendit pistolet out of the window at him of intentioun to have shott him." Further, on December there-after they came to the Mylnetoun of Culzeane armed as before and lay

his Majesty  
the office of  
his late father.

Complaint by  
Alexander  
Kennedy of  
Culzean and  
David  
Kennedy, his  
brother,  
against John  
Fergusson of  
Kilkerran and  
others for  
violently  
entering their  
houses and  
threatening  
their lives.



in wait for a long time for him to have taken his life. Charge having been given to the said persons and both pursuers and defenders compearing, and witnesses heard against the said Mr. John Fergusson, the Lords assoilzie him, because he had already been cited before them and fined for this offence. They also assoilzie the remaining defenders, because, proof being referred to their oaths of verity, they all denied, Gilbert M<sup>c</sup>Grayne saying he had only his master's pistol at the time libelled, and Francis Mure stating he only bore them in Kilkerran's bounds and service. James Ros, however, having admitted that some days after the affair in Maybole he had carried "gwnes" is ordained to ward in the burgh of Edinburgh till he agree with the Treasurer and take his remission.

Decreta,  
November  
1627-January  
1630.  
Fol. 157, a.

Fol. 158, a.

Counter-complaint by James Ross, clerk to the bailie of Carrick, against Alexander Kennedy of Culzean for threatened assault.

Counter complaint by Sir Thomas Hoip of Craighall, King's Advocate, and James Ros, clerk of the bailie of Carrick, as follows:—Though the wearing of hagbuts and pistols is strictly prohibited, yet on February 1627, when the complainer was in a fenced court in the Consistorie of Croceraguell employed in his calling, Alexander Kennedie of Culzeane, out of his malice and hatred against him, came with David Kennedie, his brother, John Crawford, his servant, and others armed with swords, hagbuts, pistols and other weapons, and without respect to the court of judgment or the bailie sitting there, upbraided the complainer, calling him "false double knave" and "avowing if he had gottin a grippe of him at that tyme when (as he alledgit) the compleaner rave a precept direct be him, that he sould have riven the hyde over his face, and that he knew not what held his hands bot that he cutted the nose aff his face." Being prevented by some persons at that time from any violence, but still continuing in "his bloodie resolutioun," on August last, understanding that the complainer would be at a tryst at the kirk of Cammannell, they went there for the execution of their purpose, but the complainer, getting word of their intention, did not go. And recently, on 1st January instant, understanding that the complainer was in Maybole, the said Alexander Kennedy came thither with his servant, Ramsay, carrying a musket, intending to shoot him therewith, and sought for him for that end. And the said persons continually carry firearms for his molestation, "sending diverse fearefull bodwords [threats] unto him." Charge having been given to Alexander and David Kennedie and John Crawford, and the pursuer and the two Kennedys compearing, and probation being referred to the defenders' oaths, they denied, whereupon the Lords assoilzie them.

Fol. 158, b.

Saltpetre.

Anent the price of victual.

"The mater anent the saltpeter continewit till Twisday nixt."  
"Missives to be direct to the shireffis and justiceis of peace for informeing thame selffis of the prices of victuall within thair boundis and to reporte quhat thay learne thairanent, and to reporte upoun the xvij of Februaire nixt to the intent suche a course may be resolved upoun for restreaning the exportatioun of victuall as the estate of the cuntrie salbe found to require."

Sederunts,  
1625-29.  
Fol. 107, b.

loyal Letters, 623-32.  
'ol. 150, a.

“ After our verie heartlie commendatiouns. Whereas at a meeting of the nobilitie, Counsell, and some commissioners and burrowes, in the moneth of Apryle 1626, it wes agreed that the exportatioun of victuall sould be permitted till the pryces thair of come to the sowmes following; to witt, the boll of wheat, fourtein merkes; the boll of beir, ellevin merkes; and meale and aitts, aucht merkes, and that after that tyme thair sould be no exportatioun at all; and now the commissioners for the burrowes alledging that the pryces of the victuall foresaid ar rissin abone the sowmes allowed for the exportatioun, they have thairfoir craved that thair may be a restraint of forder exportatioun of the same; and the Counsell being loath to proceid rashlie in a mater of that kynde till they be trewlie informed how the pryces of the said victuall rules in suche parts of the countrie whair the exportatioun is most usuall, these ar thairfoir to requeist and desire yow to informe your selffe trewlie and sufficientlie of the pryces of the said victuall within the bounds whair yow beare office and send in a formall report thair of to his Majesteis Counsell upoun the sevintein day of Februar nixt to the intent that ordour may be tane for the restraint accordinglie; and so we committ yow to God. Frome Halyruidhous the xvij day of Januar 1629. *Subscribitur*, Mar, Monteith, Hadintoun, Mairshall, Arch. Achesoun, Hamiltoun, S<sup>r</sup> Thomas Hoip, Scottistarvett.”

Holyrood House, 17th January 1629.  
Letter to some sheriffs and justices of peace anent the exportation of victual.

lcta February 623-July 629.  
'ol. 80, a.

*Sederunt*—Treasurer; S<sup>t</sup> Andrewes; Monteith, præses; Hadintoun, Privy Seal; Mairshall; Wyntoun; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Carnegie; Sir Archibald Acheson, Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Holyrood House, 20th January 1629.

'ol. 80, b.

“ The Lords of Secretit Counsell continewes the mater of the coyne till Thursday nixt, and ordanis the officiers of the Cunziehous and the merchants to meete in the Cunziehous and to conferre and reasoun among thameselfes what speses of forraine dollours sall be allowed to have course and at what pryce, and how they sall be knowin and decerned be the lieges, what dollours sall be decryed, and how with the least losse to the subjects they may be takin aff thair hands; and for this effect that they advise how some merchants may be moved to undertake the exchange thair of at a reasounable pryce, and that they sett doun thair opinioun in writt and report the same to the saids Lords the day foresaid.”

Anent the circulation of foreign coins. See ante, p. 8.

“ The Lords of Secretit Counsell ordanis the proveist and bailleis of Edinburgh to continew the executioun of Johnne Balfoure till the other twa be first execute, and that they be interrogat and particularlie questioned at the place and tyme of thair executioun anent the guiltinesse or innocencie of the said Johnne Balfoure, and to report thair deposi-

John Balfour.

tious to the saidis Lords, to the intent they may give suche ordour concerning the said Balfoure as they sall find his behaviour to deserve." Acta February  
1628-July  
1629.  
Fol. 80, b.

Anent those  
who have  
refused to sign  
the Submission

"The Lords of Secreit Counsell thinkes fitt and advises Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat, to forbear all proceeding aganis these that hes refused to subscrivye the submission and whois names ar givin up in roll till the whole number of the refusears be discovered and knowin, and thair names reported."

Robert Irving  
committed to  
ward.

"The Lords of Secreit Counsell ordanis Robert Irwing of Fedderat to be committit to waird within the tolbuith of Edinburgh for the indiscreit speeches uttered be him in the Counselhous to Alexander Keith of Balmure in saying to him That if he had beene present when the mylne wes brokin Alexander durst not have done it for his lugges."

[Sederunt as recorded above.]

Holyrood  
House, 20th  
January 1629.

Complaint by  
Sir Thomas  
Hope, King's  
Advocate, and  
the provost,  
bailies, and  
council of  
Dumfries,  
against John,  
Lord Herries,  
John, Master  
of Herries,  
and others  
for violently  
attempting to  
free Edward  
Maxwell and  
others from  
their ward in  
the pledge-  
chamber of the  
said burgh.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, and the provost, bailies and council of Dumfries, as follows:—In contravention of the laws against bearing hagbuts and pistols, when Edward Maxwell of Corswadie, William Sinclare there, John Allane in Lowstoun and Patrick Mitchelsoun there, were taken by virtue of a caption at the instance of William, Viscount of Drumlanrig, and warded in the pledge chamber of the said burgh, John, Lord Hereis, and John, Master of Hereis, his son, annoyed at this, and resolved to procure their liberty, after several conferences as to the method of doing so, sent William Hendersoun, servitor to Robert Maxwell of Orchartoun, "who under pretext and cullour of freindship unto the wairdours sould crave accesse unto thame to conferre and drinke with thame, and that the said Williame sould len one of thame ane whingear, who at the opening of the yett of the said compleaners jayle, sould stryke the jaylour and so give way to the wairdours and escape"; and to assist their escape when they came to the street, they appointed James, William, and Alexander Maxwell, sons of Lord Hereis, John Broun of Molans, Andrew M<sup>c</sup>Gowane, James Jardane, and William Cowtterd, servitors to the Master of Hereis, John Maxwell called of Corswadie, Alexander Murray, younger of Irnandie, James Johnestoun called of Lamek, brother-in-law to Lord Hereis, the said William Hendersoun, William Thomesoun called of the Mylne, Thomas Thomesoun, James Millar, and others, to go to Dumfries, armed with swords and pistols, on 17th September last, being the fair day, and chosen by them because the town's folk would be busy in the market, and lie in wait for the issue of William Henderson's errand. At their coming "they derved thameselfes in commodious parts ewest to the pledge chamber, and send the said Williame to the compleaners waird, who being admitted be the jaylour to the presence of the saids rebellis and having remained with thame some certane space, he accordinglie (as it wes formerlie plotted among thame) delyvered to Decreta,  
November  
1627-January  
1630.  
Fol. 159, a.

Fol. 159, 1.

Decreta,  
November  
627-January  
639.  
Fol. 159, b.

the said Williame Sinclare ane great one edged whingear, bidding him follow him at the backe to the doore when he come out, and at the opening of the doore to make way to Corswadie and the rest to escape. Quhilk being undertane be the prisouners the said Williame Hendersoun callit for the jaylour to lett him furth, and how soone he opened the doore unto him, the said Williame following the jaylour at the backe, the said Williame Sinclare having the whingear in his hand, gave the jaylour ane deidlie straike thairwith over the said Williame Hendersouns backe, and with that all the rebellis preast to the doore and come out. And the saids bailleis being accidentallie upoun the streit for the tyme and perceiving this disordourlie insolence, they addressed thameselfes to the waird and opposed aganis the escaiping of the saids rebellis, and forced the said Edward Maxwell backe againe to his waird, whereupoun the persouns particularlie abonewrittin, who wer lying derved under staires, rushed out upoun thame and with bendit pistolets and drawin swords invaidit and persewed the saids bailleis of thair lyffes, hurt and woundit Thomas and James Maxwellis, bailleis, Williame Cuninghame, clerk, M<sup>r</sup> Francis Irwing and James Weir, merchants, Thomas Kirkpatrik and Williame Carrudhous, merchants, Robert Mullikin, Rodger Kirkpatrik, Robert Neilsoun, Thomas Johnnestoun and John Wright, burgesses of Dumfreis, in diverse pairts of thair bodies, to the effusioun of thair blood and perrell of thair lyffes, and hes mutilat the said James Maxwell in his hand; and in this disordourlie tumult the saids Williame Sinclare, Patrik Mitchelsoun and John Allane escaped furth of prisoun, and being quickelie persewed be some of the nighbours of the toun, the saids Williame Sinclair and Johne Allane wer taikin, and Patrik Mitchelsoun escaiped. And in this meane tyme the said Maister of Hereis accompanied with a number of his freinds and servants lay at await at a banke within the liberteis of the said burgh readie to have ressaved the saids rebellis if they could have beene gottin out of the toun; and becaus thair purpose misgave thame they have conceaved ane deidlie haitrent and malice aganis the inhabitants of the said toun, sua that nane darre repaire furth thair of in a quyet and peaceable maner for doing of thair lawfull effaires for feare of thair lyffes." Charge having been given to the said Lord and Master of Hereis, William, James, and Alexander Maxwell, John Maxwell called of Corswadie, James Jardane, James Johnnestoun, Alexander Murray, William Hendersoun, William Thomsoun, James Millar, William Cowttered, John Broun and Andrew McGowane, and the pursuers compearing by John Raynie, provost, Thomas Maxwell, bailie, James Maxwell and John Irwing, late bailies, Mr. Thomas Ramsay, minister, and John Lacorce, deacon convener of the said burgh, but the defenders not compearing; and the evidence of witnesses having been heard, the Lords find the complaint "*quantum ad victoriam causæ*" sufficiently proved against William and James Max-

Fol. 160, a.

Fol. 160, b.

well, John Maxwell, James Jardane and James Johnstone, and decern and ordain them to be charged to enter in ward in the tolbooth of Edinburgh within six days, and if they disobey, to be denounced rebels. The Lords excuse the absence of Lord Hereis, a certificate having been produced signed by Mr Patrick Adamesoun, minister at Buittill, of his inability to travel in respect of a heavy and dangerous disease under which he has been for the last ten weeks. They also excuse the absence of the Master of Hereis, because being out of the country he had not been lawfully summoned; and they ordain Alexander Maxwell, Alexander Murrey, William Hendersoun, William Thomsoun, James Millar, William Cowtterd, John Browne and Andrew M<sup>c</sup>Gowane to be denounced rebels for not compearing.

Decreta,  
November  
1627-January  
1630.  
Fol. 160, b.

Fol. 161, a.

Charge for  
the apprehen-  
sion of  
Archibald  
Wood of  
Hilton on the  
complaint of  
Mr. Alexander  
Livingstone.

Complaint by Mr. Alexander Livingstoun as follows:—On 4th February 1624 Archibald Wod of Hiltoun was put to the horn at the instance of William Dick, merchant burges of Edinburgh, for non-payment of the sums of 1000 merks, and 600 merks, and interest and expenses in which he was indebted by bond; also on 24th March following for not paying to John Rind, merchant burges of Edinburgh, £116 17s. and expenses due by bond; and again on 19th July 1626 for not paying to Thomas Fothringhame in Bonytoun 1000 merks and expenses due by bond, and to all these debts the complainer has right by assignations. The said Archibald Wod is regardless of these hornings, and complainer seeks caption against him. Charge having been given to the said Archibald Wood, and the pursuer compearing but not the defender, the Lords ordain charge to be given to the Sheriff of Forfar to search for, apprehend and imprison the defender, take his houses and inventory his goods for the King's use within three days under pain of horning.

Fol. 161, b.

Protection  
granted to  
Patrick Grant  
and others in  
order that they  
may appear  
before the  
Council in con-  
nection with  
the fight  
between  
Ballindalloch  
and Carron.  
See Index to  
Vol. II.

Petition by Patrick Grant, brother german to John Grant, apparent of Ballindallache, William Grant of Cardellis, James M<sup>c</sup>Intoshe of Doun, Adam Leslie, and John Mantache, as follows:—In obedience to their Lordships' charge they have come to Edinburgh and brought witnesses "for clearing of the forme and circumstances of the lait fight betuix Ballindallache and Carron and what wes thair awin cariage and behaviour thairin." They are, however, unable to compear on account of some civil hornings, and crave their Lordships' protection. This the Lords accordingly grant till 4th February at night, John Grant, apparent of Ballindallache, becoming cautioner for their compearance, viz., in 1000 merks each for the said Patrick and William Grant, and in 500 merks for each of the other two.

Fol. 162, a.

Complaint by  
Robert Irwing  
of Fedderat  
against Alex-  
ander Keith of  
Balmure and  
Margaret Hay,  
spouse to  
George  
Crawford of

Complaint by Robert Irwing of Fedderat, heretable proprietor of the mill of Aquathe, as follows:—Alexander Keith of Balmure, and Margaret Hay, spouse to George Crawford of Annachie, having long entertertained a deadly hatred against the complainer, at last hounded out John Pantoun of Randibure, who on September last came to the mill, under cloud and silence of night, when the complainer's millers

Decreta,  
November  
1627-January  
1630.  
Fol. 162, a.

and other attendants there were taking their rest, and with axes and other instruments "hewed down to the ground the spouttes of the com-pleaners said mylne," and then entering the mill, broke and destroyed the remaining parts of it, and so has rendered his mill unprofitable. Charge having been given to the parties named, and the pursuer compearing, and the said Alexander Keith also compearing for himself and the other defenders, the latter alleged that the said mill was his property, and that he was heritably infest therein, so that "giving and not granting that he caused brake her" he could not be summoned for so doing by the pursuer. The Lords continue the case till the question of their respective titles to the mill be first dealt with by the judge ordinary, to whose decision they remit the same.

Annachie for causing damage to be done to his mill.

Fol. 162, b.

Commissions,  
1624-30.  
Fol. 166, a.

Commission under the Signet to George, Marquis of Huntlie, James, Earl of Buchan, Sir Robert Gordoun, Tutor of Sutherland, Sir Alexander Gordoun, Sheriff of Sutherland, John Forbes of Pitsligo, John Forbes of Bythe, Sir James Gordoun of Lesmoir, elder, knight-baronet, William Seatoun of Meldrum, Gilbert Meinzeis of Pitfoddells, Sir John Leslie of Wardes, knight-baronet, William Leslie of Ryhill, John Leslie, elder and younger of Pitcapple, Sir George Ogilvie of Carnowssie, knight-baronet, Sir George Ogilvie of Bamff, knight-baronet, John Ogilvie of Birnes, William Seatoun, elder and younger of Udny, Alexander Seatoun, elder of Pitmedden, John Seatoun, younger thereof, John Leslie of Bolquhane, and William Forbes of Tolquhon, jointly and severally, to convocate the lieges in arms and search for, apprehend and present before the Council for their delivery before the Justice and his deputes, William Gordoun of Rothiemay, John Gordoun, apparent thereof, John Inneis of Crombie, John Young and Alexander Inneis, his servitors, and Robert Bruce of Inchevorsie, who were put to the horn on 5th December last at the instance of Robert Crichtoun of Cowland, domestic servitor to James Crichtoun of Fren draucht, for failing to find caution to underlie the law for pursuing him with hagbuts and pistols and wounding him therewith. Power of fire and sword is given, with clause of indemnity. Signed by Monteith, Hadintoun, Marshall, Wintoun, Seafort, Lauderdaill, Hamiltoun, and S<sup>r</sup> Thomas Hoip.

Holyrood House, 20th January 1629. Commission granted to George, Marquis of Huntly, and others to apprehend William Gordon of Rothiemay and others, now at the horn.

Fol. 187, a.

Commission under the Signet to the Sheriff of Bervick, Sir John Home of Blacader, and Patrick Home of West Restoun, or any two of them, as justices, to hold courts and try Marion Hardie, spouse to John Trinche in Haymouth, who has been long suspected of witchcraft. Signed as above.

Commission to the Sheriff of Bervick and others to try Marion Hardie for witchcraft.

"The lyke commissioun grantit aganis Agnes Wallace in Aittoun to the commissioners foresaids of the tennour dait and subscribed *ut supra*."

The same commission for the trial of Agnes Wallace.

Commission to Colin, Earl of Seafort, and Mr. Alexander M<sup>o</sup>Keinzie of Culcowie, jointly and severally, as justices, to hold courts and try Katharine Nein Rob Aunchtie in , Marie Nein Eane Eir *alias* M<sup>o</sup>Keinzie of

Commission to Colin, Earl of Seafort, and Mr. Alexander M<sup>o</sup>Keinzie of

Culcowie, to try Katharine Nein Rob Aunchtie and others for witchcraft. McIntoshe, Katharine Memphersoun *alias* Naunnchie, and Gradoche Neinechat within the diocese of Ros, who have been long suspected of witchcraft. Signed as above, with the exception of "Seafort." *Commissions, 1624-30, Fol. 187, a.*

Commission to the provost and bailies of Hadintoun, Sir Robert Hepburn of Aulderstoun, and Patrick Abernethie of Netterdene, or any two of them, the said provost or one of the bailies being one, as justices, to try Sara Keyth, spouse to in Wyntoun, and Bessie Make in Saltoun, who have been long suspected of witchcraft. Signed as above. *Fol. 187 b.*

The coining of copper money. "The Lordis thinkis meete that his Majestie salbe petitioned for a warrand to coyne some small copper money." *Sederunts, 1625-29, Fol. 108, b.*

The protection of the Laird of Banff. "The Lordis prorogatis the protection grantit to the Laird of Banff till Wedinsday come aucht dayis."

Holyrood House, 22nd January 1629. *Sederunt* — Mar, Treasurer; Monteith, præses; Privy Seal; Mairshall; Wyntoun; Linlithgow; Perth; Roxburgh; Bugleugh; Seafort; Bishop of Dunkeld; Bishop of Dumblane; Secretary; Advocate; Justice Clerk; Sir John Scot. *Acta February 1628-July 1629, Fol. 80, b.*

Anent the circulation of foreign dollars. See *ante*, p. 11. "The Lords of Secreit Counsell ordanis the officers of the Cunziehous and the merchant traders who compeirit. the last Counsell day to be charged to conveene in the Cunziehous upoun Mononday nixt at nyne of the clocke in the morning and thair to conferre, reasoun, and advise upoun the best and readiest way how the promiscuous course of dollours may be restrayned with least prejudice unto the lieges, and that they answere the former commissioun granted unto thame in everie point and article thair of and sett down thair opiniouns in writt under thair hands according to thair knowledge and conscience, and if they differ in opinioun that they sett down the same apart under thair hands with thair reasouns enforceing the same and that they report the same to the Counsell upoun Tuisday nixt, and ordanis Johne Sinclar, baillie, to moderat and preside at this meeting." *Fol. 81, a.*

Warrant for delaying the execution of John Balfour, who had been accused of taking part in the robbery of Ninian Haliday. "The whilk day Johne Sinclare, baillie of Edinburgh, reported to the Lords of Secreit Counsell that according to thair directioun, he having examinat and caused interrogat Learmonth and Millar at the tyme and place of thair executioun tuicheing the behaviour and cariage of Johne Balfoure in the robbing of Niniane Halyday within the burgh of Edinburgh, they declared upoun thair conscience and as they would answere to God in the day of judgement that Balfoure wes not accessorie nor upoun the knowledge of the robbing of the honest man, and that he wes not ane actour nor had no pairt thairin bot that he wes accidentallie in thair companie the tyme of the committing of the fact, they having invited him to drinke with thame without acquainting him with thair intentioun. With the whilk report and declaratioun the saids Lords

Acts February being advised, they ordaine the provest and balleis of Edinburgh to con-  
1628-July tinew the executioun of the said Balfoure till his Majestie be consulted  
1629. thairanent.”  
Fol. 81, a.

[Sederunt as recorded above.]

Holyrood  
House, 22nd  
January 1629.

Decreta,  
November  
1627-January  
1630.  
Fol. 162, b.

Petition by Donald Urquhart in Dalnepoyt, William M<sup>c</sup>Conoche Voir there, John M<sup>c</sup>Ferquhar there, William M<sup>c</sup>Thomas V<sup>c</sup>Williame in Abir-  
nethie, Alaster M<sup>c</sup>Thomas V<sup>c</sup>Williame there, John M<sup>c</sup>Thomas V<sup>c</sup>Williame there, William M<sup>c</sup>Calligow there, Patrick Duncane there, Alexander Smith there, William M<sup>c</sup>Williame V<sup>c</sup>Eane Vane there, Patrick Grant in Little Inderchebet, Ferquhar M<sup>c</sup>Inriache in Bellintrowane, and Thomas Grant in Brechhill, as follows :—They have been charged to compear before their Lordships on 27th instant “to beare witnes what they know anent the lait fight betuix the Lairds of Ballindallache and Carroun.” They are ready to do so, but cannot attend in safety on account of some hornings under which they lie, and they therefore crave their Lordships’ protection. This the Lords grant until 3rd February next at night, John Dunbreck of Urtane becoming cautioner in 300 merks for each of the petitioners that they will compear the said day.

Protection granted to Donald Urquhart in Dalnepoyt and others to appear before the Council anent the fight between the Lairds of Ballindalloch and Carron.

Fol. 163, a.

Robert, Earl of Roxburgh, compearing personally, produced a letter written to him by William Ker, brother to Sir Robert Ker of Ancrum, by which the said William obliged himself to cause Barbara Buckholme, spouse to Thomas Broun, and the said Thomas, and William Rutherford, son to the said Barbara, stand by the decision of the Laird of Bonjedburgh and Sir James Ker of Crailling as arbitrators in the dispute between them and “the said Ragwell” [Bennet]. Further the said Earl undertook for the said William Ker that he would see the same performed by these persons.

Anent the difference between Ragwell Bennet and Barbara Buckholme, Thomas Brown, her spouse, and William Rutherford. See ante, p. 7.

Fol. 163, b.

Petition by James Melvill, quartermaster in the Earl of Mortoun’s regiment, as follows :—To testify his affection to his Majesty’s service he had accepted the above employment in the regiment raised by the Earl of Mortoun in this country, and has “verie dewtifullie and carefullie performed what belonged to his pairt in the said service, and is now returned with the remanent commanders, officers and souldiours of the same regiment, to ly heere in garisoun under his Majesteis pay for the space of three moneths.” He had expected that his engaging in this service would not prejudice his affairs in this country, yet he is informed that several of “his creditours and pairtners, especiallie in the mater of the coale,” taking advantage of his absence, have caused him to be put to the horn, whereby he is not only disabled from settling his private affairs, which “have verie farre miscaryed during his absence,” and which will require recourse to the Lords of Session, but he is also greatly impeded in his military office, which requires “his continuall and assiduou attendance als weil for quartering of the souldiours as transporting of

Protection granted to James Melville, quartermaster in the regiment of the Earl of Morton, from the pursuit of his creditors.



moneyes weekelie and monethlie to thair quarters." He therefore craves their Lordships' protection for both causes, and this the Lords grant till the last day of March next.

Decreta,  
November  
1627-January  
1630.

Fol. 164, a.

Complaint by Mr. Robert Farquhar and others, proprietors of salmon fishings on the Dee, against David Harrow and others for casting stones into the said fishings, thus breaking their nets and ruining the fishing.

Complaint by Mr. Robert Ferquhar, David Andersoun, Andrew Meldrum, Robert Alexander, James and William Rolland, John Rae, Duncan Davidsoun, George Andersoun, and David Jaffrey, proprietors and possessors of that part of the salmon fishing upon the water of Dee called the Pott, as follows:—"One of the special temporall blessings whairwith it hes pleased God to beautifie and inriche the north pairts of this kingdome consists in the salmound fishing within the same, of the whilks 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 weil in this countrie as ellis where where the commerce and intercourse of salmound wes interteanned, and by the quhilk the countrie ressaved credite, and great store of moneyes wer yeerelie imported, and the saids compleaners looking that nane of thair nighbours would have beene so uncharitable and invyous towards thame or so undewtfull to the commoun weale and countrie as to have preast to hinder and interrupt the course of Gods good benefite, proceeding immediatelie frome his Divine bountie and favour," yet David Harrow at the Bridge of Dee, James Harrow there, William Howat in Rudderstoun, John Traill in , Alexander Wobster there, and Patrick Wobster there, "being possesst be some bad humour both aganis the saids compleaners and the commoun weale," came on 11th June last five times to the said salmon fishing in the Pott, each time bringing two boats laden with great stones, "kuist the saids stones in the middes of the waters where the tacke of thair fishes wes most plentiful and usuall, and hes so spoyled and filled the water with stones as not onelie the compleaners netts ar brokin and made unusefull bot they can have no forder fishing there." Charge having

Fol. 164, b.

John Balfour.  
See ante, p. 16.

"The Lordis ordanis the Bishop of Dunblane and Justice Depute to examine Balfour towcheing his bipast lyffe and trade and to reporte."

Sederunts,  
1625-29.  
Fol. 109, a.

Holyrood House, 22nd January 1629.  
Letter of Council to his Majesty anent the warding of Sir John Ogilvy of Craig in the Castle of Edinburgh.

"Most sacred Sovereine, By the petition heerewith inclosed your Majestie may understand the humble remonstrance made unto us by Sir John Ogilvie of Craig, knight, concerning the prejudice conceaved by him both to his persoun and estait by his detentioun in waird within the castell of Edinburgh togidder with his earnest sute that he might be enlarged thairfrom and confynned within the said burgh upoun sufficient suretie to remaine thairin and not to frequent nor have commerce nor dealing with any Jesuits, preests nor excommunicat papists under suche pane as the Counsell sall injoyne. In regaird the warrant of his restraint procedit immediatelie from your Majestie and that the Erle of Monteith, Lord President of your Majesteis

Royal Letters,  
1623-32.  
Fol. 150, b.

Royal Letters,  
1623-32  
Fol. 150, b.

Counsell, who wes intrusted by your Majestie with the executioun of that service, did relate unto us that he had warrand frome your Majestie to committ him unto some of your Majesteis sure wairds untill your Majesteis further pleasure wer knowin, therefore we have forborne to yeeld to his libertie and have thought it more fitt to certifie your Majestie of the reasoun of his desire that after consideratioun thereof your Majestie may be graciouslie pleased to signifie your royall will and pleasure towards him, which in all humilitie we sall obey as becometh, etc. Halyruidhous, 22 January 1629. *Subscribitur*, Monteith, Hadintoun, Marshall, Wintoun, Linlithgow, Perth, Buccleuche, Seafort, Arch. Achesoun, S<sup>r</sup> Thomas Hoip."

Acta February  
1628-July  
1629.  
Fol. 81, a.

*Sederunt*—Treasurer; S<sup>t</sup> Andrewes; Monteith, præses; Priuy Holyrood House, 27th January 1629.  
Seal; Mairshall; Wyntoun; Linlithgow; Galloway; Seafort;  
Bishop of Dunkeld; Carnegie; Sir Archibald Acheson, Secretary;  
Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

"Forsameekle as it is cleerlie understand to the Lords of Secret Counsell that of lait thair hes beene brought within this kingdome frome beyond sea a number of base dollours, commounlie callit Embden dollours, the quarter dollours callit Ort dollours, and the halffe quarter dollours callit halffe Orts, and they have beene put out amongs his Majesteis subjects at ane farre higher rate and pryce nor they are worth, sua that his Majesteis subjects who ar ignorant of the trew worth of thir base dollours ar mightilie abused and hurt and ar made to beleeve that they ressave good coyne for drosse. Quhilk Embden dollour careis on the one side ane double eagle in the middes whair of is ane little globe divydit in twa and in the neathermost pairt of the globe the figure of 28, and frome the globe thair goes upward ane long crosse betuix the two heids of the eagle and on the other side thair is ane quartered armes, and in twa of the saids quarters there is lyke ane crosse with twa rings abone the heid of the towre and in the other twa quarters there is twa barres and abone the armes ane great opin crowne. And the said Lords considdering that the connivence and oversight grantit to the course of thir base dollours will be ane great encouragement and baite to persouns avaritiouslie disposed to import great numbers of thame and to fill the countrie thairwith without respect to dewtie or conscience, seing thay have nothing before thair eyes bot thair filthie gayne whilk is more powerfull with thame nor anie other respect whatsomever; Thairfoir the saids Lords upoun verie good advice and mature deliberatioun hes dischargit and be the tennour heerof discharges all forder passage and course of the saids dollours within this kingdome, and ordanis letters to be direct to mak publicatioun heerof be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places

Fol. 81, b.

Ordinance  
forbidding the  
circulation of  
certain speci-  
fied foreign  
dollars.

needfull, and to command charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presooome nor take upoun hand to bring within this kingdome nor to vent and putt amongs his Majesteis subjects anie of the saids Embden dollours nor the dollours callit the Orts and halffe Orts, and that nane of his Majesteis subjects ressave anie of the saids dollours in payment of debts nor in exchange or wissilling, nor under whatsomever cullour or pretext under pane of confiscatioun of the same to his Majesteis use, besides such other panes and punishment as by law may be inflicted upoun persouns venters, outputters and homebringers of forbiddin and discharged coyne.”

Acta February  
1628-July  
1629.  
Fol. 81, b.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.

Fol. 164, b.

Holyrood  
House, 27th  
January 1629.

Continuation  
of protection  
to John Grant,  
apparent of  
Ballindalloch,  
and his  
accomplices.

See ante, p. 14.

Holyrood  
House, 27th  
December  
1629.

[Sic—Must be  
a mistake for  
January from  
the internal  
evidence.]

Commission to  
James John-  
stone of that  
Ilk and others  
to deal with  
certain persons  
accused of fire-  
raising on the  
lands of  
Amisfield.

For the better enabling John Grant, apparent of Ballindallach, and his accomplices summoned for trial of the manner of “the fight betuix the said Laird of Ballindallache and the lait goodman of Carroun,” the Lords prorogate their protection to them until 7th February next at night.

Commission under the Signet to James Johnstoun of that Ilk, Greir of Lag, and the Steward-depute of Annerdail, jointly and severally, to direct their own precepts and summon before them at Lochmaben such persons as shall be given them in roll by Sir John Charters of Amisfeild and examine them upon the fire-raising which “some lawlesse and brokin lymmeris” have lately made at three several times in this instant month of January under cloud and silence of night on the lands of Amisfeild and Tynnell, wherein they have burned twenty-three houses and the whole corn, insicht and plenishing therein. If they find any presumptions of guilt in any of the persons examined, they are to commit them to ward till the further pleasure of the Council concerning them be known. The others they are to demit. If any of the persons cited refuse to compear they are to search for, apprehend and ward them until they be examined, and thereupon to deal with them as above, and for this purpose they are empowered to use his Majesty’s keys. Signed by St Andrewes, Monteith, Hadintoun, Mairshall, Wintoun, Linlithgow, Galloway, and Seafort.

Commissions,  
1624-30.

Fol. 188, a.

Charge to  
noblemen,  
suspected of  
being popishly  
inclined, to  
send their sons  
to be educated  
at the Univer-  
sities of  
Glasgow,  
Edinburgh, or  
St. Andrews.

“The quhilk day the Archbishop of St Androis gaif in a roll of suche noblemenis sonis whose parentis ar suspect to be Popishlie affectit, quhilk being red and considerit be the Lordis, thay ordane the parentis to be chargeit to compeir and mak choise of some one of the universityis of St Androis, Glasgu or Edinburgh for the breiding and instructioun of thair sonis in the trew groundis of religioun ; and for suche of the parentis as ar at Courte, as namelie, the Earle of Nithisdail and Lord Gordoun, that his Majestie may be intreated to require thame to gif ordour to send thair childrene ather to St Androis or Edinburgh, thair to be trayned up in the knoulege of the treuthe ; and ordanis the Earle of Angus to be warnit to

Sederunta,  
1625-29.  
Fol. 109, b.

Sederunts,  
1623-32.  
Fol. 109, b.

Thursday nixt. Lyke as the Earle of Wyntoun, being personalie present, promiseist to bring his sone to Edinburgh the nixt weeke and to present him to some of the ministeris to be tryed be thame, and the Earle of Monteith promiseist to retene the Lord Gray his sone still in his company till his fader gif ordour for sending of him to suche on of the universityis as his Majestie or the Counsall sall direct."

"The Earlis of Angus and Bugcleugh, the Lordis Yester and Tracquir, and Sir Williame Seytoun, yf he be in toun, to be warnit to Thursday to gif thair advise anent the satling of the disordouris of the Middle shyris and discoverie of the stouthis committit thair."

Fol. 110, a.

"The officiaris of the Cunyee hous and the marcheant tradars gaif in to the Counsall thair severall overtouris toucheing the discharge of the course of base dolouris with least prejudice to the liegeis."

"The Lordis prorogatis the protectioun grantit to Ballindallach, younger, and his witnessis till Satterday come aught dayis."

Royal Letters,  
1623-32.  
Fol. 159, b.

"CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trusty and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greeete yow weil. Whereas being informed that ane master of a shippe inhabitant in Bristo hath of lait takin upoun the coast of Spaine a shippe quhairin thair ar prohibited goods and diverse letters of advice and that the samine shippe by distresse of weather is drivin in upoun the Yle of Orkney we have heereby thought good to require yow that with all convenient diligence yow send up unto us all suche letters of advice as sall be found into the said shippe and that yow signifie unto our Admirall there our pleasure heeranent that thairafter he may proceed heerin according to the lawes of that our kingdome provyded in the lyke cases and with all that yow caus the maister of the said shippe be used in suche a kyndelie maner as he may not have just caus to compleane; whiche recommending to your speciall care we bid yow faireweill. Frome our Court at Whitehall the 28th day of Januarie 1629."

Whitehall,  
28th January  
1629.

Letter from his Majesty anent certain letters found in a Bristol ship which had been wrecked in the Orkneys.

Acta February  
1628-July  
1629.  
Fol. 81, b.

*Sederunt*—St Andrewes; Monteith, præses; Mairshall; Wyntoun; Linlithgow; Roxburgh; Bugcleuche; Lauderdaill; Galloway; Seafort; Lorne; Bishop of Dunkeld; Bishop of Dumblane; Carnegie; Master of Elphinston; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Holyrood House, 29th January 1629.  
Ordinance anent the sub-commissioners selected by the Commissioners for Surrenders and Teinds.

"Forsameekill as the Lords of Secreit Counsell having heard, seene, and considerit the act whairby the commissioners nominat be his Majestie for the treatie anent the surrenders and teinds have ordained sub-commissiouns to be granted to some selected persouns within the severall presbytereis of this kingdome according to the reports alreadie made or to be made frome the severall presbytereis of the said kingdome anent

the electioun of the saids subcommissioners for trying of the trew worth <sup>Acts February</sup> and rate of the lands and teinds great and small within the saids pres- <sup>1628-July</sup> bytereis, with the instructiouns conteaning the methode, forme and ordour <sup>1629.</sup> of thair proceedings, and how they sall carie thameselfes in the executioun <sup>Fol. 82, a.</sup> of the saids subcommissiouns, and have ordained the saids subcommissiouners who have not alreadie givin thair oath in presence of the saids commissioners to compeir before the moderator and brethrein of thair severall presbytereis and thair to accept the saids subcommissiouns and to give thair oaths for the faithfull discharge of the same; and the saids Lords finding the saids subcommissiouns and the course and ordour prescryved thairin be the saids commissioners for the proceedings of the saids subcommissiouners to be formallie, legallie, and weale set down for the weale of his Majesteis subjects and for the forderance and advancement of the good worke whilk his Majestie hes intendit for the universall ease of his subjects in leading of thair awin teinds; Thairfoir the saids Lords hes ratified, allowed, approvin and confirmed, and be the tennour of this present act ratifeis, allowes, approves and confirms the acts and subcommissiouns foresaids past and to be past and exped for the trying of the saids valuatiouns in all and sindrie points, clauses, articles and heids conteanit thairin. And whereas this good and necessar worke whilk his Majestie so earnestlie affects for the weale of the subjects cannot take the wished effect unlesse the subcommissioners nominat and elected and to be nominat and elected conforme to the ordour sett down in the saids commissiouns for the severall presbytereis accept that charge concredite unto thame and carefullie and dewtifullie execute the same conforme to the trust reposed in thame, Thairfoir the saids Lords ordanis letters to be direct charging the persouns nominat and elected to be subcommissioners for the severall presbytereis within this kingdome and who heerafter sall be nominat and elected to be subcommissioners conforme to the ordour sett down in the saids commissiouns and whois names sall be particularlie insert in the letters to be direct upoun this present act, to accept the saids subcommissiouns in and upoun thame, and for this effect that they and everie ane of thame make thair addresse to the severall presbytereis upoun the first presbyterie day after the charge, and thair in presence of the moderator and brethrein of the presbyterie to accept the saids subcommissiouns upoun thame and give thair oath that they sall execute the same faithfullie and trewlie according to thair knowledge. And also to command and charge all the saids subcommissioners als weil these who hes alreadie accepted and givin oath before the saids commissioners as also who sall accept and give oath before the saids presbytereis to proceid and goe on in the executioun of thair saids subcommissiouns with all convenient and possible diligence according to the instructiouns and power givin to thame thairin; and that they make a report of thair diligence in executioun of the same upoun the particular dayes respective <sup>Fol. 82, b.</sup> mentiouned and conteaned in the saids subcommissiouns under the pane of rebellious and putting of thame to the horne, with certificatioun, etc."

Decreta,  
November  
1627-January  
1630.  
Fol. 165, a.

Complaint by Patrick Grant of Ballindallache, as follows:—In the Parliament held at Edinburgh in July 1594 it was ordained that every chief sornor and broken man should be accounted the man and servant of the person from whom he has land in tillage or pasturage, or whom he accompanies at conventions or gatherings, or in whose ground he is reset and tarries twelve hours with the knowledge of the landlord, when the latter is able to apprehend him, or from whom he has bonds of maintenance, and to whom he pays "his calpes and herezelds." Now James Grant of Daltaleis was on 30th July 1618 put to the horn for not compearing before the Justice to answer for the slaughter of Patrick Grant in Lettache, which horning he disregards, and has associated with himself "a number of brokin Hieland men of the Clanrannald, Clangregour, and some others out of Strathspey and Stradoun," who all go sorning about the country in arms, and especially against the complainer and his kin and friends. On November last the said James Grant came to his lands of Innererrar, and by way of stouthreaf "reft" from his tenants 120 nolt, 12 horses, 6 mares and 160 sheep. He was the chief instrument of the troubles between the house of Carroun and the complainer, and of the unhappy slaughters on both sides; and "he is become ane opin reaver, sornor and oppressour." He is "man, tennent and servant to Sir Johne Grant of Freuchie; he is a branche of his hous, dwellis upon his lauds, accompaneis him at oasting and hunting, hes his cheefe and principall dependance upon him, hes his ordinarie and frequent resset within his bounds and upon his ground, where he hes oft tymes remained twelffe houres togidder and abone, with the privitie and knowledge of the said Sir Johne, who wes and is of sufficient power to have apprehendit him, and who takes upoun him the patrocinie and defence of the said James and under his assurance the said James goes in sorning maner athort the countrie," and therefore the said Laird of Grant should present the said James Grant to justice. Charge having been given to the said Laird of Grant, and both pursuer and defender compearing, the Lords assoilzie the defender because it being alleged that the said James Grant was in the defender's bounds gathering his forces for the "heirship libellit," for 48 hours, with his knowledge, he having been informed thereof by the Baron of Kilmachlie, and his own uncle, bailie of the bounds, and for probation hereof the matter being referred to his oath, the defender denied the same.

Fol. 166, b.

Fol. 166, a.

The Lords, having heard the exceptions proposed by Thomas Kincaid of Wareistoun against the baron-bailie of the regality of Broughtoun and the clerk of that court, before whom he is summoned to be tried for the alleged slaughter of Christian Harbert, daughter to the deceased Harbert, and being careful that his trial should be in "that faire and legall maner whiche the importance of the bussines and course of justice in suche a caise requires" appoint Mr. Robert Learmonth and Mr. Alexander Persoun, advocates, to be assessors and equal judges in

Holyrood  
House, 29th  
January 1629.  
Complaint by  
Patrick Grant  
of Ballin-  
dalloch against  
Sir John  
Grant of  
Freuchie for  
protecting  
James Grant  
of Daltaleis,  
whom the said  
Patrick Grant  
accuses of  
reiving on his  
lands.

Appointment  
of persons to  
try Thomas  
Kincaid of  
Warriston,  
who is accused  
of the  
slaughter of  
Christian  
Harbert.

the case with the said baron-bailie, and John Learmonth, writer to the Signet, to be clerk to the process. These persons were nominated by the Earl of Roxburgh, heritor of the said barony and regality of Brouchtoun, of his own motive, for the due administration of justice, he being personally present in the Council.

Decreta,  
November  
1627-January  
1630.  
Fol. 166, a.

Protection to  
James  
Kennedy of  
Blairquhan.

The Lords, being informed of "the trew and earnest desire of James Kennedie of Blairquhan to give unto his creditours satisfioun and contentment," for enabling him to do so and work his own relief, extend his protection till 20th February next.

Continuation  
of protection to  
Josias Stewart  
of Bonnyton.

Petition by Josias Stewart of Bonytoun, as follows:—Upon their Lordships' former warrant he has been very busy and diligent with his creditours, and has settled with many of them whose debts exceeded 40,000, and there only remains the drawing up of the securities. This being done he intends proceeding with the remaining creditors in the like course, but his protection is almost expired. He therefore craves a continuation, and this the Lords grant till 20th February next.

Fol. 166, b.

The insolency  
of Papists.

"Ane missive to his Majestie towcheing the insolencyis of Papistis increased by the not returne of his Majesteis ansuer and resolutioun of the course to be tane and prosequete aganis thame."

Sederunta,  
1625-29.  
Fol. 110, a.

Hugh Hill.

"Chargeis aganis Hew Hill in West seate of Gartlie for beareing of hacquebutis and pistollettis."

Holyrood  
House, 29th  
January 1629.  
Charge to the  
Laird of  
Bonjedburgh  
and Sir James  
Ker to try the  
case between  
Ragwell  
Bennett of  
Chesters, on  
the one hand,  
and Barbara  
Buckholme  
and William  
Rutherford,  
her son, on the  
other.  
See ante, p. 17.

"After our verie heartlie commendatiouns. Whereas the differences betuix Ragwell Bennet of Chesters, on the one part, and Barbara Buckholme, spous to Thomas Browne, and Williame Rutherford her sonne, on the other part, anent the decret of removing obtaned by the said Ragwell aganis thame for removing fra the lands of Ryknow and Abbotsmedow and all other caussis criminall and civill standing betuix thame ar submitted to yow twa in presence of his Majesteis Counsell and the parteis bound to stand and abide at your deliverance as the submission made to this effect beiris; and we being carefull that thir maters be freindlie and peaceablie sattled for eshewing of other inconvenients that may follow thairupoun, these ar thairfoir verie earnestlie to recommend the same unto yow and for this effect that yow conveene the parteis before yow and take notice of the estait of this bussines and of all the differences and questions betuix thame with the ground and occasioun of the same and that yow use your best endeavours to bring these maters to a good and happy conclusioun and to sattle the parteis in peace and quyetnes; quhairin yow will doe unto us singular pleasure. And so committing yow to Gods protectioun, we rest. Halyruidhous, 29 January 1629. *Subscritur*, S<sup>t</sup> Andrewes, Monteith, Hadintoun, Linlithgow, Lauderdaill, Roxburgh."

Royal Letters,  
1623-32.  
Fol. 150, b.

Fol. 151, a.

Holyrood  
House, 29th  
January 1629.  
Letter from  
the Council to

"Most sacred Soverane, The Erle of Linlithgow, your Majesteis Admirall, having in the dewtie of his office caused arreist certane Frenshe wyne laitlie brought into the port of Leith, there wes a petitioun thereupoun pre-

Royal Letters,  
1623-32.  
Fol. 151, a.

ferred unto the Counsell by the merchants, awners of the same, showing that these wyne wer returne of thair stockes which they had lying in the Low Countreis and that their factours had sent home these wyne for furnishing of the countrie at the tyme of your Majesteis muche expected heerecomming, being with all simplie misled and encouraged to this kynde of employment of thair stockes by the exemple of the English who (as they affirme) wer daylie buying and sending over to England great quantitie of Frenshe wyne which had a free and uncontrolled vent there without challenge or arrestment, in regaird whereof they humblie desired that they might be licenced without danger to dispose upoun their wyne to their best advantage; their petition with the reason enforcing the desire thereof being read and heard by the table and we considering the great loss which the merchants estait hes this long tyme bygane susteanned by the power of the enemie and the interruptioun of trade and that if your Majestie have allowed anie Frenshe wyne to be imported into England that your Majestie would never refuse to vouchesafe the lyke princelie indulgence to your subjects of this kingdome speciallie in a mater so muche importing the credite and furnishing of the countrie at this exigent tyme of your Majesteis long wished and expected heerecomming, beside the benefite that will arise unto your Majestie frome the inpost of these wyne, we have upoun these respects suffered the merchants who ar responsall men to make sale of thair wyne and have taikin thame acted in the bookis of Admiralltie to make the price thereof furthcumming to your Majestie if so your Majestie sall be pleased in the strict course of justice to require. Whairanent attending the signification of your Majesteis royall will and pleasure we pray God, etc. Halyruidhous, 29 January 1629. *Subscribitur*, S<sup>t</sup> Andrewes, Monteith, Mairshall, Wintoun, Linlithgow, Roxburgh, Buccleuche, Galloway, Seafort, Lorne, Arch. Achesoun, S<sup>r</sup> Thomas Hoip, Hamiltoun, S<sup>r</sup> George Elphinstoun."

Fol. 151, b.

Acta February  
1628-July  
1629.  
Fol. 82, b.

" Forsameekill as it is understand to the Lords of Privie Counsell that thair is great appearance of trouble lyke to fall out betuix Sir Johne Prestoun of Walifeild, on the ane pairt, and Robert Bruce of Blairhall, George Bruce of Carnock, and Alexander Bruce, his brother, on the other pairt, whilk will not faile to produce some inconvenient to the disturbance and breake of his Majesteis peace without remeid be provydit, Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging officers of armes to pas and charge both the saids parteis to compeir before the saids Lords upoun the thrid day of Februarie nixt to underly suche ordour as sall be tane with thame tuicheing the observatioun of his Majesteis peace, under the pane of rebelloun, etc., with certificatioun, etc.; and in the meane tyme to command and charge both the saids parteis to observe his Majesteis peace and to keepe good rule and quyetnesse ane with another, and that nane of thame presooome nor take upoun hand to invade nor persew ane another for whatsoever deid, caus or occasioun, everie ane

his Majesty  
sent a  
petition of  
certain mer-  
chants that  
they might be  
allowed to sell  
French wines  
which they  
had imported  
in ignorance of  
his Majesty's  
prohibition.

Holyrood  
House, 30th  
January 1629.  
Charge to Sir  
John Preston  
of Valleyfield,  
on the one  
part, and  
Robert Bruce  
of Blairhall,  
George Bruce  
of Carnock,  
and Alexander  
Bruce, on the  
other, to  
appear before  
the Council on  
the 3rd of  
February, and  
meanwhile to  
keep his  
Majesty's  
peace.



of thame under the pane of ten thowsand merkes, with certificatioun to thame and they failyie that they sall be decerned to have incurred and to incurre the said pane, and letters and executorialls sall be direct charging thame to make payment thairof to his Majesteis Thesaurar, Deputie Thesaurar, and ressavars of his Majesteis rents in forme as effeirs.”

Acta February  
1628-July  
1629.  
Fol. 82, b.

Holyrood House, 30th January 1629. Commission to Sir James Campbell of Lawers and others to try John Dow Moir M'Connochie, a notorious thief.

Commission under the Signet to Sir James Campbell of Lawers, Sir Alexander Menzeis of that Ilk, Alexander Menzeis, his son, Mr. William Murrey of Auchtertyre, Sheriff depute of Perth, Henry Ardoche of , David Ardoch of Wester Over Lednoch, John Drummond of Drummonernach, or any three of them, the said Laird of Lawers being one, as justices, to hold courts and try John Dow Moir M'Connochie, a common and notorious thief, who on last was apprehended by the said Sir James Campbell of Lawers “with a fang of some stollin hors” and was warded by him in , where he now is. Signed by Monteith, Hadintoun, Wintoun, Linlithgow, Buccleuche, Seafort, and Lorne.

Commissions,  
1624-30.  
Fol. 188, b.

Commission to Alexander Lindsay of Barrass and others to convocate the lieges and apprehend Sir George Keith of Drumtochy, now at the horn.

Commission under the Signet to Alexander Lindsay of Barrass, David Lindsey of Balgais, James Stirlin of Brekie, John Ogilvie of Pitmowes, James Caddell of Aslowne, David Barclay of Mathers, Mr. Alexander Keith of Phesdo, and John Ogilvie, bailie of Montrose, jointly and severally, to convocate the lieges in arms, and search for, apprehend and present before the Council Sir George Keith of Drumtokie, who on 26th June instant (*sic*) was put to the horn at the instance of Robert Keith of Brydiestoun as Master, and William Lawsoun, tenant and occupier of his lands of Powburne, and also of Sir Thomas Hoip of Craighall, knight-baronet, King's Advocate, for his Majesty's interest, for failing to find caution acted in the Books of Adjournal to compear before the Justice and his deputes on 6th February next and answer for pursuing and invading the said Robert Keith and William Lawsoun with hagbuts and pistols. Signed as above, with the addition of “Mairshall.”

Fol. 189, a.

[No record of Sederunt.]

Decreta,  
November  
1627-January  
1630.  
Fol. 167, a.

Holyrood House, 31st January 1629.

Caution by John Thomson in Rutherglen for William Watson in Titwood, and others for others, that they will conform themselves to the Act of Parliament and standard of Linlithgow.

The which day compeared personally John Thomson in Rutherglen as cautioner for William Watsoun in Titwood; James Millar in Cathkin for James Millar, maltman in Busbie; George Parke in Cassiltoun for James Millar in Cathkin; John Clerk in Flemingtoun for John Peirie, maltman in Nuike; the said George Parke for John Young in Cassiltoun; the said James Millar in Cathkin for George Parke in Cassiltoun; John Jamesoun in Meikle Govane for John Maxwell there; the said John Maxwell for the said John Jamesoun; the said John Peirie for John Clerk in Flemingtoun; and the said John Clerk for Robert Hamiltoun in Cambuslang, that they will “conforme thameselfes to the Act of Parliament and standard of Linlithgow in ressavng and delyvering of

Decreta,  
November  
1627-January  
1630.  
Fol. 167, a.

thair victuall, and that they sall use no other metts and measures" but such as are conform thereto, each in the penalty of £100, *toties quoties*.<sup>1</sup>

Minute Book,  
1604-31.  
Fol. 84, a.

The *Minute Book of Processes* gives the following memoranda collectively for the month of January 1629.

Complent for weiring of hagbuttis and ryott: Kennedie of Culzean against Maxwell, messenger.

Ratificatioun be the Counsell of ane commissioun be the Earll of Monteith, Lord Justice, to the shireff of Dumbartoun and uthers for tryell of Jonet Boyd, witch.

Letters: Williame Ritchardsone, sone to the Laird of Smeitoun, against the Lord and Master of Herries, rebellis, to appeir before the Counsell, with certificatioun.

Protectione for Sir George Ogilvie of Bamff.

Complent, Ryott: Auchinleck against Bisset.

Fol. 85, b.

Complent, Ryott and Oppressioun: Hart against Hart.

Ryott and Oppressioun: Mathiesone against Dick.

Letters for citting Ogilvie of Bamff and his complices on the ane part and the relict and freinds of James Ogilvie of Podula for cleiring the slauchter of the said James.

Ryott: Irving of Federat against Keith of Balmuire.

Ryott: Somervail against Galbraith.

Suplicatioun: Patrick Eleis and uther merchands in Edinburgh for lowsing of the Admiralls arrestment laid upoun certaine wynes brocht home.

Petitione: Hew Fergussonne for his releiff out of prisone.

Protectione for Donald Urquhart and utheris who wer summond to beir witnes.

Proces of hamsucken, ryott and wrongous imprisonment: James Broun against George Prestoun, sone to the Laird of Valeyfeild, and utheris.

Petitione for Alexander Drumond imprisoned for witchcraft for ane aliement.

Oppressioun: the fischeris of the Pott against David Harrow at the Brig of Die.

Letters: the magistratis of Rutherglen against Williame Neillsone and utheris within the Nether Waird of Clidsdail to buy and receave from them the mettis and measours conforme to the standard of Linlithgow.

Prorogatioun of ane protectione for John Stewart of Bonytoun.

Complent: the maltmen in Glasgow against John Ogloth and utheris

<sup>1</sup> Regarding the "firlot of Linlithgow" see *ante*, Vol. XI., p. cvii.

within the shireffdome of Lanrick for not conformeing themselfis to the standard measour of Lithgow.

Minute Book,  
1604-31.  
Fol. 85, b.

Protectione prorogat for Kennedie of Balquhan.

Bill: Thomas Kincaid of Wairiestoun craveing that he micht be judged by the Justice and not by the barrone bailie of Bruchtoun for ane aledgit murthour.

Suplicatioun for Johne Blair, procuratour in Edinburgh, for his releiff furth of prisone.

Holyrood  
House, 3rd  
February 1629.

*Sederunt*—Treasurer; Monteth, præses; Privy Seal; Bugcleuche; Galloway; Seafort; Bishop of Dumblane; Lord Areskine; Lord Tracquair; Sir Archibald Acheson, Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Acta February  
1628-July  
1629.  
Fol. 82, b.

Report of the  
Commissioners  
for the dioceses  
of Aberdeen  
and Moray  
anent the  
Marquis of  
Huntly and  
the Papists of  
the said  
dioceses.

“The commissioners for the dioceis of Aberdeene and Murrey compeirand before the Lords of Secreit Counsell reported the charges and letters aganis the Marques of Huntlie and the wrytters of the pasquillis with the executions and indorsatiouns thair of, and exhibite to the saids Lords thair greevances in writt bearing the insolenceis of Papists and thair opin professioun and exercise of thair idolatrous religioun togidder with thair overtures for remeidng and compescing of the same. The Lords ordanis the greevances to be sent up to his Majestie and to show his Majestie that the Counsell can doe no more bot sentence the parteis compleanit upoun by ordaining thame to be denounced rebellis and putt to the horne, and that the power of executioun, which is the mayne point of the service, depends upoun the willingnesse and dewtie of the Marques, that he must onlie be burdenned with the performance thair of, or otherwayes that his Majestie may resolve upoun some other meanes that may be als powerfull and effectull for doing of the service.”

Ordinance  
decreasing that  
the Marquis of  
Huntly be put  
to the horn for  
failing to  
present before  
the Council  
certain Papists  
for whom he is  
responsible.

“Anent our Soverane Lords letters direct makand mentioun, Forsa- meekill as it is understand to the Lords of Secreit Counsell that the persouns particularlie underwrittin; they ar to say, M<sup>r</sup> Robert Bissat of Lessindrùm, baillie of Strabogie, Alexander Gordoun of Drumquhail, chamberlane of Strabogie, Patrik Gordoun of Tillisoule, Johne Gordoun in Littill Mylne of Rathven, Adame Smith, chamberlane of the Einzie, Barbara Law, his spouse, Robert Gordoun in Haddo, Margaret Gordoun, goodwyffe of Cornellat, Malcolme Laing in Gulburne, and M<sup>r</sup> 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 dissobedience to the High Commissioun of the Kirk, as the sentence of excommunicatioun and letters of horning used and execute aganis thame at lenth beiris, under the whilk fearefull sentence of excommunicatioun and processe of horne foresaid they have prouddie

Fol. 83, a.

Acta February  
1628-July  
1629.  
Fol. 83, a.

and contempnandlie remained sensyne as they doe yitt unrelaxt, takand no regard of the said sentence and horning, bot haunts, frequents, and repaires publictlie and avowedlie in all pairts of the countrie as if they wer good and lawfull subjects, lykeas they ar houshold men, tennents and servants to George, Marqueis of Huntlie, dwellis upoun his lands, ar officiars, chamberlans, and bailleis unto 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. And anent the charge givin to the said Marqueis of Huntlie as maister and landislord to the excommunicat rebellis abonewrittin to have tane and apprehendit thame and to have send thame to the Lords of his Majesteis Privie Counsell upoun this present thrid day of Februar instant, to the intent ordour might 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 failiyed letters sould be direct simpliciter to putt him thairto, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof: Quhilks being callit and the said Marqueis of Huntlie compeirand be Williame Gordoun of Knockaspeck, his depute of the shirefdome of Aberdene, and M<sup>r</sup> William Guild and M<sup>r</sup> Alexander Ros, commissioners for the diocie of Aberdene, being lykewayes personallie present, it wes answered be the said Shireff deput that before the charges wer execute aganis the said Marqueis for exhibitioun of the persouns abonewrittin and for searching and seeking of Jesuits and others excommunicat Papists within the said shirefdome specified and conteanit in the several directionis givin unto him that the copeis of the saids hail letters and directionis wer disperst and made knowin to all these whome it concerned whilk made thame to eshew, and that the tyme wes so short and the weather unseasonable that the Marqueis himselfe in persoun could not execute the same, and that he directed the said shireff depute to make searche for the saids whole persouns conteanit in the saids severall directionis, bot they had all escaped before he received the warrands for thair apprehensioun. And tuicheing the chamberlans and bailleis whome he wes chargit to remove frome these his offices he declared that the chamberlans wer debtfull to the Marqueis in great sowmes of money and thairfoir he craved a competent tyme to be assigned unto him that he might fitt his compts with his chamberlans and that than he would doe thairin as the saids Lords sould injoyne. Quhairunto it wes replied be the saids commissioners that the diligence used be the said shireff depute was but cullourable and a ludifeing of the Counsell, seing how ever the rebellis and excommunicats have made a show of flight, yitt they ever returned to thair awin houses at night and that thair abode and residence wes als publict and avowed at thair awin houses and in the countrie as at anie tyme before. Quhilk answer

Fol. 83, b.

and reply being heard and considerit be the saids Lords and they being thairwith weill advised, the Lords of Secreit Counsell finds and declaires that the said Marqueis of Huntlie hes done no diligence in the directiouns and charges committit unto him and that thair is no lawfull diligence to be expected, and thairfoir the saids Lords ordanis letters to be direct charging officiars of armes to pas to the mercat croces of Aberdene and others places needfull, and thair to denunce the said Marqueis of Huntlie his Majesteis rebell and to putt him to the horne and to escheate, etc. ; and ordanis that no suspensioun sall be granted to the said Marques bot in presence of the Counsell.”

Acta February  
1628-July  
1629.  
Fol. 83, b.

Ordinance directing officers of arms to charge certain Papists of Aberdeen to surrender their lands and goods under penalty of forfeiture.

“ Anent our Soverane Lords letters raised at the instance of Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat for his Majesteis interesse, makand mentioun that whair M<sup>r</sup> Alexander Irwing, burges of Aberdene, Thomas Meinzeis of Balgownie, M<sup>r</sup> Robert Bissat of Lessindrum, Johne Gordoun of Craig, James Forbes of Blacktoun, Thomas Cheyne of Raynistoun, Williame Seatoun of Blair, Alexander Gordoun of Tulligreg, Patrik Gordoun of Tullisoule, and Margaret Gordoun, goodwyffe of Cormellat, are not onelie excommunicat be the ordinar censures of the Kirk for not conforming thameselfes to the trew religioun presentlie profest within this kingdome bot thairwithall they ar denounced his Majesteis rebellis and putt to the horne for that caus and for thair dissobediencie to the High Commissioun of the Kirk, as the sentence of excommunicatioun and letters of horning execute, indorsat and registrat aganis thame beiris, under the processe whairof they have most prouddie and contemptnandlie remained sensyne since the tymes respective of thair excommunicatioun and denunciatioun as they doe yitt unrelaxt, takand no regaird of the said fearefull sentence and horning following thairupoun, bot haunts, frequents, and repaires publictly and avowedly in all pairts of the countrie where the necessitie of thair adoes invites thame and injoyes the possessioun of thair awin livings and houses and keepes thair houses as starting holes and houses of refuge to Jesuits, seminarie preests, excommunicat and traffiquing papists, where conventicles and meetings ar kept of numbers of people Popishlie affected and exercise used of thair false religioun to the high and proud contempt of his Majesteis auctoritie and lawes. And anent the charge givin to the saids M<sup>r</sup> Alexander Irwing, Thomas Meinzeis, M<sup>r</sup> Robert Bissat, Johne Gordoun, James Forbes, Thomas Cheyne, Williame Seatoun, Alexander Gordoun, Patrik Gordoun, and Margaret Gordoun, to have compeired personallie before the Lords of Privie Counsell this present thrid day of Februarie instant to have seene letters direct charging thame, and all havers, keepers and deteanners of thair castellis, towres, mannour places, and fortalices respective to rander and delyver the same to the officers, executers of the saids letters, and to remove thameselfes and thair servants furth thairof within twentie foure houres nixt after the charge under the pane of treasoun, or ellis to show

Fol. 84, a.

Acta February  
1623-July  
1629.  
Fol. 84, a.

a reasonable caus why the same sould not be done, with certificatioun to thame and they failyied the saids Lords would decerne the saids letters of treasoun to be direct aganis thame in maner and to the effect foresaid, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thair of. Quhilks being callit and his Majesteis said Advocat compeirand personallie, and the saids defenders being oft tymes callit and not compeirand, the Lords of Secretit Counsell hes thairfoir ordained and ordaines letters to be direct charging officers of armes to pas and in his Majesteis name and auctoritie to command and charge the persouns foirsaidis and all havers, keepers, and deteaners of thair castellis, towres, mannour places and fortalices respective to rander and delyver the same to the saids officers, executers of the saids letters, and to remove thameselffes and servants furth thair of within twentie foure houres nixt after the charge under the pane of treasoun, with certificatioun to thame and they failyie that they sall be repute, haldin and demained as tratouris and the processe and doome of forefaltour sall be led and deduced aganis thame conforme to the lawes of this realme."

"Anent our Soverane Lords letters direct makand mentioun, Forsa-  
meekill as there hes beene manie good Acts of Parliament made be his  
Majesteis noble and worthie progenitours aganis the authors and givers  
out of slaunders and untrew calumneis aganis his Majestie his Counsell  
and proceedings, to the dishonour and prejudice of his Majestie his  
parents and progenitours, crowne and estait, and aganis the authors of  
slandorous speeches and writts whereby they ar ordained to be severelie  
punished in maner specified in the said Acts as the samine at lenth  
beiris, Notwithstanding whair of it is of truthe that of lait there hes  
beene two infamous pasquills writtin and directed the ane thair of to  
the provest of Aberdene, and the other affixt on the kirk doore of Aber-  
dene and printed, both conteanning treasonable warnings and predic-  
tiouns of the change of state and religioun within twa yeeres, besides a  
number of invective and railing speeches aganis the professours of the  
trew religioun and ministers of the burgh of Aberdene, quhilks twa  
pasquills and infamous libellis hes beene writtin and devised by M<sup>r</sup>  
Alexander Irwing, burges of Aberdene, M<sup>r</sup> George Andersoun, advocat  
there, M<sup>r</sup> George Paip, M<sup>r</sup> Gilbert Paip, M<sup>r</sup> Thomas Blakhall, sonne  
to Williame Blakhall of Ley, Thomas Meinzeis of Balgownie, Robert  
Irwing, burges of Aberdene, Alexander Leslie, brother to the Laird of  
Pitcaple, and Francis Leslie, brother to George Leslie, callit the Caputian,  
and Hercules Guthrie, chirurgiane in Aberdene, and they, at the least,  
ane 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 others to committ  
the lyke. And anent the charge givin to the saids M<sup>r</sup> Alexander  
Irwing, M<sup>r</sup> George Andersoun, M<sup>rs</sup> George and Gilbert Paips, M<sup>r</sup>  
Thomas Blakhall, Thomas Meinzeis, Robert Irwing, Alexander Leslie,

Ordinance  
decreeing  
letters of horn-  
ing to be  
directed  
against Mr.  
Alexander  
Irwing, burges  
of Aberdene,  
and others who  
are charged  
with having  
written certain  
pasquills and  
with having  
failed to  
present them-  
selves before  
the Council on  
the day  
appointed for  
their appear-  
ance.

Fol. 84, b.

Francis Leslie, and Hercules Guthrie to have compeired personallie before the Lords of Privie Counsell this present thrid day of Februarie instant to have answered to the premises and to have underlyin suche tryell and censure thereanent as the saids Lords sould thinke meete under the pane of rebellioun and putting of thame to the horne, with certificatioun to thame and they failyied letters sould be direct simpliciter to putt thame thairto lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsations thair of, Quhilks being callit and Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat, compeirand personallie for his Majesteis interesse, and the saids M<sup>r</sup> George Andersoun, M<sup>r</sup> George Paip, M<sup>r</sup> Gilbert Paip, M<sup>r</sup> Thomas Blackhall being lykewayes personallie present and the remanent defenders foresaidis being oft tymes callit and not compeirand, the reasouns and allegatiouns of the parties present being heard and considerit be the saids Lords and they rypelie advised thairwith, the Lords of Secreit Counsell assoilzeis *simpliciter* the saids M<sup>r</sup> George Andersoun, M<sup>r</sup> George and Gilbert Paip and M<sup>r</sup> Thomas Blakhall fra this persute and complaint and fra the hail points, clauses and articles conteanit thairin and decernis thame quyte thairfra in all tyme comming; Becaus the said persewer having instead of all other probatioun referred the said complaint *simpliciter* to the oath of veritie of the saids defenders compeirand and they being personallie present and deepelie sworne thairupoun, they denied the said complaint to be of veritie as wes cleerelie understand to the saids Lords. For the quhilk caus the saids Lords hes assoilyied and assoilyeis thame in maner foresaid. And the saids Lords ordanis letters to be direct charging officiars of armes to pas and denunce the saids M<sup>r</sup> Alexander Irwing, Thomas Meinzeis of Balgownie, Robert Irwing, Alexander Leslie, Hercules Guthrie and Francis Leslie rebellis and put thame to the horne, and to escheit, etc.”

Acta February  
1628-July  
1629.  
Fol. 84, b.

Holyrood House, 3rd February 1629. Commission to Mr. James Williamson, provost of Peebles, and others to try Katherine Young and others for witchcraft.

Commission under the Signet to Mr. James Williamsons, provost of Commissions, 1624-30. Fol. 189, b.

Peiblis, Alexander Mure, and Patrick Thomsone, bailies, Sir Archibald Murray of Darnhall, knight, James Hamiltoun of Kolcott, John Burnet, younger of Barnes, and Mr. James Lausone of Harquess, or any four of them, as justices, to hold courts and try Kathrene Young, spouse of Alexander Peacock in Pirne, Marion Grige, spouse to James Scott in Scottistoun, and Isobel Rutherford, *alias* Grahame, vagabond, who have been long suspected of witchcraft, &c. Signed by Menteith, Hadintoun, Bugleugh, Galloway, Seafort, and Tracquair.

The Spanish ship. See ante, p. 21.

“Ane letter frome his Majestie concerning the Spanishe ship tane be a ship of Birsto and by distres of wedder drivin upoun the coast: Ordanis the Admirall deputis to be warnit to Thurisday that directioun may be gevin to thame towcheing the said ship and writtis being in hir.”

Sederunts, 1625-29. Fol. 110, b.

Papists.

“A missive concerning Papistis and the executioun of the lawis made in that behaff.”

Sederunte,  
1625-29.  
Fol. 111, a. "That the magistrats of Abirdene be charged to ansuer upoun thair ressett and intercommouning with excommunicat rebellis."

Aberdeen  
magistrates  
and excom-  
municated  
rebels.

"Chargeis aganis the Shireff of Murray for reporting ane accompt of his diligence in the executioun of the commissioun grantit to him aganis Jesuits, seminarie preistis, and excommunicat rebellis upoun the last Counsell day of Marche with certificatioun of horning, and that a new commissioun be past to this effect."

The Sheriff of  
Moray and  
Papists.

"The Shireff of Forfar be M<sup>r</sup> Williame who gaif in the commissioun for the Parliament."

The Sheriff of  
Forfar.

"A missive to the Shireff of Dumbartane to mak a new electioun of commissioneris for the Parliament yf the personis alreddie chosin be not his Majesteis vassallis."

Sheriff of  
Dumbarton  
and election of  
Commissioners  
for Parliament.

Fol. 111, b. "Assignis to the Shireff of Lanerk the xvij of Marche betuix and the whilk he sould reporte the commissioun for the Parliament."

Sheriff of  
Lanark and  
the same.

"Continewis the Erle of Seafortis patent to Thurisday and ordanis the pairtyis to haif in reddynes quhat thay will say that day."

The Earl of  
Seaforth's  
patent.

"That letters be direct to denunce the shireffis who hes not produceit the commissiouns for the Parliament."

Sheriffs and  
the Commis-  
sioners for  
Parliament.

Royal Letters,  
1623-32.  
Fol. 151, b. "Most sacred Soverane, By your Majesteis letter of the 23 of January last we have understood to our unspeakable comfort your Majesteis godlie zeale and constant resolutioun to mainteane in puritie the trew religioun and to punishe the contrarie professours, for which (as in dewtie boundin) we pray God to blesse your Majestie frome above and to prolong your dayes heere upoun earth for the confort of his Church and the quyete of the estait. This day being appointed to the Marqueis of Huntlie to have givin ane accompt of his diligence in the executioun of these warrands grantit unto him as shireff, landslord, and maister, for apprehending of certane Jesuits, seminarie preists and excommunicat rebellis resorting in his bounds, dwelling upoun his lands and beiring publick charge and office under him, he compeired be Williame Gordoun, his shireff depute of Abirdein, whois sclender excuse and verball report being heard and considerit be the table, togidder with the informatioun of the commissiouners frome the clergie of the dioceis of Aberdein and Murrey tuicheing the truthe of the Marqueis his cariage in that service, it wes foundin be the voices of the hail table that his behaviour and proceedings thairin wes altogidder elusorie and that he had done no kynde of diligence, nather wes thair anie probabilitie or likliehood that he would performe the same, for the which his contempt and carelesse neglecte of his dewtie in this so important a bussines he is ordained to be denounced your Majesteis rebell, and that no suspensioun be grantit thereof bot in presence of a full number of the Counsell.

Holyrood  
House, 3rd  
February 1629.  
Letter from the  
Council to his  
Majesty anent  
the Marqueis of  
Huntly, who  
has failed to  
execute his  
duty in appre-  
hending  
Papists for  
whom he is  
responsible,  
and desiring  
his Majesty to  
appoint per-  
sons who will  
give effect to  
the law.

"By these new greevances heerewith sent up to your Majestie and by a letter direct frome the Bishop of Murrey to the Erle of Monteith, President of your Majesteis Counsell, your Majestie may perceave the insufferable insolencies of the papists in the north, to quhat a fearfull



hight of arrogancie and pryde they ar now growin, and how and upoun quhat grounds thair confidence is upholdin, with the particulars quhairof being loath to trouble your Majestie we will remitt the relacion thair of to suche of our nomber as ar now upoun thair addresse to your royall Court, who ar weill acquainted and wer present and assisted us in all our proceedings in that bussines. The service is great and the reall executioun thair of will muche import the establishment of religioun and peace of the countrie ; the Counsell can doe no more bot sentence the transgressours, the executioun of the law must be performed by your Majesteis shireffs and officers to whois charge it belonges ; wherein, becaus we perceave a great defect ather of power or willingnesse in the most pairt of thame, we will humblie beseeke your Majestie (if so your Majestie sall be pleased to hearken to our former overture concerning a lieutenant) that your Majestie would make choise of some eminent persoun, sound in religioun and aganis whome thair is no suspicioun that for byrespects he may be misled to favour those aganis quhom he sall be armed with your Majesteis auctoritie. Quhairnent attending the significatioun of your Majesteis royall pleasure, quhairunto we sall conforme our selffes with that faithfull and humble obedience which becometh, we rest, etc. Halyruidhous 3 February 1629. *Subscritur*, Mar, Hadintoun, Mairshall, Wintoun, Galloway, Seafort, Ad. B. of Dumblane, Hamiltoun, S. G. Elphinstoun, Scottistarvett, James Baillie.”

Royal Letters,  
1623-32.  
Fol. 151, b.

Fol. 152, a.

Holyrood  
House, 5th  
February 1629.

*Sederunt*—Treasurer; Privy Seal; Mairshall; Wyntoun; Galloway; Seafort; Bishop of Dumblane; Clerk of Register; Justice Clerk; Sir John Scot; Sir James Baillie.

Acta February  
1628-July  
1629.  
Fol. 85, a.

George Andersoun, advocat in Aberdeen, and others, to be put to the horn for failing to appear before the Council on the charge of being avowed Papists.

“Anent the complaint made to the Lords of Secreit Counsell be the Moderator and brethrein of the presbyterie of Aberdene makand mentioun that whair albeit the saying and hearing of messe and ressetting of Jesuits and seminarie preists be verie straitlie prohibite and dischargit be the lawes of this kingdome, notwithstanding it is of truthe that M<sup>r</sup> George Andersoun, advocat in Aberdene, M<sup>rs</sup> George and Gilbert Paips, burgesses of Aberdene, ar ordinarie hearers of messe and ressetters of Jesuits, haunts and resorts with thame at all occasiouns, convoyes thame frome place to place throughout the hail bounds of the shirefdome of Aberdene and other pairts of the countrie as they have the occasioun, to the effect they may seduce and corrupt his Majesteis good subjects in thair religioun and allegeance with thair erroneous opiniouns ; and in speciall upoun the 25 day of Marche 1627 yeeres, being Pasche day, they avowedlie resorted to the hous of Williame Laing, burges of Aberdene, to the hearing of thair idolatrous messe, and at diverse and sindrie other tymes sensyne they have had both quyet and publict resort to the hous of M<sup>r</sup> Alexander Irwing, burges of Aberdene, where they have heard messes and uthers Popish exercises made unto thame be divers

Acta February  
1628-July  
1629.  
Fol. 85. a.

Jesuits and seminarie preests, behaving thameselffes heerin as though they wer nather subject to his Majesteis lawes nor the trew religioun presentlie professed within this kingdome and discipline of the Kirk, to the disgrace of his Majesteis government, offence of God, and scandall of the Kirk. And anent the charge givin to the saids M<sup>r</sup> George Andersoun, M<sup>rs</sup> George and Gilbert Paips, to have compeired personallie before the Lords of Privie Counsell this present fyft day of Februarie instant to have answered to the premisses and to have heard and seene suche ordour tane thereanent as the saids Lords sould think expedient under the pane of rebelloun and putting of thame to the hcrne, with certificatioun to thame and they failyied letters sould be direct *simpliciter* to putt thame thairto, lykeas at mair lenth is conteanit in the said complaint, executiouns and indorsatiouns thairof; quhilks being callit and the saids per-sewers compeirand be M<sup>r</sup> Williame Guild and M<sup>r</sup> Alexander Ros, commissioners for the diocie of Aberdene, and the saids defenders being oft tymes callit and not compeirand, the Lords of Secreit Counsell ordanis letters to be direct charging officiars of armes to pas and in his Majesteis name and auctoritie denunce the saids M<sup>rs</sup> George Andersoun, George and Gilbert Paips, our Soverane Lords rebellis, and putt thame to the horne and to escheate."

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Secreit Counsell wes presented unto thame, of the whilk the tennour followes:—CHARLES R., Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Having receaved your letter concerning the insolent behaviour of some Papists in the north and your care for remedie thairof for whiche we give yow heartie thanks, as we are sorie that our lenitie with thame sould have produced no better effects, so we doe think that the clergie having had the care due to their charge and our lawes having bene putt in executioun against suche insolent persouns these disordours might easilie have bene prevented before they had come to suche a hight. Whairfoir to prevent the lyke disordour in tyme comming, our pleasure is that after dew tryell taikin of the insolenceis of the saids persouns yow punishe the committars thairof conforme to our lawes as the nature of thair offence sall require, and if anie shireff or officiar whatsomever sall neglect the doing of that whiche he hath in charge frome yow thereanent, as doeth belong unto his place, we sall upoun advertisement frome yow give such further ordour as we sall thinke most convenient for the good of the Church and peace of that our kingdome both for apprehending and punishing of the committers of suche insolenceis and for order taking with suche magistrats and officiars as sall be found to have neglected thair charge thairin. And so, wishing yow to continew your care heerin and to advertise us frome tyme to tyme as yow sall finde occasioun, we bid yow fareweill. Frome our Court at Whitehall the 23 of Januarie 1629."

Letter from  
his Majesty to  
the Council  
anent the  
Papists in the  
North.

Fol. 85, b.

Charge to the Marquis of Huntly and others to apprehend James Grant in Daltaleis, at the horn for the slaughter of Patrick Grant in Lettache.

“ Forsameekle as it is understand to the Lords of his Majesteis Privie Counsell that James Grant in Daltaleis wes upoun the penult day of July 1618 yeeres denounced his Majesteis rebell and putt to the horne for not compeiring before his Majesteis Justice and his deputs at a certane day bygane to have underlyne the law for the slaughter of umquhile Patrik Grant in Lettache committit be him in maner and at the tyme specifeit in the criminall letters raised thereanent, as the samine dewlie execute,<sup>1</sup> indorsat and registrat aganis him beiris, at the processe whair of the said James hes most prouddie and contempnandlie remained since the tyme foresaid of his denunciatioun as he does yitt unrelaxt, and to the forder contempt of justice he hes associat unto himselfe a number of brokin Hieland men of the Clanrannald, Clangregour, and others nefarious malefactors out of Strathspey and Stradoun and with thir lawlesse lymmars armed with unlawfull weapouns he goes athort the countrie committing opin stouthes, heirships, sorning, and depredatiouns in all pairts of the countrie and upoun all his Majesteis good subjects where he may be maister, especiallie upoun the kin and freinds of Patrik Grant of Ballindallach, and hes now in end debordit in suche ane excesse of unsufferable villanie that he hes takin a direct banner aganis his Majesteis auctoritie, carying himselfe in all his actions as if he wer not subject to law nor justice, and as if his Majesteis royall arme wer not able to overtake him ; and in thir his lawlesse and insolent proceedings he is strenthenned and emboldenned by the countenance and ressett whilk he finds in the countrie, whereby all the warrands and commissions direct furth aganis him ar made ineffectuall and voide ; whiche being a mater of most pernicious preparative and whiche concerns his Majesty in honnour and justice, to give ordour for apprehending of this avowed rebell and making him lyable to the course of justice, Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging George, Marques of Huntlie, Johne, Earle of Mar, George, Lord Gordoun, Sir Alexander Gordoun of Clunie, Grant of Glenmorestoun, Robert Inneis of Balvenie, Grant, Tutour of Carroun, Margaret Sinclair, relict of the goodman of Carroun, Johne Dumbreck of Urtane, and Sir John Grant of Freuchie, within whois bounds the said James Grant, rebell, ordinarilie resorts and hes his cheefe ressett and maintenance; lykeas the saids Lords gives and grants full power, warrand and commissioun unto thame and everie ane of thame respective and to thair baillies within thair awin bounds, to pas, searche, seeke and take the said James Grant, rebell, whair ever he may be apprehendit, and to putt him in sure firmance and captivitie till he be exhibite to his tryell, and for this effect that they give strait command, warrand, and directioun, everie ane of thame to thair awin men, tennents and servants, and caus intimatioun to be made to thame thair of at thair parish church upoun a Sunday in tyme of Divine service that their saids

Acta February  
1628-July  
1629.  
Fol. 85, b.

Fol. 86, a.

<sup>1</sup> See Index to immediately preceding volume of the Register, under *Patrick Grant*.

Acta February  
1628-July  
1629.  
Fol. 86, a.

tennants nor nane of thame ressett nor supplee the said rebell nor furnishe unto him meate, drinke nor anie other thing confortable unto him, bot if he sall happin to come in thair obedience or that they know of his lurking and residence therein that they notifie the same unto their maisters and landslords with all possible diligence, raise the countrie and persew the rebell and his complices with all kynde of hostilitie: Lykeas the saids Lords exoners and discharges the commissioners foresaids, thair men, tenants and servants and others assisting thame in the executioun of this commissioun of all cryme and pane that may be impute unto thame or whiche they may underly upoun occasioun of the persute of the said rebell and his complices and freethes and releeves thame thairfor ever: Commanding heereby all and sindrie his Majesteis lieges and subjects to ryse, concurre, fortifie and assist the said commissioners everie one of thame within thair awin bounds in the executioun of this commissioun and to use thair best care and diligence for the discoverie and apprehending of the said rebell and exhibitioun of him to justice as they will answeere upoun thair dissobedience at thair highest charge and perrell, certifeing all the saids maisters and landslords if they sall be found remisse and negligent in the carefull executioun of that which is heerby committit to thair charge, or that they sall ather neglect the service or give connivence and oversight to the said rebell to continew in his rebellious, that they sall be callit thairupoun to thair answeere, and upoun tryell of thair slacke and undewtiful behaviour in this so important a bussynes that they sall be punished in thair persons and goods according to the lawes and Acts of Parliament made in that behalffe."

"Forsameekle as in the moneth of \_\_\_\_\_ under silence of night there hes fallin out by the unsearcheable providence of the Almighty God, whilk by no humane witt nor foresight could be prevented, suche ane fearefull, suddane and unexpected accident, lyke ane thunderclap, upoun the lands of Powes and Powmylne perteaming to David Rollock of Powes, and Robert Johnestoun of Powmylne and upoun the lands perteaming to Patrik Bruce of Corsebruike and Thomas Bruce of Woodsyde that the lyke wes never heard of in anie kingdome or age, in so farre as ane great and large mosse of the thicknesse of ane speir hes beene drivin by the force and violence of wind and water fra the firme ground and bounds where frome all begining it unmoveable stood to the lands of Powes and Powmylne and others lands of the persouns foresaids distant thairfra be the space of \_\_\_\_\_, and hes overflowed and covered the saids whole lands and hes tane ane solide, firme, and sattled stand thereon, hes overturned the whole houses for the most part of the saids lands, so that twentie famileis wer constrayned for lyffe and deid and with the extreme hazard of thair lyves to flee and leave thair houses and all within the same to the violence of the mosse. And now the saids lands whilks wer good arable ground bearing wheate, beir, and all

Recommendation to the lieges to contribute to the relief of David Rollock of Powis and others, whose lands have been ruined by the slipping of a great moss.

Fol. 86, b.

other grayne, ar turned into a blacke mosse without all possibilitie or hope of recoverie; and the gentlemen, awners of the lands, who and thair predecessours wer men of good accompt, able to serve the King and countrie and charitablie disposed to the releefe of all distrest people, ar upoun a suddane turned beggers, having nothing bot the miserable face of a blacke mosse to looke unto in place of thair pleasant and fertile ground; And whereas this fearefull visitatioun hes proceedit immediatlie frome the hand of God, whois Divine chastisements must with a Christiane resolutioun be embraced and susteaned, it becometh all good Christians who ar feeling members of this bodie, to resent the distresses and misereis of thir poore gentlemen and by thair cheerefull benevolence to contribute a pairt of thair meanes whairwith it hes pleased God to blesse thame towards thair releefe. For whilk purpos the Lords of Secreit Counsell hes recommendit and be the tennour heerof recommends the saids distrest gentlemen to the favourable charitable and Christiane consideratioun of the whole Estaits both spirituall and temporall within this kingdome and to the whole persouns of whatsoever ranke, qualitie or degree within the same, requesting and desyring thame and everie ane of thame to extend suche proportioun of thair liberalitie and charitie to the saids gentlemen as the importance and necessitie of the caus requires. And the saids Lords hes committed and be the tennour heerof committs the collectioun of this contributioun and benevolence of the people to the persouns particularlie underwrittin, and to twa and twa of thame conjunctlie, according as they ar heere conjoynned and as they sall be directit to the severall parts and corners of the countrie, viz., to M<sup>r</sup> Williame Stewart, baillie of Glasgow, and David Johnestoun, indweller in Cowper of Fyffe, conjunctlie; to Coline Campbell of Bighall, and M<sup>r</sup> Williame Edmiston, minister at Kilmadock, conjunctlie; to Hercules Rollock, indweller in Dundie, and Alexander Forbes, burges of Aberdene, conjunctlie; to Lewes Somervell, servitour to the Lord Areskine, and Johne Johnestoun, indweller in Edinburgh, conjunctlie; to James Sutherland, Tutour of Duffus, and Johne Bruce, servitour to the Ladie Duffus, conjunctlie; to James Caddell, fear of Aslowne, and George Bruce, burges of Aberdene, conjunctlie; to Robert Keith, provest of Monrose, and M<sup>r</sup> Williame Keith of Bruntoun, his brother, conjunctlie; and to Thomas Moncur of Ferdell and Johne Hamiltoun, chamberlane of Arbrothe, conjunctlie; who ar men of approvin credite, honestie and reputatioun, and will deale faithfullie and uprightlie in this bussines and conceale nothing that will be givin be the people to this so good and necessar a worke; givand, grantand and committand unto thame and everie twa of thame as they ar abone conjoynned full power, warrand and commissioun to deale and travell with the whole archbishops and bishops, noblemen, barouns and gentlemen, synods, presbytereis, and sessiouns of kirks, burrowes, touns and villages and with all other his Majesteis subjects als weill to burgh as land anent thair benevolence and

Acta February  
1628-July  
1629.

Fol. 86, b.

Fol. 87 a

Acts February  
1628-July  
1629.  
Fol. 87, a.

charitable and Christiane contributioun to be givin out of thair good discretioun for the helpe and supplee of the saids gentlemen; whilks commissioners sall have a book delyvered to thame be the Clerk of his Majesteis Counsell whair of everie leaffe sall be marked be the said Clerk, within the whilk book the saids Lords requeists all and everie persoun who sall contribute to this worke to insert or caus be insert the sowmes of money that they sall contribute and advance in this earand. And if anie persoun or persouns be sleuthe or negligence sall refuse or forgett to insert thair contributioun, ordanis and commandis the saids commissioners to insert the saids contributiouns thame selffes, and that they report thair diligence in the premisses with thair bookes conteaning the names of the whole persouns contributors and sowmes of money collected be thame to the saids Lords upoun the first day of August nixtocome to the intent the saids Lords may know what sowmes of money ar collected and how the same sall be employed. And the saids commissioners sall give thair great and solemne oath at the reporting of thair diligence and bookes foresaids that they have not omitted nor left out of the saids bookes anie of the persouns names that contributed nor the sowmes nor no pairt thair of that sall be advanced in this earand: Requeisting alsua the saids archbishops and bishops to give directioun to the ministrie within thair dioceis that they admonishe and stirre up thair flockes and parochiners to putt to thair helping hand in this so important and necessar a caus."

"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, ressaved and admitted Sir James Baillie, knight,<sup>1</sup> to be ane of the Privie Counsell of this kingdome, and to bruik and enjoy all honnours, digniteis and preeminenceis proper and dew unto that place; lykeas the said Sir James being personallie present and acknowledging with most submissive and dewtiful respect his Majesteis gracious favour showin unto him in the preferring and advancing of him to his high place of honnour and dignitie, he with all dew 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 counsellor. 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 weill. Whereas being enformed of the sufficiencie of Sir James Baillie, knight, and of his affectioun to doe us service we ar moved in regaird thair of and for his better encouragement and enabling for our said service to advance and promote him to be one of our Privie Counsell in that our kingdome, it is thairfoir our will and

Admission of  
Sir James  
Baillie to the  
Council.

Fol. 87, b.

Sir James Baillie of Lochend, one of the receivers of his Majesty's rents, had been previously appointed a member of the Council of War for Scotland, and had showa great energy in that capacity. See Index to the two preceding volumes of the Register.

pleasure and we doe heereby require yow that having administred unto him the oath accustomed in the lyke cause yow admitt him to be one of our said Privie Counsell, resaving him in that place as one of your number. For doing whereof these presents shall be unto yow a sufficient warrant. Frome our Court at Whitehall the fyft day of Januarie, 1629.”

Acta February  
1628-July  
1629.  
Fol. 87, b.

Sir John  
Preston of  
Valleyfield  
and others to  
find surety  
that they will  
keep his  
Majesty's  
peace.  
See *ante*, p. 25.

“ Anent our Soverane Lords letters direct, makand mentioun, Forsameikill as there is great appearance of trouble lyke to fall out betuix Sir Johne Prestoun of Walifeild, on the ane pairt, and Robert Bruce of Blairhall, George Bruce of Carnock and Alexander Bruce, his brother, on the other pairt, whilk will not faile to produce some inconvenient to the disturbance and breake of his Majesteis peace without remeid be provydit. And anent the charge givin to the said Sir Johne Prestoun, Robert Bruce, George and Alexander Bruces, to have compeired personallie before the Lords of Secret Counsell at a certane day bygane, to have underlyne suche ordour as sould be tane with thame anent the observing of his Majesteis peace under the pane of rebellious and putting of thame to the horne, with certificatioun to thame and they failyied letters sould be direct *simpliciter* to putt thame thairto, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof, quhilks being callit and both the saids parteis compeirand personallie, the saids Lords having examined thame upoun the ground, caus, and occasioun of thair present grudge and contraverseis betuix thame, it wes alledgit be the said Sir Johne Prestoun that the said Alexander Bruce wes diverting and drawing the water by the accustomed course and passage fra his mylne of Torrie and that he wes casting a damme and levell for that effect, and that mater being under submissioun betweene thame, the said Alexander, notwithstanding of the submissioun, in the tyme thairof wes still going on in his worke. Whairunto it wes answered be the said Alexander that nothing done be him since the tyme of the submissioun anent the said damme shall inferre anie possessioun to him. Whilk declaratioun and answer made be the saids parteis being heard and considerit be the saids Lords, and they conceaving that there is a great heate and passioun betuix the saids parteis whilk may procure the trouble and disquet of the countrie, Thairfoir the saids Lords ordanis thame to find lawsouertie to others *hinc inde* actit in the bookes of Secret Counsell, ilke ane of thame under the pane of fyve thowsand merkes.”

Fol. 88, a.

William Dick,  
burgess of  
Edinburgh,  
becomes  
cautioner for  
Robert Bruce  
of Blairhall  
and others that  
they will not  
molest Sir  
John Preston.

William Dick, merchant burgess of Edinburgh, compeared and became cautioner for Robert Bruce of Blairhall, George Bruce of Carnock and Alexander Bruce, his brother, each in 5000 merks (of which one half to go to his Majesty and the other half to the party aggrieved) that they will not directly nor indirectly molest Sir John Prestoun of Walifeild, nor his family, servants nor tenants, in their persons or goods, save by order of law.

Acta February  
1628-July  
1629.  
Fol. 88, a.

Robert Seatoun, servitor to the Earl of Wintoun, compeared and became cautioner in similar terms for Sir John Prestoun of Walifeild, that he will not molest the Bruces above named.

Caution for Sir  
John Preston.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 167, a.  
Fol. 167, b.

Complaint by John Blair, procurator in Edinburgh, as follows:—He has been warded in the tolbooth of Edinburgh on a caption raised by John Wilsoun, son of James Wilsoun, burges of Glasgow, for non-payment of £120, and at the instance of George Norrell, notary in the Cannogait, for not paying him £100, and he has been in this ward ten weeks now, having nothing to sustain himself, and “being ane aged man of fourescore yeeres of age, sicke and infirme, not able to stand upoun his feit.” Although he has always been willing to give these his creditors all the security in his power, for his relief; viz., to the said John Wilsoun infetment of his land lying in the Cowgait “in ane annuelrent of ten for the hundreth,” and to Norrell, “infetment of ane annuelrent of twentie merkes” paid to the complainer out of land belonging to the deceased William Blair, maltman in the Cannogait, and wadset to the complainer in security of 200 merks, the rights of which are in Norrell’s possession, and that he has paid the interests up to Whitsunday 1629, yet they refuse to accept the securities and “most unchristianlie” detain him in ward. Charge having been given to the said John Wilsoun and George Norrell, and also to John Sinclair, one of the bailies of Edinburgh, in name of the Magistrates thereof, to produce the complainer, and both pursuer and defenders compearing, the Lords, with the consent of the defenders, ordain the provost and bailies of Edinburgh to liberate the pursuer, seeing he has enacted himself under a penalty of 500 merks, besides the payment of the sums for which he is warded, to re-enter the said ward six weeks hence, and has undertaken in the meantime to take some course for satisfying his creditors. Here follows his act to the above effect.

Holyrood  
House, 5th  
February 1629.

Complaint by  
John Blair,  
procurator in  
Edinburgh,  
against John  
Wilson, son of  
James Wilson,  
burgess of  
Glasgow, and  
George  
Norrell,  
notary in the  
Canongate, for  
illegal warding  
in the Tolbooth  
of Edinburgh.

Fol. 168, a.

Complaint by John Trinche, son to the deceased Marion Hardie, wife of John Trinche in Haymouth, as follows:—The said Marion Hardie upon some sinister information by her “unfreinds,” though guilty of no crime, was apprehended by the Sheriff of Berwick and warded in “the pitt of Haymouth.” She was there “in great miserie,” but being “under the hand of justice” ought to have been in safety. Yet on 19th January last, Duncan Kendla, keeper of the said pit, John Gray and James Sinclair, cordiners, James Wilsoun, tailor, James Ker, weaver, in Haymouth, and Thomas Hynde, servitor to John Brown there, with others, went to the said pit, and without warrant or commission “aganis the compleaner, putt violent hands in her persoun, band her armes with towes, and so threw the same about that they disjointed and mutilat both her armes, and made the sinewes to loupe

Complaint by  
John Trench  
in Eyemouth  
against  
Duncan  
Kendla and  
others for  
assault on his  
mother,  
Marion Hardie,  
now deceased.



asunder, and thairafter with thair hail force drew ane great tow about her waist, kuist her on her backe, and with thair knees they birsed, bruised and punsed her so that she wes not able to stirre, strake the heid of ane speir throw her left foote, to the effusioun of her blood in great quantitie and perrell of her lyffe, wherethrow she lay bedfast in great pane and dolour a long tyme thairafter." Charge having been given to the persons named, and the pursuer compearing but none of the defenders, the Lords ordain them to be denounced and escheat.

Decreta,  
November  
1627-January  
1630.  
Fol. 168, a.

The letters in  
the Spanish  
ship.

See *ante*, p. 32.

"The quhilk day M<sup>r</sup> Williame Levingstoun, Admirall Depute, compeirand befor the Counsall, declairit that the most pairt of the letters being in the Spanishe ship tane be the ship of Birsto wer brynt and the few nomber that remaynes ar in the maisteris cabinett. Ordanis M<sup>r</sup> Williame to exhibite suche of the letters as ar extant this day xv dayis."

Sederunts,  
1625-29.  
Fol. 111, b.

Anent the  
erection of  
Stornoway into  
a royal burgh.

"The Lordis, according to the directioun of his Majesteis letter, remittis to the Exchekquhair the advising of the ansueris, replyis and duplyis, maid and gevin in for and aganis the Earle of Seaforte his patent for erecting of the toun of Stranway in a burgh regall."

Fol. 112, a.

Mourning to be  
worn by the  
Lords of  
Council and  
the Lords of  
Session for the  
death of the  
Prince of  
Bohemia.

"The Lordis, according to his Majesteis directioun signified unto thame be Sir James Baillie, and for testificatioun of thair trew greiff and sorrow for the untymous deathe of the worthie and hopefull Prince of Boheame, thay haif resolved and appointed to be all in murning; and ordanis Sir Johnne Scott to mak intimatioun thairto to the Lordis of Sessioun to the intent thay may conforme thame selfis thairto."

Holyrood  
House, 10th  
February 1629.

Treasurer; Privy Seal; Mairshaell; Lord Arskene; Bishop of  
Dumblane; Advocate; Justice Clerk; Sir John Scott.

Anent the  
dispute  
between the  
Lairds of  
Carron and  
Ballindallach.

"The Lordis haveing hard and considerit the depositions of the witnessis produceit be the relict of James Grant of Carroun on the one pairt, and be Ballindallach on the other pairt, for cleiring of the circumstaneis of the slauchteris fallin oute betuix thame, the Lordis ordanis the depositions to be send to his Majestie with ane letter of thair awne."

Holyrood  
House, 10th  
February 1629.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 168, b.

Supplication  
by Andrew  
Anderson,  
indweller in  
Edinburgh,

Complaint by Andrew Andersoun, indweller in Edinburgh, as follows:— He has been denounced at the instance of Thomas Crawford in Kirkurde for not compearing to answer to a complaint of wounding him with a

<sup>1</sup> The prince here meant was the eldest son of Frederick V., the Elector Palatine, the husband of Charles's sister, Elizabeth. He met his death under peculiar circumstances. His father had been on a visit to Amsterdam in connection with money which he had deposited in the bank of that city. On leaving Amsterdam the father and son were crossing the Haarlem

Meer in the common packet-boat which upset from excess of cargo. The prince clung to the rigging, but next morning was found frozen to death and half immersed in water. His father was known for his niggardly temper, and it was made a bitter reproach to him that his miserable economy in sailing in the common boat had been the cause of his son's death.

Decreta,  
November  
1627-January  
1630.  
Fol. 168, b.  
Fol. 169, a.

fork ; but he ought to be relaxed, as he has fully satisfied the said Thomas for the injury done to him, and he has freely remitted the same, and given his consent to this relaxation, as their agreement produced to their Lordships bears. Charge having been given to the said Thomas Crawford in Kirkurd for suspension of his horning.  
Crawfurde, and the pursuer compearing but not the defender, the Lords grant suspension as craved.

Fol. 168, b.

Petition by John Cocke, writer to the Signet, as follows :—Mr. James Stewart of Ladywell, Commissary of Dunkeld, with consent of Alexander, Bishop of Dunkeld, on 28th January last, appointed the petitioner Commissary depute within the bounds of the said Commissariat of Dunkeld situated on the south side of the Water of Forth and comprehending the parishes and parish kirks of Abircorne, Crawmond, Aberledie, Bonkle, and Prestoun in the Merce, with power to hold courts and conduct the Commissary business. Now, there is no settled judicatory within these bounds, and the petitioner's predecessors were in use to hold their courts within the tolbooth of Edinburgh, as the nearest and most convenient place, and accordingly he craves warrant and dispensation from their Lordships for the same effect to himself, which the Lords forthwith grant.

James Phin, mariner, who for "misbehaviour and bragging aganis Alexander Browne, merchant burgess of Edinburgh," had been required to find lawsurety to him in 500 merks, compeared and deponed on oath that he could find no one to be cautioner for him. The Lords therefore took his own great and solemn oath to the above effect.

Commissions,  
1624-30.  
Fol. 190, a.

Commission under the Signet to the Sheriff of Dumfries, the Laird of Lag, and the provost and bailies of Dumfries, or any three of them, as justices, to hold courts and try Jean Smith in Amisfeild, who on January last came under cloud and silence of night and raised fire in the dwelling-house of Bessie Langtoun at the kirk of Tynnell "by insetting of a peit coale quhilk she caried frome her awin hous in Amisfeild toun, and sua most maliciously and wickedlie brint the said hous with sevinteen houses thairabout and the cornes, goods and what ellis wes within the same." She has confessed to this, and there are not wanting presumptions that she also is guilty of setting on fire several houses "in Amisfeild toun, and at the barre of Tynnell." Signed by Mar, Hadintoun, Mairshall, Areskine, Dumblane, S<sup>r</sup> George Elphinstoun, S<sup>r</sup> Thomas Hoip, and Scottistarvett.

Fol. 190, b.

Commission under the Signet to John, Lord Lowdoun, Shireff of Air, and his deputes, jointly and severally, as justices, to hold courts and try Hew Torrence, "cowper" in Newmylles, who on 1st February instant, under cloud and silence of night, barbarously slew Bartilmew Kirkland, and being taken "with the bloodie hand" is now prisoner in the jail of Newmyllis. Signed as above.

Royal Letters,  
1623-32.  
Fol. 152, a.

"After our verie heartilie commendatiouns. We have received and considerit your report and diligence anent the nominatioun of com-

Holyrood  
House, 10th  
February 1629

Letter of Council to the Sheriff of Dumbarton desiring him to effect the nomination of two persons suitable to be Commissioners for the next Parliament.

missioners for the ensewing Parliament; bot becaus we ar not certane if thir commissioners be freeholders of his Majestie and so persouns of that qualitie as ar warranted be Act of Parliament to be commissioners, and least objectioun be made aganis thame if they be not freeholders of his Majestie, these ar thairfoir to requeist and desire yow to informe your selffe trewlie and sufficientlie anent this point, and if yow shall find that thir commissioners ar not his Majesties vassalls and freeholders and so be the law capable of suche ane employment, that immediatlie yow conveene the small barouns and freeholders of that shirefdome, and at their meeting that a new nominatioun and choise be made of twa sufficient and famous persouns, being his Majesteis vassalls and freeholders, ather of thame having at the least ane fourtie shilling land of auld extent haldin of his Majestie, to be commissioners for the said Parliament; and that yow report ane autentik act of thair electioun and nominatioun to his Majesteis Counsell betuix and the first day of Marche nixtocome; quhilk looking assuredlie yow will doe, as yow respect the forderance and advancement of his Majesteis service, we committ yow to God. Frome Halyruidhous the tent day of Februarie 1629. *Subscriptur*, Mar, Hadintoun, Marishell, Areskine, Dumblane, Sr Thomas Hoip, Sr George Elphinstoun, Scottistarvett.”

Royal Letters  
1628-32.  
Fol. 152, a.

Holyrood House, 12th February 1629.

*Sederunt*—Treasurer; Privy Seal; Mairshall; Galloway; Lorne; Areskine; Tracquir; Bishop of Dumblane; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Acta February  
1628-July  
1629.  
Fol. 88, a.

In view of his Majesty's visit at the approaching spring, the prohibition against the importation of French wines is removed by ordinance of Council.

“Forsameekle as the Kings Majestie is resolved, God willing, to hounour this his ancient kingdome with his royall presence at the approcheing Spring, and his Majestie will be accompanied with diverse of the nobilitie, gentrie and others persouns of good ranke and qualitie of the kingdome of England, and his Majestie wiselie foreseeing that it will muche import the honnour and credite of this kingdome that the same be sufficientlie provydit with all things necessar whilks may procure his Majesteis royall and contented receptioun heere, Thairfoir his Majestie is graciouslie pleased that the importatioun of wyne sall be free to all his Majesteis subjects at all the ports and bayes of this kingdome without anie trouble to be incurred be thame in thair persouns or goods, notwithstanding of anie acts or proclamatiouns formerlie made restraying the importatioun of Frenshe wyne, whereanent his Majestie dispenses, they alwayes paying the accustomed dewtie and import to his Majestie, and with this special provisioun and prohibitioun that there sall be no sale of wyne at the port of Leyth till his Majesteis hous be first provyded. Thairfoir the Lords of Secreit Counsell 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 neidfull whairthrow nane pretend ignorance of the same.”

Fol. 88, b.

Acta February  
1628-July  
1629.  
Fol. 88, b.

"Forsameekle as the Kings Majestie hes by diverse letters directed to the Lords of his Majesteis Privie Counsell recommendit unto thame to have a special care for the religious educatioun of noblemens children whois parents ar reputed to be disconforme frome the present profest religioun to the intent they may be bred and trayned up in the trew grounds of religioun; Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging Williame, Erle of Angus, to compeir personallie before the Lords of Secreit Counsell upoun the day of Februarie instant, and to bring, present and exhibite with him James Dowglas, his sonne, and Jeane and Margaret Dowglasses, his daughters, to the intent ordour and directioun may be givin for thair educatioun and breeding in the grounds of trew religioun, conforme to his Majesteis expresse will and pleasure signified to the saids Lords for that effect, under the pane of rebelloun, etc., with certificatioun, etc."

Charge to the Earl of Angus to appear with his children before the Council in order that direction may be given for their education in true religion.

Decreta,  
November  
1627-January  
1630.  
Fol. 169, b.  
Fol. 170, a.

[Sederunt as recorded above.]

Holyrood  
House, 12th  
February 1629.

Complaint by William Inneis of Auchindurrane and Jeane Inneis, his spouse, as follows:—On October last John Inneis of Crombie came to the lands of Tulliffaff and the complainer's house there, and most insolently searched through the same for the said William Inneis to have slain him. Missing him, but meeting with the said Jean Inneis, his wife, he barbarously abused her "with battounes and rungs," to the great effusion of her blood, and so "strake, birsed, and bruised" her that she has since been bedfast and is not like to convalesce. Charge having been given to the said John Inneis, and the pursuer compearing but the defender not, the Lords ordain him to be denounced and escheat.

Complaint by William Innes of Auchindarran and Jean Innes, his spouse, against John Innes of Crombie for assault on the said Jean Innes.

Complaint by James Smallat, merchant burghess of Dumbartane, master and owner of the ship sometime called *The Providence of Dumbartane*, for himself and the remanent partners of the said ship and its cargo, as follows:—On 15th July last Donald M<sup>c</sup>Hectour V<sup>c</sup>Rorie in Scallisdalbeg, John M<sup>c</sup>Cachine V<sup>c</sup>Ewin, captain of Cairnborrow, Lachlan, his son, Neill Roy M<sup>c</sup>Gorrie in Ardisgagge, Hector M<sup>c</sup>Ean Dowy V<sup>c</sup>Lauchlane in Borge, Lauchlane M<sup>c</sup>Eane Dowie V<sup>c</sup>Lauchlane there, John M<sup>c</sup>Illewredie in Torsarie, Neill M<sup>c</sup>Carren, Archibald Reoche Bea there, Donald M<sup>c</sup>Illewredie there, Charles M<sup>c</sup>Lauchlane V<sup>c</sup>Ewin in Killenynyne, Hector M<sup>c</sup>Rorie Voir in Torlosk, John M<sup>c</sup>Donnald Ropiche in Fanmoir, Murche M<sup>c</sup>Intailyeour there, Murchie M<sup>c</sup>Gowry there, John, his son, there, John Dow M<sup>c</sup>Nucatter there, Mulchallum Neill Eir in Kilmichell, John and Ferquhar, his sons, there, Lachlan M<sup>c</sup>Orkill in Cames, Donald M<sup>c</sup>Lauchlane Roy there, Ewin M<sup>c</sup>Gillechrist V<sup>c</sup>Cartnay in Oskamull, John M<sup>c</sup>Donnald V<sup>c</sup>Shirrie there, Duncan M<sup>c</sup>Eane Glas V<sup>c</sup>Shirie there, Mr John Campbell in Corkamure, Gilmertene, his man, there, John M<sup>c</sup>Eane V<sup>c</sup>Caldie in Collonsa, Donald M<sup>c</sup>Eane Dowie V<sup>c</sup>Caldie there,

— M<sup>c</sup>Lean of Lochbuy, Hector M<sup>c</sup>Lean, elder, and Hector M<sup>c</sup>Lean, younger, of Dowart, denounced rebels for refusing to produce Donald M<sup>c</sup>Hector V<sup>c</sup>Rorie and others, now at the horn for spoliation of a ship called "The Providence of Dumbarton."

Fol. 170, b.

Finlay Bayne M<sup>c</sup>Gressiche there, Gillicallum M<sup>c</sup>Vorchie in Abose, Donald M<sup>c</sup>Lauchlane Doy there, Donald M<sup>c</sup>Donnald Reoche in Cullenusche, Gillicallum M<sup>c</sup>Donnald V<sup>c</sup>Eane Veill there, Lauchlan M<sup>c</sup>Donnald V<sup>c</sup>Gnorie in Ballezartna, John Dow M<sup>c</sup>Illereoeche there, John M<sup>c</sup>Caldie Kil V<sup>c</sup>Ewin, Gillicallum, his son, there, Neill M<sup>c</sup>Donnald Roy V<sup>c</sup>Kaldie in Craigage, Gnorie M<sup>c</sup>Neill V<sup>c</sup>Donnald there, Dow M<sup>c</sup>Dowche V<sup>c</sup>Cleriche in Ormaige, John M<sup>c</sup>Worche V<sup>c</sup>Eane Doy there, M<sup>c</sup>Gnorie of Carnakalliche, Molcallum M<sup>c</sup>Kaldie there, Neill M<sup>c</sup>Killereoeche there Myldoniche M<sup>c</sup>Nokeardie there, Lauchlan M<sup>c</sup>Orkill there, Donald M<sup>c</sup>Lauchlane Roy there, Neill Kear in Nwa, Lachlan M<sup>c</sup>Eane Doy V<sup>c</sup>Kaldie there, John Bayne M<sup>c</sup>Intailyeour [in] Dowchoren, Gillepatrick M<sup>c</sup>Donnald Oig there, John M<sup>c</sup>Finlay Roy there, Rorie Nynidge in Frekadill, Archibald Reoche M<sup>c</sup>Gilliphatrik in Killenynyne, John Roy M<sup>c</sup>Eane Roy V<sup>c</sup>Vorchie there, Neill M<sup>c</sup>Donald Glas there, Donald Campbell M<sup>c</sup>Donald V<sup>c</sup>Cleriche, Archibald Nafachie in Torlosk, Rorie M<sup>c</sup>Eane V<sup>c</sup>Kyniche there, John M<sup>c</sup>Killenane there, Donald and Gillespick V<sup>c</sup>Eane V<sup>c</sup>Kynnich there, John Oir there, Donald M<sup>c</sup>Eane Doy V<sup>c</sup>Eachin in Corkamure, Finlay M<sup>c</sup>Finlay Doy in Killurenane and John Roy M<sup>c</sup>Kinley Oig, piper, there, were put to the horn at complainer's instance for not compearing to answer for the spoliation of his ship and cargo (see Vol., II. p. 340), and they still remain thereat contemptuously unrelaxed. Now the said Donald M<sup>c</sup>Hectour V<sup>c</sup>Rorie in Scallisdelbeg is man, tenant, and servant to M<sup>c</sup>Claine of Lochbuy, and all the rest are men, tenants, and servants to Hector M<sup>c</sup>Claine, elder, and Hector M<sup>c</sup>Claine, younger, of Dowart, his eldest son, and are such as they should answer for. Charge having been given to the said M<sup>c</sup>Claine of Lochbuy and Hector M<sup>c</sup>Claine of Dowart, younger and elder, to produce these persons, and the pursuers compearing by George Deans, writer in Edinburgh, and the defenders not, the Lords ordain them to be denounced and escheat.

Decreta,  
November  
1627-January  
1630.  
Fol. 170, b.

Fol. 171, a

Beggars.

"That the Actis concerning beggaris be searched and produceit upoun Twisday."

Sederunts,  
1625-29.  
Fol. 112, b.

Letter from his Majesty anent the importation of wines. See *ante*, p. 44.

"This article following wes contenit in Sir James Baillies directionis frome his Majestie—Yow sall showe our pleasour to our Counsaill and Excheckquhair that thay gif intimatioun to all personis and at all placeis requisite that we haif grantit connivence for the importing of wyne, permitting every man at all the portis and bayis of that our kingdome freele and without stop to bring home the same wyne, thay paying unto us the accustomat dewtie thairfoir, dischargeing alwayes at the porte of Leith all saile of wyne till our house be first sufficientlie providit."

Holyrood House, 12th February 1629. Letter to his Majesty conveying the

"Most sacred Soverane, Having in obedience of your Majesteis letter conveenned before us the relict with some freinds of the lait Goodman of Carroun, on the ane part, and the Goodman of Ballindallach, on the other part, for cleering of the forme and maner of the slauchter that

Royal Letters,  
1623-32.  
Fol. 153, a.

Royal Letters,  
1623-32.  
Fol. 153, a.

fell out betuix thame, and having heard and discust the objectiouns propounded be either of thame aganis the witnesses produced be thame in this earand, we have verie strictlie examined the saids witnessis upoun everie particular that might procure a cleere discoverie of the whole forme, maner and circumstances of that accident, whois depositions we have heere with sent unto your Majestie, to the intent your Majestie, after consideratioun thair of, may, in the excellencie of your royall judgement, determine thairin accordinglie. And so, etc. *Subscriptur*, Mar, Hadinton, Galloway, Dumblane, Areskine, Tracquair, Sr George Elphinstoun, Scottistarvet, James Baillie. Halyruidhous, 12 February 1629.”

depositions taken anent the dispute between Carron and Ballindallach.

“Most sacred Soverane, The great scarcetie of copper coyne within this kingdome and the grevous outcryes of the poore, quho ar thairby defraudit of thair charitable almes, togidder with the hinderance whiche the want of small exchange hes occasiouned in the ordinar commerce and handling amongis the commoun sort of people, being represented unto us be the burrowes, and the aforesaidis prejudices being weill knowin to us all, we have thought good, for remedie thair of, to acquaint your Majestie with the same, and to become humble petitioners to your Majestie that your Majesty would be graciouslie pleased to give warrand and directioun for striking suche a quantitie of copper coyne in penneis and twa pennie peeces for releefe of the poore as the Counsell, after consideratioun, sall find the estait of the countrie to require. And so, etc. Halyruidhous, 12 February 1629. *Subscriptur*, Mar, Hadintoun, Galloway, Dumblane, Areskyne, Traquare, Sr Thomas Hoip, Sr G. Elphinstoun, Scottistarvet, James Baillie.”

Holyrood House, 12th February 1629: Letter to his Majesty praying that he would grant a warrant for the coinage of pennies and twopenny pieces for the benefit of the poore.

Acta February  
1628-July  
1629.  
Fol. 88, b.

*Sederunt*—Treasurer; Privy Seal; Seafort; Lord Areskine; Lord Carnegie; Lord Jedburgh; Bishop of Dumblane; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Holyrood House, 17th February 1629.

“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, ressaved and admitted Andro, Lord Jedburgh, to be one of the ordinarie number of his Majesteis Privie Counsell, and to enjoy all honnours, digniteis and priviledges proper and dew to that place; lykeas the said Lord being personallie present and acknowledging with most humble and dewtifull respect his Majesteis gracious favour showin unto him in preferring him to this high place 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 alleageance 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 cousines and counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Whereas being enformed of the sufficiencie of our trustie and

Andrew, Lord Jedburgh, admitted a member of the Council.

Fol. 89, a.

weilbelovit Andro, Lord Jedburgh, and of his affectioun to doe us service, we ar pleased in regard 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 in that our kingdome. It is thairfore our will and pleasure and we doe heereby require yow that having administred unto him the oath accustomed in the lyke case yow admitt him to be one of our Privie Counsell there, receaving him in that place as one of your number; for doing whair of these presents sall be unto yow a sufficient warrand. Frome our Court at Whitehall the sixteenth day of Januarie 1629.”

Acquittance to the Earl of Nithsdale and Sir James Baillie for the £3000 granted to them for the levy of soldiers for the service of the King of Denmark.

“ Forsameekill as the Kings Majestie by his letter writtin and directed to the Lords of his Privie Counsell hes signified his royall knowledge that Robert, Erle of Nithisdail, hes reallie bestowed the foure thowsand pund sterline whilk he did ressave for the leveying and transporting of some forces frome this kingdome for the supplee of his Majesteis darrest uncle, the King of Denmarke, in the warres whairin he wes ingadged to that same use, for the whilk the said sowme wes destinat and appointed, Thairfoir the saids Lords, according to ane warrand and directioun in writt signed be the Kings Majestie and this day presented unto thame, exoners, releeves and discharges the said Robert, Erle of Nithisdail, and Sir James Baillie, knight (who become suretie for the imployment of the saids moneyes towards the leveyes foresaids), of the whole conditionns whairunto they wer bound by ane act insert and registrat in the bookes of Privie Counsell to that effect, and declaires thame and either of thame to be free of the said act and of thair oblisement foresaid for ever. 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 trustie and weilbelovit counsellours, we greete yow weill. Whereas our right trustie and weilbelovit cousine and counsellour the Erle of Nithisdail did receive foure thowsand pund sterline for leveying and transporting frome that our kingdome some forces for our uncle the King of Denmarke his better supplee in the warres whairin he is at this tyme ingadged, and since it is weill knowin that the said Erle did not onelie bestow the said foure thowsand pund reallie to that use, bot that the forces leveyed and transported be him stood to the said Erle to a good deale of more charges than the said foure thowsand pund, our pleasure thairfoir is that yow discharge the said Erle and our trustie and weilbelovit Sir James Baillie, knight (who become suretie for the imployment of that money in these leveyes), of the whole conditionns whairto they ar bound by anie act for the said money and leveyes so conditioned, for doing whair of these presents sall be unto yow a sufficient warrand. Givin at our Court at Whitehall the 27<sup>th</sup> day of November 1628.”

Prohibition against the selling and

“ Forsameekill as the slaying, selling, and eating of fleshe in Lentroun hes benee upoun verie good respects and considerationis by diverse Acts

Acts February 1628-July 1629. Fol. 89, a.

Fol. 89, b.

Acts February  
1628-July  
1629.  
Vol. 89, b.

of Parliament and Secreit Counsell straitlie prohibite and forbiddin under eating of all  
certane panes mentiouned and conteanned in the said Acts, by the quhilks kinds of flesh  
lykewayes the slaughter of wylde foule and vennisoun hes beene alsua during Lent  
dischairged, as in the Acts made to this effect at more lenth is conteanit; and against  
And whereas now there is a greater necessitie of the precise observatioun the hunting of  
of the saids Acts nor there wes at anie tyme of before, seing his Majestie game within  
is resolved, God willing, in this approcheing Spring to honnour this his eight miles of  
ancient kingdome with his royall presence, and that the credite and residences, in  
reputatioun of the countrie requires that his Majestie and his tryne shall view of his  
be abundantlie furnished with all kynde of fleshes, wylde foule, and Majesty's  
vennisoun, during the tyme of his abode heere; neverthelesse the Lords approaching  
of Secreit Counsell ar informed that great numbers of persouns of all visit.  
rankes and qualiteis, preferring thair awin privat contentment to his  
Majesteis obedience and to the honnour and credite of the countrie and  
to thair awin dewteis, ceasses not in tyme of Lent to sell, slay, and eate  
flesh at thair pleasure; as alsua the slaughter, destructioun, and publict  
selling of wylde foule in opin marcats is more avowed since the making of  
the lait proclamatioun aganis the slaying and selling of the same nor it wes  
at anie tyme preceeding; by the quhilk publict and disgracefull contempt  
of his Majesteis auctoritie and lawes there is verie great appearance that  
there will be ane universall skairsetie and dearth not onelie of all kynde  
of fleshes bot of vennisoun and wylde foule at the approcheing tyme of  
his Majesteis heere comming, whairupoun will not onelie follow the dis-  
credite and disgrace of the countrie but the high discontentment and  
offence of his Majestie if anie thing sall be enlaiking that may concerne  
his royall receptioun heere. And whereas the bypast connivence and  
oversight givin to persouns offending in this kynde is one of the cheefe  
inducements quhilk procures the universall contempt and breake of the  
law, and the Lords of Secreit Counsell, finding by experience that the  
dew executioun of the law aganis persouns offending is the most powerfull  
meane to deteane thame under obedience; Thairfoir the saids Lords hes  
resolved with all rigour and extremitie and without respect to persouns  
to punish all suche who darre presooome heerafter to violat the law in  
this so important a tyme when the observatioun of the same tuiches the  
countrie so neerlie in honnour and credite, Thairfoir ordanis letters to be  
direct to command, charge and inhibite all and sindrie his Majesteis  
lieges and subjects of what estait, qualitie or degree so ever they be, 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 during this forbiddin tyme of Lent to eate or make  
readie for eating anie kynde of flesh under the paines following to be  
uplifted of everie persoun contraveening so oft as they sall failie, that  
is to say—of everie earle, ane hundreth pund; of everie lord, ane  
hundreth merkes; of everie baroun, fourtie pund; of everie burges,  
castler, and commoun cooke, that sellis meit and drinke, fourtie pund;

Vol. 90, a.



and of everie other gentleman suche sowmes of money as sall be imposed upoun thame be the judges before whome they sall be tryed ; As alsua that no fleshours presooome nor take upoun hand to slay or sell fleshe during the tyme foresaid under the pane of fourtie pund so oft as they failyie ; and by and attoure the payment of thir pecuniall sowmes the offenders sall be severelie punished in thair persouns be warding and otherwayes to the terrour of others to offend in the lyke kynde heer-after. And siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estait, qualitie or degree so ever they be, that nane of them presooome nor take upoun hand to hunt, shoot 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 grewhoundes within aucht myles of his Majesteis palaces of Linlithgow, Halyrudhous, Stirlin, Dumfermlin, Falkland and burrowes of Perth and Brechin, certifeing all suche who sall presooome to doe in the contrair that they sall be punished in thair persouns and goods with all rigour conforme to the Acts and proclamations formerlie made thereanent. And siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presooome nor take upoun hand to sell, buy, slay or eate anie kynde of lambes, nor any powttes, nor other kynde of wylde foule untill the tyme of his Majesteis comming to this kingdome, under the pane of fourtie punds to be incurred be everie persoun or persouns contraveening so oft as they sall happin to failyie ; certifeing thame that sall doe in the contrair that besides the payment of the particular sowmes abonewrittin they sall be punished in thair persouns be waidding and otherwayes to the terrour of uthers. And siclyke to command all and sindrie shireffs, stewarts, provests and bailleis within burgh and all others bearing anie publict office or charge within this kingdome that they and everie ane of thame within the bounds of thair severall offices and jurisdictionis have a speciall care and regaird to see this present act observed in everie point, and that they caus attend thair mercats and carefullie foresee that no lambes nor no kynde of wylde foule young or old be bought or sauld within the same ; and where they sall happin to discover anie persoun or persouns contraveening thir presents in anie point of the premissis that they take speciall notice of thame and informe the Lords of his Majesteis Privie Counsell thair of, to the intent the offenders may be callit, conveened, persewed and punished accordingle, as they and everie ane of thame will answeere to the saids Lords upoun the dewtifull discharge of thair offices.”

The arms to be carried at his Majesty's coronation.

“The Lords of Secreit Counsell having heard the propositioun and doubt moved by the Lyoun Herauld whether or not at his Majesteis coronatioun he sould carie the single armes of Scotland or the armes quartered as now is used, the Lords thinks that the heraulds must carie the armes quartered and mixt with these of England, France, and Ireland, according as hes beene heeretofore observed in all publict solemniteis both in Scotland and England.”

Acta February  
1628-July  
1629.  
Fol. 90, a.

Fol. 90, b.

Acta February  
1628-July  
1629.  
Fol. 90, b.

"The Lords having seene the Lyoun Herald, the heraulds and purse-  
vants thair coates of armes, they find the same sufficient, and that thair  
is no necessitie to renew or repaire the same." Coats of arms  
at the corona-  
tion.

"The Lords of Secreit Counsell having heard the officers of the Cunzie-  
hous and some of the merchant traffiquers toucheing the difference of the  
rex dollours amongs thameselfes in value, weight or fynnesse, the Lords  
ordanis the Maister of the Cunziehous to try the dollours, callit the  
Matthias dollour, the Spinolas dollour, the Beare dollour, and the  
Ramme dollour, and to report thair fynnesse to the Counsell, to the  
intent that comparing thame with the best Rex dollour, ordour may be  
tane for allowing or discharging thair course as apperteanes." Anent the try-  
ing of dollars.

[Sederunt as recorded above.]

Holyrood  
House, 17th  
February 1629.

Decreta,  
November  
1627-January  
1630.  
Fol. 171, b.

Complaint by Sir Alexander Falcouner of Halkertoun, knight, as  
follows:—On 12th November last Alexander M<sup>c</sup>Intoshe of Auldorie  
and Hector M<sup>c</sup>Intoshe of Easter Urquhill, as cautioners for Captain  
William M<sup>c</sup>Intoshe, one of the captains under the Earl of Nithisdail,  
were put to the horn at his instance, the said Alexander for not paying  
to him five dollars "for everie man enlaiking, unleveyed, mustered and  
transported of the number of threttie sax men," and the said Hector for  
not paying the same sum for every man "of ten men," which horning  
they contemptuously despise. Charge having been given to them to  
compear on pain of caption, and the pursuer compearing but not the  
defenders, the Lords ordain charge to be given to the Sheriff of Inver-  
ness and his deputes to search for and apprehend the said defenders,  
take their houses and inventory their goods, within three days, on pain  
of rebellion. Warrant for  
the apprehen-  
sion of  
Alexander  
M<sup>c</sup>Intoshe of  
Auldorie and  
Hector  
M<sup>c</sup>Intoshe of  
Easter  
Urquhill.

Fol. 172, a.

Petition by James Kennedie of Blairquhan and Josias Stewart of  
Bonytoun, as follows:—The protections granted to them expire on 20th  
instant, and their Lordships formerly prescribed that if they did not take  
steps for the satisfaction of the Laird of Kilkerran, they should have no  
further warrant. For some days back their friends have been dealing  
with the said Laird, and there is now a submission drawn up of their  
differences to the Sheriffs of Edinburgh and Galloway, and some other  
gentlemen, and parties have consented that their deliverance should be  
delayed till a convenient time. Moreover, the petitioners are busy with  
the preparation of the securities between them and their creditors for  
the relief of the Earl of Galloway, who stands engaged for them in great  
sums, and they therefore desire a further continuation of their protection.  
This the Lords grant till the 26th of February instant at night. Continuance of  
protection to  
James  
Kennedy of  
Blairquhan and  
Josias Stewart  
of Bonnyton.

Fol. 172, b.

Petition by George Lawder of Bas, and Dame Isabel Hepburne, his  
mother, as follows:—Their protection for going about and settling with  
their creditors expires on 20th instant, and they are carefully engaging  
themselves in this work, being resolved to dispone and sell such of their  
 Continuance of  
protection to  
George Lawder  
of Bas and  
Dame Isabel  
Hepburn, his  
mother.

lands as will bring matters to a happy issue. Towards this they are leasing some parts of their lands which never were leased before, in order to ascertain the value of them, but this requires some time and leisure to be rightly done. They therefore request a continuation of their protection, which the Lords grant till 15th March next.

Decreta,  
November  
1627-January  
1630.  
Fol. 173, a.

Holyrood House, 17th February 1629. Commission to the provost and bailies of Tain to try Hector M'Ewen, and others, who are accused of unnatural crimes.

Commission under the Signet to the provost and bailies of Tayne, as justices, to hold courts and try (1) Ewin M'Ewin, son to Hector M'Ewin in Badeall in the parish of Roskein, who according to the report of the presbytery of Tayne "hes committed the abominable and odious cryme of sodomie by covering of ane meir and using carnal copulation with her." He afterwards absconded, but hes lately returned, thinking the lapse of time would place his crime in oblivion, but he has been apprehended, and is now prisoner in the tolbooth of the burgh of Tayne; (2) Donald M'Oshie, in Multivie, who by the same report has committed the crime of incest with \_\_\_\_\_, his daughter-in-law, "and hes procreat three childrein with her"; and (3) William M'Finlay in Tarbatt, who has been guilty of the like crime with \_\_\_\_\_, his daughter-in-law, "with quhom he hes begotten ane childe." Signed by Mar, Hadintoun, Seafort, Carnegie, Dumblane, A. Jedburgh, and S<sup>r</sup> Thomas Hoip.

Commissions,  
1624-30.  
Fol. 191, a.

His Majesty's coronation.

"Ane missive to the Secretair requiring a resolutioun and ansuer to be returnit frome his Majestie toucheing his approbatioun or disallow-  
ance of the forme of coronatioun that wes send up to his Majestie."

Sederunts,  
1625-29.  
Fol. 112, b.

The letters found in the Spanish ship. See ante, p. 42.

"The quhilk day M<sup>r</sup> Williame Levinstoun, Admirall depute, producit befor the Lordis ane wallatt with the letters being in the Spanishe ship laitlie drevin in upoun the coast of Galloway, whair of thair wes twa bookes gevin to M<sup>r</sup> Williame Livingstoun, and the letters ordainit to be sent to the Secretar to be showne to his Majestie according to his pleasour signifeit thairanent."

Fol. 113, a.

The sub-commissioners of teinds.

"That letters be direct aganis the presbyteryis who hes not reportit thair diligence anent the nominatioun of subcommissionars."

Anent the tanning.

"The Lordis continewis the mater anent the tanning till the fourte of Marche. The Lord Arskene personalie, with John M<sup>c</sup>Naucht, and M<sup>r</sup> Alexander Guthrie, who ar warnit *apud acta*."

Wool.

"The Lordis continewis the advyseing of the reportis anent the woll till Thurisday."

The sub-commissioners of Caithnes.

"Ane missive to the Bishop of Caithnes anent the subcommissionaris of Caithnes."

Holyrood House, 19th February 1629.

Sederunt—Treasurer; Privy Seal; Mairshall; Wyntoun; Seafort; Bishop of Dumblane; Carnegie; Jedburgh; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Acta February  
1628-July  
1629.  
Fol. 90, b.

Anent the guardians of minors.

"Forsameekill as the Lords of Secreit Counsell considdering the great hurt and prejudice that divers minors hes susteained by the granting of gifts of tutorie dative to persouns who hes provin most unworthy of

Fol. 91, a.

Acta February  
1628-July  
1629.  
Fol. 91, a.

that trust committit unto thame and aganis dewtie and conscience hes unworthilie spent and putt away the minors goods, for remeid whairof in tyme comming the Lords of Secreit Counsell ordanis that no gift of tutorie dative be past heerafter in Exchecker till first the persoun in whois favour the gift is conceaved find cautioun actit in the Bookes of Exchecker that he sall discharge the office of tutorie dative faithfullie and dewtifullie."

"Forsameekill as the Lords of Secreit Counsell hes found by the report of some of the shireffs and justices of peace within this kingdome to whome the saids Lords recommendit the taking of notice how the pryces of victuall reuled within the bounds of thair offices and if they wer within or abone the pryces allowed for the restraint of exportatioun of the same, that the pryces of the meal and aitts ar now rissin to ane higher rate nor allowes and admitts the exportatioun of the same, so that the exporting thairof will prove verie hurtfull and prejudiciall to the countrie and raise the pryces of the same to suche ane high rate that the poore ones will be disabled to buy the same; Thairfoir the Lords of Secreit Counsell, upoun verie good and considerable grounds, importing the weale and benefite of the countrie, hes discharged and be the tennour heerof discharges the transporting of aitts and meale furth of the kingdome at anie tyme heerafter, ay and whill the saids Lords upoun certane knowledge that the pryces thairof ar fallin give warrand and directioun in the contrair; and ordanis letters to be direct to make publicatioun heerof at the mercat croces of the heid burrowes of this kingdome and uthers places needfull whairthrow nane pretend ignorance of the same; and to command, charge and inhibite all and sindrie his Majesteis lieges and subjects and all skippers, mariners and awners of shippes and vessellis, that nane of thame presooome nor take upoun hand to carie anie aitts or meale furth of this kingdome ay and whill the saids Lords give warrand and directioun in the contrair under the pane of confiscatioun of the same with the whole moveable goods and geir perteaning to the awners and transporters thairof; certifeing thame that does in the contrair that the said pane sall be inflicted upoun thame without favour."

"Forsameekle as the Kings Majestie out of his royall and princelie regard of the weale of his subjects and for releeving of thame of the great travellis, charges and expenses that they would susteane if they wer drawin before his Majesteis Commissioun anent the surrenders and teinds to attend the trying of the constant worth of the stocke and teinds of thair lands, his Majestie wes gratuslie pleased to give ordour and directioun that the tryell of thir valuatiouns sould be within the presbytereis and by some selected persouns to be nominat be the presbytereis who sould be authorized and instructed with subcommissiouns to that effect, and letters and charges wer direct aganis the moderators and brethrein of the whole presbytereis within this kingdome for making

Prohibition of  
the exporta-  
tion of oats  
and meal.

Charge to  
certain  
presbyteries  
which have  
failed to  
appoint sub-  
commissiouners  
to ascertain  
the value of  
the stock and  
teinds within  
their bounds.

Fol. 91, b.

choise of the saids subcommissioners according to the ordour and rule sett down in the saids letters, and to have reported thair diligence thair-  
 anent to his Majesteis saids commissioners anent the surrenders and teinds at certane dayes now of a long tyme bygane; whairin altho the most pairt of the presbytereis of this kingdome hes givin all humble and dewtifull obedience, and hes made a tymous report of thair diligence and proceedings, yitt it is of truthe that the moderators and brethrein of the presbytereis of Dumbar, Dunce, Chirnesyde, Hamiltoun, Bute, Argyle, Dumfermline, S<sup>t</sup> Andrewes, Dundie, Arbroth, Brechin, Deir, Aufurde, Dumbennan, and Bamff, hes made no report at all of thair diligence, so that the bussines, whilk is the ground worke of his Majesteis royall intentioun for the weale of his subjects in leading of thair awin teinds, and of his Majesteis annuitie is verie farre frustrat and disappointed, highlie to his Majesteis offence and disappointing of the good and happie conclusioun of so important and necessar a worke. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging the moderators and brethrein of the presbytereis particularlie abonewrittin, that they be one of thair nomber sufficientlie instructed for the brethrein of the presbyterie compeir personallie before the Lords of his Majesteis Privie Counsell upoun the dayes following; to witt, the moderators and brethrein of the presbytereis of Dumbar, Dunce, Chirneside, Hamiltoun, Bute, Argyle, Dumfermline and S<sup>t</sup> Andrewes, upoun the tent day of Marche nixtcome, and the moderators and brethrein of the presbytereis of Dundie, Arbrothe, Brechin, Deir, Aufurde, Dumbennan, and Bamff upoun the xxvj day of the said moneth of Marche nixtcome, and to bring and produce with thame ane sufficient report of thair diligence in the executioun of the directioun and charge foresaid givin unto thame anent the nominatioun of subcommissioners for the effect foresaid, under the pane of rebelloun, etc., with certificatioun, etc.”

Charge to Douglas of Cavers, Sheriff of Roxburghshire, anent commissioners for the approaching Parliament.

“ The Lords of Secreit Counsell having seene and considerit the report made be Dowglas of Cavers tuicheing his diligence in the choise of commissioners for the approcheing Parliament, and the saids Lords being weill advised thairwith, they ordaine the said shireff to conveene the small barouns and free halders of the said shirefdome of new and at thair meeting to impairt unto thame his Majesteis pleasure and directioun that Andro Riddill of that Ilk and Thomas Ker of Cavers be chosin commissioners to the said Parliament, and accordinglie to require thame to putt the saids persouns upoun the lytis and to make choise of thame to be commissioners for the said Parliament as persouns recommendit be his Majestie; and ordanis the said shireff to report his diligence heerin to the saids Lords upoun the xxvj day of Marche nixtcome.”

Acta February 1628-July 1629. Fol. 91, b.

Fol. 92, a.

Holyrood House, 19th February 1629. Complaint by John Kellock,

[Sederunt as recorded above.]

Decreta, November 1627-January 1630. Fol. 173, a.

Complaint by John Kellock, maltman in Leith, tenant to John

Decreta,  
November  
1627-January  
1630.  
Fol. 173, a.

Jonkein, heritable proprietor of the lands where John Kellock dwells, as follows:—On 10th February instant, Patrick Eleis, one of the bailies of Leith, sent for the complainer to come to the Tolbooth, who at once obeyed, for obedience to him as a magistrate. As soon as he came, the said bailie put him in ward “in a filthie hole where all the witches had bene imprissouned,” and still keeps him there, though he be his Majesty’s free liege and not convicted of any offence. Charge having been given to the said Patrick Eleis to compear personally, and to produce the complainer, and also to the provost and bailies of Edinburgh for their interest, and all the said parties compearing, the provost and bailies of Edinburgh defended the action of the said Patrick Eleis as legal and warrantable, “because the saids proveist and bailleis of Edinburgh and the Counsell and bodie of the said burgh ar heretable superiors of the toun of Leith, and that they and thair predecessours be vertew of thair heretable infetments and securiteis have bene in continuall use and possession to make and sett doun acts and ordinances not onelie for the government of the said toun and reteaning of the inhabitants thair of in peace and quyetnes under his Majesteis obedience, bot lykewayes to discharge all the inhabitants of the said toun, being under thair jurisdiction, to make malt, brew or vent aill, bot suche as ar warranted be thame for that effect, and that thair power and priviledge in this point is als goode as the priviledge of anie others barouns in the countrie, who and everie ane of thame within thair several bounds and jurisdiction sufferes nane to make malt, brew nor vent aill, bot be thair permissioun and licence.” The pursuer being cited before the bailies of Leith on 3rd January last was discharged from making malt, brewing or selling ale or beir in Leith until he obtained licence to do so from the Magistrates of Edinburgh, under the penalty of £5, *toties quoties*, and confiscation of “the stuff handled be him,” and he disobeying, and confessing the same, was fined £5, for not paying which he was warded. It was answered by the pursuer, and by Alexander Hay in Leith, his prolocutor, that the said provost and bailies, baron bailies of Leith, have no authority over the pursuer in matters of this kind, because his landlord, the said John Jonkein, being heritable feuar of this tenement in which the pursuer dwells by virtue of his Majesty’s infetment, he and his tenants thereof are “free to make malt and to brew and vent aill and beir at thair pleasure. And forder that the saids bailleis in thair committing of the said persewer to waird hes done wrong and bene more summar nor the lawes and daylie practique and custome of the kingdome allowes, there being no judge within the kingdome, at the least no baroun baillie, who in maters of this kynde may summarilie waird anie parties till first they be lawfullie chargit to fulfill and obey the decret and sentence recovered against thame.” The Lords find that the defenders have been “more summar” in their procedure than they ought, and therefore ordain them to release the pursuer. They remit the decision of the question of

maltman in  
Leith, against  
Patrick Ellis,  
baillie of Leith,  
for illegal  
imprisonment  
—the case  
involving the  
question of the  
superiority of  
Edinburgh  
over Leith.

Fol. 173, b.

Fol. 174, a.

Fol. 174, b.

rights and privileges to the Lords of Session, requesting them to decide the case as speedily as possible, reserving to the defenders their right to summon and fine the pursuers for transgressing their acts and to supersede execution of their decrees till first July next, or sooner if the cause be decided in their favour, in which case it will be lawful to them to enforce their decrees, and recover all the fines incurred by the pursuer during the dependence of the case.

Decreta,  
November  
1627-January  
1630.  
Fol. 174, b.

Petition by Andrew, son to the deceased Andrew Wardlaw of Torrie, now a minor, for protection against his creditors. Granted till he attains the age of twelve.

Petition by Andrew Wardlaw, son to the deceased Andrew Wardlaw of Torrie, as follows:—"Shortlie after the deceasse of his said umquhill father, when he wes uncapable, as he is yitt, of good advice and counsell, and hes not the judgement nor discretioun to forsee suche things as concerne his weale, he not being yitt past sevin yeeres of age, some persouns who hes the charge of his education, being ignorant, as appears, of his said fathers estait, and of the heavie burdein of debt lying on his hous, caused serve the said Androw, aire to his said umquhill father, altho' he had little or nothing to enter to bot ane unsupportable burdein of debt, whilk hes now so overcharged him by the rigour of his fathers creditours, who prosecutes him with all the extremitie that the course of law will permitt, as his persoun can be in suretie no where, bot is in daylie hazard to be apprehendit be letters of captioun, whereby the course of his education in vertew and letters, whilk is the onelie hope now left him whairupoun to build his fortouns, is interrupted, and he is exposed to all the misereis that ar incident to ignorance, sleuthe and want of learning, whilks will all accompanie him, if now in his youth he sall be depryved of the meanes and occasioun of his studeis whilk the restraint of his persoun will undoubtedlie produce." He further pleads that should he be warded his misery will prove endless, without hope of relief, as having nothing of his own, his friends will soon weary of the expense of keeping him, and that it is not commonly seen that minors, who are ignorant and innocent of the doings of their predecessors, should be warded for their debts. He therefore craves that their Lordships will take some course for his protection. The Lords accordingly supersede the execution of all hornings and captions against the person of the petitioner until he attain the age of twelve years complete.

Fol. 175, a.

Complaint by Janet Murray, John Murray, her servitor, and David Munro, Commissary-Depute of Caithness, against David Bruce of Stenstell and others for assault.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, John Murrey, servitor to Janet Murrey, widow of William Bruce of Stenstell, the said Janet Murrey, for her interest, and David Monro, Commissary Depute of Caithness, as follows:—"Though the wearing of hags-butts and pistols is strictly prohibited by law, when the said Janet Murrey had obtained a precept of warning against David Bruce, now of Stenstell, and sent her said servant, John Murray, with a copy of it to him, the said David, with Patrick Bruce, his brother, and others pursued him "with bedit hacquebutts and pistolets," and would have slain him if they had not been hindered by some persons present. Further, on 30th June last, "being ane proclaimed mercat day in Thurso," when the said

Fol. 175, b.

Decreta,  
November  
1627-January  
1630.  
Fol. 175, b.

David Monro was going peaceably about his business there, the said David Bruce, accompanied by Donald Bruce there, Hutcheon Bruce there, William Sinclair in Kirk, William Cogill in Garsay, and others to the number of sixteen persons armed with hagbuts and pistols and other weapons, set upon him, presented their "bendit pistolets" to his breast, and would have shot him but for the intervention of "some merchants and other strangears there." Charge having been given to the said David, Hucheon and Donald Bruce, William Sinclair and William Cogill, and the pursuers compearing by George Tailyeour, servitor to Mr James Lawtie, advocate, but the defenders not compearing, the Lords ordain the latter to be denounced rebels and escheat.

Fol. 176, a.

Complaint by John Fleeming in Overtoun, as follows:—John Lynning in Hielisyde, Alexander Tais there, John Barrie in Thinaikers, and James Scot in East Quarter, who have a hatred at the complainer, on

Complaint by  
John Fleming  
in Overtoun  
against John  
Lynning and  
others for  
assault and  
hamesucken.

March 1627, "being Sunday," seeing him "to be redding two neighbours who wer tuilyeing at the kirk of Glesfurd," and thinking it a fit opportunity to execute their malice in the tumult, and "it being under night," they "without respect to the Lords day" at unawares set on him and felled him to the ground. Then they "punst him with thair feit and bladdit him on the face with thair neiffes, and with ane drawin sword hurt and woundit him on the head to the great effusioun of his blood, and so birsed and bruised him that he lay for the space of twa houres breathlesse as a deid man upoun the ground untill he wes caried home to his dwelling hous where he lay bedfast for the space of ane quarter of a yeere in great pane and dollour." Further on December thereafter they came by way of hamesucken to his house in Hielisyde, under cloud and silence of night, to surprise and kill the complainer, and they would have succeeded if his wife had not quickly roused the neighbours for his relief, whereupon they departed, uttering "manie fearefull and execrable oaths" that they would take his life some other time. As it was, a young boy of the complainer's through fright fell into a "phrenesie," the curing of which has been very costly to the complainer. Charge having been given to the said John Lynning, Alexander Tais, John Barrie and James Scot, and both pursuer and defenders compearing and the evidence of certain witnesses heard, the Lords assoilzie the defenders on account of the failure of the pursuer's proof, and ordain the producer to pay to John Taithes £3, and to Robert Bryd and Robert Bryson, each four merks, they being the three witnesses in the case.

Fol. 176, b.

Complaint by George Scot, portioner of Collessie, as follows:—On 7th February 1628, when the complainer, in the town of Auchtermuchtie, was doing his lawful business, he met William Arnot, son to Andrew Arnot of the Scheills, who unexpectedly attacked him with a drawn sword, struck him through the right arm to the great effusion of his blood, "gave him ane cruell straike on the right hand whairwith he dang out the knockell of his mid finger, and gave him manie others

Complaint by  
George Scott,  
portioner of  
Collessie,  
against  
William Arnot  
for assault.

Fol. 177, a.



bauche, blae and bloodie straike in diverse pairts of his bodie, and then left him lying on the streit as a deid man, where he lay until he was caried hame be his servants and some nighbours of the toun. And the said William Arnot, understanding that there was yitt some hope of lyffe in him, and having resolved to kill him outright, he for this effect come immediatlie thereafter to the compleaners dwelling hous in Auchtermuchtie under cloud and silence of night, where he and his familie wer for the tyme, violentlie brasched at his doores and windowes of purpose to have entered and tane his lyffe, whilk he had not failed to have done if the compleaner had not quyetlie convoyed himselfe out of his hous." Charge having been given to the said William Arnot, and the pursuer compearing but not the defender, the Lords ordain the latter to be put to the horn and escheat.

Decreta,  
November  
1627-January  
1630.  
Fol. 177, a.

Complaint by  
Alexander  
Couston and  
Alexander  
Adamsoun,  
fleshers in  
Edinburgh,  
against Robert  
Moscrop,  
servitor to the  
Bishop of  
Caithness, for  
illegal ward-  
ing.

Complaint by Alexander Cousteane and Alexander Adamesoun, fleshers in Edinburgh, as follows:—On Monday 9th February instant they bought in open market at the West Port of Edinburgh six sheep from Robert and Andrew Scot, servants to the Earl of Bugleuche, the said sheep having stood in the said market unchallenged from nine o'clock till two in the afternoon, "and wer customed" in the ordinary way by the customars of Edinburgh. They afterwards sold the said sheep to Alexander Adamesoun, elder, flesher in the said burgh, at a profit, as they had often done before. But on the information of Robert Moscrop, servitor to the Bishop of Caithness, that the said sheep had been stolen from his master, Edward Ferquhar, bailie of Edinburgh, and Alexander Adamesoun, elder, put the complainers in ward until they produced the two men from whom they bought the sheep. This being an impossibility so long as they remain in ward, "they being bot meane servants living be thair calling," they have offered to enact themselves in the town's books to answer to the accusation when charged, but the same is refused. Charge having been given to Ferquhar and Adamsoun, elder, and also to the magistrates of Edinburgh for their interest, and for the production of the complainers, and the pursuers compearing and also Alexander Adamesoun, elder, but not the provost and bailies of Edinburgh, the Lords ordain the said magistrates to put the pursuers to liberty, because Thomas Deanes, merchant burgess of Edinburgh, became cautioner in £116 for the said Alexander Cousteane's compearing before the said Magistrates whenever challenged about the said sheep, and because it was proved that the said Alexander Adamesoun, younger, sold none of the said sheep and received no part of the price paid for them by Alexander Adamesoun, elder, which Cousteane could not deny.

Fol. 177, b.

Complaint by  
Abraham  
Anderson,  
slater, burgess  
of Edinburgh,  
against John  
Robertson,

Complaint by Abrahame Andersoun, slater, burgess of Edinburgh, as follows:—For not paying a debt of 200 merks and some expenses for which he became cautioner for David Andersoun, his father, he has been warded in the tolbooth of Edinburgh by John Robertsoun, wright, and he has nothing wherewith to sustain himself in ward, having spent all his

Fol. 178, a.

Decreta,  
November  
1627-January  
1630.  
Fol. 178, a.

means in payment of his father's debts, nor will he release him, though most willing to give all the satisfaction in his power. Charge having been given to the said John Robesoun, and also to John Sinclair, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and pursuer and defender both compearing, the Lords ordain the magistrates to release the pursuer, as he has produced all the writs of his father's lands upon oath, and is to assign to the defender the rents and duties of these lands until the debt is paid.

Commissions,  
1624-30.  
Fol. 191, b.

Commission under the Signet to William Seppill of Foulwod, Walter McAwlay of Ardingcuple, and James Hall, provost of Dumbartane, or any two of them, as justices, to hold courts and try Janet Donald, spouse to Umphra Colquhoun, burges of Dumbartane, Janet Neill, spouse to William Carruthers, burges there, and Margaret Hunter, spouse to Peter Donald, sailor there, who have long been suspected of witchcraft. Signed by Mar, Hadintoun, Marshall, Wintoun, Seafort, Carnegie, Sr Thomas Hoip, Hamiltoun, and Sr George Elphinstoun.

Holyrood  
House, 19th  
February 1629.  
Commission to  
William  
Seppill of  
Foulwod and  
others to try  
Janet Donald  
and others for  
witchcraft.

Royal Letters,  
1624-32.  
Fol. 153, b.

"Most sacred Soverane, For obedience of your Majesteis letter requiring us to send up to your Majestie suche letters of advice as wer in the Spanishe shippe laitlie takin be a shippe of Bristo and which by distresse of weather wes drivin in upon the coast of Galloway, we gave present ordour to Mr Williame Livingstoun, Admirall Depute, commanding him to use his best care and diligence for recoverie and exhibitoun before us of suche letters as he could find to have bene in the said shippe who, according to the charge committed unto him, compeirand before us this day, hes produced sax great masses of letters, ten lesser and 25 single letters, whairof thair is one direct to the King of Spaine, and one thairof opin with ane opin processe in Spanishe, and he declared that so farre as he could learne thair instructiouns and cheefe letters of importance wer destroyed and cassin over boord before anie searche wes made for the same; all which we have thought good according to your Majesteis directiouns to send up to your Majestie, not knowing quhat these sealed lettres may import, to the intent that your Majestie after ordour given for perusall of the same may make suche use thairof as your Majestie in the excellencie of your judgement sall find the merite of the subject to require, and so, etc. Halyruidhous, 19 February 1629. *Subscibitur*, Mar, Hadintoun, Mairschell, Wintoun, Seafort, Carnegie, Jedburgh, Hamiltoun, Sr Thomas Hoip, Sr George Elphinstoun, Scottistarvet, James Baillie."

Holyrood  
House, 19th  
February 1629.  
Letter to his  
Majesty anent  
the letters  
found in the  
Spanish ship.  
See ante, p. 52.

"After our verie heartilie commendatiouns to your lordship. With a letter which we wrote to his Majestie about the hinder end of July last tuicheing the solemniteis of his Majesteis coronatioun we sent to your lordship ane copie of the ancient forme of the coronatioun of the princes of this kingdome to the intent that his Majestie after consideratioun thairof might signifie his royall allowance or disallowance of the same, and we looked that long er now we sould have heard ather

Holyrood  
House, 19th  
February 1629.  
Letter to Sir  
William  
Alexander  
anent the  
coronation.

frome his Majestie or frome your lordship concerning that bussines, as <sup>Royal Letters,</sup> alsua that your lordship sould have resolved us if or not thair wes a <sup>1623-52,</sup> necessitie that his Majestieis face induring the solemniteis of his coronatioun sould be directed towards the east or if he might indifferentlie looke to the southe, whiche (in regard of the contrywall of the lights of S<sup>t</sup> Giles church quhair that actioun must be performed) would muche import to the beautie of the same. And quhairas the appointed tyme for his Majesteis heerecoming now approaches and drawes neere and that this mater of the coronatioun will be one of the materiall points to be handled at that tyme we will thairfore requeist your good lordship to lett us know his Majesteis will and pleasure anent the forme of the <sup>Fol. 154, a.</sup> coronatioun sent up to his Majestie and quhat his Majestie would have to be altered thairin, that accordinglie we may give ordour for his Majesteis satisfioun thairanent; We have called for and have seene the Lyoun Herauld and pursevant thair coates of armes and findes the same sufficient without anie necessitie to renew or rcpaire the same, and looking to heare frome your lordship concerning the premisses with convenient diligence, we committ, etc. Halyrudhous, 19 February 1629. *Subscribitur*, as the former."

Holyrood  
House, 20th  
February 1629.  
Letter to his  
Majesty anent  
the lands of  
Mr. Andrew  
Ayton,  
advocate.

" Most sacred Soverane, We received your Majesteis letter quhairby <sup>Fol. 152, a.</sup> your Majestie wes pleased to require us to consider and certifie your Majestie if the confirmatioun craved of your Majestie be M<sup>r</sup> Andro Aittoun, advocat, of his lands of Myrecarnye (for the reasouns sett down in your Majesteis letter) might without prejudice of your Majesteis right or danger of the preparative be granted and exped. And having according to the directioun of your Majesteis letter callit for and considerit the evidents of these lands, and having heard the reasouns urged be the partie for enforcing the lawfullnesse of his desire, we find by inspectioun of the evidents that the tenure and halding of the saids lands hes beene changed by your Majesteis lait deir father frome waird to blenshe and that of certaine knowledge for fulfilling of ane contract matrimoniall subscribed by his Majestie himselfe and your Majesteis mother with consent of the whole officers of estait for the tyme, quhairby <sup>Fol. 152, b.</sup> he wes obliged to change the said halding, which contract with the infetment following thairupoun wer produced before us togidder with ane infetment under the great seale grantit be your Majesteis said deir father to the said Andro upon his authors resignatioun halding lykeweyes blenshe. In respect quhairof we have thought good to signifie unto your Majestie that the signatour now craved be the said M<sup>r</sup> Androw, which is upoun his awin resignatioun, with ane gift *de novo damus* of the saids lands to be haldin blenshe of your Majestie, will nather of itselffe prejudice your Majestie in your right nor be the consequence thairof your intendit course for causing reduce in a legall maner suche lait tenures as ar prejudiciall to your crowne; the cause being singular and the caus obligatorie, the lyke quhairof cannot be instanced to our

Royal Letters,  
1623-32.  
Fol. 152, b.

knowledge and will hardlie occurre heerafter. And becaus the signatour presented be the said M<sup>r</sup> Andro and which he craves to be signed be your Majestie conteanes the teinds of the saids lands which he and his authors acquired be the resignatioun of the Lord Balmerinloch to be disponit to him in free blenshe and for payment to the minister of Logie of a pairt of his stipend and releiving the Lord Balmerinloch of repairing of the queir, of the communioun elements and of all taxatiouns, with a claus *de novo damus* both of lands and teinds to be haldin blenshe, we thought good to acquaint your Majestie with the same, as alsua that there ar sindrie others quho ar daylie craving infeftments of thair teinds acquired be thame frome lords of erectioun which they ar content to receive with the burdein of your Majesteis annuitie and which in regard of the generall submissioun and your Majesteis gracious declaratioun made thairanent they ar hopefull to obteane, wherewith, notwithstanding we have forborne to meddle till we sould first consult your Majestie and understand your pleasure thairanent; and so, attending the significatioun of your Majesteis royall will how we sall proceed in the ordouring of these maters, we pray God, etc. Halyruidhous, 20 of February, 1629. *Subscribitur*, Mar, Hadintoun, Mairshall, S<sup>r</sup> George Elphinstoun, Scottistarvett."

Sederunts,  
1625-29.  
Fol. 113, b.

Treasurer; Privy Seal; Seaforte; Bishop of Dunblane; Lord Holyrood House, 24th February 1629.  
Arskene; Lord Carnegy; Clerk of Register; Advocate; Justice Clerk; Sir John Scott.

"The minister and baillies of the Cannogait to be warnit till Thurisday anent the lenning of the chappell at the watter yett for his Majesteis baggage, and for clensing the entrie to thir kirk under his Majesteis gallerie." The chapel at the Water-gate, Edinburgh.

Fol. 114, a.

"A warrand to the shireff of Hadintoun to mak a new electioun of some freehaldair to be a commissioner to the Parliament in place of Sir James Baillie whome the Lordis liberatis of that charge in respect of the necessitie of his attendance upoun his Majesteis service." Commissioner for the shire of Haddington.

"The Lordis ordanis the Clerk of Counsaill to ressave the submissionis subscryvit be the titularis and heretouris toucheing thair teyndis." The Submissionis.

"A letter to the Vicount of Stormont for removeing of all personis oute of the pallice of Falkland and making of the goodes furthcomeand whilks wer left thairin upoun inventar." Palace of Falkland.

"Some missives and otheris directionis concerning his Majesteis heir-coming, especiallie aganis beggaris, the repairing of hie wayes, and the cariage." His Majesty's visit.

Decreta,  
November  
1627-January  
1630.  
Fol. 178, b.

[Sederunt as recorded above.]

Holyrood  
House, 24th  
February 1629.  
Extension of

Petition by James Kennedie of Blairquhan and Josias Stewart of Ravin-

protection to  
James  
Kennedy of  
Blairquhan and  
Josias Stewart  
of Ravenston.

stoun as follows :—They have been diligent in employing the time granted to them for settling with their creditors and for relief of the Earl of Galloway, but owing to the shortness of it they can get little or nothing done, and crave a further extension. The Lords, “ understanding the good intentioun of the saids supplicants towards the satisfioun of their creditours,” extend their protection until 3rd March next.

Decreta,  
November  
1627–January  
1630.  
Fol. 178, b.

Protection to  
John New.

Petition by John New in \_\_\_\_\_, as follows :—His Majesty was pleased to sign a respite to him for the slaughter of David Toschoche of Monyvaird, but their Lordships refused to expedite it until he satisfied the party. He is most willing to pay an assithement and to treat with them thereanent, personally and by his friends, but he cannot safely go about because of the horning against him for the said slaughter, and therefore craves their Lordships’ protection. This the Lords grant till 1st June next.

Fol. 179, a.

Protection to  
Sylvester  
Rattray,  
brother to  
David Rattray  
of Craighall.

Petition by Sylvester Rattray, brother of David Rattray of Craighall, as follows :—His Majesty has been pleased to sign a respite to him for the slaughter of George Reid in Rattray, but he is informed that the Lords of Exchequer will not expedite it until he give satisfaction and assithement to the kin and friends of “ the said David Rattray.” He is most willing to do so as far as lies in his power, but he dare not go about for treating therein by reason of the hornings he underlies for the said slaughter, and therefore craves their Lordships’ protection. This the Lords grant until 1st June next.

Holyrood  
House, 24th  
February 1629.  
Commission to  
Sir John  
Pringle of  
Galashiels,  
Sheriff of  
Selkirk, and  
others, to try  
Janet Minto in  
Selkirk and  
others for  
witchcraft.

Commission under the Signet to Sir James Pringill of Gallascheills, Sheriff of Selkirk, Andro Ker and William Scot, bailies of Selkirk, James Pringill, apparent of Buckholme, George Ker of Newhall and Williame Middemist of Chappell, or any three of them, Sir James Pringill always being one, to hold courts and try Janet Minto and Bessie Meyne in Selkirk, Isobel Wight in Melros, Bessie Cumroy in Bowdoun, and Janet Hendersoun in Lillisleif, who have been long suspected of witchcraft, etc. Signed by Mar, Hadintoun, Seafort, Areskine, Hamiltoun, Sr George Elphinstoun, and Scottistarvett.

Commissions,  
1624–30.  
Fol. 191, b.

Holyrood  
House, 24th  
February 1629.  
Letter to his  
Majesty com-  
mending the  
Clerk of the  
Council for his  
diligence anent  
the valuations.

“ Most sacred Soverane, Having now conforme to your Majesteis direction sattu the subcommissiouns after that parteis having interesse wer heard and thair objectiouns and doubts with uniforme consent discust and cleered, we have accordinglie dispatched 44 presbytereis instructed with ample warrand and commissioun to bring the mater of the valuations to ane good and happie conclusioun, whairin we expect thair dewtifull and best endeavours to approve themselfes answerable to the trust concredite unto them. There is some few presbytereis who hes not as yitt made report of thair diligence aganis quhom your Majesteis Counsell will proceid, and charges ar direct aganis thame for calling of thame to thair answe. We cannot forbear to acquaint your Majestie that at the last meeting of the commissioun, quhilk wes in a frequent and full nomber, notice wes tane be the whole table of the great

Royal Letters  
1623–32.  
Fol. 154, a.

Royal Letters,  
1629-32.  
Vol. 154, a.

panes tane be your Majesteis servand, James Prymrois, Clerk of the Commissioun, thir twa yeeres bygane and more, in the following out of that service, who carefullie and panefullie hes attendit the same and quickelie and tymouslie dispatched all the directiouns occurring thairin with suche excessive panes and travellis be reasoun of the importance and weight of the bussines and great number of the charges and warrands quhilks have beene directed at severall dyets throught the whole kingdome that the lyke thairof both in difficultie and nomber hes not fallin out in the kingdome of before, quhilk merites your Majesteis gracious consideratioun, and quhairof the hail table tooke notice without anie motioun made be him to the table thereanent, and thairfoir it wes concludit that he sould be recommendit to your Majesteis gracious remembrance; quhilk be warrand frome the table we have heereby presoomed most submissivelie to doe, and so, etc. Halyruidhous, 24 February 1629. *Subscritur*, Mar, Hadintoun, Seafort, Areskine, Dumblane, Carnegie, Hamiltoun, S<sup>r</sup> Thomas Hoip, S. G. Elphinstoun."

Vol. 154, b.

"After our verie heartilie commendatiouns to your good lordship. Quhairas the tyme of his Majesteis intendit heerecomming now approaches and drawes neere so that it is necessar that his Majesteis houssis, especiallie suche houssis quhair his Majestie is to have ane abode or residence, be prepared and drest for his Majesteis more contented reception, and that persouns now having anie dwelling thairin be removed out of the same. And we have directed some of his Majesteis Counsell, with the Maister of his Majesteis workes, to come and see the saids houssis and in quhat estait they presentlie ar, and if all the furnitoure and other things left thairin at our soverane Lords his last being in this countrie be yitt extant within the same and be quhom anie part or portioun of the same hes beene meddled with or putt away. And seing the place of Falkland is one of the speciall houssis quhair his Majestie will have ane residence next to Halyruidhous, these ar thairfoir to requiest your Lordship to caus the said hous to be made void and red of all people and the keyes thairof delyvered to the Maister of Works with all the furniture and quhat other things wer left thairin upoun inventar as said is, and so committing your good lordship to Gods protection, we rest. Frome Halyruidhous 25 February 1629. *Subscritur*, Hadintoun, Carnegie, Advocat, S<sup>r</sup> James Baillie."

"After our verie heartilie commendatiouns. Quhairas Sir James Bailzie, knight, who wes nominat to be one of the commissioners for that shirefdome to this approcheing Parliament cannot attend that charge in respect of the manie necessar employments quhairwith he will be employed the tyme of his Majesteis heerebeing, the charge quhairof will altogidder distract him frome anie other employment, and thairfoir these ar to requiest and desire yow to conveene the small barouns and freeholders of that shirefdome with all convenient diligence and at thair meeting that

Holyrood  
House, 25th  
February 1629.  
Direction to  
Viscount  
Stormont to  
prepare Falk-  
land Palace  
for the recep-  
tion of his  
Majesty.

Holyrood  
House, 25th  
February 1629.  
Direction to  
the Sheriff of  
Haddington  
to cause a  
commissioner  
for the shire to  
be elected in  
place of Sir  
James Baillie.  
See ante, p. 61.

they make choise of some sufficient and famous persouns being his Majesty's freeholders, having a fourtie shilling land of auld extent at least haldin of his Majesty, to be conjunct commissioner for that shirefdome in place of the said Sir James Baillie, and that yow see the commissioun to be subscryved be sevin of the freeholders at least and sealed conforme to the Act of Parliament, and that yow report your diligence heerein and obedience of the freeholders to his Majesty's Counsell upoun the xvii day of Marche nixtocome ; quhilk looking assuredlie yow will dow as yow respe t his Majesty's obedience, we committ, etc. Halyruidhous, 25 February 1629. *Subscritur*, Hadintoun, Carnegie, S<sup>r</sup> Thomas Hoip."

Holyrood  
House, 26th  
February 1629.

*Sederunt*—Treasurer; Privy Seal; Roxburgh; Seafort; Lord Lorne; Lord Areskine; Lord Carnegie; Bishop of Dumblane; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Royal Letters  
1623-32.  
Fol. 154, b.  
Acta February  
1628-July  
1629.  
Fol. 92. a.

Charge to the  
Conveners of  
the Justices of  
Peace to  
ensure the  
provision of  
carts and  
horses for  
the convey-  
ance of his  
Majesty's  
baggage on his  
approaching  
visit.

" Forsameekle as among the manie preparatiouns whilk must be tymouslie foreseene and had in readinesse aganis the tyme of his Majesty's heerecomming that of his Majesty's carrage is not the least, but doeth als neerelie concerne his Majesty's honnour and service and credite of the countrie as anie uther service whatsomever that will occurre in his Majesty's progresse throw this countrie ; and whereas this service of the carrage cannot be weill done bot be the shyres where his Majesty's progresse and journeyes will ly, Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging Sir George Forrester of Corstorphine, conveenner of the justices of peace within the shirefdome of Edinburgh principall ;

Douglas of Kilspindie, conveenner of the justices of peace within the constabularie of Hadintoun; Sir Johne Home of Blacader, conveenner of the justices of peace within the shirefdome of Bervick ;

Ker of Schaw, conveenner of the justices of peace within the bailerie of Lauderdaill ; Williame Dowglas of Bonjedburgh, conveener of the justices of peace within the bounds of East Teviotdaill ; Johne Dundas of Newlistoun, conveenner of the justices of peace within the shirefdome of Linlithgow ;

Murrey of Powmais, conveenner of the justices of peace within the shirefdome of Stirlin and Clackmannane ; M<sup>r</sup> Johne Leslie of Newtoun, conveenner of the justices of peace within the shirefdome of Fyffe and Kinroscher ; the Laird of Inchemartine, conveenner of the justices of peace within the shirefdome of Perth ; Sir Johne Scrimgeour of Duddop, conveenner of the justices of peace within the shirefdome of Forfar ; M<sup>r</sup> Walter Quhytfurde, conveenner of the justices of peace within the stewartrie of Annerdaill ; Alexander M<sup>c</sup>Culloch of Mertoun, conveenner of the justices of peace within the shirefdome of Wigtoun and stewartrie of Kirkcudbright ; Sir Johne Charters of Amisfeild, conveenner of the justices of peace within the shirefdome of Dumfreis, and Robert Hamiltoun of Torrence, conveenner of the justices of peace within the shirefdome of

Acts February  
1628-July  
1629.  
Fol. 92, b.

Lanerck, that they and everie ane of thame within the bounds of thair severall offices and jurisdictions conveene the haill justices of peace to burgh and land so soone as convenientlie may be, and at thair meetings respective that they make a particular distributioun of the bounds within thair charge in parishes appointing some of thair nomber for everie parish to try what nomber of cairts and hors for carrage everie parish to burgh and land may furnishe for his Majesteis carrage upoun his Majesteis expenses, and that they or anie twa of thame appoint a constable in everie parish who sall be answerable that the cairts and hors for carrage designed to everie parish sall be in readinesse for lifting of his Majesteis carrage at suche tymes and places as they sall be advertised be the other constables who sall have the charge to advertise thame; and that they appoint within everie shirefdome twa constables who sall be answerable to the maisters of his Majesteis carrage that they sall caus the other constables appointed in everie parish have thair haill cairts and hors for carrage designed to the parish in readinesse and that they sall come and lift his Majesteis carrage at suche tymes and places as they sall be advertised; and that they prescrive and sett downe suche other Acts and ordinances as may assure the tymous and readie lifting of his Majesteis carrage; and that the saids cairts and hors for carrage be provyded and furnished with all things necessar for the carrage, as namelie with presses, eyre-ledders of yrne, cords and all uthers necessars; and that the saids conveenners compeir personallie before the saids Lords upoun the particular dayes underwrittin, viz., the conveenners of the justices of peace within the shirefdomes of Edinburgh, Hadintoun, Bervick, Roxburgh, bailerie of Lauderdale, Linlithgow and Stirlin upoun the xxiiij day of Marche nixtocome, and the remanent conveenners of the saids justices of peace upoun the last day of the said moneth of Marche, and exhibite with thame a formall report in writt of thair proceedings in this bussines, under the pane of rebelloun, etc., with certificatioun, etc."

"Forsameekle as thair hes bene manie good Acts made be the Kings Majestie and his predecessours of famous and worthie memorie aganis strong, ydle and maisterfull beggars, of whome this countrie is now full, by the quhilks it is commanded that nane be suffered to beg nather to burgh nor land betuix fourtein and three score and ten yeeres of age, and that all strong, ydle and vagabound beggars, counterfoote bairds and fooles, that runnes athort the countrie begging and extorting almous sall be apprehendit, putt in waired in stockes and yrnes and deteanned thairin so long as they have of thair awin to live on and when that failes that their eares be nailed to the trone or some other tree and that their eares be cutt aff and they banished the countrie, and if thairafter they be found againe that they be hanged to the deid; and that nane be suffered to beg in ane parish that ar borne in another, and that these that ar allowed to beg in everie parish have tokens givin unto thame whairthrow they may be knowin, and that no others be served with almous in the

Charge for the suppression of beggars in view of his Majesty's approaching visit.



parish bot suche as beiris the said token allanerlie ; and they that begges without the token to be marked and brunt in the cheeke with ane hote burning yrne, and that all beggers sould addresse thameselfes to the parishes where they wer borne and made thair last sevin yeeres residence and there conteane thameselfes and on nawayes goe furth thairof, as in the saids Acts, as namelie in the Acts made be his Majesteis darrest father of blessed memorie in his saxt, twelffe, fyftene and saxtene Parliaments, whairin lykewayes the forme, ordour and maner of executioun of the same Acts and the course and ordour prescryved for interteanyng of the poore at lenth is conteanit ; the executioun of quhilks Acts hes bene thir diverse yeeres bygane neglected be the oversight of these unto whois charge the same apperteanned, sua that the number of strong and sturdie beggers and vagabound theeves is exceeding great and daylie increasses throw all pairts of the kingdome, especiallie within the burgh of Edinburgh, the Cannogait, Leith, the West Port and Potterraw, where and in the pairt callit S<sup>t</sup> Ninians Raw they have thair ordinarie ressetts, passing thair tyme in the night in all kynde of beastlie filthinesse and leacherie, and in the day tyme come publictlye to the streits, some of thame lyes all the day upoun the calsey of the Cannogait and with shamefull exclamatiouns not onelie extorts almous but importuns his Majesteis nobilitie and counsellours and others his Majesteis good subjects repairing to the burgh of Edinburgh, sua that hardlie can anie man walke upoun the streits or conferre under staires bot they ar impeshed be thir beggerlie lymmars, of whome lykeways numbers lyes betweene Leith and Edinburgh and upoun the hie streits leading to and fra the ports of the burgh of Edinburgh to the great reproache and scandall of the countrie, besides the procuring of the heave wraith and displeasure of God upoun the haille natioun throw the wicked and godlesse forme of living used amongs thir mischant beggers without mariage or baptisme of thair bairnes. And whereas the Kings Majestie is now shortlie to honnour this his ancient kingdome with his royall presence and is to be accompanied with numbers of the nobilitie and others persouns of ranke and qualitie of the kingdome of England, it is lyke enough that thir vagabound theeves and beggers sall follow his Majesteis royall Court and importune and fesch the noblemen and others attending his Majestie with thair shamelesse exclamatiouns and crying whilk will procure his Majesteis high discontentment and offence beside the discredite of the countrie ; Thairfoir the Lords of Secreit Counsell ordanis letters to be direct to make publicatioun of the saids Acts of Parliament made aganis strong and sturdie beggers, counterfoote bairds and foles, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome, whairthrow nane pretend ignorance of the same, and to command and charge all and sindrie beggers of whatsomever qualitie that within fyftene dayes after publicatioun heerof they addresse thameselfes to the parishes where they wer borne

Acta February  
1628-July  
1629.

Fol. 92, b.

Fol. 98, a.

Acta February  
1628-July  
1629.  
Fol. 93, a.

and made thair last sevin yeeres residence and thair conteane thame-  
selfes, and that they onnawayes presooome to come out of the parish  
nor to be found begging within the parish without the marke of the  
parish under the panes foresaids specifeit in the saids Acts, viz., if  
they be found begging out of the parish, to be wairdit, putt in the  
stockes or yrnes, scourged and thair eares nailed to the trone or some  
other tree for the first fault, and for the nixt fault to be hanged to  
the deid ; and suche as begges within the parish without the marke and  
token of the parish to be brunt in the cheeke with ane hote yrne :  
And siclyke to command, charge and inhibite all his Majesteis lieges  
that nane of thame give almous to anie of the saids beggers after the  
saids fyftene dayes bot to suche as ar beggers of thair awin parish under  
the pane of fyve pund to be incurred be thame and to be uplifted be  
the commissioners of the toun and parish where the contraveenner  
dwellis : And siclyke to command and charge all and sindrie the saids  
strong and sturdie beggers, counterfoote bairds and foles, that nane of  
thame presooome nor take upoun hand to resort nor repaire toward his  
Majesteis royall Court during the tyme of his Majesteis being within  
this kingdome within the space of sax myles to the same, under the pane  
of deid : And siclyke to command and charge all and sindrie his Majesteis  
lieges, awners, heretours, lyverenters of land within the burgh of Edin-  
burgh, Leith, the Cannogait, the West Port, Potterraw, Pleasance, Leith  
Wynd, S<sup>t</sup> Ninians Raw and other suburbs about the burgh of Edinburgh  
that nane of thame presooome nor take upoun hand to sett anie houses to  
beggors or to suffer anie beggers to have ressett or beild within the same :  
And siclyke to command and charge all his Majesteis lieges dwelling  
within the bounds foresaids and within the parishes of Halyrudhous,  
Leith, S<sup>t</sup> Cuthberts, Duddingstoun, Libbertoun, Corstorphine and Craw-  
mond that nane of thame ressett or hoord anie beggers within thair  
houses under the pane of twentie pund to be incurred *toties quoties* be  
everie persoun or persouns setters of thair houses to beggers or ressetters  
of beggers within thair houses, whilks paines sall be uplifted of thame  
with all rigour : And to command and charge the provest and bailleis of  
Edinburgh, the bailleis of Leith and Cannogait, the Laird of Innerleith  
and his bailleis of the West Port and Potterraw, and the provest and  
bailleis of all other touns whairunto his Majestie sall happin to resort  
and repaire within this kingdome that they and everie ane of thame  
keepe thair streits and commoun vennellis cleere of beggers and that  
nane be suffered to beg nor seeke almous thairon, and that the bailleis  
of the Cannogait caus keepe the whole calsey of the Cannogait betuix  
the Neather Bow and the palace of Halyrudhous free and cleere of  
beggors, and that nane be suffered to ly upoun the calsey nor to seeke  
almous upoun the same ; and to charge the Laird of Innerleith and his  
bailleis of the West Port and Potterraw to doe the lyke : And siclyke  
to command and charge M<sup>r</sup> Umphra Blenscheills and uthers awners of

Fol. 93, b.

houses at the foote of Leith Wynde to remove the hail beggers out of their houses, and suffer nane to have residence, beild nor remaining thairin, under the pane to be callit, persewed and punished thairfoir with all rigour : And to command and charge all and sindrie Magistrats to burgh and land to whois charge and office the executioun of the saids Acts perteanes, to putt the same Acts to dew and full executioun in all points conforme to the tennour thairof ; and to command and charge the Sessioun of the parish kirk to have a paire of fast stockes with strong lockes and bands, and that all noblemen and barouns have the lyke at thair houses for punishing of the saids strong and ydle beggers contraveenners of this Act, as they and everie ane of thame will answeere to his Majestie and his Counsell upoun the dewtifull discharge of thair office."

Acts February  
1628-July  
1622.  
Fol. 93, b.

Charge for the  
repairing of  
highways in  
view of his  
Majesty's  
approaching  
visit.

" Forsameekill as the Lords of Secreit Counsell according to his Majesteis warrand and directioun sent unto thame tuicheing the repairing of the hie wayes and passages throw quhilks his Majestie is to travell at his comming to this kingdome and making the same wayes faire and passable for coaches and otherwayes having by thair letters recomendit unto the persouns particularlie following the prescryving of the ordour and giving of directiouns how this service may be performed by the travellis and charges of the inhabitants within the bounds whome it concerned, viz., to the Erle of Home and Laird of West Nisbitt for the bounds betuix Hadintoun and Beruick ; to the Erle of Wintoun, the Lord Prestoungrange, and the Laird of Prestoun for the bounds betuix Hadintoun and Edinburgh ; to the Erle of Linlithgow and Thomas Dalryell for the bounds betuix Edinburgh and Linlithgow ; to the Erle of Wigtoun and Laird of Keir for the bounds betuix Linlithgow and Stirlin ; to the Laird of Clackmannan and Sir Johne Prestoun of Walifeild for the bounds betuix Stirlin and Dunfermlin ; to the Vicount of Stormont, the Lords Melvill and Burlie for the bounds betuix Dunfermlin and Falkland ; to the Erle of Rothesse, the Lords Melvill and Innerteill for the bounds betuix Bruntilland and Falkland ; to the said Vicount of Stormont, the Erle of Perth and Lord Balmanno for the bounds betuix Falkland and Perth ; to the Lord Chancellor and Laird of Inchemartine for the bounds betuix Perth and Dundie ; to the Lord Carnegie and Constable of Dundie for the bounds betuix Dundie and Brechin ; to the saids Erle of Rothesse and Lord Melvill for the bounds betuix the ferrie of Dundie and Falkland and betuix S<sup>t</sup> Andrewes and Falkland ; to the Marqueis of Hamiltoun and Laird of Minto for the bounds betuix Glasgow and Hamiltoun ; to the said Marqueis of Hamiltoun, the Erle of Angus and Vicount of Air for the bounds betuix Hamiltoun and Drumlanrig ; to the Erle of Nithisdail, the Vicount of Drumlanrig and Maister of Herreis for the bounds betuix Drumlanrig and Dumfreis ; and to the said Maister of Hereis, the Lairds of Amisfeild and Cockskeppole for the bounds betuix Dumfreis

Fol. 94, a.

Acta February  
1628-July  
1629.  
Fol. 94, a.

and Carlill. And whereas a certane terme wes appointed to the persouns abonewrittin for reporting thair diligence in this charge committed unto thame, neverthelesse there is no diligence at all reported as yitt, whairthrow this peece of service quhilk muche imports his Majesteis contentment and credite of the countrie is lyke to be frustrat and disappointed without remeid be provydit, Thairfoir the saids Lords ordanis letters to be direct charging the persouns particularlie abonewrittin and Sir Johne Hamiltoun of Lettrick in place of the said Marqueis of Hamiltoun and Robert Crichtoun of Ryhill in place of the said Vicount of Air, who ar now furth of this kingdome, to compeir personallie before the saids Lords upoun the            day of            and to bring and exhibite with thame ane perfyte report in writt conteaning the forme and ordour prescryved be thame anent the repairing and mending of the saids hie wayes, under the pane of rebelloun, etc., with certificatioun, etc."

Fol. 94, b.

"Anent our Soverane Lords letters direct, makand mentioun,—Forsameekill as the Kings Majestie hes by diverse letters directed to the Lords of Privie Counsell recommendit unto thame to have a speciall care for the religious educatioun of noblemens childrein whois parents ar reputed to be disconforme to the present profest religion to the intent they might be bred and trayned up in the trew grounds of religion; and anent the charge givin to Williame, Erle of Angus, to have compeered personallie, brought, presented and exhibite with him Williame and James Dowglasses, his sonnes, Margaret, Jeane, Grissell and Anna Dowglasses, his daughters, before the Lords of Privie Counsell this present xxvj day of Februarie instant to the intent ordour and directioun might be givin for thair educatioun and breeding in the grounds of trew religion, conforme to his Majesteis expresse will and pleasure signified to the saids Lords for that effect, under the pane of rebelloun and putting of him to the horne, with the certificatioun to him and he failyied letters sould be direct *simpliciter* to putt him thairto, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof: Quhilks being callit, and Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat, compeirand personallie for his Majesteis interesse, and the said Erle of Angus being lykewayes personallie present, who excused the not exhibitoun of his saids daughters in respect as he affirmed they wer in Tamtallan the tyme of the charge givin unto him for exhibitoun of thame, whilk charge wes givin unto him in Dowglas, and as for the eldest sone he declared that he wes bedfast of a sore leg, and that he wes readie to exhibite the other sone. Whilk declaratioun being heard and considerit be the Lords and they being thairwith rypelie advised the Lords of Secretit Counsell continewes the advysing of the place where his sonne sall be boordit till the tent of Marche nixt; and ordanis the Erle to be advised betuix and that day whome he will nominat to be pedagoue to his sone; and ordanis him to exhibite

Charge to the  
Earl of Angus  
anent the  
education of  
his children in  
the true  
religion.  
See ante, p. 45.

his twa eldest daughters before the said Lords upoun the said tent day of Marche nixt." Acta February  
1628-July  
1629.  
Fol. 94, b.

Charge to  
George, Bishop  
of Orkney, and  
others, to  
ascertain the  
value of the  
stock and  
teinds in  
Orkney and  
Shetland.

"Forsameekill as certane termes and dyets being appointed to the presbytereis of this kingdome for making a report of thair diligence in the nominatioun of subcommissioners for trying of the valuatiouns and the trew worth and rate of the teinds in eache parish there is no report at all made as yitt of anie diligence done within Orkney and Zetland, sua that his Majesteis service in this point for that pairt of the countrie is lyke to be frustrat and disappointed, Thairfoir the Lords of Secret Counsell hes givin and grantit and be the tennour heerof gives and grants full power and commissioun be thir presents to George, Bishop of Orkney, Mr Johne Dick, shireff depute, Williame Sinclare of Sybo, Edward Sinclare of Essinquoy, James Fea, fear of Cobarstoun, George Sinclair of Rapnes, Johne Colweill of Hope, Robert Halke of Catoa and Johne Fleeming of Carwod, or anie fyve of thame, to try and informe thameselffes by all the lawfull wayes and meanes they can according to the articles following of the trew worth of the lands of the parishes within the presbytereis of Orkney and Zetland in stocke and teind, where the teinds hes beene bruiked in stocke and teind in tyme bygane, and what the lands payes presentlie, what they have payed in tyme bygane and what they may pay of constant rent in stocke and teind in tyme comming, and that they report to the general commissioun the just and trew worth thereof in constant rent to thair judgement; with power lykewayes to the saids subcommissioners or anie fyve of thame to informe thameselffes by all the lawfull wayes and meanes they can according to the articles following of the trew and constant worth of the teinds, both great and small, where the teind hath beene drawin severallie frome the stocke be the titular or his tacksman not being heretour of the land for the space of sevin yeeres within these fyftene yeares bygane at least, and if the heretour be desyrous that the rent be lykewayes tryed with the teind according to the trew and constant worth and rent of the land the saids Lords allowes the subcommissioners to doe the same; and recommends to the subcommissioners to deale faithfullie in thir valuatiouns, becaus after thair precise tryell his Majestie is to give the ease thairin to the heretours: With power to the saids subcommissioners for this effect to conveene and meete in the seate of the said presbyterie of Orkney or suche other convenient place as they sall appoint and publishe where the people may be accommodat in interteanement and loodging; commanding heereby the saids subcommissioners to sitt twise everie weeke and offer as they please, and remitts the dayes of thair meeting to thair awin choise and appointment; and with power to thame at thair meetings to call all parteis having interesse in thir valuatiouns before thame, and if both parteis be present that they proceed to thair tryell without citatioun by writt, wisse or oath of partie, in maner sett down in this subcommissioun, and that nane be admitted to be wisse bot suche as

Fol. 95, a.

Acta February  
1628-July  
1629.  
Fol. 95, a.

ar knowin to be famous men and worth ane hundreth pund of free geir :  
And if the parteis having interesse in thir valuatiouns be not present,  
with power to the saids subcommissioners or anie fyve of thame as said  
is to direct thair awin precepts and to caus charge the saids parteis  
personallie if they can be apprehended, and failyeing thairof at thair  
dwelling place, and be opin proclamatioun at thair parish kirk and heid  
burgh of the shyre where the lands and teinds contraverted lyes, to com-  
peir before the saids subcommissioners at suche dayes as they sall  
appoint with continuatioun of dayes to heare and see the saids valua-  
tiouns tryed and cleered, and ordanis that these who dwellis within the  
presbytereis sall be charged upoun ten dayes warning, and that these  
that dwellis out of the presbyterie sall be charged upoun twentie dayes  
wairning in maner foresaid, and that minors be charged personallie or  
at thair dwelling places, and that thair tutours and curatours be charged  
be opin proclamatioun at the mercat croce of the heid burgh of the shyre  
where the land lyes, and that suche persouns as ar not within the  
countrie be chargit at thair dwelling places and be opin proclamatioun  
at thair parish kirk, peir and shore of Leith upoun threescore dayes  
warning. And if nather titular nor heretour will compeir before the saids  
subcommissioners and insist in the cleering and trying of thir valua-  
tiouns, with power to the said subcommissioners or anie fyve of thame  
as said is, to make choise of ane procuratour fiscall and to authorize him  
with thair warrand to persew and follow out the probatioun and tryell  
of the valuatiouns concerning these who delays or refuses to insist,  
which persute and tryell they sall prosecute and follow out if the  
titular or heretour refuse or delay thair persute till the fyftene day of  
Maij nixt, but prejudice to the said procuratour fiscall to proceed sooner  
in his persute if the subcommissioners or he sall be so commanded by  
his Majestie. And the saids Lords ordaines that the charges and  
expenses to be bestowed be the said procuratour fiscall upoun thir  
citatiouns sall be refunded unto him upoun productioun and allowance  
of his compt by his Majesteis Thesaurar and Ressavers of his Majesteis  
Rents, whome the saids Lords ordaines to pay the same accordinglie.  
With power lykeways to the saids subcommissioners or anie fyve of  
thame to direct thair precepts at the instance of the partie persewer or  
defender if they desire the same, and if they neglect the same, at the  
instance of the procuratour fiscall, for the charging of witnesses to  
compeir and depone anent the clearing of the saids valuatiouns ; which  
witnesses, notwithstanding of the absence of the parteis, the saids Lords  
ordanis the saids commissioners to purge of partiall counsell and that they  
ar nather within degrees of consanguinitie nor affinitie nor removeable  
tennants nor domestick servants to the parteis having interesse ; and  
ordanis the depositiouns of thir witnesses to be subscriv'd be the most  
part of the subcommissioners being present, and that suche of thame  
as cannot write caus the clerk of thair court subscrivye for thame.

Fol. 95, b.

And if anie of the parteis, to witt, the persewer or defender make choise of the tennant or servant of his adverse pairtie to be witness in his caus the saids Lords ordains and commands the maisters of suche witnesses to enter and present thame and to caus thame compeir before the saids subcommissioners to depone and beare witnessing in the premisses as they will answeere upoun thair dewtie and obedience. And whair the stocke and teind ar to be valued togidder, the saids Lords finds, declaires and ordains that it sall be lawfull to the titular or heretour and to either or both to use thair probatioun and that the witnesses to be produced by thame sall be of equall number not exceeding ten persouns if they please to use so manie; and where the teind hath beene severallie led for the space of sevin yeeres in maner foresaid and is to be valued by the selffe, the saids Lords ordaines and declaires that the titular sall be preferred and have the prerogative of the probatioun, reserving to the heretour the power to prove the trew and constant worth of his lands be ten witnesses if he please to use so manie. And siclyke the saids Lords declares that it sall be lawfull to anie parteis having right to the teinds of other mens lands to referre to thair oath of veritie the just and trew worthe of the stocke and teind joyntelie or of the teinds severallie by the selffe. With power lykewayes to the saids subcommissioners or anie fyve of thame, as said is, to take the parteis oath *de calumnia* upoun the trueth of the rent and valuatioun to be givin in by thame and that als weill of both parteis if they be present as of one of thame in absence of the other, which oath the saids Lords ordains to be givin in thir termes: That the partie beleeves that the valuation or rentall givin in by him is a trew rentall. And where rentalls of teinds ar by the space of fourtie yeeres in victuall neere hand the just avall the saids Lords ordanis the same to stand if both parteis agree and none oppone aganis the same. And where it sall fall out that there sall be ane concurse of contrarie probatioun produced be both parteis, the saids Lords ordanis the subcommissioners to have respect to these witnesses who gives the best and cleerest caus of thair knowledge and without respect of pluralitie. And where the subcommissioners ar in equall number the saids Lords ordanis the conveenner or moderatour not to vote where the votes ar oddes before it come to him bot allanerlie where the votes ar alyke and than his vote to be givin and no otherwayes. And whereas it is necessarie and requisite for the formalitie of proceeding and for the more speedie and quicke dispatche of the proceedings in this subcommissioun that a conveenner and moderatour be chosin in the saids presbytereis to conveene his associats and to moderate at thair meeting, Thairfoir the saids Lords have nominat and appointed and be the tennour heerof nominats and appoints the said Bishop of Orkney to be conveenner for the saids presbytereis of Orkney and Zetland, who sall onelie conveene his associats to thair first meeting, at the which first meeting ordains the subcommissioners to make choise thameselfes of a conveenner for all the rest of thair meetings. With

Acta February  
1628-July  
1629.  
Fol. 95, b.

Fol. 96, a.

Acta February  
1628-July  
1629.  
Fol. 96, b.

power lykewayes to the saids subcommissioners or anie fyve of thame to make choise of ane famous and honest man to be thair clerk, which clerk sall be ather shireff clerk, clerk to the justices of peace, commissar clerk, or some other honest and famous notar. And whereas diverse persouns als weill parteis as witnesses will necessarlie have occasioun to attend the saids subcommissioners for cleering of the saids valuations who darre not compeir and attend that service for feare of some civill hornings quhilks they underly, Thairfoir the saids Lords declaires and ordains that all suche persouns als weill parteis as witnesses who sall be wairned to compeir before the saids subcommissioners or sall have interesse without citatioun to attend thame for trying of the saids valuations that they sall be free to compeir and attend the saids subcommissioners for the caus foresaid and that for the space of aucht dayes preceeding the dyet of thair compeirance and for the space of aucht dayes thereafter, discharging in the meane tyme all judges, officers and magistrats to burgh and land of all taking, apprehending, wairding or arreisting of anie of the saids persouns be vertew of anie civill hornings or captiouns raised thairupoun, discharging thame thair of and of thair offices in that pairt during the space foresaid. And the saids Lords ordains that all the dyets of the subcommissioun sall be with continewatioun of dayes. And whereas the persouns particularlie abonewrittin, nominat subcommissioners for the saids presbytereis, have not accepted that charge upoun thame and givin thair oath for the faithfull executioun thair of, Thairfoir the saids Lords hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun to the moderatour and brethrein of the said presbyterie of Orkney to receive the oath of the subcommissioners abonewrittin for the faithfull discharge of the same subcommissioun, and to make a note thair of and of the saids subcommissioners thair acceptatioun of the same to the saids Lords; commanding and charging also the saids subcommissioners to compeir and make thair addresse to the said presbyterie upoun the first presbyterie day after they have received thair subcommissioun and there in presence of the presbyterie to accept the subcommissioun upoun thame and give thair oath. And the saids Lords ordains the saids subcommissioners of the saids presbytereis of Orkney and Zetland to make a report of thair proceedings and diligence in the executioun of this present subcommissioun to the saids Lords upoun the xxvij day of Julij nixtcome or sooner if they be readie to doe the same, as they will testifie thair affectioun to the furtherance and advancement of so good and necessar a worke. And the saids Lords ordains and declaires conforme to ane former Act made to this purpose that nane of the subcommissioners sall have vote in anie matter whairin he sall be knowin to have interesse himselffe. And ordains letters to be direct to make publicatioun heerof at the mercat croce of Kirkwall whairthrow nane pretend ignorance of the same, and to command and charge all and sindrie his Majesteis lieges

Fol. 97, a.



and subjects to reverence, acknowledge and obey, concur, fortifie and assist the saids subcommissioners in all and everie thing tending to the execution of this present subcommissioun, and for this effect to compeir before thame so oft as they sall be charged to this effect, and to doe and performe that which to thair dewtie and charge apperteanes as they will answeire upoun thair obedience at thair highest charge and perrell, and under the pane to be called, censured and punished for the same accordingly."

Acta February  
1628-July  
1629.  
Fol. 97, a.

Charge for the closing of the east stile that leads into the churchyard of Holyrood, in view of his Majesty's approaching visit.

" Forsameekill as the Lords of Secreit Counsell considdering how that thir diverse yeeres bygane the people repairing to the burgh of Edinburgh from Mussilburgh, Fisherraw, and others pairts in East Lothiane, hes made thair ordinarie passage throw the kirkyaird of Halyrudhous whilk they defile with filth and otherwayes, especiallie at the verie side of the kirk and direct under the windowes of his Majesteis galrie of Halyrudhous, whilk will be verie unseemelie to be seene be strangers the tyme of his Majesteis heere being, Thairfoir the saids Lords upoun the consideratioun foresaid and upoun manie other good respects hes thought meit and expedient, commanded and ordained that the east style leading to the churchyard of the said kirk sall be closed and built up with stone and lyme for restrayning of the passage of people throw the said kirkyaird whilk is no hie nor ordinarie way, anent the closing and building up of the whilk style this present act sall be unto these whome it concerns a sufficient warrand."

Charge to Adam, Bishop of Dumblane, and others, to ascertain what improvements are necessary in Holyrood kirk in view of his Majesty's visit.

" Forsameekill as the Lords of Secreit Counsell finds it meit and expedient that aganis the tyme of his Majesteis heere comming the kirk of Halyrudhous sall be sighted and that suche defects as ar thairin (whilks ar ather a hinder to the lights of the kirk or otherwayes) sall be helped by removing of the lafts being within the said kirk and placeing of thame in some other convenient pairt whair the light of the kirk will not be impeded nor hurt, Thairfoir the saids Lords nominats, appoints and ordains Adame, Bishop of Dumblane, Sir Johne Scot of Scottistarvett, knight, and Sir James Bailzie of Lochend, with James Murrey, maister of his Majesteis workes, to repaire to the said kirk of Halyrudhous and take a perfyte survey thairof and of suche defects as ar thairin and ar fitting to be decored and reformed, what lofts ar necessar to be removed and in what other convenient places of the kirk they may be sett and sattled, and to report thair opinioun thereanent to the saids Lords, to the intent directioun and ordour may be givin thereanent accordinglie."

Holyrood House, 26th February 1629,

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 179, b.

Continuation of protection to Alexander M'Culloch of Merton.

Petition by Alexander M'Culloch of Mertoun, as follows:—He has "some great actiouns before the Sessioun, as namelie, one aganis the relict of Doctour M'Culloch, whilk hes this long tyme dependit and hes bred him a great deale of trouble and ydle and needlesse charges; and

Decreta,  
November  
1627-January  
1630.  
Fol. 179, b.

whereas in the attending upoun thir actiouns he spends his tyme, waists his estait, and neglects all his other adoes, he is thairfoir resolved to take a present course for cutting short of all his actiouns by disponing of suche a proportioun of his land and heretage as will give unto all his creditours satisfioun." But his lying under some hornings hinders "this good and necessar worke whilk imports the standing and decaying of his hous," and he therefore craves their Lordships' protection. This the Lords grant until 3rd March next.

Fol. 180, a.

Complaint by the Moderator and brethren of the presbyteries of the diocese of Caithnes, as follows:—They are obliged by the Act of Parliament held at Edinburgh in June 1594 to proceed against Papists and those suspected to be so, and to delate recusants to the Council, who are thereupon to proceed against them by denunciation and escheat, not only of movable goods, but of liferent rights. Now George, Earl of Caithnes, Francis Sinclair of Stirkock, Sir Alexander Gordoun of Navidail, knight, and Dame Margaret McCleud, his spouse, being long suspected as Papists, and having been for that cause, and for refusal to frequent the Kirk, hear the Word, and communicate, called before the complainers, and contemptuously disobeying and continuing with "ane obstinat and objured resolutioun" in their erroneous opinions, were, after long pains and patience on the part of the complainers, proceeded against with the censures of the Kirk. On 14th October 1627 the said Earl of Caithnes and Francis Sinclair were excommunicated in the Kirk of Halkirk in time of Divine service by Mr Alexander Cumming, minister there, and on 4th September 1627 Sir Alexander Gordoun and his wife were excommunicated in the Kirk of Loth by the minister thereof, but they pay no heed thereto. Charge having been given to these persons to compear and produce certificates of their relaxation from the said censures, and Sir Thomas Hoip of Craighall, King's Advocate, compearing for his Majesty's interest, but the defenders not compearing, the Lords ordain them to be denounced and escheat.

George, Earl of  
Caithnes, and  
others,  
denounced for  
disregarding  
the censure of  
the Church.

Fol. 180, b.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, and by George, Earl of Caithnes, and Francis Sinclair, his lawful son, as follows:—Though the wearing of hagbuts and pistols and the convocaction of the lieges in arms are very strictly prohibited by law, yet on 28th August last, John Sinclair of Dunbeth, George Mowat, son to Andrew Mowat of Swinzie, John Gilbertsone in Dunbeth, Angus and Alaster Robsoun there, Angus Roresoun there, Alexander, John and Andrew Watersoun there, John Mowat and John Huchesoun in Easter Greeneland, Donald McCrorie in Ballantenuk, and Hutcheon Forbes, servitor to the said Laird of Dunbeth, with others to the number of forty persons, armed with bows, darlochs, swords, hagbuts, pistols, and and other weapons, came in tumultuous manner to the lands of , adjacent to the said Earl's gate and dwelling-house, where four herds were watching some goods pastured there, the property of Lady Isobell

Complaint by  
George, Earl of  
Caithnes, and  
Francis, his  
son, against  
John Sinclair  
and others for  
assault and  
reiving.

Fol. 181, a.

Sinclair, his daughter, and fiercely assailing "the poore people, houssed thame within thair houses, threatned thame of thair lyffes if they made anie oppositioun or resistance unto thame," and then took away a great number of "ky, oxin and sheepe perteaning to the said Erles spous and daughter." When the said Earl heard of this he sent his said son Francis to ascertain the cause of this convocation and reaf at his gate, but "they returned no other answere bot with thair bendit bowes, nocked arrowes, and bendit pistolets, persewed the said Erles sone and the few persouns in companie with him of thair lyffes, shott arrowes at thame and threatned thame with present death if they departed not." Charge having been given to the persons named, and the pursuers compearing, the Advocate personally and the Earl and his son by William Mortimer, indweller in Edinburgh, but the defenders not compearing, the Lords ordain them to be denounced and escheat.

Decreta,  
November  
1627-January  
1630.  
Fol. 181, a.

Fol. 181, b.

Holyrood  
House, 26th  
February 1629.  
Commission to  
the Sheriff of  
Renfrew to try  
Bessie Pea-  
cock in  
Gourock for  
witchcraft.

Commission under the Signet to the Sheriff of Renfrew and his deutes, jointly and severally, as justices, to hold courts and try Bessie Peacocke, spouse to James Simsoun in Gourocke, who has been long suspected of witchcraft, and whose depositions and confessions support the same. Signed by Mar, Hadintoun, Seafort, Carnegy, Hamiltoun, and Sr Thomas Hoip.

Commission-  
1624-30.  
Fol. 192, a.

Letter to be  
addressed to  
his Majesty  
anent the  
Marquis of  
Huntly.

"A letter to be writtin to his Majestie certifeeing his Majestie of the contempt of the Marques of Huntlie, who being ordanit to be denuncit rebell hes without ony obedience givin or acquenting of the Counsell maid his addresse to his Majestie, quhairby his Majesteis auctoritie is slighted and contempned, the estate of religioun endangerit by the presumptioun of the papistis and fearis of the ministeris and trew profesouris yf his Majestie sall allow unto the Marques countenance or favour, and thairfoir humelie to intreate his Majestie to remitt the Marques bak heir to abyde his tryall and performe his duetifull obedience without showeing unto him ony kynd of princelie indulgence."

Sederunt-  
1624-30.  
Fol. 114, a.

Sir William  
Seton.  
The Laird of  
Corstorphine  
and the Laird  
of Kilspindie.

"A missive to Sir Williame Setoun to be heir upoun Twisday."  
"The Laird of Corstorphin nominat convenair of the justiceis of peace within the shirefdome of Edinburgh in place of Sir James Dundas, and the Laird of Kilspindie, convenair of the justiceis within the constabularie of Hadintoun, in place of Sir Williame Seytoun."

The burgh of  
Edinburgh to  
be put in order  
for the recep-  
tion of his  
Majesty.

"The qnhilk day intimatioun wes maid to the burgh of Edinburgh and the Cannogait to haif a cair that thair houses be in goode ordour, thair naprie savorie, thair streitis kept clene, beggaris removed, and ludgeingis prepairit for his Majesteis tryne."

Fol. 114, b.

Certain  
Sheriffs to be  
denounced.

"The Lordis ordanis the shireffis who hes not reportit thair diligence in electioun of commissioneris for the Parliament to he denunceit, and yf they reporte befor the registratioun the denunciatioun to be voyde."

Holyrood  
House, 26th  
February 1629.  
Letter to Sir  
William Alex-

"After our verie heartilie commendatiouns to your good lordship. There wer laitle two lymmers apprehendit for robbing one Niniane Halyday under cloud of night at the West Port of Edinburgh, who being

Royal Letters  
1623-32.  
Fol. 154, b.

Royal Letters,  
1623-32.  
Fol. 154, b.

Fol. 155, a.

examined upoun thair guiltines of the said cryme they for thair awin liberatioun and to lessen thair punishment by divyding of the fault faulselie accused one Johne Balfour to have bene accessorie with them to the committing of the deid, for the quhilk they being all three putt to the knowlege of ane assyze they wer condemned and convict to be hanged; quhairupoun the two lymmars finding themselfes disappointed of thair hopes and thair consciences remording them for thair unjust challenge of Balfoure, they come presentlie to a confessioun of the wrong and cleered his innocencie in presence of the court, quhilk being represented to the Counsell be the bailleis of Edinburgh ordour wes givin unto thame to stay and supersaid the executioun of Balfoure and to require the ministers to demand the other twa upoun the ledder tuicheing the truthe of thair declaratioun, quhilk being accordinglie done they went to death ratifeing the same, as the report thereof heerewith sent up to your lordship more fully beiris. And quhairas by the commissioun of the Counsell thair is no place nor power left unto us to dispense with the law after pronouncing of the doome and that anie favour to be showin in that cause must flow frome his Majesteis clemencie and grace we have thairfoir thought good to acquaint your lordship with the trew estait and merite of the caus to the intent his Majestie upoun your lordships informatioun may be moved to grant a remissioun to the said Johne Balfour for the cryme aforesaid, which we will intreate your lordship to haisten and send down in regard he is a poore indigent youth and is still prisouner in the tolbuith for a cryme quhairof he is innocent. And so, etc. Halryuidhous, 26 February 1629. *Subscribitur*, Mar, Hadintoun, Seafort, Lorne, Carnegie, Advocat.”

ander anent  
John Balfour,  
who had been  
mistakenly  
condemned to  
death for  
robbery.  
*See ante*, p. 16.

Soderunta,  
1625-29.  
Fol. 114, a.

Treasurer; Privy Seal; Roxburgh; Seaforte; Lorne; Areskine; Bishop of Dunblane; Clerk Register; Advocate; Justice Clerk; Sir John Scott; Sir James Baillie.

Holyrood  
House, 28th  
February 1629.

“Proclamatioun anent beggaris.”

“Act anent the cariage.”

“Act anent the hiewayes.”

“The Laird of Newtoun nominat convenair of the justiceis of peace within Fyffe; Amisfeild within Drumfreis; Inchemartine within Perth, Strath-erne and Menteth.”

Justices of  
Peace, 1612-  
1639.  
Fol. 42, a.

“Forsameekle as the office of conveener of the Justices of Peace within the shirefdome of Edinburgh now vaikes by deceasse of umquhill Sir James Dundas, last conveenner of the saids Justices of Peace within the shirefdome foresaid, and whereas there is ane great necessitie that a new choice sall be made of some fitt and qualified persoun to discharge that service speciallie at this tyme when his Majestie intends to honnour this his ancient kingdome with his royall presence, and whereas there will be manie directiouns properlie concerning the saids Justices of Peace and dispatche be thame, Thairfoir the saids Lords hes nominat, elected,

Holyrood  
House, 28th  
February 1629.

Sir George  
Forrester of  
Corstorphine  
appointed  
Convenor of  
the Justices  
of Peace  
within the  
Sheriffdom of  
Edinburgh in  
place of Sir  
James Dundas.

made and constitute, and be the tenour heirof makes and constitutes Sir George Forrester of Corstorphine conveenner of the Justices of Peace within the said shirefdome of Edinburgh in place of the said umquhill Sir James Dundas, with power to him to use and exerce the said office with all the liberteis and privilegedes thair of siclyke and als freelie in all respects as the said umquhill Sir James Dundas used or might have used the said office ; ordaining be thir presents the remanent justices of peace within the said shirefdome or so manie of thame as sall be present for the tyme that at thair first meeting they take the said Sir George his oath for the faithfull discharge of his office.”

Sir John Charters of Amisfield appointed Convener of Dumfries.

Similar Act appointing Sir John Charters of Amisfeild convener of the Justices of Peace of the sheriffdom of Dumfreis, vacant by the death of Sir Robert Greir, elder of Lag.

Douglas of Kilspindie appointed Convener of Haddington.

Similar Act appointing Dowglas of Kilspindie convener of the Justices of Peace of the sheriffdom of Hadintoun, vacant by the employment otherwise of Sir William Seatoun, knight.

John Leslie of Newton appointed Convener of Fife and Kinross.

Similar Act appointing Mr John Leslie of Newtoun convener of the Justices of Peace of the sheriffdom of Fyffe and Kinroscher, vacant by the preferment of John, Lord Weymes, to the honour and dignity of a baron and lord of Parliament, which disables him to attend his former charge of convener.

Ogilvie of Inchmartin appointed Convener of Perth and Stewartries of Strathearn and Menteith.

Similar Act appointing Ogilvie of Inchemartine convener of the Justices of Peace of the sheriffdom of Perth and stewartries of Stratherne and Menteith, vacant by the preferment of Sir George Affleck of Balmanno to be one of the Senators of the Colledge of Justice, whereby he is disabled to act as convener.

Holyrood House, 28th February 1629. Letter to his Majesty's Council at Court anent the Marquis of Huntly. See ante, p. 76.

“ Our verie honnourable good lords, we doubt not bot your lordships hes beene sufficientlie informed by the report of the Erle of Monteith and Sir Archibald Achesoun, his Majesteis Secretar, of the Counsell thair proceedings aganis the Marques of Huntlie for his contemptuous dissobedience in the not executioun of suche warrands as by ordour frome his Majestie wer direct unto him for apprehending of Jesuits and excommunicat papists residing within his bounds and bearing publick charge and office under him, for quhich his neglect being denounced his Majesteis rebell and we expecting that for purging of his former oversight he sould have testified his obedience by the effects of his diligence as wes promised in his name, he hes now, to the further contempt of auctoritie and vilipending of the Counsell's proceedings aganis him, made his addresse to his Majesteis royall Court without taking anie notice of the Counsell or giving unto them any accompt of his service quhairwith he wes intrusted, as by the copie of the letter direct unto his Majestie tuicheing that bussines your lordships will be more fullie acquainted. And quhairas the Marques his proud contempt of his Majesteis lawes and carelesse neglect of the Counsell in suche a slighting maner is inexcusable in it selfe and most dangerous in the exemple, we will earnestlie

Justices of Peace, 1612-1639. Fol. 42, a.

Fol. 42, b.

Fol. 43, a.

Royal Letter, 1623-32. Fol. 155, a.

Royal Letters,  
1623-32.  
Fol. 155, a.  
Fol. 155, b.

intreate your lordships to take the mater and the consequence thair of to your wise consideratiouns, and to assist the preferring of our letter to his Majestie, and so to advise his Majestie in the right ordering of this most important effaire as God thairin may be glorified, religioun established, the Counsellis auctoritie mainteaned, and the quyet of the estait assured; all whiche recommending to your lordships care and wisdome, we committ your lordships to God. Halyruidhous, the last of Februarie 1629. *Subscritur*, Mar, Hadintoun, Roxburgh, Seafort, Lorne, Areskine, Dumblane, Clerk Register, Advocat, Justice Clerk, Scottistarvet, S<sup>r</sup> James Baillie."

"Most sacred Soverane, By our former letter of the thrid of this instant we acquainted your Majestie with our proceedings aganis the Marques of Huntlie quhom we ordained to be denounced your Majesteis rebell for his contemptuous dissobediencie in neglecting the executioun of suche warrands as wer direct unto him as your Majesteis shireff, landslord, and one of the greatest note and power in these bounds, quhairin his slackenesse and oversight is the more inexcusable considering that the service wes easilie prestable be him and that the performance thereof did highlie concerne your Majesteis auctoritie, the establishment of religioun and quyet of the estait. And how ever we expected that the Marqueis, out of the conscience of his undewtifull cariage and in apprehensioun of your Majesteis just displeasure aganis him for the same, sould have studied by the effects of his diligence to have expiat his fault and witnessed his obedience according to that quhilk in his name wes assuredlie promised by the Goodman of Buckie and his new shireff-depute of Abirdein laitleie substitute in place of the former, who wes ane avowed papist, yitt he hes beene so farre frome giving anie prooffe of satisfioun in that kynde that to the further contempt of your Majesteis auctoritie and vili-pending of your Majesteis Counsell, he come to the toun of Leith and without making his appearance before us or giving anie account be himselfe or anie other of the service concredite unto him he hes slightinglie past by us and is now upon his addresse to your royall Court. The honnour caryed to his qualitie and eminent place made us to have wished that his obedience to your Majestie and the lawes might have fred us frome the necessitie of using anie rigorous proceedour aganis him, bot the dewtie of the place quhairwith your Majestie hes beene pleased to honnour and trust us doeth so strictlie bind us that we cannot forbear to represent unto your Majestie, that which we cannot conceale without forgetting our dewtie to God and your Majestie, how dangerous we conceive these reiterated contempts by the Marqueis may by exemple prove to your Majestie and the religioun. For since it now appears beyond all bypast practise how insolent papists ar become and how publict their exercises ar in manie parts of the kingdome it is apprehendit by manie of the best affected subjects to religioun and your Majesteis obedience that if the Marques sall receive the least show of your Majesteis gracious and

Holyrood  
House, 28th  
February 1629.  
Letter to his  
Majesty anent  
the Marquis of  
Huntly and  
his neglect to  
arrest Papists  
in accordance  
with the order  
of the Council.

Fol. 156, a.

favourable countenance or that he sall not be remitted backe to undergoe the censures fitt to be imposed upoun him for his contempt of auctoritie divine and humane the presumptioun of papists by his impunitie will become so intolerable as hardlie can the best affected subjects be perswaded to beleve that we can long enjoy ather peace of conscience, protection by your lawes, or saulfetie in our estaits frome intestine troubles, the last and worst of all publict calamiteis, the onelie remedie quhairof is expected and must flow frome your Majesteis pietie and justice, that thereby the Marqueis being sent backe to susteane suche tryell and punishment as your Majestie in your religious wisdome sall be pleased to prescrive, terrour may be wrought in the hearts of these who, having taikin exemple of contempt frome the Marqueis, may forseee that thair punishment if they persist thairin will be equall unto his. By the course heerin to be taikin by your Majestie the feares of the ministrie of the north proceeding frome the threatnings used aganis thame both by word and writt for the faithfull discharge of thair calling and the apprehensioun of trew professours grounded upoun the insolencie of Papists licentiouslie debording in all the corners of the kingdome will be suppressed and removed, the auctoritie of your Counsell strenthned and the bold contempt of all lawes ecclesiastick and civill by papists will be curbed, to your Majesteis immortall honnour and quyet of your estait. And so praying God to direct your Majestie in the right ordouring of this bussines according to the exigence of tyme and your Majesteis interesse thairin and to blesse your Majestie in all your intentioun, we rest. Halyruidhous, *ultimo* February 1629. *Subscribitur*, Mar, Hadintoun, Roxburgh, Seafort, Lorne, Areskine, Dumblane, Hamiltoun, Advocat, Justice Clerk, S<sup>r</sup> Johne Scot, S<sup>r</sup> James Baillie." Royal Letters,  
1623-32.  
Fol. 156, a.

The *Minute Book of Processes* gives the following Memoranda collected for the month of February 1629:— Minute Book,  
1604-31.  
Fol. 86, a.

Suplicatioun for Henrie Young, baxter, for releiff out of prissonne.

Warrant for biging of the pond at the Watergate.

Complent of ryott: Maxwell of Garrey against M<sup>c</sup>Kie.

Suplicatioun for Patrick Hepburne to be put to libertie.

Decreit for puting John Blair to libertie.

Ryott: Hardie against Kendlay and utheris.

Suplicatioun: Brotherstaines for releiff out of prisone.

Suspensioun and relaxatioun: Andrew Andersone against Thomas Craufurd.

Petitione for Johne Cok, wryter, to sett and affix courts as commissioner deput of Dunkell within the Tolbuith of Edinburgh.

Suplicatioun for James Phine for liberatioun out of the Tolbuith of Edinburgh.

Complent: James Maxwell of Garreir upoun his sone George.

Minute Book, 164-31, Fol. 86, a. Letters: James Smollat, merchand in Dumbartoun, against M<sup>c</sup>Clen of Lochbowie, &c., for presenting of Donald M<sup>c</sup>Hector VicRorie, &c., in the Counsell as their servandis and tennentis.

Complent Ryott: Naesmith of Invar against Nairne.

Ryott: Innes of Auchinduren against Ines of Crombie.

Suplicatioun for Hairie Willsons for his libertie els ane modificatioun for his interteanment.

Ryott and hamsucken: M<sup>c</sup>Kayne against Alexander Gairdner.

Wrongous imprisonment: Johne Kellok, maltman in Leith, against the bailzies in Leith.

Suplicatioun for Adamesone and utheris for liberatioun furth of prisone.

Ryott and hamesucken: Flemyng against Lying and utheris.

Ryott: Scott of Collessie against Arnot.

Ryott: Johne Murray against Bruce.

Suplicatioun for William Andersones libertie furth of the Tolbuith.

Petitione of twa Spaynzards.

Prorogatioun of a protectioun for Kennedie of Blaquhan.

Letters: Sir Alexander Falconer for citting Alexander M<sup>c</sup>Intosch and utheris rebellis, &c.

Prorogatioun of a protectioun in favours of George Lawder.

Protectioun for Silvester Ratray.

Proces: William Hendriksone, skipper, against Captaine Andrew Watsone.

Letters: James Mowat, Clerk of Bervick, against Anthony Whyt and utheris for exhibitoun of the registeris.

Petitione for liberatioun of James Cokburne furth of the Tolbuith of Edinburgh.

Prorogatioun of ane protectioun in favours of Kennedie of Blarquhan.

Prorogatioun of a protectioun for John Stewart of Bonytoun.

Protectioun for Alexander M<sup>c</sup>Culloch.

Acta February 1629-July 1629, Fol. 97, a.

*Sederunt*—Treasurer; Privy Seal; Seafort; Lord Lorne; Lord Holyrood House, 3rd March 1629.  
Areskine; Bishop of Dumblane; Clerk of Register; Advocate; Sir John Scot; Sir James Baillie.

Fol. 97, b.

“Forsameekill as altho by ane act and proclamatioun made and publeist heeretofore upoun verie considerable grounds and occasiouns highlie importing the credite of the countrie speciallie at this tyme when the Kings Majestie is to honnour the same with his royall presence, the selling, slaying, dressing, making readie and eating of anie sort of flesh and of wylde foule and the slaughter of lambes hes beene verie straitlie prohibite and dischargit under certane panes mentiouned and conteaned in the said act; Notwithstanding the Lords of Secret Counsell ar informed that some of the basest sort of the fleshours preferring thair

Renewed Act forbidding the buying or selling of flesh, wild fowl, venison, or lambs, during Lent, in view of his Majesty's visit. See ante, p. 43.



unlawfull gayne to thair dewtie and obedience sellis and slayis flesh als abundantlie (altho covertlie and secretlie) as they did in anie tyme preceeding, lykeas great numbers of people of all rankes and qualiteis preferring the feiding of thair belleis to the obedience of the law ceasses not, with the lyke publict and avowed contempt, to buy, dresse, prepare and make readie and to furnishe thair houses with all sorts of fleshe and wylde foule, some pretending thair excuse and warrand for thair unlawfull doings to some licences quhilks hes beene unadvisedlie and promiscuouslie granted without respect to the qualitie of the persouns or anie just caus or ground whilk might conduce throw granting of the saids licences, throw quhilk occasioun the destructioun and slaughter of fleshe and wylde foule and selling of the same in sellers and other quyet corners is now in als great abundance as at anie tyme before this prohibite tyme of Lent, so that if this publict and avowed contempt be not in tyme curbed, the persouns guiltie thairof exemplarilie punished and some solide course tane for preventing of the forder growth of this evill, there is verie probable appearance that there will be a great skairsetie both of fleshe and wylde foule the tyme of his Majesteis being heere, whilk will not onelie procure his Majesteis offence and displeasure bot the publict and irreparable reproache and slaunder of the whole kindome. And thairfoir the Lords of Secrett Counsell upoun good and mature advice hes annulled and dischargit, and be the tennour of this present act annulles and discharges all and whatsomever licences granted to whatsomever persoun or persouns for slaying, selling, dressing and eating of fleshe, wylde foule or vennisoun, and declares the same licences to have beene and to be voide and to have no force, strenth nor executioun thairafter; certifieing all and sindrie persouns in whois favours thir licenses hes beene granted if thay or anie of thame sall or darre presooome to violat the said former act and proclamatioun under cullour of the saids licences that they sall be exemplarilie punished as if the licences had never beene granted; and ordanis letters to be direct charging officers of armes to pas and make publicatioun heerof be opin proclamatioun at the mercat croces of the heid burrowes of this kindome and uthers places needfull whairthrow nane pretend ignorance of the same; and to command, charge and inhibite all and sindrie fleshours, sellers and slayers of fleshe and all powtrie men and other takers and slayers of wylde foule and vennisoun and sellers of the same or makers of propynes thairof that nane of thame presooome nor take upoun hand to slay or sell anie kynde of fleshe or to take, slay or sell anie kynde of wylde foule or vennisoun to anie persoun or persons whatsomever under the paines conteanit in the former acts and proclamatiouns made heeranent besides the punishment of thame in thair persouns as proud contemners of his Majesteis auctoritie and lawes; and siclyke to command, charge and inhibite all and sindrie his Majesteis

Acta February  
1628-July  
1629.  
Fol. 97, b.

Fol. 98, a.

Acta February  
1628-July  
1629.  
Fol. 98, a.

lieges and subjects of what qualitie or degree so ever they be that nane of thame presooome nor take upoun hand to buy or eate anie kynde of fleshe, wylde foule or vennisoun during this forbiddin tyme, nor upoun Wedinsday, Fryday nor Saturday under the panes particularlie abonewrittin to be inflicted upoun thame without favour: and siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presooome nor take upon hand to sell or slay, buy or eate anie lambes till the saids Lords declare thair forder pleasure thairanent under the panes foresaids to be lykewayes inflicted upoun thame: and siclyke to command and charge the provest and bailleis of Edinburgh, the bailleis of Leith and Cannogait, and the provest and bailleis of all other burrowes and touns within this kingdome that they and everie ane of thame within thair awin severall bounds have a speciall care and regaird to see this present act to be preciselie observed and kepted, and that there be no slaying, selling nor buying of fleshe, wylde foule, vennisoun or lambes within thair bounds, nor in no corners nor sellers within the same, bot that they appoint honest men to be searchers throw thair bounds where and be whome there sall be anie breake or violatioun of his Majesteis lawes, acts and proclamatiouns concerning this mater, and where they sall deprehend anie suche fleshe, wylde foule, vennisoun or lambes, slaying, selling or buying, that they intromett thairwith, escheit and confiscat the same and notifie the names of the contraveenners to his Majesteis Counsell to the intent they may be punished conforme to his Majesteis lawes and proclamatiouns, as they and everie ane of thame will answeere to the said Lords upoun the dewtie of thair offices at thair highest charge and perrell."

Decreta,  
November  
1627-January  
1630.  
Fol. 181, b.

[Sederunt as recorded above.]

Holyrood  
House, 3rd  
March 1629.

Complaint by John, Lord Stewart of Tracquair, as follows:—The woods of Wellis, Huntliehill, Westleyes, and Fascastell belonging heritably to him, "verie plentifullie abounded with all sort of timber and trees young and old, and wer ane ornament to that pairt of the countrie," and he expected that reverence for the law prohibiting the destroying of green wood, policy and planting, would have "moved the countrie people about to forbear from cutting and spoyling" of these woods; yet Andrew Turnbull called Crownes in Westerleyes, James Scott in Roulmylne, William Turnbull in Dowishauche, James Turnbull there, Stevin Thomesoun in Newtoun, Thomas Nicoll and James Spynnin in Denholme, have for several years and especially in 1628 destroyed and cut a great quantity of the growing timber in the said woods, so that they are almost become "voide and barren." Charge having been given to these persons, who compeared, and the pursuer compearing by Mr. Robert Burnett, advocate, and the matter being referred for probation to

Complaint by  
John, Lord  
Stewart of  
Tracquair,  
against  
Andrew Turn-  
bull and others  
for destroying  
young timber  
on his lands.

Fol. 182, a.

the defenders' oath of verity, who denied, the Lords assoilzie them *simpliciter*.

Complaint by Janet Gibson, daughter of Thomas Gibson, burgess of Perth, against her curators for restriction of her liberty.

Complaint by Janet Gibsoun, daughter to the deceased Thomas Gibsoun, burgess of Perth, as follows:—Her father, at his death, left her in the care of John Oliphant of Bachiltoun, and at the earnest desire of the latter she afterwards chose him and Laurence Merser of Melginche as her curators. With a greater respect to their own ends than to her weal they have of late begun to restrict her liberty, suffering her to have access to none of her friends but such as they allow, and so watch her that she can hardly find opportunity to communicate with them, though she has frequently craved permission of her said curators to go and consult them about the disposal of her person and ordering of her estate. They shift her from place to place at their convenience, the better to attain their ends, and she is "now at last with the said Laurence Merser of Melginche, with whome she remaines and where she finds the lyke hard interteanement." Charge having been given to the said John Oliphant and Laurence Merser to compear and produce the pursuer, and the said pursuer compearing by James Gibsoun, advocate, and the said John Oliphant being also present, but Laurence Merser neither compearing nor producing the pursuer, the Lords ordain the said John Oliphant to keep ward within Edinburgh for the next fifteen days and then compear for further order taking in this business, under the penalty of 2000 merks; because he confessed that the said Janet Gibsoun was left to him by her father, and that "since the commouning betuix the Laird of Durie and him he had shifted her to the said Laurence Merser of Melginche." The said Laurence Merser is ordained to be denounced.

Decreta,  
November  
1627-January  
1630.  
Fol. 182, a.

Fol. 182, b.

Fol. 183, a.

Warrant for the removal of the heads and hands of traitors from the Ports of Edinburgh.

"Ane warrand to the provest and baillies of Edinburgh to tak doun of thair West Porte, and other portis, the headis and handis of suche malefactouris as by sentence wer ordanit to be affixt thairon."

Sederants,  
1625-29.  
Fol. 115, a.

Letter from the Estates of the Low Countries anent the ship "Green Dragon" to be sent to his Majesty.

"A letter frome the Esteatis of the Lowe Cuntreyis to the Counsell toucheing the restitutionon of the ship and goodis callit the Grene Dragoun whiche wes laidnit with mastis and tymmer and bowne to Bayoun whilk wes takin in Yetland. The Lordis ordanis ane copie of the letter to be send to the Admirall, and ane other to the Secretar to the intent his Majestie may be acquentit with the trew estait thairof."

The Baron of Achyle.

"The Lordis appointis to the Baroun of Achyll the first Counsall day after the xv of Aprile to reporte the submissioun subscryved be these of Argyll and Tarbett."

Certainsheriffs to be put to the horn.

"The Lordis decernis hoirning to be direct aganis suche of the shireffis as hes not reportit thair diligence anent the submissionis, and continewis the outgeving of the letters till the penult of Marche."

The estate of the Laird of Corsbie.

"The Ladie Corsbie nominat Rentoun; the Laird of Corsbie nominat Thornidykis; whome the Lordis ordanis to meete and to take a trew tryall of the rentall and wourthe of Corsbyis estate, quhat abuilycementis ar

Sederunts,  
1625-29.  
Fol. 115, a.

due to hir and in his possessioun, and how his childrene hes beene used  
be him this quhyle bigane."

Treasurer; Privy Seal; Wyntoun; Bugleugh; Seaforte; Lord Holyrood  
Lorne; Lord Arskene; Bishop of Dumblane; Clerk of Register; <sup>House, 4th</sup> March 1629.  
Sir John Scott.

"The Lordis continewis the mater of the tannage till the morne."

The tannage.

Acta February  
1628-July  
1629.  
Fol. 98, a.

*Sederunt*—Treasurer; Privy Seal; Perth; Roxburgh; Bugleuche; Holyrood  
Seafort; Lauderdaill; Lord Lorne; Lord Areskine; Bishop of <sup>House, 4th</sup> March 1629.  
Dumblane; Clerk Register; Advocate; Sir John Scot; Sir James  
Baillie.

"The Lords of Secret Counsell remembring that the magistrats of the  
burgh of Edinburgh made offer to prepare a pinnage upoun thair awin <sup>Anent a</sup>  
charges for transporting of his Majestie to and fra Leith, Bruntilland <sup>pinnacle for his</sup>  
and Kinghorne, and that the Erle of Linlithgow, Lord Admirall, opposed <sup>Majesty.</sup>  
the same and undertooke the burdein thairof as ane point proper to his  
charge, Thairfoir the Lords finds that if his Majesteis Admirall hes or  
will build a pinnace for that service that he must doe it upoun his awin  
charges and that his Majesteis coffers must not be burdenned thair-  
with."

Fol. 98, b.

"The whilk day Johne, Lord Areskine, for satisfioun of the Act <sup>Anent John,</sup>  
whereby he undertooke to sett up ane tanning hous for tryell of the <sup>Lord Erskine,</sup>  
sufficiencie of the ledder tanned be his directioun, he declared that he <sup>and his tan-</sup>  
wes willing and readie to offer his worke to a tryell and desyred that <sup>ning patent.</sup>  
prooffe might be made thairof; and Johne M<sup>c</sup>Nacht, deane of gild of  
Edinburgh, with some of the barkers being personallie present protested  
that the tryell made be the Lord Areskine at this tyme being done be  
his directioun, and the forme, maner and charges bestowed thairupoun  
being unknowin to thame, sould not be prejudiciall to the former tryell  
tane in this mater whiche is nott as yitt cleered, nor to anie reasouns  
competent unto thame for opposing the Lord Areskine his patent in  
tyme comming."

Sederunts,  
1625-29.  
Fol. 115, b.

"A letter frome his Majestie in favours of Williame Park who hes <sup>Anent the</sup>  
undertane to big ane bridge upoun the rivers of Clyde and Dymutane <sup>bridges to be</sup>  
[sic]; to witt, upoun eache of thame one; the Lordis ordanis him to <sup>built by</sup>  
procure the consent of the heretouris of the ground quhair the land- <sup>William Park.</sup>  
stailis of the bridges ar to be fixed."

Fol. 116, a.

"The Lordis nominatis the Clerk of Register, Sir Johnne Scott, and Sir <sup>The tanning</sup>  
James Baillie to conveene togidder and to call before thame suche <sup>of hides.</sup>  
skilfull and honest men as they think fitt for tryeing the sufficiencie  
of the new tanned hydys, and to reporte to the Counsall quhat they find  
thairin."

Holyrood  
House, 5th  
March 1629.  
Letter to the  
Lord Admiral  
anent the ship  
"The Green  
Dragon."  
See *ante*, p. 84.

"After our verie heartilie commendatiouns to your good lordship, We received this day ane letter from the Estaits Generall of the United Provinces complaining that a shippe callit The Greene Dragoun, being upoun her course toward Bayouns in France, wes by distresse of weather drivin in to Schetland, quhair she wes takin by three Scottish shippes and brought to Leith, quhair they intend to make her pryze, notwithstanding that she loused frome her port and wes upoun her voyage before the publicatioun of his Majesteis proclamatioun discharging trade with France, and that she wes tane within the tyme allowed to his Majesteis confederats for obeying of that ordinance; in regaird quhairof they earnestlie intreate that the shippe and goodes may be restored to the owner and be suffered to returne without trouble or impediment. Bot becaus his Majestie by speciall warrand hes dischargit the Counsell to meddle in anie thing concerning the admiraltie we have thairfor forborne to interpose our selffes in that bussines and have thought good for discharge of our dewtie to the Estats to send the copie of thair letter heerewith to your lordship to the intent your lordship having acquainted his Majestie with the same suche ordour may be takin for thair satisfacioun as the course of justice and merite of the caus doeth require; which recommending to your lordships care we committ yow to God. Frome Halyruidhous the fyft of Marche 1629. *Subscribitur*, Mar, Hadintoun, Perth, Roxburgh, Buccleuche, Lauderdaill, Advocat."

Royal Letters  
1623-32.  
Fol. 156, a.

Fol. 156, b.

Holyrood  
House, 5th  
March 1629.  
Letter to the  
Lord Admiral.

"After our verie heartilie commendatiouns to your good lordship. By this inclosed copie of ane letter which we received frome the Estats your lordship will understand the ground of thair complaint and reasons of thair desire wherewith we have forborne to medle and have reserved the ordering of that bussines to his Majestie and your lordship and have writtin to the Secretarie for that effect, and so hoping that your lordship will give that satisfacioun to the Estats whiche the justice of thair clayme doeth merite we committ your lordship to God. Frome Halyruidhous the fyft of Marche 1629. *Subscribitur*, Mar, Hadintoun, Perth, Roxburgh, Buccleuche, Lauderdaill, Advocat."

Whitehall, 9th  
March 1629.  
Letter from his  
Majesty anent  
the Earl of  
Errol.

"CHARLES R., Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellors, and right trustie and weilbelovit counsellors, we greete yow weil. Whereas we are crediblie informed that our right trustie and weilbelovit cousine the Erle of Erroll hes beene long sicke and that for the better using of meanes to recover his health he is desirous to goe beyond seas, thairfor our pleasure is after he hes found caution unto yow after the maner accustomed that yow grant unto him a licence for that effect, limiting his residence there till we sall be pleased to give ordour for recalling of him; and so we bid yow fareweill. Frome our Court at Whitehall the nyth of Marche 1629."

Fol. 160 a.

Whitehall, 9th  
March 1629.  
Letter from his

"CHARLES R., Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellors, and trustie and

Fol. 160, b.

Royal Letters,  
1623-32  
Fol. 160, b.

weilbelovit counsellers, we greet yow weil. Whereas yow have Majesty granting remission to John Balfour. See ante, p. 77.  
writtin unto us concerning the fitness of the granting of a remission to Johne Balfoure laitlie convicted of theft as partaker with two others who upoun thair executioun did cleere the said Balfoure upoun thair oath and death, we ar thairfoir well pleased that yow grant the said remission since yow ar confident of his innocencie; so we bid yow fareweill. Frome our Court at Whitehall, the 9th of Marche 1629."

Acta Februrary  
1628-July  
1629.  
Fol. 98, b.

*Sederunt*—Treasurer; Privy Seal; Wyntoun; Bugcleuche; Seafort; Holyrood House, 10th March 1629.  
Lord Lorne; Lord Areskine; Lord Jedburgh; Bishop of Dumblane; Clerk of Register; Advocate; Sir John Scot.

"Anent our Soverane Lords letters direct makand mentioun, Forsameekill as the Kings Majestie out of his royall and princelie regard of the weale of his subjects and for releeving of thame of the great travell, charges and expenses, that they would susteane if they wer drawin before his Majesteis commissioners anent the surrenders and teinds to attend the tryell of the constant worth of the stocke and teind of thair lands, his Majestie wes graciouslie pleased to give ordour and directioun that the tryell of thir valuations sould be within the presbytereis, and by some selected persouns to be nominat be the presbytereis who sould be authorized and instructed with subcommissiouns to that effect, and letters and charges wer direct aganis the moderators and brethrein of the whole presbytereis within this kingdome for making choise of the saids subcommissioners according to the ordour and rule sett down in the saids letters and to have reported thair diligence thereanent to the saids commissioners at certane dayes now of a long tyme bygane, whairin altho the most part of the presbytereis within this kingdome hes givin all humble and dewtifull obedience, and hes made a tymous report of thair diligence and proceedings, yitt the moderators and brethrein of the presbytereis of Hamiltoun, Bute, and Argyle hes made no report at all of thair diligence, so that this bussines, whilk is the ground worke of his Majesteis royall intentioun for the weale of the subjects in leading of thair awin teinds and of his Majesteis annuitie is verrie farre frustrat and disappointed, highlie to his Majesteis offence and disappointing of the good and happie conclusioun of so important and necessar a worke. And anent the charge givin to M<sup>r</sup> Andro Boyd, Bishop of Argyle, as moderatour thairof, M<sup>r</sup> Patrik Stewart, minister at Rothesay, moderator of Bute, and M<sup>r</sup> Thomas Mureheid, moderatour of Hamiltoun, to have compeered personallie before the Lords of Privie Counsell this present tent day of Marche instant, and to have brought and produced with thame ane sufficient report of thair diligence in the executioun of the directioun and charge foresaid givin unto thame anent the nominatioun of sub-commissioners for the effect abonewrittin under the pane of rebelloun and putting of thame to the horne, with certificatioun to thame and they

The Bishop of Argyll and others denounced for failing to appear before the Council as commanded, to give account of their neglect to nominate sub-commissioners of teinds.

Fol. 99, a.

failyed letters sould be direct *simpliciter* to putt thame thairto, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof. Quhilks being callit and Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat, compeirand personallie for his Majesteis interesse, and the said Bishop of Argyle, M<sup>r</sup> Patrik Stewart and Thomas Mureheid being oft tymes callit and not compeirand, nor no report of thair diligence in the executioun of the charge and directioun foresaid being produced be thame nor na uthers in thair name, the Lords of Secreit Counsell hes thairfoir ordained and ordanis letters to be direct charging officiars of armes to pas and denunce the saids persouns his Majesteis rebellis and putt thame to the horne, and to escheate, etc.”

Acta February  
1628-July  
1629.  
Fol. 99, a.

Anent the  
education of  
the Earl of  
Angus's  
children in  
true religion.  
See ante, p. 69.

“ Anent the terme assigned to Williame, Erle of Angus, to have compeired, personallie and to have brought, presented and exhibite with him before the Lords of Secreit Counsell upoun the tent day of Marche instant James Dowglas, his sone, Margaret and Jeane Dowglasses, his daughters, to the intent ordour and directioun might be givin for their religious educatioun and breeding in the grounds of trew religioun, conforme to his Majesteis pleasure and directioun sent to the saids Lords anent all noblemens sonnes in generall whois parents are suspect to be averse frome the religioun presentlie profest and be law established within this kingdome, under the pane of rebelloun and putting of him to the horne, with certificatioun to him and he failyed that letters sould be direct *simpliciter* to putt him thairto, as the act made to this effect beiris: Quhilk being callit, and Sir Thomas Hoip of Craighall, knight baronnet, compeirand personallie for his Majesteis interesse, and the said Williame, Erle of Angus, being lykewayes personallie present, who for obedience and satisfacioun of the said act and charges execute aganis him exhibite before the said Lords the said James Dowglas, his sone, Margaret and Jane Dowglasses, his daughters, and the saids Lords having impaired unto the said Erle his Majesteis royall and religious care tuicheing the breeding and educatioun of noblemens childrene in the grounds of trew religioun, and the charge and directioun send to the saids Lords for this effect, and they having demandit of him what hous he would make choise of within the burgh of Edinburgh where his sone might remaine for following his studeis in vertew and letters at the schooles and colledge, and where M<sup>r</sup> Andro Ramsay, minister, and others ministers of the said burgh might have the occasioun fra tyme to tyme to conferre with him and instruct and confirme him in the trew grounds of religioun, the said Erle made choise of M<sup>r</sup> Williame Dowglas, maissar, his hous, for the effect foresaid, of the whilk choise made be the said Erle the said Lords allowes for ane interim till they be forder advised, and ordains the said Erle to advise betuix and this day aucht dayes of a pedagogue of knowledge, good conversatioun and sound in religioun to attend his sone and to have the charge of him. And the saids Lords ordains and commands the said

Fol. 99, b.

Acta February  
1628-July  
1629.  
Fol. 99, b.

M<sup>r</sup> Williame Dowglas to suffer nane to have accesse to the said James Dowglas nor conference with him bot suche persouns as ar knowin to be of the religioun, and that he suffer no papists to haunt nor frequent his hous, nor to suffer the said James to leave his hous without a warrand frome the saids Lords. And the saids Lords having demandit the saids Margaret and Jeane Dowglasses concerning thair religioun and tuicheing the behaviour and cariage of thair fathers houshold toward thame, and the said Lords being weill satisfied with thair answer, the Lords allowes thame to returne home with the said Erle, thair father, becaus he being personallie present actit himselffe in presence of the saids Lords to suffer his saids daughters to have the free exercise of their religioun with all helpes needfull thairunto, that he sall hinder so farre as in him lyes that they be not dissuaded nor no meanes used to seduce thame frome the truth, that they sall be attended and served with persouns of the religioun, and that ministers and others of the religioun sall be permitted to have accesse and conference with thame, and that the said Erle himselffe sall compeir personallie before the saids Lords when ever he sall be lawfullie charged upoun ten dayes warning, and if neid beis exhibite his said daughters with him, under the pane of fyve thowsand merkes incaise he failyie in anie point of the premisses."

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 183, a.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, as follows:—Whereas the keeping of free persons in restraint, and the abuse of minors by those to whose custody they are entrusted, is a crime very prejudicial to his Majesty's royal authority, and very unworthy of curators who are "intrusted with suche tender employments," yet Janet Gibsoun, daughter to the deceased Thomas Gibsoun, burges of Perth, having chosen John Oliphant of Bachiltoun and Laurence Merser of Melginche to be her curators, they for their own gain have "conspyred to misplace and matche her with some disadvantageous partie and so by selling of her persoun to prey upoun her esteat." The "young damosell" having informed some of her friends and implored their help towards her relief, the said John Oliphant, to frustrate their efforts, removed her to the care of the said Laurence Merser, with whom she remains and is very hardly treated, being refused her liberty, denied the opportunity of seeing any of her friends but such as he pleases, and he uses "all possible meanes to worke her weake mynde to hearken and embrace suche a partie for her husband as his corrupt humour leades him to obtrude." She is thus detained "in the qualitie of a prisouner." The said Laurence, being cited before their Lordships to answer herein, had disobeyed, whereupon they instructed his Majesty's Advocate to institute a new process against him, and in

Holyrood  
House, 10th  
March 1629.

Complaint by  
Sir Thomas  
Hope, King's  
Advocate,  
against John  
Oliphant of  
Bachiltoun  
and Laurence  
Mercer of  
Melginche, for  
illegal conduct  
towards their  
ward Janet  
Gibsoun.  
See ante, p. 84.

Fol. 183, b.



case of disobedience to take such an exemplary course with him as the rigour of law would permit. Charge having been given to the said Laurence Merser to compear and produce the said Janet Gibsoun, and the pursuer compearing, and also the defender with the said Janet being present, the said Laurence asked instruments upon the production of his charge as a free woman. And she being asked by their Lordships "with whome she wes best pleased to remaine, she declaired that it wes her awin choise and pleasure to remaine and abide with the said Laurence Merser." The Lords, however, ordain her "to be sequestrat in the hous and companie of James Prymrois, Clerk of his Majesteis Counsell, till Thurisday nixt, that she may have free libertie in the meane tyme to conferre and consult with her freinds for her better resolutioun in what may concerne her good and estait," and she is to be brought again before their Lordships upon that day.

Decreta,  
November  
1627-January  
1630.  
Fol. 183, b.

Fol. 184, a.

Suspension of  
horning  
against  
William Luiffie  
in Fishkellie  
by Jean  
Cruikshanks.

Complaint at the instance of William Luiffie in Fishkellie, as follows:—He understands that he has been put to the horn by Jean Cruikshankes in Fishekellie for not entering in ward in the Tolbooth of Edinburgh to await trial for hurting and wounding her; but he ought to be relaxed therefrom, because he has given her satisfaction for the same, and has a discharge from her to that effect. Charge having been given to the said Jean, who did not compear, and the pursuer compearing by Patrick Rankine, servitor to Mr. James Baird, advocate, the Lords suspend the horning.

Fol. 184, b.

Continuance of  
protection to  
George Lauder  
of Bass, and  
Lady Bass, his  
mother.

Petition by George Lawder of Bas, and Isobel Hepburne, Lady Bas, his mother, as follows:—Their former warrant expires on instant, and they have been following several courses for freeing themselves from debt and satisfying their creditors, but the preparing of securities and other occurrents demand a longer time, and they therefore crave an extension of the duration of their protection. This the Lords grant till 29th April next.

Petition by  
Sir James  
Forrester of  
Carden anent  
the ruin of his  
lands by the  
late slipping of  
a moss thereon.  
See ante, p. 37.

Petition by Sir James Forrester of Carden, as follows:—He formerly petitioned their Lordships that he might have the like recommendation in his favour as was granted "to the goodman of Powes, Powmylne and others interest by the breake of the mosse whilk overcovered thair landis" in respect of the great loss he sustained thereby, but their Lordships "wer spairing to grant the said recommendatioun" till truly informed of the extent of that loss. The petitioner had dealt with Somervell of Playne, Livingstoun of Greeneyairds, and Livingstoun of Kirkland to view his lands for that effect, which they have done, but they refuse to make any report without a warrant. He therefore craves that the Lords would grant a commission to these persons for that effect, and this their Lordships grant as craved.

Fol. 185, a.

The Laird of  
Kerse and his  
ladie.

"Ane letter frome his Majestie concerning the Laird of Kerse and his ladie. The Lordis, in respect the mater concernis the estate of religioun,

Sederunts,  
1625-29.  
Fol. 116, a.

Sederunts,  
1625-29.  
Fol. 116, a.

continewis the answering of the letter till Thursday come aught dayes, and in the mean tyme ordanis the Bishop of Dumblane, who wes present, to adverteis the Bishop of S<sup>t</sup> Andrewes to be heir upoun this day aught dayis, and to write to the presbyterie of \_\_\_\_\_ not to proceid to the sentence of excommunicatioun aganis thame induring that tyme.”

“The Lordis ordanis the Ladie Corsbie to resolve and advise betuix <sup>The Lady Corsbie.</sup> and Twisday quhat tennentis she will appoint for the landis and leving of Corsbie and whome she will find caution for payment to the Laird of the duetie of his landis.”

Acta February  
1628-July  
1629.  
Fol. 99, a.

*Sederunt*—Treasurer ; Privy Seal ; Wyntoun ; Bugleuche ; Seafort ; Holyrood House, 12th March 1629.  
Lauderdaill ; Lord Lorne ; Lord Areskine ; Bishop of Dumblane ;  
Clerk Register ; Advocate ; Sir John Scot ; Sir James Baillie.

Fol. 100, a.

“Forsameekill as the Kings Majestie hes by diverse letters directed to the Lords of his Privie Counsell recommendit unto thame to have a speciall care of the religious educatioun of noblemens childrene whois parents ar reputed to be disconforme to the present profest religion to the intent they might be bred and trayned up in the trew grounds of religioun, Thairfoir the Lords of Secretit Counsell ordains letters to be direct charging Hew, Lord Sempill, to compeir personallie before the saids Lords upoun the \_\_\_\_\_ day of \_\_\_\_\_ to heare and see ordour and directioun givin unto him for educatioun and breeding of his childrene in the grounds of trew religioun conforme to his Majesteis expresse will and pleasure signified to the saids Lords for that effect, under the pane of rebelloun, etc., with certificatioun, etc.”

“The Lords of Secretit Counsell gives and grants power and commissioun be thir presents to Sir James Pringill of Gallascheills, shireff principall of the shirefdome of Selkirk, to make choise of and appoint ane shireff clerk to serve his Majesteis lieges within the said shirefdome whill the first Counsell day of Julij, in respect of M<sup>r</sup> Johne Ker, lait shireff clerk, his dimissioun of the said place ; and that his Majesteis Secretar hes not as yitt grantit anie presentatioun or admissioun of anie person to the said place.”

Decreta,  
November  
1627-January  
1630.  
Fol. 185, a.

[Sederunt as recorded above.]

Holyrood  
House, 12th  
March 1629.

“The whilk day Jonet Gibsoun, daughter to umquhill Thomas Gibsoun, burges of Perth, being of new exhibite before the Lords of Privie Counsell, she wes ordained to remaine still in companie with James Prymrois, Clerk of his Majesteis Privie Counsell, till Tuisday nixt that in the meane tyme ordour may be tane where she sall be sequestrat.”

Case of Janet  
Gibson.  
See ante, p. 99.

Sederunts,  
1625-29.  
Fol. 116, a.

“That it be recommendit to the Countesse of Menteth in whose company the Lord Gray his sone remanis that no personis suspect in <sup>The Countess of Menteith and the son of Lord Gray.</sup>

religioun he sufferit to hant his company and that she haif a cair that he haunt the kirk.”

Sederunts,  
1625-29.  
Fol. 116, b.

The sons of  
the Earl of  
Nithsdale,  
Lord Gordon  
and Lord Gray.

“That it be rememberit the last Counsall day of Marche instant yf the Secretair returne not his Majesteis pleasour concerning the Erle of Nithisdail, the Lord Gordoun, and Lord Gray, thair sones, that a letter be writtin to his Majestie for this effect.”

The tanning.

“The Lordis ordanis the provest and baillies of Edinburgh with the Deane of Gild and clerk to be warnit to Twisday nixt anent the mater of the tanning.”

Holyrood  
House, 12th  
March 1629.  
Letter to the  
Archbishop of  
St. Andrews  
desiring his  
presence at the  
Council.

“After our verie heartilie commendatioun to your good lordship. Whereas the Counsell hes resolved to proceid according to his Majesteis directioun anent the educatioun of the sonnes of suche noblemen as ar disconforme to the trew religioun professed within this kingdome and ar to advise upoun sindrie other weightie effaires recommendit hither frome his Majestie, whairin your lordships presence, counsell and directioun in the right ordering thairof is absolutelie necessar, these ar thairfoir to requeist and desire your lordship to make your addresse hither betuix and the xix day of Marche instant to the intent your lordship may concurre with the rest of the Counsell by your best advice in the disposall of suche maters as ar to be handled that day; and so lookeing for your lordships precise keeping of that dyet we committ, etc. Halyruidhous 12 Martii 1629. *Subscibitur*, Mar, Hadintoun, Areskine, Clerk Register, Advocat, James Baillie.”

Royal Letters,  
1625-32.  
Fol. 156, b.

Holyrood  
House, 17th  
March 1629.

Treasurer; Privy Seal; Wyntoun; Seafort; Viscount of Air; Lord Lorne; Lord Areskine; Lord Jedburgh; Bishop of Dumblane; Clerk of Register; Advocate; Sir John Scot; Sir James Baillie.

Acta February  
1628-July  
1629.  
Fol. 100, a.

Charge to  
James  
Maxwell of  
Kirkconnell to  
appear before  
the Council  
to give account  
of his defiance  
of the sentence  
of excommuni-  
cation under  
which he now  
lies.

“Forsameekill as James Maxwell of Kirkconnell, brother to Robert, Erle of Nithisdail, being excommunicat be the ordour and censures of the Kirk for not conforming himselfe to the trew religioun presentlie profest and be law established within this kingdome, and he being denounced rebell and putt to the horne for that caus whereat most prouddie and contempnandlie he remains as yitt unrelaxt, and in respect of his excommunication and rebelloun he being incapable of anie publict functioun and charge within the kingdome, notwithstanding it is of truthe to the forder contempt of law and justice, offence and scandall of the Kirk, and to the disgrace of his Majesteis government, he usurps upoun him the office and place of a judge and in his awin persoun hes laitlie kept and haldin twa courts at the brigend of Dumfreis where he hes givin decreits and sentences to the great abusing of his Majesteis subjects who ar made to beleeve that his acts and decreits may subsist be law, altho the contrare be of truthe; Thairfoir the Lords of Secretit Counsell ordanis letters to be direct charging the said James Maxwell to compeir personallie before the saids Lords upoun the day of to

Acta February  
1625-July  
1629.  
Fol. 100, a.

answers to the premisses and to heare and see suche ordour tane there-  
anent as apperteannes, under the pane of rebelloun, etc., with certifica-  
tioun, etc.”

Fol. 100, b.

“Forsameekill as upoun ane horning used and execute aganis Mr Alexander Irwing, burges of Aberdene, Thomas Menzeis of Balgownie, James Forbes of Blacktoun, Johne Gordoun of Craig, Mr Robert Bissat of Lessindrum, Patrik Gordoun of Tillisoule, Margaret Gordoun, good-wyffe of Cormellat, Williame Seatoun of Blair, and Thomas Cheyne of Raynistoun, proceeding upoun ane excommunicatioun used and execute aganis thame for not conforming thame selffes to the trew religioun presentlie profest within this kingdome letters wer direct aganis thame, be vertew whairof Alexander Guthrie, Marchemont Herauld, charged thame to rander and delyver thair dwelling houses, towres and fortalices, unto him within a certane space after the charge under the pane of treason, for obedience of the quhilk charge thair saids houses wer randered to the said Alexander Guthrie, herauld, and the same ar presentlie in his possessioun and keeping. And whereas it is no wayes reasonable that the said Alexander sould be burdennd with the continuall keeping of the saids houses, bot that some speciall persouns be appointed to keepe the same upoun the expenses of the readiest of the saids rebellis thair rents and living during the tyme of thair rebelloun, Thairfoir the Lords of Secreit Counsell gives and grants full power, warrand and commissioun be thir presents to Patrik, Bishop of Aberdene, to appoint and place twa persouns in everie ane of the saids rebels thair houses fore-saids to be keepers thairof in his Majesteis name during the tyme of thair rebelloun, and for thair charges and expenses to modifie unto everie ane of the saids twa persouns ten shillings daylie to be payed out of the readiest of the saids rebellis thair rents and living; for pay-ment whairof to caus poynd and distreinzie the readiest goods and geir being in the possessioun of the saids excommunicat rebellis, and where goods poyndable in that sort failyeis, with power to him to call and conveene the saids excommunicat persouns and the tennents and posses-sours of thair lands and other persouns addebted in payment to thame of anie mailles, rents and dewteis whatsomever before the Shireff of Aberdene and his deputs for payment of the said daylie allowance in forme as effeirs.”

“Forsameekill as in the taxatioun grantit to his Majestie in the moneth of August 1621 yeeres, and in the taxatioun grantit 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 for the kirk of Kilrynnie, both personage and vicarage, being ane of the kirks of the lordship of Dryburgh, in regaird there is not a per-soun who can be formallie burdennd and charged for the same; and whereas it is no wayes reasounable that his Majestie sould be defraudit of his just taxatioun of the said benefice, speciallie seing there is a per-

Fol. 101, a.

Charge to the  
Bishop of  
Aberdeen  
anent certain  
persons who  
refuse to con-  
form to the  
true religion.

Charge anent  
the taxation of  
the Kirk of  
Kilrenny,  
which has not  
been paid to  
his Majesty.

fyte stent roll made and sett doun of the same for releeffe of umquhile Williame Barclay of Innergellie, principall tacksmen of the said personage teinds of the said kirk, Thairfoir and for the furtherance of his Majesteis payment of the saids taxatiouns the Lords of Secreit Counsell ordains and commands Archibald Prymrois, clerk of his Majesteis taxatioun, to give warrand for directing of letters upoun the said stent roll, charging the vassalls, fewers and tacksmen of teyndis of the said kirk of Kilrynnie, ilke ane of thame respective for thair awin pairts, to make payment to Johne, Erle of Mar, etc., Collectour Generall of the said taxatioun, grantit in the moneth of August 1621 yeeres, and to suche others as sall have warrand and power frome him of that pairt and portioun of the said taxatioun whiche is imposed upoun thame conforme to the said stent roll, and that for the thrid and fourt termes payment of the foresaid taxatioun : as lykewayes to make payment to George, Vicount of Dupline, etc., collectour generall of the said taxatioun, grantit in the moneth of October 1625 yeeres, and to suche others as sall have warrand and power frome him of that pairt and portioun of the said taxatioun whiche is imposed upoun thame conforme to the said stent roll, and that for the first, second, thrid and fourt termes payment of the foresaid taxatioun grantit in the moneth of October 1625 yeeres, within dayes nixt after the charge under the pane of horning, and if they failyie, to denunce, etc. Lykeas the saids Lords heereby declares that the acquittances and discharges to be givin be the saids collectours and thair deputs to the saids tacksmen of teyndis of the said kirk of Kilrynnie upoun payment of thair taxatioun sall be valide and sufficient to the parteis resavvers, and sall liberat thame thair of at the hands of all parteis having interesse ; for doing whair of the extract of these presents sall be unto the said clerk of the taxatiouns and others whome it concernes ane sufficient warrand."

Acta February  
1628-July  
1629.  
Fol. 101, a.

[Sederunt as recorded above.]

Holyrood  
House, 17th  
March 1629.

Janet Gibson  
allowed to  
dispose of her  
affairs at her  
pleasure.  
See ante, p. 91.

Janet Gibsoun, daughter of the deceased Thomas Gibsoun, burgess of Perth, being again brought before the Council, and being asked "with whome she desyred to be sequestrat till she be consulted and advised with her best freinds in what may concerne her good and estait, she declared that she wes under promise of mariage to the young Laird of Fingas, and thairfoir she humbelie and earnestlie intreated and desyred the saids Lords that she might have her libertie to the intent she might goe and accomlishe that mariage whairunto she wes so strictlie tyed and bound be her promise. In respect of the quhilk declaratioun, the Lords of Secreit Counsell declares her to be free to goe where she please, and to dispose of her effaires and estate at her pleasure."

Decreta,  
November  
1627-January  
1630.  
Fol. 185, b.

Complaint by  
the Commis-  
sioners of

Complaint by the Commissioners of the Burghs, as follows :—The late King James, "having ever had a royall and special care and regaird that

Decreta,  
November  
1627-January  
1630.  
Fol. 185, b.

the Burrowee, representing one of the Estaits of the kingdome, sould floorish in wealth, policie and government, that thereby they might be the more able to contribute thair best assistance and helpe in everything importing his Majestie in honnour and state, and whairin they gave manie good prooffes that they wer never deficient nor wanting when his Majestie had to doe," made many good Acts in their favour tending to the furtherance of commerce and trade and preventing such indirect courses as would hinder the same. In the Parliament held at Edinburgh in August 1621 it was ordained, conform to many Acts of preceding Parliaments, "that no strangers nor others inhabitants within this kingdome sould packe or peill in anie place of the Yles outwith free burrowes nor transport anie forbiddin goods furth of the same," and they had hoped to have enjoyed the comfort and benefit of this Act. But, "to thair great greefe," Colin, Earl of Seafort, "who by his birth and place quhilk he holds in the State sould have contributed his best helpe to the furtherance and reall executioun of the saids Acts of Parliament," being misled "with some suggesting insinuations and projects of strangers, who ar ever bussie to pry in the secreits and mystereis of neighbouring estats where the hope of gayne is apparent, they have inculcat in his eares manie great hopes and projects of wealth and credite by erecting of a burgh in the Lewes and planting of a colonie of strangers thairin."

Burghs against  
Colin, Earl of  
Seafort, for  
introducing  
persons from  
Holland into  
Lewes and  
adjoining  
parts to the  
detriment of  
the trade of  
the country.

Fol. 186, a.

He had proposed the scheme to his Majesty and obtained a signature thereupon, which the complainers have stopped, and the matter is thus in dependence before the Lords. But meanwhile the said Earl proceeds with the scheme, "and hes drawin hither ane number of strangers who daylie resorts to and fra Holland to the Lewes and continent nixt adjacent, and hes caused thame be answered of all suche commoditeis as these bounds affoords, as namelie with fishes and beeves, quhilks with the hyde and talloun with manie uthers commoditeis they transport to Holland." By this procedure "the Incountrie," which was formerly furnished with cattle from these parts, is now disappointed thereof, so that few or none were obtainable in markets this year. Then some of the complainers' neighbours having, as they were wont to do, gone this year to the Isles for their ordinary commodities, such as "plaiding," and other things in which they traded, they all returned empty, nothing being left for them, but all taken up by the said strangers; so that "the trade in these pairts, whilk wes ane verie important trade for the countrie, is lyke to be devolved in strangers hands, and the compleaners, who ar the natives and subject to all the impositiouns in the countrie, ar shaikin louse without handling or doing to the appearand wracke and overthrow of thair famileis and undoing of thair shipping, quhilk they will be constrained to sell for laike of employment." Charge having been given to the said Earl, and the pursuers compearing by David Aikinheid, provost, and the bailies and some of the Council of Edinburgh and Mr. John Hay, their clerk, as prolocutor, and the defender also compearing and pleading

Fol. 186, b.

that the Burghs have no standing in this case to pursue him, and that he is accountable to his Majestie only for any breach of the said Act, to which the Burghs replied that the Act was directly conceived in their favour and by its breach their liberties are wronged, the Lords find that the Burghs are "direct and competent parteis and hes good interesse to compleane upoun the breache and violatioun of the said Act, and that the pane arysing upoun the breache thairof must redound and accresce to his Majestie." The pursuers having stated that they insisted only upon the breach of the Act since January 1628, and several reasons against the said complaint having been given in writing by the defender, and considered, the Lords ordain the Earl of Seafort himself to observe the said Act in all points and to see that it receive due execution in his bounds, and that "nather he be himselfe nor his tennents packe nor peill in anie place of the Iles outwith free burrowes nor transport anie forbidin goods furth of the same," as he will answer upon his highest charge and peril. And they remit the trial of the particular violations of the said Act to the Lords of Council and Session.

Decreta,  
November  
1627-January  
1630.  
Fol. 186, b.

Fol. 187, a.

Complaint by  
William Monro  
in Auchnocullen  
and John Tennent  
in Westersoules  
against William  
and Alexander  
Ross for  
assault and  
theft.

Complaint by William Monro in Auchnocullen and John Tennent in Westersoules, as follows:—William and Alexander Ross, indwellers in Kinnardie, out of a deadly hatred against the pursuers, came on 24th December last to , where they understood the said John Tennent was alone, and they, being armed with bows, targes, swords, durks, and other weapons, set on him at unawares, wounded him in the head, face, and other parts of the body, to the great effusion of his blood and peril of his life. They also broke up the doors of his house and byre and took thence a cow of his. Further, on the 28th of the same month, they came similarly armed to Auchnocullen, where the said William Monro "wes bussied attending his plewes," and attacked him also at unawares, wounding him in the head, arms, and other parts of his body, and left him lying for dead. Then they went to his lands in Auchnocullen, which he has peacefully possessed these several years past, removed his ploughs, chased away his servants, and then yoked their own ploughs upon the complainer's lands. Charge having been given to the said William and Alexander Ross, and the pursuers compearing by George Tailyeour, servitor to Mr. James Lawtie, and the defenders not compearing, the Lords ordain the latter to be denounced and escheat.

Fol. 187, b.

The Countess of  
Nithsdale and  
the Ladies  
Herries and  
Kirkconnell  
put to the  
horn for their  
contempt of  
the sentence of  
excommunication  
under  
which they  
now lie.

Complaint by the Moderator and brethren of the Presbytery of Dumfreis, as follows:—In obedience to the Act of the Parliament held at Edinburgh in June 1594 against Papists, they had taken proceedings against Dame Elizabeth Bewmonth, Countess of Nithisdail, Dame Elizabeth Maxwell, Lady Hereis, and Elizabeth Maxwell, Lady Kirkconnell and after long patience with them and enduring of their contemptuous disobedience, they pronounced sentence of excommunication against them, which was done in the case of the said Countess of Nithisdail and Lady Hereis in the Kirk of Terregles on 3rd August, being Sunday,

Fol. 188, a.

by Mr. Thomas Melvill, minister at Terregles, and on the same day Lady Kirkconnell was excommunicated in the Kirk of Troqueir by Mr Harbert Glaidstains, minister there. But to this fearful sentence they pay no heed. Charge having been given to the said ladies to compare and bring certificates from the presbytery of their satisfaction and relaxation, and the pursuers comparing by Mr. Adam Simsoun, minister at New Abbey, but none of the defenders, and no certificates being offered by any in their names, the Lords ordain the said Countess of Nithisdail and Ladies Hereis and Kirkconnell to be denounced and escheat.

Petition by Margaret Hunter, spouse to Peter Donnald, burgesse of Dumbartane, and Janet Donnald, spouse to Umphra Cahowne there, as follows:—Upon some sinister information by their enemies the Lords granted a commission to the Lairds of Foulwod and Ardincaple and to James Hall, called of Foulebar, to try them upon the charge of witchcraft. These commissioners have appointed Thursday next, 19th instant, for their trial, and intend to proceed therewith though “they ar free and innocent of that cryme and there is no cleere depositions quhilk may argue or inferre anie guiltinesse aganis thame, and all that can be objected ar bair and naiked presumptiouns whilks in maters of lyffe and death aucht not to be respected nor allowed.” As to their judges, though the complainers will impugn neither their credit nor honesty, yet “they may trewlie affirme that they ar not acquaint with maters of this kynde, and hes not the knowledge nor experience to discusse the relevancie of a dittay, and the exceptiouns and objectiouns that in law may be trewlie propounded aganis the same, and the persouns who ordinarilie ar putt upoun the assyse in thir maters ar base ignorant people without letters or knowledge and knowes no forder bot the allowing of the relevancie of the dittay makes the pannell to be cleerelie guiltie without anie kynde of respect to the verificatioun of the dittay and others circumstances concurring thairin.” Moreover, there are no procurators to be had in the burgh of Dumbartane with whom the petitioners may advise for their defence, which in a case of life and estate the laws of God and nature allow. They therefore crave that their trial be postponed, and that John Cahowne of Luss, and Boyle of Kelburne, Commissary of Glasgow, be added to the commissioners foresaid. The Lords continue the trial till 10th April next and agree to the addition of the two gentlemen named to the commission if they will accept the same, otherwise the Lords appoint the trial to take place by the former commissioners.

Complaint by John Sempill of Aikinbar, as follows:—The invasion of the lieges within the burgh of Edinburgh, or within a mile of the Council's residence, is very strictly forbidden, yet Bryce Sempill of Hunterhill, having conceived a grudge against the complainer and given him no notice thereof, invited him in a friendly way to the chamber of Harie

Decreta,  
November  
1627-January  
1630.  
Fol. 188, a.

Fol. 188, b.

Fol. 189, a.

Petition by  
Margaret  
Hunter, spouse  
to Peter  
Donald,  
burgess of  
Dumbarton,  
and Janet  
Donald, spouse  
to Humphrey  
Colquhoun,  
both accused  
of witchcraft,  
for the post-  
ponement of  
their trial on  
the ground of  
the incom-  
petency of the  
persons  
appointed to  
be their judges.



Osburne, writer in Edinburgh, for conference "about some purposes," and he, unaware of any "hid plott," went thither alone, "not having so muche as ane knyffe upoun him," and waited the coming of the said Bryce. When he came they had "ane cominoun and freindlie discourse" for a certain space, and then "the said Bryce, er ever the compleaner was awar of him, with his falded neiff feld and wounded him on the face, so that he nather saw nor heard for ane great spaice thereafter; and than drew his whingear," with which he would have killed the complainer if those present had not hindered him. Charge having been given to the said Bryce Sempill, and both pursuer and defender compearing and witnesses being heard, the Lords find the defender guilty as libelled, and ordain him to ward in the tolbooth of Edinburgh till they release him.

Decreta,  
November  
1627-January  
1630.  
Fol. 189, a.

Fol. 189, b.

Holyrood  
House, 17th  
March 1629.  
Commission to  
the Sheriff of  
Berwick and  
others to try  
Margaret  
Wallace in  
Langton for  
witchcraft.

Commission under the Signet to the Sheriff of Bervick, Robert Cockeburne of Blacksmylne, his depute, Sir Alexander Nisbitt of West Nisbitt, and John Cranstoun of Thornedykes, or any two of them, the said sheriff or his depute being one, to hold courts and try Margaret Wallace in Langtoun, who has been long suspected of witchcraft. Signed by Mar, Hadintoun, Wintoun, Seafort, Air, Lorne, and Scottistarvett.

Commissions,  
1624-30.  
Fol. 192, b.

Commission to  
Charles Lauder  
and Alexander  
Home to try  
Isobel  
Thomson in  
Crailford for  
witchcraft.

Commission under the Signet to Charles Lawder, baillie depute of Lauderdaill, and Mr. Alexander Home of St. Leonards, as justices, to hold courts and try Isobel Thomsoun in Craillfurde, who has been long suspected of witchcraft. Signed as above.

Commission to  
David Brodie  
and others to  
try Janet  
Melrose,  
midwife in  
Chattill, for  
witchcraft.

Commission under the Signet to David Brodie of that Ilk, Alexander Brodie, portioner of Kinlosse, James Rutherford, sheriff depute of Elgine and Forresse, Alexander Innes of Coitts, James Dumbar of Bogs, and Mr. John Hay, commissiary of Murrey, or any three of them, as justices, to hold courts and try Janet Melros, midwife in Chattill, who has long been suspected of witchcraft. Signed as above.

Fol. 193, a.

The Earl of  
Angus and the  
religion of his  
son.

"The Lordis continewis the Earle of Angus toucheing the nominatioun of a pedagogue to his sone till Thurisday nixt quhairof intimatioun wes maid to M<sup>r</sup> Williame Douglas, maiser, in name of the said Earle."

Sederunts,  
1625-29.  
Fol. 116, b.

Janet  
Johnston.

"That chargeis be direct aganis Jonnett Johnnestoun, spous to Broun of Lochhill, and hir cautionaris for contravening of hir cautionarie."

Fol. 117, a.

Mr. Harbert  
Brown.  
The Lady  
Corbie.  
See *quite*, p. 84.

"The lyke chargeis to be direct aganis M<sup>r</sup> Harbert Broun."  
"The Lordis continewis the modificatioun of the Lady Corbie hir allowance till Thurisday nixt, to the intent that in the meantyme she may performe the conditionis of hir undertaking towcheing the setting of the Laird his landis to tennentis and finding caution for payment making unto him of the yeirlye duetie aggreit upoun the same."

Holyrood  
House, 19th  
March 1629.

Sederunt—St Andrewes; Treasurer; Privy Seal; Wyntoun; Seafort; Viscount of Air; Lord Lorne; Lord Areskine; Lord

Acta February  
1628-July  
1629.  
Fol. 101, a.

Acta February  
1628-July  
1629.  
Fol. 101, a.

Melvill; Lord Tracquir; Bishop of Dumblane; Clerk of Register; Advocate; Sir John Scot; Sir James Baillie.

“Forsameekle as advertisement is laitlie come frome Court that the regi-  
ment whair of Sir George Hay is colonell and hes the charge and conduct  
sall be in readinesse betuix and the last day of Marche instant to be transported  
and imployed as his Majestie sall direct, whilk in regaird of the shortnesse  
of the tyme and that the compans who served under the captans and commanders  
of the said regiment ar disperst and lying in diverse parts of the countrie  
cannot be convenientlie performed without warrands frome his Majesteis  
Counsell to that effect, Thairfoir the Lords of Secreit Consell hes givin  
and grantit, and be the tennour heerof gives and grants warrand and  
commissioun be thir presents to the said Sir George Hay, colonell, and to  
the captans and commanders of the said regiment to caus towke drwmmes  
for conveyeing of thair compans at suche tymes and places as they sall  
appoint; with power lykeweyes to thame, thair commanders and officiers,  
with the concurrence of some ordinarie magistrat to burgh and land, to pas,  
searche, seeke and apprehend all suche fugitive souldiours as hes runne  
away or sall happin to runne away fra thame and who sall not give thair  
appearance and mustours at the tymes appointed for that effect; with  
power lykeweyes to thame for the better filling up of thair compans to  
take on suche persouns as voluntarilie will agree and inroll thameselfes  
for that service whairby the nomber and places of these who sall undewtiffullie  
abandoun thair charge may be supplued and made up for the good of his  
Majesteis service and credite of the countrie. 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 counsellers, and right trustie and weilbelovit counsellers,  
we greete yow weil. Whereas our trustie and weilbelovit Sir George Hay  
of Kinfawnes, knight, is to levey a regiment of men within that our  
kingdome to serve the Estaits of the Low Countreis,<sup>1</sup> and to that effect  
we being willing that he have all suche readie and favourable assistance  
and encouragement that lawfullie can be granted, our pleasure is that  
yow grant unto him a warrand to towcke drwmmes for this purpose and to  
levey and transport the said regiment with als large priviledges as anie  
colonell or commander whatsoever hes had heeretofore in the lyke kynde;  
and that otherwayes yow give unto him all suche readie furtherance as  
he can lawfullie require or yow can convenientlie graunt, whiche we will  
take as verie good service done unto us. And so we bid yow fareweill.  
Frome our Court at Whitehall the 9<sup>th</sup> of Marche 1629.”

“The Lords of Secreit Counsell ordains the Erle of Wyntoun, who wes Charge to the

<sup>1</sup> With the old object of recovering the Palatinate for his brother-in-law, the Elector Frederick, Charles was again taking an active part in the Thirty Years' War.

Earl of Winton to send his son to the University of St. Andrews to be educated in the true religion, with further directions anent his wife and daughters.

personallie present, to send his eldest sone to St Andrewes or to Edinburgh as he sall thinke fitt, attendit with a pedagogue sound in religioun, there to remayne till Junij nixt that in the meane tyme the young nobleman may be instructed in the grounds of trew religioun by suche as sall be appointed to conferre with him for that effect, and upoun thair report to be made the first Counsell day of Junij of the young nobleman his knowledge and professioun, ordour may be tane thairanent in tyme comming accordinglie. And the Lords ordains the said Erle to have a cair that his ladie, daughter, and secund sone repaire to Church and give all outward obedience without scandall; whilk the said Erle being personallie present, as said is, promised to doe."

Acta February 1628-July 1629.  
Fol. 101, b.

Fol. 102, a.

The Earl of Angus and the education of his son.

"The Lords of Secret Counsell ordains Williame, Erle of Angus, who wes personallie present, that betuix and the first Counsell day of Apryle he appoint some learned man who is approvin and knowin to be sound in religioun to have the charge and care of educatioun of his sone."

Letter from his Majesty anent a petition of Sir William Monteith of Kerse for continuance of protection that he may discharge his debts.

• "The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Secret Counsell wes presented to the saids Lords, of the whilk the tennour followes:—CHARLES R., Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellors, and trustie and weilbelovit counsellors, we greete yow weill. Whereas we have beene petitiouned be Sir William Monteith of Kerse, knight, and his ladie, humblie showing that being engadged to diverse thair creditours in sindrie sowmes of money they cannot convenientlie give that satisfioun quhilk they ar willing unlesse we be pleased to grant unto them a competent tyme free frome the rigour of the executioun of our lawes for performance thair of, intending within the said space to take a course for giving of satisfioun to thair creditours; whiche goodlie we could not have refused unto thame if the Bishop of Ros, commissioner frome the Church, had not enformed us of thair disconformitie frome the trew religioun presentlie profest within that our kingdome, for whilk the Churche hes thame presentlie under processe; quhairfoir least uthers of that professioun under the lyke pretexts sould importune us, we have refused to grant thair said petitioun unlesse they sall compeir before yow and give sufficient assurance that within the space of sax moneths they sall conforme thameselfes to the trew religioun, otherwise that they sall remove thameselfes out of that our kingdome, and that during that space they sall behave thameselfes in suche sort as they sall doe no thing contrarie unto our lawes nor give no caus of open scandall nor no other offence to our Church and countrie, and in the meane tyme that they use suche lawfull ordinarie meanes for thair instructioun and reclayming as the Churche sall thinke fitting to prescrive; but if they sall compeir before yow and find sufficient suretie to the effect foresaid and that they take a reasonable course for payment of the debts awand be thame to thair creditours within the said space, than our pleasure is that during the said tyme of sax moneths and of

Acta February  
1628–July  
1629.  
Fol. 102, b.

their good cariage thairin in maner foresaid the rigour of our lawes in anie maner be not execute agains thame; and so we bid yow fareweill. Frome our Court at Whitehall the fyftene day of Januarie, 1629.<sup>1</sup> Whilk letter being read, heard and considerit be the saids Lords, and they having heard the Bishop of Dumblane, and M<sup>r</sup> Thomas Spittell, minister at Falkirk, thair report anent the said Laird of Kerse his behaviour in his religioun, they thinke it not expedient that the desire of the letter sall be granted: and thairfoir ordanis ane letter to be writtin to acquaint his Majestie with the causes of thair refusall.”

Decision of the Council against the granting of the Laird of Kerse's petition.

“The Lords of Secreit Counsell nominats and appoints the Clerk of Register, Sir Johne Scot, Sir James Baillie and Sir Henrie Wardlaw, to pas and make a survey of his Majesteis houses and castellis of Edinburgh, Halyrudhous, Linlithgow, Sterline, Dumfermline, and Falkland, how they ar repaired and ordoured, and that they report what they find thairin upoun Tuisday come aught dayes.”

Warrant to the Clerk of Register and others to make examination of his Majesty's castles and palaces.

[Sederunt as recorded above.]

Holyrood House, 19th March 1629.

Petition by John, Earl 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 Cunziehous, as follows:—The warrant granted to Mr. John Achesoun, sometime of Newtounleyes, for coming from Ireland to produce some writs affecting the Cunziehous (certain annualrents from which are claimed by Mr. John Schairp, advocate), and for pursuing some actions before the Lords of Council and Session against James Hopper of Bourehous, his brother-in-law, will expire on the last of this month, and that matter was yet undiscussed. They therefore crave an extension of the said protection; and this the Lords grant till 15th July next.

Petition of John, Earl of Mar, and others for continuance of protection to Mr. John Achesoun.

Fol. 190, a.

The Lords, having of new and at great length heard Patrick Cranstoun of Corsebie and Marion Home, his spouse, upon their differences, “and finding that as yitt there is not anie suche harmonie and mutuall dewteis of love and kyndenesse betuix thame as aught to be betuix a man and a wyffe, bot that there is miscontentments on either side continewes als violent and greene as they wer at anie tyme frome the beginning, sua that it is expedient for both thair weales that they sall live apairt for a yeere till it sall please God to unite thair hearts in a more Christiane harmonie,” and as it is just that the said Marion Home should have some aliment out of her husband's estate meanwhile, they modify to her the sum of 600 merks for the year's maintenance, viz. to 1st April 1630, the first half at Whitsunday next and the other half at Martinmas following. John Cranstoun of Thornedykes, personally

Patrick Cranston of Corsebie and Marion Home, his spouse, to live apart for the space of a year—the said Marion Home being allotted 600 merks as aliment.

Fol. 190, b.

<sup>1</sup> A copy of this letter is also engrossed in the Council's Register of Royal and other letters, fol. 160, a.

- present, became cautioner for the performance of this by the said Patrick, who obliged himself to relieve his said cautioner.
- Anent the Commission for the Middle Shires. "The Lordis ordanis the Commissionaris of the Midleshyris to meete the morne and to consider these articlis quhilkis the Counsell hes thocht fitt to be reformed in the Commissioun for the Middleshyris, and to ad quhat forder they think expedient to be reformed thairanent, and to reporte thair opinioun to the Counsell upoun Twisday nixt."
- The Countess of Abercorn. "That the Countesse of Abircorne be chargeit to compeir befor the Counsell upoun Twisday nixt to heir and see letters of hoirning decernit to be direct aganis her."
- Janet Maxwell and Adam Cunningham. "That Jonnett Maxwell and Adam Cuninghame, hir cautioner, be chargeit to compeir upoun Twisday nixt to heir thair act of cautionarie decernit to be contravenit."
- Penalty against absent sub-commissioners of the valuations. "The Lordis gevis power to the subcommissionaris anent the valuations to set down a penaltie of foure pundis to be payed by every one who salbe absent frome the ordinair meetingis without a lawfull caus."
- The meeting of the great commission. "The Lordis findis that the dyet appointed be the grite commissioun to the procuratour fishaell to persew cannot be alterit bot be the Commissioun."
- The aliment of Lady Corsbie. "The Lordis modifyis to the Lady Corsbie the soume of sax hundreth merkis to be payit to hir be the Laird of Corsbie, hir husband, for hir interteynment frome the dait of thir presentis to the first day of Aprile 1630; and Johnne Cranstoun of Thornidykis, being personally present, became actit as cautioner for payment of the said soume, the on half at Witsonday, the other half at Martymes nixt. Corsbie actit to releve his cautioner."
- Holyrood House, 24th March 1629. *Sederunt*—Treasurer; Privy Seal; Wyntoun; Seafort; Lauderdale; Viscount of Air; Lord Lorne; Lord Areskine; Jedburgh; Melvill; Bishop of Dumblane; Clerk of Register; Advocat; Sir John Scot; Sir James Baillie.
- Warrant to Patrick, Bishop of Aberdeen, and others, to apprehend Mr. George Anderson and others now at the horn for resetting Papists and failing to appear before the Council to answer the charge. "Forsameekle as upoun the twentie day of December last Robert Cowtes within the parish of Aboyne, Johne Gordoun of Kethnie, George Gordoun of Drumgesk, Alexander Gordoun, his brother, James Gordoun in the Hilheid of Kincairne, Williame Fraser of Craigtoun, Patrik Carnegie in the Kirketoun of Aboyne, Elizabeth Gordoun, his spous, and Jeane Stevin, spous to the said Robert Cowtes, wer ordourlie denounced his Majesteis rebellis and putt to the horne be vertew of letters direct to the Lords of Secreit Counsell at the instance of the Moderator and brethrein of the presbyterie of Kincairne for the saids persouns thair not compeirance before the High Commissioun of the Kirk at a certane day bygane to have answered to the complaint givin in aganis thame tuicheing thair resetting of Jesuits, seminarie and messe preists, and hearing of messe said be George Leslie the Caputiane; lykeas upoun

Decreta,  
November  
1627-January  
1630.  
Fol. 190, b.  
Sederunt,  
1625-29.  
Fol. 117, a.

Fol. 117, b.

Fol. 118, a.

Acta Februry  
1628-July  
1629.  
Fol. 102, b.

Acta February  
1628-July  
1629.  
Fol. 102, b.

the nyntene day of Februarie last M<sup>r</sup> George Andersoun, wrytter, M<sup>rs</sup> George and Gilbert Paips, M<sup>r</sup> Alexander Irwing, Robert Irwing and Hercules Guthrie, burgesses of Aberdene, Thomas Meinzeis of Balgownie, Alexander Leslie, brother to the Laird of Pitcaple, and Francis Leslie, brother to George Leslie, callit the Caputiane, wer lykewayes ordourlie denounced his Majesteis rebellis and putt to the horne be vertew of letters direct be the saids Lords, that is to say, the said M<sup>r</sup> George Andersoun, M<sup>rs</sup> George and Gilbert Paips for not compeering personallie before the saids Lords at a certane day bygane to have answered upoun thair ressetting of Jesuits, seminarie and messe preists and hearing of messes in the hous of M<sup>r</sup> Alexander Irwing, burges of Aberdene, and the remanent persouns foresaids, for not compeirance personallie before the saids Lords to have answered upoun thair wrytting, devysing and affixing of twa pasquills and infamous libellis conteaning treasonable warnings and predictiouns of the change of the estait and religioun and a number of invective and rayling speeches aganis the professours of the trew religioun and ministers of Aberdene as the letters of horning dewlie execute, indorsat and registrat showin to the saids Lords of Privie Counsell at lenth, beiris, at the processe whairof the persouns particularlie abonewritin hes most prouddie and contempnandlie remained his Majesteis rebellis since the day of thair denunciatiouns respective, as they doe yitt unrelaxt, takand no regaird to the said hornings, bot haunts, frequents and repaires publictie and avowèdlie in all pairts of the countrie as if they wer his Majesteis answerable and obedient subjects, in high and proud contempt of his Majesteis auctoritie and lawes and encouragement of others to continew in the lyke rebelloun; Thairfoir the Lords of Secreit Counsell hes givin and grantit, and be the tennour heerof gives and graunts full power, warrand and commissioun, expresse bidding and charge, to Patrik, Bishop of Aberdene, Sir Thomas Burnet of Leyes, the provest and bailleis of Aberdene for the tyme, M<sup>r</sup> Alexander Jaffrey, lait baillie, and M<sup>r</sup> Robert Ferquhair, lait deane of guild of the said burgh of Aberdene, conjunctlie and severallie, to convocat his Majesteis lieges in armes, and to pas, searche, seeke and take the persouns foresaids wherever they may be apprehendit and to committ thame to waird within the tolbuith of Aberdene and to deteane thame thairin upoun thair awin expenses ay and whill directioun and ordour be givin concerning thame as apperteannes; 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 uther thing whilk for executioun of thir presents ar requisite and necessar. Firme and stable halding and for to hald all and whatsomever thing sall be lawfullie done heerin, and that letters be direct charging all and sindrie his Majesteis lieges and subjects to reverence, acknowledge and obey, ryse, concurre, fortifie and assist the saids commissioners in all and everie thing tending to the executioun of this commissioun, and to doe

Fol. 103, a.

nor attempt nothing to the hinder nor prejudice thair of as they and everie ane of thame will answeere upoun the contrarie at thair perrell." Acta February  
1628-July  
1629.

Warrant to  
Mr. Alexander  
Colville of  
Blair and the  
Presbyteries of  
Dunfermline  
and Muthill  
to collect  
testimony  
anent the  
charge of  
witchcraft  
brought  
against  
Alexander  
Drummond.

" Forsameekle as Alexander Drummond, prisouner in the tolbuith of Edinburgh for witchcraft and for manie cleere points of charming committit be him to the great offence of God and scandall of the Kirk, is shortlie to be putt to his tryell for that caus, and whereas it is verie necessar and expedient that afoir his tryell all good meanes be used for discoverie of the truthe of his unlawfull and devilish practises; and the Lords of Secreit Counsell understanding that there is diverse persouns within the presbytereis of Dumfermline and Muthill who can give some light and informatioun anent the said Alexander his practises; Thairfoir the saids Lords gives and grants commissioun be thir presents to M<sup>r</sup> Alexander Colvill of Blair, Justice Depute, and to the brethrein of the saids presbytereis, or anie three of thame within eache presbyterie, to conveene before thame all suche persouns within thair saids presbytereis as can give anie light or informatioun concerning the said Alexander his practises of witchcraft and charming and to examine thame thairupoun, and to sett doun thair depositions formallie in writt, and to report and send the saids depositions closed to the saids Lords betuix and the day of \_\_\_\_\_ to the intent the saids Lords after consideratioun thair of may give forder directioun anent the said Alexander his tryell as apperteanes: commanding heereby the persouns who sall be warned to compeir before the saids presbytereis to the effect foresaid that they give thair compeirance before thame and depone the truthe in the mater foresaid, as they will answeere to the saids Lords upoun thair obedience."

Charge to the  
small barons of  
the Sheriffdom  
of Ayr to meet  
to confirm  
their election  
of Commis-  
sioners for  
Parliament,  
made the pre-  
ceding year.

" Forsameekle as the Kings Majestie having recommendit to the small barouns and freeholders within the sherifdome of Air to confirme the former electioun made be thame the yeere preceeding of commissioners for the Parliament to stand for this present yeere, and the Lords of his Majesteis Privie Counsell having lykewayes writtin unto thame for that effect, and it being expected that they out of a respective dewtie to his Majesteis obedience sould have acquiesced to his Majesteis will and pleasure in this point, yitt it is of truthe that the few number that conveened tooke a direct contrarie course and made choise of commissioners at thair awin pleasure, thairby disappointing his Majesteis royall purpose and intent, to the high contempt and misregaird of his Majesteis royall directioun; Thairfoir the Lords of Secreit Counsell ordains letters to be direct to command and charge the small barouns and freeholders within the shirefdome of Air and baillereis of Kyle, Carrick and Cunynghame to conveene and meete with Johne, Lord of Lowdoun, shireff principall of the shirefdome of Air, or his deputs within the tolbuith of the burgh of Air upoun the twentie nyne day of Apryle nixt, and at thair meeting that the said Lord of Lowdoun caus read unto thame his Majesteis missive letter with the Counsellis letter writtin unto thame anent the confirming of thair former electioun and accordinglie to deale Fol. 104. a.

Acta February  
1628-July  
1629.  
Fol. 104, a.

and travell with thame to confirme the said former electioun, or than to make choise of twa fitt persouns to be commissioners for the said shirefdome at this approcheing Parliament as the saids small barouns and freeholders will answeere unto his Majestie upoun thair dewtie and obedience; and that the said Lord of Lowdoun report his diligence in the premisses to the Lords of his Majesteis Counsell upoun the xiiij day of May nixt as he will answeere to his Majestie upoun the dewtie of his office."

"Forsamekill as at a lait meeting of the small barouns and freeholders within the shirefdome of Roxburgh for making choise of commissioners to attend the Parliament they nominat and elected Androw Riddell, elder, of that Ilk, in place of Androw Riddell, appearand of that Ilk, his sone, to be one of the commissioners for the said shirefdome, who being a man of great age, being now neere fourescore yeeres and very infirme in his persoun and his judgement not so rype and quicke as formerlie it hes beene, it is wiselie foreseene be his Majesteis Counsell that the said Androw cannot attend the said Parliament, whairthrow there will be a want of commissioners for that shirefdome to attend the said Parliament without remeid be provydit: Thairfoir the Lords of Secreit Counsell ordains and commands the Shireff of Roxburgh to conveene of new the small barouns and freeholders of the said shirefdome with convenient diligence, and at thair meeting that he caus read unto thame his Majesteis and the Counsellis letters direct unto thame for confirming of the electioun made of commissioners the yeere bygane to stand for this present yeere, and accordinglie to deale and travell with thame to acquiesce to his Majesteis royall directioun in that point, or otherwayes that they make a new choise and electioun of twa fitt persouns to be commissioners for the said Parliament; and that the said shireff report his diligence and the obedience of the saids small barouns and freeholders to his Majesteis Counsell upoun the day of nixtcome, as he will answeere upoun the dewtie of his office."

Charge to the Sheriff of Roxburgh to conveene the small barouns of his Sheriffdom in order that they may confirm their election of a Commissioner for Parliament made the preceding year.

"Forsameekill as by expresse warrand and directioun frome the Kings Majestie subcommissiouns hes beene granted to some certane persouns within eache presbyterie of this kingdome for trying of the just and trew avail and worth of the whole lands, stocke and teind within the saids presbytereis; and it being expected that the persouns who wer entrusted with this employment sould have attended the executioun thairof and kepted the precise termes and dyets of meeting appointed for that effect, neverthelesse the Lords of Secreit Counsell ar informed that manie of the saids subcommissioners throughout the severall presbytereis of this kingdome neglects thair ordinarie termes and dyets of meeting, so that when maters occurres to be handled in these meetings it falles oftymes out that throw laike of a number of the subcommissioners the dyets are disappointed, and his Majesteis service, whilk is trewlie intendit for the ease of his subjects in releeving thame

Charge to the conveners of the sub-commissioners anent the neglect of their duties by the said sub-commissioners.

Fol. 104, b.



of the unnecessar trouble and charges they would have bene drivin unto if they had bene constrayned to attend the generall commissioun for tryell of thair saids valuatiouns, is frustrat, highlie to his Majesteis offence and lingering and delaying of his Majesteis service; Thairfoir the Lords of Secreit Counsell hes givin and grantit, and be the tennour heirof gives and grants full power, warrand and commissioun and with that commands and ordains the conveenners of the subcommissioners within eache presbyterie of this kingdome that they with all convenient diligence conveene the subcommissioners in the ordinarie place of thair meetings, and at thair meetings that they or so manie of thame as sall happin to be present for the tyme, being alwayes a full nomber, make and sett doun acts for keeping of ordour among thame and imposing of penalteis upoun the absents who keepes not thair ordinarie meetings, provyding that the greatest penaltie exceid not foure pundis; whilk penaltie sall be uplifted of everie persoun that sall be absent upoun the ordinarie dayes of meeting without a lawfull caus to be approvin and allowed be the benche for everie dayes absence, and sall be applyed the ane halffe thairof to the use of the poore within the presbyterie, and the other halffe thairof to the procuratour, fiscall, clerk, and remanent members of court."

Acta February  
1628-July  
1629.  
Fol. 104, b.

Report by  
Adam, Bishop  
of Dumblane,  
and others  
anent the  
necessary  
improvements  
in Holyrood  
Kirk.  
See ante, p. 74.

"The whilk day Adame, Bishop of Dumblane, and M<sup>r</sup> James Ahannay, minister at Halyrudhous, gave in to the Lords of Privie Counsell the report underwrittin anent the repairing of the Kirk of Halyrudhous, whairof the tennour followes.

"At the Kirk of Halyrudhous the saxtene day of Marche, 1629.

"The whilk day Adame, Bishop of Dumblane, Sir Johne Scot of Scottistarvett, knight, Sir James Baillie of Lochend, knight, and James Murrey, maister of his Majesteis workes, appointed commissioners be the Lords of Secreit Counsell upoun the twentie sax day of Februarie last bypast for visiting and surveying of the defects and ruines of the said kirk and for considering what might serve for decoreing and beautifeing of the samine with better and larger lights ather by removing of anie lofts impeding the same or stryking out of new lights where they sall be found necessar, having mett and surveyed the same, have resolved in maner following:—

"*Imprimis*. They finde it necessar that the three lofts over against his Majesteis seate on the north side of the said kirk be removed whairby the kirk sall be better lighted and aired, and the people sall heare Gods word more commodiouslie, numbers of seates being made laich for noblemen and thair ladeis and uthers persons of good qualitie who now for want of seates ar forced to goe ellis where, altho they dwell within the parish; and with all findes that these to whome the lofts belonges may be more commodiouslie furnished ellis where, to witt, be ane great loft to be built on the east gavill whilk being divydit in twa will hald ane great nomber mae nor anie two lofts now possest be thame, and the thrid

Fol. 105, a.

Acta February 1628—July 1629. Fol. 105, a. may have ane laiche seate under his Majesteis galrie whilk will be just over aganis the pulpit.

“*Item.* They find it necessarie that upoun the laich north east gavill there be ane window strickin out, whilk will wonderfullie decore and beautifie the kirk.

“*Item.* They find it necessarie that the pulpit be removed ane pillar towards the west for the more commodious hearing of all the people.

“*Item.* That the commoun loft be left ane pillar westward.

“*Item.* That the twa firre seates whilks ar in the bodie of the kirk on the south side be removed and made equall with the foreface of his Majesteis lofts and the rest of the laiche seates.

“*Item.* They finde it necessarie that there be foure windowes strickin out on the south side of the kirk under his Majesteis lofts for the lighting and airing of that side of the kirk, and finds it may be easilie done.

“*Item.* After the sighting and surveying of the high kirks pend they find it necessarie that it be poynted and plaistered and the pillars and subpillers of the transees on everie side be made sure, and being perfytelie repaired that the loft layed over the kirk be removed. *Sub-scribitur*, Ad. B. of Dunblane, S<sup>r</sup> J. Scottistarvett, James Baillie, James Murray.

“Whilk report being read, heard, and considerit be the Lords and they rypelie advised thairwith, the Lords of Secretit Counsell allowes of the first article of the said report tuicheing the removing of the three lafts foregainst his Majesteis seate and building of a great laft on the east gavill for the ease of the people to whome the three lafts belongs, and for bigging of laiche seates according as is sett down in the said article, whilk is to be performed by the bailleis and sessioun of the kirk of the Cannogait and upoun thair charges. And tuicheing the remanent points conteaned in the said report, the Lords reserves the consideratioun thairof to a more fitt tyme and occasioun.”

Fol. 105, b.

“Anent the supplicatioun presented to the Lords of Secretit Counsell by Johne, Lord Areskine, makand mentioun, that where it is not unknowin to the said Lords with what great pane, trouble, and expenses, he hes followed out the mater of the tannage thir manie yeeres bygane, and what great oppositioun hes beene made unto him be the barkers of hydes within this kingdome assisted with some of the burrowes, who hes objected unto the said supplicant the difficulteis anent the prosecutioun of the new forme of tannage, the insufficiencie of the worke it selfe, and the hurt and prejudice alledgit susteaned be the countrie in that mater, whairin the saids Lords knowes that the said supplicant wes not the first projectour or promover of that bussines, bot it proceedit frome the barkers and cordonners thameselfes upoun a petitioun exhibite be thame to Parliament, who out of thair respect and regard to the commoun weale of the countrie, reccomendit unto the saids Lords the

Act approving the new method of tanning introduced by Lord Erskine on his representation of its acknowledged success.

ordouring, reforming and sattling of that bussines whairin thair hes beene greater paines and travellis tane nor ever wes in a mater of that kynde occurring within the kingdome; and after a great number of dyets kept in that bussines and hearing of all parteis having interesse, the processe wes in end concludit, the supplicants patent exped, a number of acts passed in his favour anent the prosecutioun thairof, and in end with mutuall consent a forme of tryell wes prescryved anent the old forme of barking and new forme of tanning, and both thir assayes wer exhibite before the saids Lords. And yitt notwithstanding thairof the aversenesse of the people frome embraceing anie good reformatioun continued so violent as the supplicant found ever ane indirect oppositioun aganis the progresse of his proceedings, whilk moved him in end, for cleering of that doubt whilk wes ever objected aganis the sufficiencie of the new forme of tannage, to undertake the setting up of ane tanning hous and to give prooffe to the saids Lords of the sufficiencie of the tanning, whilk he hes accordinglie done, and by warrand and commissioun frome the saids Lords his assayes ar found be a number of cordonners of best ranke and qualitie and of best and upright judgement to be sufficient Scottish hydes and barked with Scottish barke and als good tanned ledder and wrought at als easie pryces as anie tanned ledder brought frome England. And seing he hes done all that by witt or industrie can be done for giving unto the people satisfioun in this bussines, yitt they out of thair preoccupyed opiniouns, without ground, modestie or reasoun, stand out aganis the same. And anent the charge givin to David Aikinheid, provest of Edinburgh, Johne Sinclare, Archibald Tod, and Edward Ferquhar, bailleis of the said burgh, to have compeired personallie before the saids Lordes this present xxiiij day of Marche instant, to have heard and seene the assayes exhibite and tryed be the cordonners in the mater foresaid to be good and valide, and that by act and proclamatioun notice might be givin to the subjects that the saids Lords would have the course and ordour of the new forme of tanning prosecute and followed out, and all the acts formerlie made thereanent to reseave executioun accordinglie, lykeas at mair lenth is conteanit in the said supplicatioun: Quhilk being callit, and the said persewer compeirand personallie, and the saids defenders being lykewayes personallie present, be whome it wes answered that they had no warrand frome the burrowes whome this mater concernes to compeir in this bussines and thairfoir they refused to compeir or answer thairin; quhilk answer being heard and considerit be the saids Lords and they rypelie advised thairwith, the Lords of Secret Counsell finds by the report of the commissioners who wer entrusted to see the assay tane be cordonners of the new tanned ledder, that the said assay is good and valide; and thairfoir they ordaine ane act and proclamatioun to be past and exped for giving notice to the subjects

Acta February  
1628-July  
1629.

Fol. 105, b.

Fol. 106, a.

Acta February that they will have the course and ordour of the new forme of tanning  
1628-July prosecute and followed out, and all the acts formerlie made thereanent  
1629. to receave executioun accordingle.”  
Fol. 106, a.

[Sederunt as recorded above.]

Holyrood  
House, 24th  
March 1629.

Complaint by Sir Thomas Hoip, King's Advocate, as follows:—Elizabeth Maxwell, relict of Harbert Cuninghame, late town-clerk of Dumfries, was brought to Edinburgh as an excommunicated Papist, and on that account being at the horn was warded in the tolbooth there. On 17th July last she was released therefrom on her petition to their Lordships on condition (as she offered) that she would remain in Edinburgh and use her best endeavours for resolution of her doubts in religion, and Adam Cuninghame, advocate, became cautioner for her not leaving Edinburgh without licence from their Lordships in 500 merks. But she has shown herself very unworthy of this favour, for since her release “she hes never repaired to the kirk, she hes never sought conference for her resolutioun and satisfioun in the points of her religioun, bot hes shunned all the occasiouns quihilks convenientlie she might have had for that effect; and as it is constantlie reported, she not onelie continewes obdured in her foolish opiniouns, bot to the forder contempt of the law and to the offence and scandall of the Kirk, she is ane avowed haunter and frequenter with persouns of her awin professioun, and gives unto thame all the confort and supplee quihilk possible she may, with assurance of her constancie in her erroneous professioun; and by thir and others her actiouns she kythes a verie scandalous persoun and a professed and avowed adversarie to the truthe, doing what in her lyes to draw others in imitation of her, to the lyke contempt.” Charge having been given to the said Adam Cuninghame and Elizabeth Maxwell to see it verified that they had violated their bond of caution and incurred the penalty thereof, and the pursuer compearing and also the defenders, who denied the accusation and produced the bond to show that it obliged them no further than the said Elizabeth's keeping ward in Edinburgh, the Lords assoilzie the said Adam Cuninghame. But because the said Elizabeth Maxwell has not used means for her resolution in matters of religion they recommit her to ward in the Tolbooth of Edinburgh until they release her.

Complaint by  
Sir Thomas  
Hope, Lord  
Advocate,  
against  
Elizabeth  
Maxwell,  
relict of  
Herbert  
Cunningham,  
late Town  
Clerk of  
Dumfries, an  
excommuni-  
cated Papist.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, as follows:—Dame Marion Boyd, Countess of Abercorne, having been dealt with by the Presbytery of Paisley for Papistry, was for her contumacy excommunicated on 20th January 1628 in the kirk of Paisley by Mr John Hay, moderator of that presbytery. Thereafter in terms of the Act of Parliament held at Edinburgh in June 1594 she was cited before the Lords on 26th June last, but her absence was excused on account of her infirmity and inability to travel, and the 17th of July thereafter

Dame Marion  
Boyd,  
Countess of  
Abercorn,  
denounced as a  
contumacious  
Papist.

Decreta,  
November  
1627-January  
1630.  
Fol. 190, b.

Fol. 191, a.

Fol. 191, b.

Fol. 192, a.

was appointed for her compearance with a certificate of her having satisfied the Kirk and been relaxed, on pain of horning. The Lords, however, suspended the execution of the horning for fifteen days that meanwhile she might repair to the kirk, hear the preaching, and subscribe a bond obliging her upon her conscience, honour and credit, to repair ordinarily to the kirk when her health would permit, to hear conference of the ministry for her information and resolution, to remove from her house and service all excommunicated Papists, and not reset any Jesuits or seminary or mass priests. But instead of appreciating the favour shown to her, "she hes never repaired to the kirk, she hes never sought conference for her resolutioun, she hes refused altogidder to subsryve the said writt, and as the constant brute goes, she is ane ordinarie resetter of Jesuits, seminarie and messe preists and of excommunicat traffiquing papists, and she is a verie scandalous persoun, and gives verie great offence to the Kirk." Charge having been given to her, and the Advocate compearing but the defender not compearing nor any in her name, the Lords ordain her to be denounced.

Decreta,  
November  
1627-January  
1630.  
Fol. 192, a.

Fol. 192, b.

Petition by  
John, Earl of  
Mar, for pro-  
tection to  
Andrew  
Plumber,  
writer, factor  
to the said  
Earl.

Petition by John, Earl of Mar, Lord Areskine and Garioch, as follows:—Andrew Plumber, writer, was employed in his service continually since 1606, and as agent has in his hands certain of the Earl's writs, and has certain accounts respecting the taxation of the abbacy of Dryburgh, for which he was the Earl's factor, to settle. He has been for some years resident in the south country, but is now come to Edinburgh to give up these writs and settle these accounts, only he cannot appear publicly by reason of some hornings he underlies as cautioner for Sir John Ker of Jedburgh, and John and Mr. William Ker, his sons. He therefore craves a protection to him for this purpose, and this the Lords grant till 24th April next.

Holyrood  
House, 24th  
March 1629.  
Commission to  
the Sheriff of  
Berwick and  
others to try  
Margaret  
Anderson and  
others for  
witchcraft.

Commission under the Signet to the Sheriff of Bervick and his depute, Sir John Home of Blackader, Alexander Lawder of Gunsgrene, or any two of them, the sheriff or his depute being one, to hold courts and try Margaret Andersoun, otherwise called Deiff Meg, Christian Wilsoune in Haymouth, Janet Williamessoun there, and Archibald Liddell and Barbara Flint, his spouse, there, who have been long suspected of witchcraft. Signed by Mar, Hadintoun, Wintoun, Aire, Tracquair, Hamiltoun, and Scottistarvett.

Commissions,  
1624-30.  
Fol. 193, b.

Commission to  
the Sheriff-  
depute of  
Lanark and  
others to try  
Isobel Gray  
for witchcraft.

Commission under the Signet to Archibald Hamiltoun of Halcraig, sheriff depute of Lanark, and the bailies of the burgh of Lanark, or any two of them, the said sheriff depute being one, to hold courts and try Isobel Gray, vagabond in the parish of Lanark, who has been long suspected of witchcraft. Signed as above, with the addition of Melvill.

Commission to  
the Sheriff of  
Haddington

Commission under the Signet to the Sheriff of Hadintoun and his depute, and the provost and bailies of Hadintoun, or any three of them,

Fol. 194, a.

- Commissions, 1624-30. Fol. 194, a. the sheriff or his depute being one, to hold courts and try Alexander and others to try Alexander Hunter, vagabond, who has been long suspected of witchcraft. Signed Hunter for witchcraft. ✓  
as the last.
- Fol. 202, a. Signature for a commission under the Great Seal renewing to William, Whitehall, 24th March 1629. Earl of Monteith, President of the Council, the office of Justice General, granted to him by patent dated Whitehall, 11th July 1628, for one year only (Vol. II., p. 364), by means of which the said Earl "by his care, William, Earl of Monteith, continued for a year in his office of Justice-General. wisdom and diligence hath in some peeces of the kingdome begun and established a good and solide order for mainteaining of justice and peace within the said kingdome." It is needful that this work be continued, and therefore his Majesty confirms the said Earl in this office for another year after 11th July next. There is reservation to his Majesty to appoint commissioners for holding circuit courts, but the Earl is authorised to sit in these courts as Justice General and assist the Commissioners as he shall think fit, and to report to his Majesty the progress thereof, and any defects which require a remedy. The commission is granted without prejudice to the Justice Clerk, and Mr. Alexander Colvill, Justice Depute, in their offices; and also to the justiciary of the Isles and others granted to the Lord of Lorne, after his resignation of the above office of Justice General. In case of the death or absence of the Justice Depute the Earl is empowered to appoint another, for whom he must be answerable.
- Sederunts, 1625-29. Fol. 118, a. "Ane missive frome his Majestie for ane licence to the Earle of Erroll The Earl of Erroll. to go oute of the countrey, whilk wes grantit."
- "A letter frome his Majestie in favouris of the maissonis and wrightis of Dundee that thay may haif libertie to chuse a deacone amangis The masons and wrightis of Dundee. thame selfis as other frie burrowis haif. The Lordis ordanis the letter to be communicat to the provest and baillies of Edinburgh, and thay to ansuer upoun Thurisday."
- Fol. 118, b. "Ane letter in favouris of Sir George Hay for lifting of ane regiment Sir George Hay. and touking of drummes, and ane act past accordinglie."
- "Continewis Newlistoun and Kilspindie anent the making of thair Lairds of Newliston and Kilspindie. reportis towcheing the heigh wayes and passage till the first Counsall day of May."
- "The Lordis, in regard of the Lord of Stormonth his knowne Viscount Stormonth. inhabilitie, relevis him of the charge of surveying the kingis heigh wayis, and appoints the Lord Weymis in his place."
- "Appointis to the Lord Melvill the last of Aprile to reporte his Lord Melville. diligence anent the heigh wayis."
- "Continewis Wyntoun, Prestoungrange, and Vicount of Air till the Winton, Prestongrange, and Viscount of Ayr. 22 of Aprile." Balmanno.
- "The Lordis allowis the overtouris gevin in be Balmanno for repair- ing the heigh wayis."
- "Ane allowance of the articlis sett down be the commissioneris Holyrood Kirk. appointit for sighting of Halirudhous kirk."

Holyrood House, 24th March [1629]. Letter to his Majesty anent a new artifice on the part of the broken men of the Middle Shires to evade the law.

"Most sacred Soverane, Remonstrance hes beene made unto your Majestyes Counsell be some of the commissioners of the Middleshyres that notwithstanding all the panes and diligence used be thame for suppressing of theft and reteaning of the inhabitants within these bounds under your Majestyes obedience yitt thair care and travellis thereanent ar lyke to prove voide be reasoun of a new invented slight and evasioun whiche wes instanced in the persouns of Edward Armestrang callit Kynmonth, Hector Armestrang callit Eckie of Stolbinn, and Johne Armestrang callit Handles Johne, who being commoun and notorious theeves and ressetters of theft and declared fugitives for the same and having for eshewing of apprehensioun fled over the Marche they suffered thameselfes to be takin by some of thair freinds and allys who for a culloured show have committed thame to jayle within the toun of Carlile (quhair they live at full libertie without restraint) intending as appeares before the time appointed for halding of circuit courts to procure frome your Majestie a pardoun for thair trespasse. The harme and consequence quhair of being represented to us of your Majestyes Counsell and we considering how muche these bydraughts and courses may import to the disturbance of the peace and weakening of the auctoritie of these who by your Majestie ar intrusted for preservatioun of the same, we have humbelie presoomed to unfold unto your Majestie the truthe of the bussynes, and in regaird of the dangerous consequences thair of to become earnest suters unto your Majestie that your Majestie would be graciously pleased for ane exemplarie terrour to others of the lyke qualitie to give ordour to the magistrats of Carlille and others quhom it concernes to send backe the saids delinquents heere to abide thair tryell quhair the fault wes committed and not to grant anie pardoun or remissioun unto them nor to no others guiltie of the lyke crymes in tyme comming, which we assure your Majestie will prove a most conduceable meanes for reteaning these disorderly and brokin men under your Majestyes peaceable obedience. And so, etc. Halryuidhous 24 Martii. *Subscribitur*, Mar, Hadintoun, Wintoun, Seafort, Lauderdaill, Air, Lorne, Areskine, Melvill, Dumblane, Tracquair, Hamiltoun, Scottistarvett, James Baillie."

Holyrood House, 24th March 1629. Letter to his Majesty anent the Laird of Kerse and his lady, who are accused of defying the censures of the Church, and also anent illegal protections granted to debtors.

"Most sacred Soverane, As we have ever found during the whole course of your Majestyes government most cleere and undenyable prooffes of the sinceritie of your Majestyes pious dispositioun towards the maintenance of the trew religioun (for the whiche we praise God), so we acknowledge our selfes obliged in dewtie to expresse our thankfulnes for your Majestyes lait princelie regaird in forbearing to grant unto the Laird of Kerse and his ladie ane protectioun frome the lawes till they sould first give assurance to your Counsell heir for satisfieing the Church in maner and upoun the conditionns prescryved in your Majestyes letter direct to us in thair behalffe. Upoun the receipt quhair of we wrote for the Archbishop of S<sup>t</sup> Androes and demandit him and the minister of Falkirk, thair ordinar pastour, tuicheing thair bypast lyffe

Royal Letters, 1623-32. Fol. 157, a.

Fol. 157, b.

Royal Letters, 1628-32, Fol. 157, b.

and the Churches proceedour aganis them, who declaired in the presence and hearing of the Laird of Kerse that he and his ladie being profest papists and exemplarie scandalous in the bounds quhair they dwelt, they wer thairupoun brought to thair answeere before the presbyterie, who proceedit with that gentlenes and moderatioun aganis thame that after three yeeres forebearance, during which tyme they travelled by some of thair brethrein for thair instructioun and reclayming, having found thame to be so preoccupyed with prejudicat opiniouns and so contumaciouslie repugnant to the ordours of the Church that nather they could be wrought to embrace the truthe nor to live in quyet without offence, they wer in end constraigned to goe on with the censures of the Church aganis thame, and after manie publict admonitiouns and prayers made for thair conversioun as use is (all whiche they slighted and contemned) the Archbishop gave warrand to pronunce the sentence of excommunicatioun aganis them, according to your Majesteis pleasure signified unto him concerning papists, quhairof he affirmed he had received no discharge in favours of thir parteis. By whiche report finding thame to be alreadie processed and ordour givin for sentencing thame upoun Sunday nixt we could not in reasoun vouchesafe thame anie favour or protectioun frome the lawes without a manifest prejudice to the estait of religioun, the conservatioun quhairof is your Majesteis cheefest care, and which we ar assured will preponder with your Majestie all byrespects quhatsomever.

Fol. 158, a.

“ We cannot omitt to represent unto your Majestie the seene prejudices flowing frome the grant of protectiouns whiche ar both contrarie to the law and irreparable hurtfull to your good subjects who having out of thair affectioun entrusted thair estaits to thair bankrupt creditours ar by this meanes defrauded of that legall remeid quihilk the course of justice would affoord them for recoverie of thair goods, quhairby manie honest familieis have beene brought to ruine; for obviating of whiche inconveniences in tyme comming we will humbelie supplicat your Majestie that your Majestie would be graciouslie pleased not to grant anie exemptioun frome the law upoun the importunitie of suters who how ever they may speciouslie pretend thair intentioun to pay thair debts doe meane nothing ellis bot ane imunitie to thair persouns in defraude of thair creditours, and in thus doing your Majestie will oblige all your good and faithfull subjects to concurre with us by thair most fervent prayers unto God for your Majesteis long and happie raigne. Halvruidhous 24 Martii 1629. *Subscribitur*, Mar, Hadintoun, Wintoun, Seafort, Lauderdaill, Air, Lorne, Areskine, Melvill, Dumblane, Tracquair, Hamiltoun, Scottistarvett, James Baillie.”

Fol. 167, b.

“ CHARLES R., Right trustie, etc. After our receipt of your letter of Whitehall, the twelffe of Februarie and depositions there inclosed concerning the precognitioun takin be yow in the differences betweene the lait Good-<sup>25th March 1629.</sup> Letter from his Majesty



granting  
pardon to the  
Laird of Ballin-  
dallach for the  
slaughter of  
the Laird of  
Carron, but  
enjoining him  
to make com-  
pensation to  
his widow.

man of Carron and the Goodman of Ballindallache we wer pleased to call before us the Lords Chancellor and President of our Counsell and suche other noblemen and counsellers of that our kingdome as ar present at our Court and upon perusall of all the saids depositiouns and hearing of the saids lords concerning the caussis and circumstances of the slaughter of the said Goodman of Carron and of the other two slaine on the side of Ballindallache we doe conceave that, though the slaughter of the said Goodman of Carron is not in law justifiable, yitt in regaird that it doeth appear unto us that Ballindallache had no intention to doe anie wrong to Carron bot onlie to apprehend the rebell, Finlay M<sup>c</sup>Grenane, who wes that day in his companie, and that Ballindallach had reasoun to gather and arme his men for the executioun of our commissioun directed to him for apprehending James Grant and his complices and others rebellis late murtherers of his kinsman, Patrick Grant of Letache, and of his uncle, Johne Grant of Dalnabo, whair of the said M<sup>c</sup>Grenan wes ane, our fugitive and rebell and fugitive for that fact, as we ar informed, thairfoir and in regaird the case is verie considerable, we ar graciouslie pleased out of our princelie clemencie to forbear the strict rigour of our lawes aganis the said Ballindallach and the rest of his companie and complices accessoreis to the said slaughter; but yitt out of our compassioun of the wedow and childrein of the said Carron we will and require that the said Ballindallache deale by all meanes to give content and make reasonable offers to the said wedow and childrein for ane freindlie agreement and reasonable compositioun for assythement and letter of slains betweene the dait heirof and the first day of August nixtcome, during whiche space and longer as yow thinke fitt we require yow to grant thame ane protectioun or respitt, and if the saids parteis sall happin not to agree among thameselffes betweene and that day, then and in that caise we will and require yow out of your judgement and consideratioun of the parteis and circumstances of the fact and of the truthe of the allegatiouns concerning the said M<sup>c</sup>Grenans rebelloun for the said fact and guiltines thair of to sett down and appoint suche reasonable compositioun for assythement as yow sall thinke fitting quharby the parteis remissiouns may pas according to the custome of that our kingdome in suche cases used, the said compositioun being alwayes first payed or deposited in the hands of the Clerk of our Counsell or in our Exchecker to the use of the said wedow and her childrein before the said remissioun doe passe; and withall we will expect that yow doe carefullie provyde for the peace and quyet of that our ancient kingdome and for apprehensioun of James Grant and his complices, receavers and releevers, and other suche malefactours in that our king-

Royal Letters,  
1623-32,  
Fol. 167, b.

Fol. 168, a.

Royal Letters, apprehensiou of the said James Grant and his complices within the bounds of thair several jurisdictiones, so we doe heereby require yow to caus all other shireffs, officers and loving subjects to be aiding and assisting unto thame in that good service, which will be verie acceptable unto us; and so we bid yow heartilie fareweill. Frome our Court at Whitehall the 25 day of Marche 1629."

Acta February  
1623-July  
1629.  
Fol. 106, a.

*Sederunt*—Treasurer; Privy Seal; Murrey; Wyntoun; Roxburgh; Holyrood  
Bugcleuche; Seafort; Viscount of Air; Lorne; Areskine; House, 26th  
Melvill; Jedburgh; Bishop of Dumblane; Advocate; Justice  
Clerk. March 1629.

'Anent our Soverane Lords letter direct, makand mentioun; Forsa- Mr. Simon  
meekill as the Kings Majestie out of his royall and princelie regard of Durie,  
the weale of his subjects, and for releeving of thame of the great travell, moderator of  
charges and expenses that they would susteane if they wer drawin in the Presbytery  
before his Majesteis commissioners anent the surrenders and teinds put to the horn  
to attend the tryell of the constant worth of the stocke and teind for non-  
of thair lands, his Majestie wes graciouslie pleased to give ordour appearance  
and directioun that the tryell of thir valuations sould be within before the  
the presbytereis and by some selected persons to be nominate be Council,  
the presbytereis, who sould be authorized and instructed with sub- having been  
commissions to that effect, and letters and charges wer direct aganis summoned for  
the moderators and brethrein of the whole presbytereis within his failure to  
the kingdome for making choise of the saids subcommissioners appoint sub-  
according to the ordour and rule sett down in the saids letters, and commissioners  
to have reported thair diligence thairanent to the saids commissioners of teinds in the  
at certane dayes now of a long tyme bygane, whairin altho the most said Presby-  
pairt of the presbytereis within this kingdome hes givin all humble tery.  
and dewtifull obedience and hes made a tymous report of thair proceed-  
ings, yitt the moderator of the presbyterie of Arbrothe hes made no report  
at all of his diligence, so that this bussines whilk is the ground  
warke of his Majesteis royall intentioun for the weale of the subjects  
in leading of thair awin teinds and of his Majesteis annuitie is verie  
farre frustrat and disappointed, highlie to his Majesteis offence and dis-  
appointing of the good and happie conclusioun of so important and  
necessar a worke; And anent the charge givin to M<sup>r</sup> Simoun Durie,  
minister at Arbrothe, and moderator of the presbyterie thair of, to have  
compeired personallie before the Lords of Secretit Counsell this present  
twentie sax day of Marche instant and to have brought and produced  
with him ane sufficient report of his diligence in the executioun of the  
directioun and charge foresaid givin unto him anent the nominatioun of  
subcommissioners for the effect abonewrittin, under the pane of rebelloun  
and putting of him to the horne, with certificatioun to him and he  
failyied letters sould be direct *simpliciter* to putt him thairto, lykeas at

Fol. 106, b.

mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof. Quhilks being callit, and Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat, compeirand personallie for his Majesteis interesse, and the said M<sup>r</sup> Simoun Durie, being oft tymes callit and not compeirand, nor no report of his diligence in executioun of the charge and directioun foresaid being produced be him nor no uthers in his name, the Lords of Secret Counsell have thairfoir ordained and ordains letters to be direct charging officiars of armes to pas and denunce the said M<sup>r</sup> Simoun his Majesteis rebell and putt him to the horne, and to escheate, etc.”

Acta February  
1628-July  
1629.  
Fol. 106, b.

Charge to Sir  
James MacGill,  
Sheriff-  
Principall of  
Edinburgh,  
and Sir  
George  
Forrester of  
Corstorphine,  
Conveners of  
the Justices of  
Peace within  
the said  
sheriffdom, to  
superintend  
the improve-  
ment of high-  
ways within a  
specified  
district, in  
view of his  
Majesty's  
visit.

“Forsameekill as the Kings Majestie is resolved, God willing, to honnour this his ancient kingdome with his royall presence this present yeere and for this effect hes recommendit to the Lords of his Privie Counsell that present ordour and directioun be givin that the hie wayes throw quhilks his Majestie is to travell be made faire and passable for coaches and otherwayes. And whereas the following out of this bussines hes beene committed to some speciall persouns of authoritie and place under his Majestie in eache shirefdome, the Lords of Secret Counsell thairfoir hes made choise of the Shireff principall of Edinburgh and the conveenner of the justices of peace within the said shirefdome to survey the hie way and passage betuix Edgebuckline bray and the Water of Almond and for giving of ordour and directioun for enlarging and mending of the same. And thairfoir the Lords of Secret Counsell ordains letters to be direct charging Sir James M<sup>c</sup>Gill of Cranstoun-riddill, shireff principall of Edinburgh, and Sir George Forrester of Corstorphine, conveenner of the justices of peace within the said shirefdome, to appoint some short day where and whan they with some others of the justices of peace within the said shirefdome sall meit, and to caus tymous warning to be made unto thame for that effect, and that they ryde the commoun hie way and passage within the saids bounds throw the quhilks his Majestie is to pas and consider what pairts thairof neids ather to be enlarged or mended, and after consideratioun thairof that they prescrive and sett down in writt the forme and ordour quhilk they think fittest how the saids wayes may be repaired by the travellis and charges of the inhabitants within the nixt adjacent parishes; and that they appoint overseers to see that peace of service outred, appointing the same to be performed and perfytted betuix and the twentie day of Apryle; and that they compeir personallie before the Lords of his Majesteis Privie Counsell upoun the fyftene day of Aprile nixtcome, and make a report of thair diligence in the premisses, and of the obedien<sup>c</sup>e of the inhabitants within the saids' bounds to thair directiouns to the intent that if anie thing be than unperfyte these who sall be found to be negligent may be censured and punished accordingle, under the pane of rebelloun, and putting of thame to the horne, with certificatioun, etc.”

Fol. 107, a.

Acts February  
1628-July  
1629.  
Fol. 107, a.

"Forsameekle as Robert Scott of Eidshaw, being nominat and appointed be the presbyterie of Melros and allowed and admitted be the commissioners nominat be the Kings Majestie for the treatie anent the erectionns, surrenders and teinds to be one of the subcommissioners for trying of the valuations and the just and trew rent of the lands within the said presbyterie and what they are worth yeerelie in constant rent, stocke and teind; and the said Robert being willing to attend his Majesteis service in this mater and dewtifulle and effaulddie to concurre thairin with the rest of the subcommissioners, yitt in respect of some civill hornings he underlyes for cautionerie he cannot attend that service; And whereas the Lords of Secret Counsell ar informed frome the presbyterie of Melros that the said Robert is a verie meit and understanding man for this service and can give best light and information thairin, and that his absence and not attendance thereon will be ane great prejudice to the service, Thairfoir the saids Lords hes givin and grantit, and be the tennour heerof gives and grants warrand to the said Robert to attend and await upoun the said service without danger or trouble to be incurred be him be vertew of anie civill hornings or captiounns raised thairupoun, the executioun whairof the saids Lords ordains to rest and ceasse untill the fyft day of Junij nixtcome; discharging in the meane tyme all judges, officers and magistrats to burgh and land of all taking, apprehending, arresting or wairding of the said Robert be vertew of anie hornings for civill causes or captiounns raised thairupoun, discharging thame thairof and of thair offices in that pairt untill the said fyft day of Junij nixtcome."

Protection  
from civil  
hornings  
granted to  
Robert Scott  
of Headshaw  
that he may  
give his ser-  
vices as a sub-  
commissioner  
in the  
Presbytery of  
Melrose.

Fol. 107, b.

"The whilk day in presence of the Lords of Secret Counsell compeirit personallie Hew, Lord Sempill, for obedience and satisfioun of the charge execute aganis him for his compeirance before the saids Lords upoun the last of this instant anent ordour to be tane for the religious educatioun and breeding of his childrein in the grounds of trew religioun conforme to his Majesteis royall pleasure and directioun sent to the said Lords anent noblemens childrene in generall whois parents ar suspect to be averse frome the religioun presentlie profest and be law established within this kingdome; and the said Lord desyred that seing he wes now present and readie to answeere to the said charge that his compeirance might be now ressaved and admitted and that he be not unnecessarlie constrainned to attend till Tuisday. Quhilk desire being heard and considerit be the saids Lords they find the same to be reasonable and they imparted unto the said Lord the directioun sent frome his Majestie unto thame concerning this bussines, and the course tane be thame with some other noblemen in the lyke caise, whairunto the said Lord acquiesced; and thairfoir he actit and obleist him that he sall putt a servant who is knowin to be of the religioun to attend his eldest sone, whome he affirmes to be bot sevin yeeres of age, till he be capable of instructioun and learning, at quhilk tyme he sall putt a pedagogue to

Undertaking  
of Hew, Lord  
Sempill, anent  
the education  
of his children  
in true  
religion.

him knowin to be of sound religioun, and sall send him to some univ-  
 sity, where he may be bred in the grounds of trew religioun ; that he  
 sall suffer his daughters to have the free exercise of the trew religioun  
 with all helpes neidfull thairto ; that he sall hinder so farre .as in him  
 lyes that they be not disswadit nor no meanes used to seduce thame  
 frome the truthe ; that they sall be attendit and served with persouns of  
 the religioun ; and that ministers and others of the religioun sall be per-  
 mitted to have accesse and conference with thame ; and that he himself  
 sall compeir personallie before the saids Lords and exhibite his said sone  
 and daughters, being of perfyte age, when he sall be lawfullie chargit to  
 that effect upoun ten dayes warning under the pane of fyve thowsand  
 merkes in caise he failyie in anie point of the premisses.”

Acta February  
 1628-July  
 1629.  
 Fol. 107, b.

Fol. 108, a.

Bryce Sempill  
 and John  
 Sempill.

“The whilk day Bryce Sempill, compeirand personallie before the  
 Lords of Privie Counsell, he acknowledged his offence done to Johne  
 Sempill in striking of him in maner specified in his complaint, quhilk  
 wes provin before the saids Lords, and he humbelie craved the said Johne  
 pardoun, and promised to carie himselfe more respectively to him in  
 tyne comming ; whairupoun they chapped hands and wer reconciled.”

Holyrood  
 House, 28th  
 March 1629.  
 License to  
 Francis, Earl  
 of Erroll, to go  
 abroad on  
 account of his  
 health.

Licence to Francis, Earl of Erroll, who has been long sick, and who  
 for bettering his health desires to go beyond sea, to go abroad, he having  
 found caution acted in the Books of Secret Council in £10,000 that he  
 will not act in any way prejudicially to the Crown nor to the true  
 religion presently professed in the country. Signed by Mar, Hadintoun,  
 Murray, Wintoun, Roxburgh, Bugcleugh, Seafort, Air, Lorne, Erskene,  
 Jedburgh, and S. G. Elphinstoun.

Commissions,  
 1624-30.  
 Fol. 194, b

Commission to  
 Walter, Earl  
 of Buccleuch,  
 to try Robert  
 and Andrew  
 Scott for  
 stealing sheep.

Commission under the Signet to Walter, Earl of Bugcleuche, as  
 justice, to hold courts and try Robert and Andrew Scot, called of the  
 Leck, who on stole twelve score sheep from , belonging  
 to John, Bishop of Caithnes, and drove them to the burgh of Edinburgh,  
 where upon a market day they sold them to Alexander Cousteane and  
 Alexander Adamesoun, fleshers there, and having been apprehended,  
 are now in the tolbooth of Jedburgh. Signed as above, excepting  
 Bugcleuche, Jedburgh, and S. G. Elphinstoun.

Fol. 195, b.

Lord Sempill.

“The Lord Sempill, compeirand personalie, and the lyke course tane  
 with him anent his childrene as wes tane with the Erle of Angus.”

Sederunts,  
 1625-29.  
 Fol. 119, a.

A deacon for  
 the craft of  
 masons in  
 Dundee.

“A missive to the provest and baillies of Dundee to compeir upoun  
 the day of Apryle nixt to ansuer to the missive direct be his  
 Majestie to his Counsell in favouris of the maissonis of Dundee that  
 thay may haif a deacone as the craftis of other free burroughis hes.”

The Laird of  
 Blackadder.

“The quhilk day xxij day of Aprile nixt wes assignit to the Laird of  
 Blacader, convenair of the justices of peace within the shirefdom of  
 Berwick, being personalie present, for reporteing of his diligence anent  
 the cariage.”

*Sederunt*—Treasurer ; Privy Seal ; Wyntoun ; Bugcleuche ; Seafort ;

Acts February  
1628- July  
1629.  
Fol. 108, a.

Lord Lorne; Lord Areskine; Melvill; Jedburgh; Bishop of Holyrood  
Dumblane; Clerk Register; Advocate; Justice Clerk; Sir John House, 31st  
Scot; Sir James Baillie. March 1629.

"The Lords of Secret Counsell appoints the nixt Counsell day to be <sup>The Earl of</sup> upon the fyftene of Apryle nixt, whair of intimatioun was made to M<sup>r</sup> <sup>Angus and the</sup> Williame Dowglas, maisser, to the intent he may advertise the Erle of <sup>education of</sup> Angus of that dyet whilk is appointed unto him for his compeirance and nominatioun of a pedagogue sound in religioun to attend his sone."

"Forsameekle as Williame, Erle of Angus, by expresse warrand and <sup>Anent the</sup> directioun frome the Lords of Secret Counsell, hes send James Dowglas, <sup>same.</sup> his sone, to the burgh of Edinburgh, and hes placed him with M<sup>r</sup> Williame Dowglas, maisser, to the intent that he may be trayned up at the schoole and colledge in vertew and learning and be bred in the trew grounds of religioun; and whereas for forderance of this good earand it is necessarie that some of the ministrie of Edinburgh at convenient tymes conferre with the said James Dowglas, examine him upon the grounds of his religioun, instruct and resolve him thairin, Thairfoir the saids Lords requiests M<sup>r</sup> Androw Ramsay, one of the ministers of Edinburgh, that he will take the paines at some convenient tymes everie weeke to conferre with the said James Dowglas and to instruct him in the grounds and principalls of trew religioun; and if he be of anie other opinioun concerning his religioun that the said M<sup>r</sup> Andro discover and lay opin unto him his errours, and doe what in him lyes to resolve him in his doubtis."

"Forsameekle as there is a number of persons in the north and <sup>Decree against</sup> others pairts of this kingdome who being profest and avowed adversars <sup>excommuni-</sup> to the trew religioun presentlie professed and by law established within <sup>cated Papists</sup> this kingdome, and after great paines and travellis tane with thame to <sup>in the North</sup> have reduced thame frome thair erroneus opinions to the acknowledge- <sup>who had</sup> ment of the truthe, and they notwithstanding continewing obdured in <sup>eluded the</sup> thair popish errours they wer for this caus callit and conveyed before <sup>arrest of their</sup> thair ordinars and lawfullie and ordourlie excommunicat be the censures <sup>goods by</sup> of the Kirk, and upon the said excommunicatioun they wer lykewayes <sup>conveying</sup> by a legall and ordinarie forme denounced his Majesteis rebellis and putt <sup>them to their</sup> to the horne. And whereas they remained, as they doe yitt, most <sup>friends.</sup> proudlie and contempnandlie under the said fearefull sentence of excommunicatioun, and at the processe of horne following thairupon, to the great offence of God, scandall of the Kirk, and to the disgrace of his Majesteis government; thairfoir directioun was given to his Majesteis Advocat to caus arreist thair goods and to persew declaratours upon thair escheits and lyverents whairin his Majesteis said Advocat, out of the dewtie of his office, hes made a good beginning. Bot the Lords of Secret Counsell ar informed that thir excommunicat persons be thameselfes or in the names of some interposed persons thair assigneyes or simulat

Fol. 108, b.

donatours to thair escheats and lyverents hes intentit or is to intent actionis aganis thair debtours or aganis the tennents and possessours of thair lands, rowmes, possessiouns and uthers addebted in payment unto thame of whatsomever sowmes, annuelrents or uthers goods and geir before sindrie inferiour judges of this realme, and intends to follow furth thair saids actions and to obtiane decreits thairon in prejudice of the saids arreistments and uthers actionis depending at the instance of his Majesteis Advocat before the Lords of Sessioun, by the whilk couenage and circumventioun the dew course of law and justice intendit to be followed out be his Majesteis Advocat aganis thame will become voide, to the fostering of thame in thair obduratioun and emboldening of others in imitatioun of thair subtilteis to doe the lyke, without remeid be provydit; Thairfor the Lords of Secreit Counsell ordanis letters to be direct to command, charge and inhibite all and sindrie inferiour judges and judicatoris within the kingdome that nane of thame presooome nor take upoun hand to proced nor grant processe in anie actioun or caus intentit or to be intentit and moved before thame concerning the estaits, rents and living of anie excommunicat rebellis whatsomever at the instance of the saids excommunicat persons or at the instance of thair assigneyes, donatours to thair escheits and lyverents or anie uthers persons persewand to thair behoove for payment to thame of thair maills and dewteis of thair lands, teinds or annuelrents, or of anie sowmes of money addebted unto thame; discharging thame thairof and of thair offices in that pairt untill the tent day of Junij mixtosome.”

Warrant to Sir George Hay to apprehend deserters from the Earl of Morton's regiment for service in the regiment of the said Sir George.

“ Forsameekle as it hes pleased the Kings Majestie to committ to the charge and trust of Sir George Hay, knight, the filling up of that regiment of twa thowsand men laitlie under the charge of the Erle of Mortoun for a supplee to the Estaits of the United Provinces of the Low Countreis; and his Majestie hes verie earnestlie recommendit unto the said Sir George the using of all convenient diligence and the best of his endeavoures towards the forderance and advancement of this service whairin thair will be nothing wanting in him whilk his paines and travellis and tymous and readie advancement of moneyes may afford. And whereas there is numbers of ydle and loytering persouns who ressavd pay and inrolled thameselffes under the regiment of the said Erle of Mortoun and under the regiments and companeis liftit for the warres of Germanie who notwithstanding mischantlie and unworthilie disbandit and left thair cullours and followed not out that service and past not over sea to that effect; and there is others ydle and maisterlesse men, wanting trades, calling and industrie to winne thair living, who preferring ane ydle and loytering lyffe at home to all generous exercises whilks may procure thame credite and advancement they shunne this employment and lyes as ane unprofitable and unnecessar burdein upoun the countrie; lykeas they wer givin up be the severall parishes of this kingdome to be persouns of that qualitie and more fitt

Acta February  
1628-July  
of 1629.  
Fol. 108, b.

Fol. 109, a.

Acts February  
1625-July  
1629.  
Fol. 100, a.

to be sent to the warres nor to be suffered to ly at home, and they continew yitt as ydle vagabounds and maisterlesse men. Quhairfoir necessar it is for the better forderance of this service that they be apprehendit and inrolled under the charge and regiment of the said Sir George, and thairfoir the Lords of Secreit Counsell hes givin and grantit, and be the teunour heirof gives and grants full power, warrand and commissioun be thir presents to the said Sir George Hay, his captans and commanders under him, that they with the presence and concurrence of some of his Majesteis judges and officiaris of his lawes and no otherwayes, searche, seeke, take and apprehend all and sindrie fugitive souldiours of the said Erle of Mortouns regiment and of the regiment and companeis lifted for the warres of Germanie, who ressavd pay and disbandit and left thair cullours and went not over sea in the said service, and all ydle and maisterlesse men and loyterers who wer formerlie givin up be the parishes to be persouns of that qualitie and who still continewes to be ydle and maisterlesse men and ar not in service where ever they may be found in anie pairt of this kingdome, and to inroll and enter thame in charge and service under the said Sir George his captans and commanders; and if they or anie of thame sall be refractorie and refuse to embrace the said service, to committ thame to waird, there to remaine till the commoditie of thair transport be offered. Provyding alwayes that it be first cleerelie and sufficientlie verified and provin before his Majesteis said judges and officiaris of his lawes that thir people ar trewlie persons of the rankes and qualiteis foresaid, without the whilk tryell and probatioun preceeding it is heereby straitlie prohibite and forbiddin that no captane, officiar nor commander presooome nor take upoun hand to apprehend or meddle with anie persoun as they will answeere upoun the contrarie at thair highest charge and perrell; commanding heereby all magistrats to burgh and land to concurre and assist the said Sir George, his captans and commanders, in the executioun of this present commissioun and to committ to thair wairds if neid beis suche fugitive souldiours and others of the qualitie foresaid as sall be presented unto thame and to keepe thame in thair wairds till thay be tane out be thair saids captans and commanders to be imbarcked as they will answeere upon thair obedience."

Fol. 100, b.

"Forsameekle as by warrand and directioun of his Majesteis letter, daitit the twentie twa day of Julij last bypast, directit to the Lords of his Majesteis Privie Counsell, willing thame to caus execute his Majesteis lawes upon the persons, lands and goods of all suche persouns as are denounced rebellis for not payment of his Majesteis bygane taxatiouns, the said Lords by an Act of Counsell of the dait the sevint day of August last bypast thought it meit for the better imbring of the same taxatiouns that choise sould be made of sax persouns who sould be employed and authorized as ane gauid for apprehending of the rebellis

Warrant for the seizure of the goods and apprehension of the persons of such as have failed to pay his Majesty's taxation.



of the same taxatiouns. And now the saids Lords of Secreit Counsell Acta February 1628-July 1629. Fol. 109, b. understanding that the persouns particularlie underwrittin ar denounced rebellis and putt to the horne be vertew of his Majesteis letters for not payment making to Johne, Erle of Mar, Lord Areskine and Garviauche, etc., Collectour generall of the ordinar and extraordinarie 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 ordinarie taxatioun; as lykewayes the others persouns underwrittin ar denounced rebellis and putt to the horne be vertew of his Majesteis [letters] for not delyvering to the said Johne, Erle of Mar, Collectour foresaid, the inventars of the lent moneyis and for not payment making of the taxatioun of the saids lent moneyes conforme to the saids inventars, and that for the first, secund, thrid, fourth, fyft, saxt, sevint and aucht termes payment of the said extraordinarie taxatioun; as lykewayes the saids Lords of Secreit Counsell, understanding that the persouns particularlie underwrittin ar denounced rebellis and putt to the horne by vertew of his Majesteis letters for not making payment to George, Vicount of Dupline, etc., Collectour of the ordinarie and extraordinarie taxatiouns grantit to his Majestie in the moneth of October 1625 yeeres of the sowmes of money following as for thair pairts of the first, secund, thrid and fourt termes payment of the said ordinarie taxatioun; as lykewayes the others persouns underwrittin ar denounced rebellis and putt to the horne, be vertew of his Majesteis letters for not delyvering to the said George, Vicount of Dupline, etc., Collectour foresaid, the inventars of the lent moneyes and for not making payment of the taxatioun of the said lent moneyes conforme to the said inventars, and that for the first, secund, thrid, fourt, fyft and saxt termes payment of thair pairts of the said extraordinarie taxatioun, they ar to say, etc., as the letters of horning execute, indorsat and registrat beiris; at the processe whair of the persons rebellis abonementionat hes prouddie and contempnandlie remained since the tymes respective of thair denūnciationis as they doe yitt unrelaxt, takand no regard 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 offence and contempt of his Higenesse auctoritie: Thairfoir the Lords of Secreit Counsell Fol. 110, a. hes givin and grantit, and be the tennour heerof gives and grants full power and commissioun be thir presents to to pas, searche, seeke and take the persouns, rebellis foresaids, where ever 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 thameselfes, thair servants and famileis furth thair of, make inventar of thair goods and geir being thairintill, and to report the said inventar to his Majesteis Thesaurar, to the effect the saids goods may be made furthcummand to his Majesteis

Acta February  
1628-July  
1629.  
Fol. 110, a.

use as accordis. As lykewayes the saids Lords ordains and commands the magistrats of all free burrowes within this kingdome where the saids gentlemen of his Majesteis guaird sall happin to repaire with anie of the saids rebellis, that the saids magistrats receive the samine rebellis aff thair hands, committ thame to saulffe custodie and waird within thair tolbuith, keepe and deteane thame thairin ay and whill they have payed the saids sowmes for the whilk they ar denounced rebellis, and be fred and releved by warrand of the said Collectour generall as the saids magistrats of the saids burrowes will answeare upoun thair highest charge and perrell; and ordanis heraulds, pursevants, messingers of armes, to pas and make publict proclamatioun thairof at the mercat croces of the heid burrowes of this realme and others places neidfull, that nane of his Majesteis lieges pretend ignorance of the same."

Decreta,  
November  
1627-January  
1630.  
Fol. 193, a.

[Sederunt as above recorded.]

Holyrood  
House, 31st  
March 1629.

Complaint by David Andersoun, sometime gardener to Mr William Oliphant of Kirkhill, advocate, as follows:—On March instant, when he was working in his said master's garden in Kirkhill, "the said Mr. Williame, to the disgrace of his calling, being ane member of the Colledge of Justice, come unto me and after manie injurious words uttered aganis me without anie offence givin unto him, he shamefullie strake me with his hands on the face, punsed him [*sic*] with his feit, pulled up his hedging knyffe and thairwith strake at him of purpose to have slaine him, if he had not ressaved the straike with his delving spaid whilk wes in his hand, and thereafter wes forced to flee: And not content heerewith he come to his dwelling hous, boasted and minassed his wyffe and familie, threatning thame of thair lyffes, sua that he forced thame to leave thair hous and service without making payment to thame of thair fee for thair service this yeere bygane to thair utter wracke." Charge having been given to the said Mr. William Oliphant, and both pursuer and defender compearing, the Lords assolzie the defender, as on probation being referred to his oath of verity be denied the charge.

Complaint by  
David Ander-  
son, gardener,  
against Mr.  
William  
Oliphant of  
Kirkhill,  
advocate, for  
assault.

Fol. 193, b.

Petition by the provost, bailies, council, minister and elders of the burgh of Dumbartane, as follows:—Margaret Hunter, spouse to Peter Donnald, sailor, and Janet Donnald, spouse to Umphra Colquhoun, being apprehended for witchcraft, the petitioners obtained from their Lordships a commission for their trial to William Sempill of Foulwod, Walter McAwlay of Ardincaple, and James Hall, present provost of Dumbartane. But they are informed that since then John Colquhoun of Luss and John Boyle of Kelburne have been adjoined to the said commission; which has been done by procurement of the said Laird of Luss, who is near kinsman to the said Umphra Colquhoun, and who has been labouring by all his means to procure the release of the said prisoners both from their Lordships and from the petitioners. His intention is to

Petition by the  
Provost of  
Dumbarton  
and others  
anent the trial  
of Margaret  
Hunter and  
Janet Donald  
for witchcraft.

defeat the ends of justice. The Laird of Kelburne is a mere stranger "in that countrie and his name onelie used be the said Laird of Luss for his awin endis." They therefore crave the discharge of these two additional commissioners, and warrant to the former to proceed with the trial. The Lords, however, appoint John Birsbane of Bishoptoun in place of the Laird of Luss, whom they now discharge, and appoint the five commissioners or any three of them to proceed with the trial according to law.

in Decreta,  
November  
1627-January  
1630.  
Fol. 193, b.

Fol. 194, a.

Fol. 194, b.

Complaint by Alexander Leslie, indweller in Aberdeen, and Margaret Cheyne, his spouse, against Mr. William Davidson, minister at Auchindore, for assault and demolishing their house.

Complaint by Alexander Leslie, indweller in Aberdeen, and Marion Cheyne, his spouse, as follows:—On 5th July last Mr. William Davidson, minister at Auchindore, accompanied with certain of the lieges armed with swords, rungs and other weapons, came to the dwelling house of the said Alexander Leslie in Aberdein, in his absence, broke up the doors and entered therein "perforce, patt violent hands in the said Marioun Cheynes persoun, and without respect to her sexe, or pitie of her weake estait, she being great with chylde, they so barbarouslie and inhumanelie birsed, bruised and bladdit her upon the head, face, shoulders and armes and other pairts of her bodie, with manie bauche, blae and bloodie straikes, that shortlie thereafter she partied with barne, to the great hazard and perrell of her lyffe, hurt and woundit thair servants to the effusioun of thair blood, tirmed the house abone thair head, and maisterfullie shott thame to the doores, and then without forme or ordour of law, they demolished and kuist down the wallis of the hous and layed the same levell with the ground, spoyled, destroyed and away tooke thair whole insicht and plenishing." Charge having been given to the said Mr. William Davidsoun, and the said Alexander Leslie compearing for himself and his wife, and the defender also being present, and the probation being referred to the oath of the defender, who denied the charge, the Lords assoilzie him therefrom.

Protection granted to Sir David Home of Wedderburn that he may collect the soldiers of Sir George Hay's regiment.

Petition by Sir David Home of Wedderburne, knight, as follows:—He has charge of a company in the regiment of Col. Sir George Hay, which is now dispersed and scattered through the country. It is very necessary to gather them together for the furtherance of the service which his Majesty has so earnestly recommended to the said Sir George, but on account of some civil hornings which he underlies he cannot go about the work, and therefore craves their Lordships' protection. This the Lords grant till 1st June next.

Similar protection granted to Richard Carmichael, commissary of Sir George Hay's regiment.

A similar protection till 1st June is granted to Richard Carmichael, "purveant maister to Sir George Hay, Colonell," whose business being to provide "all sorts of necessars for thair compaine, tyes him to a daylie and assiduous attendance upoun that service; but the rigorous carriage of some of his creditors hinders him therein."

Fol. 195, a.

Protection to James Melville, quartermaster of the

Petition by James Melvill, quartermaster of the regiment transported by William, Earl of Mortoun, and now under the charge of Colonel Sir George Hay, as follows:—The protection formerly granted to him for

going about the country for "distributing of moneyes dew unto the regiment of the Earl of Morton." still remains, and he therefore craves an extension. This the Lords grant till 1st June next.

Petition by Alexander M<sup>c</sup>Culloch of Mertoun, as follows:—Their Lordships granted him their protection to come to Edinburgh for the ending of a long and troublesome action before the Lords of Session between him and the daughter and widow of M<sup>c</sup>Culloch, one of his late Majesty's physicians, but as his party had not come to the country at the diet appointed, nothing was done. His party has now come to this burgh, and they have submitted their action judicially to some of the Lords of Session, and he now craves a new protection for attending the same. This the Lords grant till 10th April next.

The Lords continue the action by William Forbes of Craigievar, as proprietor of the lands and barony of Fintrie, and bailie of the regality thereof, and William Rannald, his officer, against John Wood in Mylnetoun, and Andrew Wood, his son, for some points of oppression against the pursuers till 16th June next, of which both parties, being present, were warned *apud acta*. They also ordain John Wood to exhibit the witnesses who have been charged to appear in this case upon the said day, under pain of horning.

Commission under the Signet to the Sheriff of Berwick and his depute, Sir Alexander Nisbitt of that Ilk, John Craustoun of Thornedykes, and Alexander Cranstoun of Morestoun, or any two of them, the said sheriff or his depute being one, as justices, to hold courts and try Isobel Thomesoun in Ryslaw, who has long been suspected of witchcraft. Signed by Mar, Hadintoun, Wintoun, Seafort, Areskine, Tracquir, and S<sup>r</sup> Thomas Hoip.

Commission under the Signet to Hew, Lord Sempill, sheriff principal of Renfrew, Archibald Stewart of Blakhall, and Birsebane of Bishoptoun, or any two of them, as justices, to hold courts and try Janet Widdrow ["Wardrop" in the margin] at Innerkip, who has long been suspected of witchcraft. Signed as above.

"The Lordis appointis the nixt Counsall day to be upoun the xv of Aprile nixt, wherof intimatioun wes maid to M<sup>r</sup> Williame Douglas, maier, to the intent he may advertteis the Earle of Angus of that dyet whilk is appointit unto him for his compeirance and nominatioun of a pedagogue sound in religioun to attend his sone."

"Ane protectioun grantit to Scott of Eidshaw till the tent of Junij to the intent he may attend the subcommissioun."

"The Lordis haveing hard the reporte maid be the visitours of the Kingis houssis and Castell of Edinburgh, thay allow of thair panes and ordanis the Maister of Worke to begin and proceed with the reparatioun of suche pairtis and placeis as ar most important."

Decreta,  
November  
1627-January  
1630.  
Fol. 195, b.

Fol. 196, a.

Commissions,  
1624-30.  
Fol. 195, a.

Sederunta,  
1625-29.  
Fol. 119, a.

Fol. 119, b.

regiment of  
the Earl of  
Morton.

Continuance  
of protection  
granted to  
Alexander  
M<sup>c</sup>Culloch of  
Mertoun.

Case of  
William Forbes  
of Craigievar  
against John  
Wood in  
Mylnetoun and  
Andrew Wood,  
his son.

Holyrood  
House, 31st  
March 1629.  
Commission to  
the Sheriff of  
Berwick and  
others to try  
Isobel Thom-  
son in Ryslaw  
for witchcraft.

Commission to  
Hew, Lord  
Sempill, and  
others to try  
Janet Widd-  
row in Inner-  
kip for witch-  
craft.

The Earl of  
Angus and the  
education of  
his son.

Protection to  
Scott of  
Headshaw.

Anent the  
repairs of the  
King's houses  
and the Castlo  
of Edinburgh.

Holyrood  
House, 31st  
March 1629.  
Letter to his  
Majesty anent  
the education  
of noblemen's  
sons in the  
true religion.

"Most sacred Soverane, According to the directioun of your Majesteis Royal Letters, 1623-32.  
letter tuicheing the educatioun of noblemens sones whois parents wer Fol. 158, a.  
reputed to be disconforme frome the trew religioun presentlie professed  
we callit before us suche of these noblemen as ar heere in the countrey  
and have ordayned thame to send their sonnes who ar of perfyte yeeres  
to the Universitie of S<sup>t</sup> Androes or College of Edinburgh attendit with a  
pedagogue of approvin lyffe and sound in religioun there to be bred in  
the trew grounds of Christiane faith. We have tane thame acted under  
pecuniall panes to permitt unto thair daughters the free exercise of the  
religioun with all necessar helpes conduceable thairunto, that they sall  
use no meanes to seduce thame frome the truthe and sall caus thame be  
served with persouns of the religioun, and that they themselfes sall  
compeir before the Counsell and exhibite thair childrein as they sall be  
required upoun a lawfull warning. And quhairas the Erle of Nithisdail  
and the Lord Gray (quhom this mater speciallie concerns) ar for the Fol. 158, b.  
present with your Majestie and that it is lykewayes feared that the  
childrein of the Lord Gordoun may in thair tender yeeres ressave  
prejudiciall impressiouns by the travellis and informatioun of the  
Marqueis of Huntlie, thair grandfather, and others popishlie affected  
resorting to and fra thame, we thairfoir humbelie intreate your Majestie  
to require and urge the saids noblemen with the performance of the lyke  
conditionis towards the educatioun of thair childrein as by ordourlie  
judgement hes beene prescryved unto others: Your zeale to procure ane  
uniformitie in religioun is a service no lesse profitable for the State than  
acceptable to God, whois worship being thus established will give  
strenth to your auctoritie and worke that steadfast obedience in the  
hearts of your faithfull people that in the conscience of thair dewtie  
they will readilie adventure thair lyffes and estaits for the defence of  
that sacred truthe and maintenance of your royall crowne aganis the  
practises of suche as sall unhappilie seeke to supplant the one or  
endanger the other; quhairin praying God, etc. Halyruidhous, the last  
of Marche 1629. *Subscibitur*, Mar, Hadintoun, Wintoun, Areskine,  
Traquare, Dumblane, Melvill, Jedburgh, S<sup>r</sup> Thomas Hoip, S<sup>r</sup> George  
Elphinstoun, Scottistarvet, S<sup>r</sup> James Baillie."

Holyrood  
House, 31st  
March 1629.  
Letter to his  
Majesty anent  
the payment of  
the Earl of  
Annandale for  
building his  
Majesty's  
house of Loch-  
maben.

"Most sacred Soverane, For obedience of your Majesteis letters  
quhairby your Majestie wes pleased to recommend unto us the payment  
making to the Erle of Annandaill of the rests of suche sowmes of money  
as wer assigned unto him for building of your Majesteis hous of  
Lochmaben and that out of the fynes of the transporters and dryvers of  
cattell or anie other fynes or sowmes of money intronnetted with be anie  
of your Majesteis officers of receipt not as yitt compted for, as lykewayes  
out of the superplus of the tacke dewtie of Orkney and Shetland payed  
be Williame Dick more nor is assigned to the Erle of Wintoun for the  
use of the Erle of Nithisdail, we callit the officers and ressavars of your  
Majesteis rents before us, and having urged thame to satisfie the desire

Royal Letters,  
1623-32.  
Fol. 158, b.

of your Majesteis letter they declared that the fynes of the transporters of cattell wer not meddled with be thame or anie of thame, bot if anie of the saids fynes wer uplifted the samine wes intrometted with be the Lord Naper, who is to be comptable thairfoir; and as to anie other fynes or sowmes of money intrometted with be thame, the same ar all compted for alreadie; and quhairas your Majestie wes pleased in the latter pairt of that letter to require us to take special notice of the superplus of the said tacke dewtie of Orkney and Shetland and to recorde the same for the further increase of your Majesteis rents in tyme comming, we for our cleerer light and your Majesteis better informatioun anent the truthe of that mater conveened before us Williame Dick, who produced the subtack of Orkney and Zetland sett to him be the Lord Naper, after inspectioun quhairfoir and collationating of the dewtie thairin conteanit with the dewtie payed be the Lord Naper to your Majestie for the same we found the sowmes to agree and that there wes no more includit in the subtacke than wes sett down in the principall. And having further demandit of him if he wes lyable in payment to the Lord Naper of anie superplus more nor the dewtie conteanit in his tacke he ingenuously confest that he gave ane byband to the Lord Naper for payment of the sowme of sevin thowsand merkes yeerelie besides the tacke dewtie, quhilk byband the said William Dick declared wes in the hands of the said Lord Naper and that he had not ane copie thairfoir bot declared that the said Lord Naper at the tyme of the subscriyving of the said byband promeist to performe to him certain conditions quhilk he is content to referre to his and Archibald Campbells aith quhom he employed to be mediator betuix thame; quhairwith we have thought good to acquaint your Majestie to the intent your Majestie after consideratioun thairfoir may make suche use of the same as to your princelie wisdoms sall seeme fitting, and so, etc. Halyrudhous, the last of Marche 1629. *Subscribitur*, Mar, Hadintoun, Wintoun, Areskine, Tracquair, S<sup>r</sup> Thomas Hoip, S<sup>r</sup> George Elphinstoun, Scottistarvet, S<sup>r</sup> James Baillie."

Fol. 150, a.

"After our verie heartilie commendatiouns. By this inclosed copie of his Majesteis letter direct to the Counsell in favour of the maissouns, wrights and thair dependants within the burgh of Dundee yow will understand the substance of thair desire and his Majesteis princelie directioun concerning the same, quherewith notwithstanding we have forborne to meddle till yow sould be first heard for your interesse; and thairfoir these ar to requiest and desire yow to make your addresse to the Counsell heere be some of your number upoun the xv day of Apryle nixt sufficientlie instructed with reasouns to oppose the desire of the said letter, or otherwayes to give way thairunto; quhairin, if you failyie and sall not compeir and keepe the said dyet, we will proceid in the ordouring of that bussines according to our awin knowlege and as we sall find the justice of thair sute to require; bot hoping that yow will be more respective of your dewtie in a mater so properlie concerning yow and of whois

Fol. 150, b.

Holyrood  
House, 31st  
March 1629.  
Letter to the  
Provost of  
Dundee anent  
the masons of  
that burgh.

interesse we have bene pleased to take special notice, we committ yow Royal Letters, 1623-32, Fol. 159, b. to God. Halyrudhous, the last of Marche 1629. *Subscriptur*, Mar, Hadintoun, Tracquair, S<sup>r</sup> Thomas Hoip, S<sup>r</sup> George Elphinstoun, Scottistarvett."

Holyrood House, 6th April 1629.

*Sederunt*—Treasurer; Privy Seal; Bugcleuche; Lord Lorne; Lord Acta February 1623-July 1629, Fol. 110, a. Melvill; Lord Carnegie; Lord Tracquair; Bishop of Dumblane; Clerk of Register; Advocate.

Meeting of Parliament delayed till the 5th of September in accordance with the instructions of his Majesty, owing to the postponement of his Majesty's visit.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords Chancellour and President of the Privie Counsell and to the remanent noblemen and others privie counsellours of the kingdome of Scotland and to the commissioners appointed for fencing and continewing the high court of Parliament within the said kingdome, anent the prorogatioun of the Parliament to the fyft day of September nixtcome, being presented to the Lords of Secreit Counsell and read in thair audience, and the saids Lords with all humble and dewtifull respect acquiescing to his Majesteis royall directioun in that mater, they ordained missives to be writtin to suche of the commissioners as ar in the countrie and to the Lords Mairshall and Constable and to the shireff of Edinburgh, in regaird of thair places quhilks they hold in the said Parliament, willing thame to make thair addresse to the burgh of Edinburgh in dew and convenient tyme upon the fyftene day of Apryle instant to assist the fencing of the said Parliament and continewing thair of untill the said fyft day of September nixt, conforme to the missive letter foresaid and to the commissioun grantit to thame for fencing and continewing of the said Parliament, and according to the dewtie of thair places and services quhilks they hald of his Majestie; of Fol. 110, b. the quhilk missive the tennour followes:—CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Notwithstanding of the great desire we have to repaire to that our ancient kingdome to the effect that after dew deliberatioun with the advice of our Estaits we may fullie settle all things for the good thair of that sall be found necessarie, yitt for severall considerations knowne unto us, finding it not likelie that we can keepe the tyme appointed according to our first intentioun for the holding of our Parliament, our pleasure is that yow prorogat the same untill the fyft day of September nixt, and for doing heirof that yow use the forme usuall or fitt to be used for that purpose, that all our subjects may take notice thair of; for doing whair of these presents sall be your warrand, and so we bid yow fareweill. Frome our Court at Whitehall the 25<sup>th</sup> day of Marche 1629. Followes the directioun upoun the backe—To our right trustie and right weilbelovit cousine and counsellour, to our right trustie and weilbelovit

Acta February  
1629-July  
1629.  
Fol. 110, b.

cousins and counsellours, to our right trustie and weilbelovit counsel-  
lours, and to our trustie and weilbelovit counsellours, the Vicount of  
Dupline, our Chancellor, the Erle of Monteith, President of our Privie  
Counsell, and the remanent noblemen and others our privie counsellours  
of our kingdome of Scotland and to the commissioners appointed for  
fencing and continewing our high Court of Parliament within our said  
kingdome.”<sup>1</sup>

Commissions,  
1624-30.  
Fol. 196, a.

Commission under the Signet to Sir John Hamiltoun of the Grange, Holyrood  
House, 6th  
April 1629.  
Walter Cornwall of Ballinhard, Mr. Alexander Hamiltoun of Kinglas, Commission to  
Sir John  
Hamilton of  
the Grange  
and others to  
try Isobel  
Robertson in  
Bo'ness for  
infanticide.  
and Mr. Alexander Bruce of Inzefer, or any two of them, as justices to  
hold courts and try Isobel Robertsoun in Borrowstounesse who on  
March last murdered a young infant borne by her to John Falconer  
in . . . In the latter part of the commission it is put that “as she  
shall be foundin culpable or innocent of the said cryme of witchcraft”  
they are “to caus justice be ministrat upoun her.” Signed by Mar,  
Hadintoun, Buccleuche, Lorne, Melvill, Hamiltoun, Ad. B. of Dumblane.

Sederunts,  
1625-29.  
Fol. 119, b.

“Ane missive frome his Majestie anent copper coyne, the consideratioun The copper  
coin.  
wherof remittit to the nixt Counsell day, and the maister cunyeour,  
being present, is commandit to attend that day.”

“The nixt Counsall day appointed to be upoun the xv of this instant Meeting of  
Council.  
wherof the Counsallouris present wer warnit *apud acta* and promiseist to  
keepe the dyet, and missives ordanit to be writtin to the rest to keepe  
the said dyet.”

Acta February  
1625-July  
1629.  
Fol. 110, b.

*Sederunt*—Treasurer; Privy Seal; Wyntoun; Roxburgh; Seafort; Holyrood  
House, 15th  
April 1629.  
Lauderdail; Lorne; Areskine; Melvill; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

“Forsameekill as the Kings Majestie out of his earnest desire to visite this Meeting of  
Parliament  
delayed from  
April till the  
5th of Septem-  
ber owing to  
the postpone-  
ment of his  
Majesty's visit.  
his ancient kingdome having resolved to have repaired heere in persoun  
in this instant moneth of Apryle for receaving of his crowne, and to the  
intent that after dew deliberatioun with his Estaits, his Majestie might  
have fullie sattled and brought to a perfectioun all things that sould be  
found necessarie for the good of this kingdome, his Majestie for this  
effect appointed his Parliament, whilk wes proclaimed to have begunne  
upoun the fyftene day of September last to be prorogat and continewed  
to the fyftene day of Apryle instant; yitt in respect manie great  
occasiouns interveening in this meane tyme,<sup>1</sup> his Majestie finds it not  
likelie that he can keip the appointed tyme for halding of his Parlia-  
ment, and thairfoir hes givin ordour and directioun for prorogatioun of

<sup>1</sup> This is the second time that Charles postponed his intended visit to Scotland, and the position of affairs in England sufficiently explains the further delay. The English Parliament which had met in the spring of 1629 had proved even more refractory than its predeces-

sors, and at the moment when Charles wrote the above letter to the Council, Eliot and the other eight members were in prison by his warrant. In these circumstances Charles was hardly in a mood either for pleasure or business in his northern kingdom.



the said Parliament untill the fyft day of September nixtcome with Acta February 1628-July 1629. continewatioun of dayes, whilk day his Majestie hes made choise of for Fol. 111, a. beginning of his said Parliament, and hes resolved, God willing, to keepe the said dyet preciselie in persoun. Thairfoir the Lords of Secreit Counsell according to his Majesties warrant and directioun sent unto thame for this purpose, ordains letters to be direct charging heraulds, pursevants, maissers and officiers of armes to pas to the mercat croces of the heid burrowes of this kingdome and uthers places neidfull, and there be opin proclamatioun to make publicatioun and intimatioun of the continewing of the said Parliament untill the said fyft day of September nixtcome, with continewatioun of dayes, and to wairne all and sindrie prelates, noblemen, commissioners for the small barouns and burrowes, and all uthers having place, voice, office, service or attendance in the said Parliament, that they and everie ane of thame attend and await upoun the same the day foresaid with continewatioun of dayes, and doe and performe that quhilk to thair places and charges apperteannes, with intimatioun as effeirs."

Decree in accordance with his Majesty's command for the coining of five hundred stones of copper without alloy into penny and twopenny pieces for the benefit of the poor lieges.

"Forsameekle as our lait Soverane Lord of eternall and blessed memorie having wiselie foreseene the great hurt and prejudice that the poore people of this kingdome susteained throw the skairsetie of small moneyes, especiallie of penneis than currant within the same, togidder with the prejudice that the commoun people susteained be the interruptioun of the intercourse and change of pennyworthes and other small commoditeis vendible amongs thame, his Majestie wes thairfoir moved out of pitie and commiseratioun of the poore, whois number wes become great and thair necessiteis so extreme as the lyke wes not heard off, to dispense and lay aside all privat respect and consideratioun of his awin profite quhilk in the mater of the coyne his Majestie might lawfullie make, and to give warrand and directioun by act and ordinance of Counsell, bearing dait the fyft day of August 1623 yeeres, for coyning of fyve hundreth stone weight of copper unmixed with anie other mettall and to be wrought and forged in a mill and cutted with a cutter and be the said mill and cutter made readie for the printing after the accustomed maner of the Cunyiehous with fyle and tursell, whairthrow the same might not be counterfoote in penneis and twa pennie peeces, whairof saxteene of the saids twa pennie peeces to be in ane unce weight and sax score and eight of the saids twa pennie peeces to be in the marke weight with three of the peeces of remeid als weill heavie as light on the said marke weight thairof, as the said act conteaning the forme of the impressioun and circumscriптиoun of the saids twa pennie and pennie peeces and conteaning likewayes ane speciall provisioun and conditioun that nane of his Majesteis subjects sould be astricted to ressave of the said copper coyne abone the value of sax penneis in ilke pund in payment of debts or other blockes, waires or merchandice at lenth beiris. Quhilk act having tane effect and execu-

Acta February  
1628-July  
1629.  
Fol. 111, b.

tion by the printing and outputting of the foresaid fyve hundreth stane weight of copper amongs the lieges, yitt notwithstanding thair of, our soverane Lord is now informed that the same skairsetie of small moneyes is als great at this tyme as it wes the tyme of the making of the said act, sua that the benevolence and almous whilk his Majesteis subjects would freelie and willinglie give for releeffe of the necessiteis of the poore is interrupted and hindered to thair undoing and miserie; and thairfor his Majestie, out of his gracious and royall dispositioun for the releeffe of the necessiteis of the poore and for the forderance of small exchange among the commoun people is weill pleased to take that same course as wes tane be his Majesteis darrest father in this mater; and thairfor with the advice of the Lords of his Secretit Counsell hes thought meit and expedient, concluded and ordained that there sall be fyve hundreth stone weight of copper unmixed with anie other mettall, wrought, forged, cutted and printed in pennie and twa pennie peeces after that same forme and maner and of that same weight, impressioun and circumscription as wes conteaned in the act foresaid of the fyft of August 1623, and with the provisions conteanit thairin, and conforme to the tennour thair of in all points, with alteratioun and change allanerlie in the circumscription of the name CAROLUS for the name IACOBUS; commanding heirby the Maister of his Majesteis Cunziehous presentlie to prepare himselfe and to proceed to the melting, forging, cutting and making of the saids pennie and twa pennie peeces, at the least so manie of thame as goodlie may be wrought readie for the printing againe the first day of Maij nixt, to the intent that at that same day they may be entered to the printing and be whollie printed before the fyftene day of Apryle in the yeere of God j<sup>m</sup>vj<sup>o</sup> and threttie ane yeeres; commanding alsua the wardane, counterwardane, sinker and temperer of the yrnes, everie ane of thame in thair severall charges, to attend the service and to proceed to the printing of the saids peeces as they will answeere to his Majestie and his Counsell upoun the dewtie of thair offices. And his Majestie commands that in everie staine weight of the saids peeces there be ane pund coynned in pennie peeces; and that letters be direct to make publicatioun heerof be opin proclamatioun at the mercat croce of Edinburgh and others places needfull whairthrow nane pretend ignorance of the same; and to command and charge all his Majesteis subjects to ressave the said copper peeces in payment of debts, blocks, waires and merchandice in maner foresaid, and onnawayes to refuse the same upoun whatsoever cullour or pretext under the pane of treason. 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, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greete yow weill. The letter sent by yow unto us of the twelffe of Februarie 1629 concerning the

striking and printing of some copper money within that our kingdome for releeffe of the poore and for the furtherance of small exchange among the commoun people wes so considered of be us and some of our nobilitie and Counsell now present at our Court as we are gratuslie pleased heereby to require yow to give present order for striking and printing of suche a reasonable quantitie thairof in penneis and twa pennie peeces as yow sall thinke convenient for the state and conditioun of that our ancient kingdome and for the ease of our good subjects thairof and that yow doe carefullie provyde that the benefite of the said coyne may be applyed to our use: and so we bid yow heartilie farewell. Givin at Whitehall, the 18 day of Marche, 1629.”

Acta February  
1628-July  
1629.  
Fol. 112, a.

Act forbidding  
the export of  
copper in view  
of the late Act  
decreasing the  
coinage of  
copper penny  
and twopenny  
pieces.

“ Forsameekle as the Kings Majestie out of his gracious and tender regard and commiseratioun of the necessiteis of the poore who ar pre-judged of thair almous throw the penurie and skairsetie of small moneyes within the kingdome, hes beene pleased to give warrand and directioun for the coynage of ane certane quantitie of copper in penneis and twa pennie peeces to the intent the necessiteis of the poore may be in some measure releevd and the intercourse of small commoditeis among the commoun people may be the better interteanyed; for the forderance and advancement of quhilk worke necessar it is that there be a restraint of exportatioun of all copper that hes beene in worke for some certane space to the intent the same may be sauld to his Majesteis maister cunzier for a beginning to this coynage, and that in the meane tyme he may have tyme and leasure to make his provisoun and furnishing frome beyond sea; and thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all 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 presume nor take upoun hand to transport furth of this kingdome anie old copper that hes beene in worke untill the last day of August nixt, bot that they sell the same, at the least so muche thairof as will serve for the coynage foresaid, to the maister of his Majesteis Cunziehous for the lyke weight of als good copper or upon suche reasonable pryces as he and they can agree, under the pane of confiscatioun of the said copper and of the haille remanent of thair moveable goods to his Majesteis use.”

Act for the  
repair of the  
machinery of  
the Mint.

“ Forsameekle as by occasioun of the great quantitie of copper money formerlie wrought in this kingdome the three mylnes and the twa cutters whairwith the same wes wrought ar verie meekle waisted and sindrie pairts thairof brokin, Thairfoir the Lords of Secreit Counsell ordains and commands the maister of his Majesteis Cunziehous to caus repaire the saids three mylnes and twa cuttars sufficientlie with convenient diligence, and to have thame in readinesse for working of the copper money now appointed to be wrought so soone as may be, whereanent thir presents sall be unto the said maister of Cunziehous a sufficient warrand.”

Fol. 112, b.

Acta February  
1628-July  
1629.  
Fol. 112, b.

" Forsameekle as the Lords of Secreit Counsell ar informed that there is ane old ruynous wall within the Cunziehous yaird neere to that pairt of the hous where the copper coyne is to be wrought, whilk wall is lyke to fall and to indanger the servants and people repairing to and fra the workehouses, Thairfoir the saids Lords ordanis the maister of his Majesteis workes to visite the said ruinous wall and to consider what charges and expenses the doun taking and bigging up agane of the said wall will require and to make report thairof to the saids Lords to the intent directioun may be givin for bigging up of the same accordinglie."

Anent a ruinous wall in the Mint-house which has become dangerous to the workmen.

" Forsameekle as the Lords of Secreit Counsell hes tane great panes and travellis according to the warrand of Parliament for reforming the abuses in the Tannage and for bringing of that worke to a good perfectioun for the weale of the kingdome, in end after that all parteis having interesse wer heard and the objectiouns and difficulteis occurring in that mater maturelie considerit and discust the processe wes closed, and manie good acts wer made and sett doun for reforming of the saids abuses and for introducing a new forme of tannage according to the forme used in England and uthers pairts where the mater of the tannage is at best perfectioun, whairin there wes greater paines and travellis tane be his Majesteis Counsell nor ever wes done in a mater of that kynde occurring within this kingdome; notwithstanding whairof, suche hes beene the averseness of the people frome embracing of this reformatioun that numbers of thame, and namelie some of these who wer the first projectours and movers of this reformatioun to the Parliament, hes by the assistance of the Burrowes opposed thameselfes directlie thairunto, sometymes pretending the difficulteis in the prosecutioun of the new forme of tannage and sometymes the insufficiencie of the worke wrought after that maner, and by thair suggestiouns making the mater seeme to be ane commoun caus they have brought the intendit reformatioun in distaist. For cleering of quhilks mistakings and discovering of the partialitie and iniquitie thairof groundit upoun the objectioun of the insufficiencie of the new forme of tannage the undertaker of this reformatioun interprysed the setting up of a tanning hous for giving prooffe of the good flowing frome this reformatioun, and by the assayes tane of the worke wrought thairin after the new forme of tannage it is found by these who wer intrusted thairwith that the hydes produced, quhilks were Scottish hydes and barked with Scottish barke, were als good tanned ledder and wrought at als easie pryces as anie tanned ledder brought frome England. And whereas now all is done that by skill or industrie may give unto the people satisfacioun in this bussines, yitt they out of thair preoccupied opinions without ground, modestie or reasoun, doe still stand out aganis the same and continewis refractarie thairto, and by all the subtiliteis and shifts that they can devise they doe what in thame lyes to frustrat and disappoint this good worke quhilk is knowin by prooffe to be verie profitable to the countrie;

Act in favour of the new method of tannage.

Fol. 113, a.

and this lait intermissioun of tyme whairin the mater hes beene in dependance hes bred ane opinioun in the hearts of the commoun people that this intended reformatioun wes altogidder cassin aff, whairupon sindrie hes tane the boldnesse without controlment to misknow the whole acts formerlie made with the course and ordour so wyselie prescryved and sett doun be his Majesteis Counsell for prosecutioun of this bussines: And thairfoir the Lords of Secreit Counsell hes thought meit heirby to intimat and declare to all his Majesteis lieges and subjects that they will have the course and ordour prescryved and established be thame after so long advice and mature deliberatioun for reforming the abuse of the tannage to be prosecute and followed out in all points, and that the acts and ordinances of Counsell and proclamatiouns following thairupoun made to this effect sall ressave executioun accordingle als weill aganis the proper and native ledder of the kingdome as aganis all forrane ledder that sall be brought within the same, and that both the proper and forrane ledder sall be subject to the ordour of the seale, and that the panes of confiscatioun and other panes mentioned in the former acts sall be inflicted upoun the contraveenners without favour; with this additioun that in the point of searcheing and seeking for anie hydes that ar concealed, presented to mercat or putt in worke without the seale, power is heirby givin to these whome it concernes and to whois charge the executioun of that point of service is committed by the former acts made to this effect, to make opin doores and to use his Majesteis keyes, whereanent thir presents sall be unto thame a sufficient warrand; and ordains letters to be direct charging officiers of armes to pas to the mercat croces of the heid burrowes of this kingdome, and there be opin proclamatioun to make publicatioun of the premisses whairthrow nane pretend ignorance of the same; and to command and charge all his Majesteis lieges and subjects whome these presents doe or may concerne to conforme thameselfes to the forme and ordour of tanning prescryved be the acts and ordinances made and sett doun for this effect, and onnawayes to violat the same under the panes conteanit in the saids acts; and to command and charge all magistrats, als weill to burgh as to land, to give thair effauld and dew concurrence to the officiers having the charge of this worke in all and everie thing that concernes the forderance and advancement of the same, als weill in making of searche and tryell where anie hydes ar concealed, presented to mercat, sauld and putt in worke without the seale and in confiscating the same accordingle, as in making of opin doores and using of his Majesteis keyes, as the saids magistrats and everie ane of thame will answeere upon thair obedience at thair highest charge and perrell: certifeing alsua all suche magistrats to burgh and land who sall refuse to give thair trew and effauld concurrence in the premisses that it sall be lawfull to the others persouns to whois charge the making of the

Acta February  
1628-July  
1629.  
Fol. 113, a.

Fol. 113, b.

Acts February  
1629—July  
1629.  
Fol. 113, b.

said searche and tryell of concealed and unsealed hydes does perteane to make the said searche and make opin doores and use his Majesteis keyes als freele and lawfullie as if the saids magistrats who sall refuse thair concurrence had dewtifullie and effauldie givin thair said concurrence in maner foresaid."

"Forsameekle as the Kings Majestie being petitioned in name of the maissions, wrights and others thair dependances within the burgh of Dundie, that they might have the libertie to choose ane deacoun, as the rest of the free burrowes within this kingdome hes, for the better reforming of abuses amongs thame, his Majestie was graciouslie pleased to remitt the consideratioun of the said petitioun to the Lords of Secreit Counsell, who having at lenth heard the commissioner for the burgh of Dundee, on the ane pairt, and Johne Mill, maisoun in Dundee, who compeired in name of the saids petitioners, on the other pairt; and the saids Lords being weill advised with all that wes propouned and alledgit be thame *hinc inde* thereanent, and understanding that the generall Conventioun of the Burrowes is to be kept shortlie at the burgh of Culrois and to beginne, God willing, upoun the first Tuisday of Julij nixtocome; and whereas they ar best acquainted with suche maters as concernes the weale of the Burrowes, thairfoir the saids Lords hes recommendit, and be the tennour heirop recommends to the commissioners for the Burrowes to be assembled at the said meeting the consideratioun of the desire of the saids petitioners and the reasouns to be givin in be thame for that purpois with the arguments and reasouns to be propouned be the magistrats of the said burgh of Dundee and thair commissioners aganis the desire of the said petitioun; and that they informe thameselfes trewlie and sufficientlie anent the expediencie or inconveniencie of the said petitioun and report thair opinioun thairanent to the saids Lords upoun the first Thurisday after the dissolving of thair conventioun, to the intent the saids Lords may take forder ordour thairin as accords. Followes his Majesteis missive abonewrittin—CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Whereas we have beene humbelie petitioned in name of the maissions, wrights and others thair dependances within our burgh of Dundee that they may have the like libertie as the rest of our free burrowes within that our kingdome have to choose and create among thameselfes a deacoun for the weale of the saids crafts and the better reforming of abuses thairin, though we perceave no inconvenience by granting thairof, yitt least the samine sould be prejudiciall to the rest of our free burrowes there we have thought good to remitt the same to your consideratioun; and therefore our pleasure is that yow enforme your selfe of the trew estate thairof, and if yow sall finde the samine requisite to be done and for the weale of the saids crafts and no wise to prejudice

Direction to the Commissioners of Burghs to examine and report whether it is expedient that the masons, wrights, and others of Dundee should receive the privilege of electing a deacon of their crafts.  
See ante, p. 127.

Fol. 114, a.

the rest of our free burrowes there that thereafter yow caus our Advocat forme, draw up and dockat suche a signatoure as we may signe and grant to thame hereupoun for choosing of thair said deacoun whereby in tyme comming the saids abuses may be reformed; and for your so doing these presents sall be unto yow a sufficient warrand. Frome our Court at Whitehall the sixteenth day of Februarie 1629.”

Acta February  
1628-July  
1629.  
Fol. 114, a.

Warrant to  
Mr. Alexander  
Henderson to  
levy a force of  
1200 men for  
service under  
the King of  
Sweden.

“The Lords of Secret Counsell according to ane warrand and directioun in writt signed be the Kings Majestie and this day presented unto thame gives and grants commissioun and warrand be thir presents to M<sup>r</sup> Alexander Hamiltoun to levey and take up twelffe hundrethe men out of all suche persons within this kingdome as he sall find willing to serve under him, and to conduct and to transporte thame towards Sweden for ayding of his Majesteis darrest brother, the King of Sweden, in his warres; with power to the said M<sup>r</sup> Alexander to nominat and appoint captans, commanders and others officiers and members neidfull over the said regiment, and to caus towcke drwmmes, display cullours, and to doe and performe all and everie other thing that towards the furtherance of thir leveyes ar requisite: Firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin, the said M<sup>r</sup> Alexander alwayes givand suche satisfioun to everie one of the said number as sall be agreed upon betuix him and thame according to the custome in the lyke caises; commanding heirby all magistrats to burgh and land to concurre and assist the said M<sup>r</sup> Alexander in the lifting and transporting of the said regiment; and if anie persons who sall inroll thameselfes and ressave pay, sall thairafter disband and leave thair cullours, that the saids magistrats upon complaint to be made heirof to thame be the said M<sup>r</sup> Alexander his captans, officiers or commanders doe justice accordinglie. 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, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Having intentioun upon verie good considerations at this tyme to aide our brother, the King of Sweden, with suche forces as we can spare frome all our kingdomes, and being willing to furnishe him with some regiments of men frome thence, our pleasure is that yow grant unto our trustie and weilbelovit M<sup>r</sup> Alexander Hamiltoun a commissioun with a sufficient warrand to levey and transport thither twelve hundrethe men out of all suche persons of that our kingdome as he sall find willing to goe with him thither; granting him libertie to towcke drwmmes for that purpose, with als large priviledges as anie other hath had heretofore in the lyke kynde, he alwayes giving suche satisfioun to everie one of the said number as sall be agreed upon betuix him and thame, according to the former custome in the lyke caises. For doing whereof these presents

Fol. 114, b.

Acta February 1628-July 1629. Fol. 114, b. shall be unto yow ane sufficient warrand. Frome our Court at Whitehall the nynth day of Apryle 1629."<sup>1</sup>

"Forsameekle as the day of Apryle instant is appointed to Johne Weir of Clenockedyke and Issobell Tueddall, his spous, for thair compeirance before his Majesteis Justice and his deputs in the tolbuith of Edinburgh to underly the law for the abominable cryme of incest fullie excommunicat; and whereas suche detestable crymes procures the heavie wrath and displeasure of God aganis the whole natioun, thairfoir the Lords of Secreit Counsell ordains and commands his Majesteis Advocat to persew the said persouns for the cryme foresaid the day abonewrittin according to the dewtie of his office, and ordains his Majesteis Justice and his deputs to proceed to the tryell of the same persons for the said cryme, and if they be convict thairfoir to caus pronounce doome and sentence aganis thame conforme to the lawes of this realme, and to superseid the executioun of the doome and sentence untill the last day of Julij nixtcome, committing thame to waird in the meane tyme in the tolbuith of Edinburgh till forder directioun be givin concerning thame as accords."

"The Lords of Secreit Counsell according to ane warrand and directioun in writt signed by the Kings Majestie and this day presented unto thame gives and grants commissioun and warrand be thir presents to Sir Johne Meldrum to levey and take up twelve hundreth men out of all suche persons within this kingdome as he sall find willing to serve under him, and to conduct and transporte thame towards Sweden for ayding his Majesteis darrest brother, the King of Sweden, in his warres; with power to the said Sir Johne to nominat and appoint captans, commanders and uthers officiers and members neidfull over the said regiment and to caus towke drwmmes, display cullours, and to doe and performe all and everie other thing that towards the furtherance of thir leveyes ar requisite: Firme and stable halding and for to hald all and whatsumever thing sall be lawfullie done heerin, the said Sir Johne alwayes givand suche satisfioun to everie ane of the said number as sall be agreed upon betuix him and thame according to the custome in the lyke caises; commanding heereby all magistrats to burgh and land to concurre and assist the said Sir Johne, his captans, commanders and officiers in the lifting and transporting of the said regiment; and if anie persouns who sall inroll thame selfes and ressave pay sall thair-after disband and leave thair cullours, that the said magistrats upon

<sup>1</sup> On March 19, 1629, the Emperor Ferdinand had issued the famous Edict of Restitution which transferred to the Catholic clergy the bishoprics and abbeys of Northern Germany that had long been in possession of Protestant laymen. This was a menace to North German Protestantism which touched the interests of every other Protestant Power. At the urgent instance of Gustavus Adolphus, therefore, Charles had consented to lend what assistance he could towards averting the common danger. Hence the above letter to the Scottish Privy Council.



complaint to be made heirof to thame be the said Sir Johne, his captans, officers and commanders, doe justice thairin accordinglie. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES II., Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greete yow weil. Having intention upon verie good considerations at this tyme to ayde our brother, the King of Sweden, with suche forces as we can convenientlie spare frome all our kingdomes, and being willing to furnishe him frome thence with some regiments of men, our pleasure is that yow grant unto our trustie and weilbelovit Sir Johne Meldrum, knight, a commissioun with a sufficient warrand to levey and transport thither twelve hundreth men out of all suche persons within that our kingdome as he sall finde willing to goe with him thither; granting him libertie to towke drwmmes for that purpose, with als large priviledges as anie other hes had heeretofore in the lyke kynde, he alwayes giving suche satisfioun to everie one of the said number as sall be agreed upoun betuix him and thame according to the former custome in the lyke causes, for doing whereof these presents sall be unto yow a sufficient warrand. Frome our Court at Whitehall the nynth day of Apryle 1629.”

Acta February  
1628-July  
1629.  
Fol. 115, a.

Charge to the noblemen, barons, and parishioners of the Sheriffdom of Edinburgh for the repairing of highways in view of his Majesty's visit.

“ Forsameekill as the Shireff of Edinburgh and some of the Justices of Peace within the said shirefdome, commissioners nominat be the Lords of Privie Counsell for sighting of the hie wayes and passages within the bounds of the shirefdome of Edinburgh throw the quhilks his Majestie is to travell and for causing the same to be enlarged and mendit and made passable for hors and coaches, they have verie ordourlie and discretlie proceedit in this bussines and hes made, prescryved, and sett down the forme and ordour how the said wayes sall be enlarged and mended, as namelie, they have found that the hie way betuix the Wakers Hole at S<sup>t</sup> Ninians Raw at Leith Wynde foote sall be enlarged, helped, and mended be the inhabitants of the parochins following as is after divydit, viz., fra the east end of the Lang Gait to the Cowt Bridge, and fra the calsey end at the West Port thairto be the parochiners of S<sup>t</sup> Cuthberts at the sight of the Laird of Braid and Sir Williame Nisbitt; and fra the Cowt Bridge to the Ferrie Gait be west Corstorphine, be the parochins of Corstorphine, Crawmond, Hales and Currie at the sight of the Lairds of Corstorphine, Colintoun, Gogar and Graycruiik; and fra the Ferrie Gait to the Water of Almond be the parochins of Rathow, Kirknewtoun, Calder and Kirklistoun on the east side of the Water of Almond, quhilk lyes within this shirefdome, at the sight of Sir Johne Dalmahoy, Alexander Inglis of Rottonraw, and Johne Libbertoun, baillie of Kirknewtoun; and that the hie way betuix Clockemylne and the Magdalene Bridge is fitt to be helped and mended be the inhabitants of the parishes of Restalrig, Duddingstoun, Inneresk, Libber-

Fol. 115, b.

Acta February  
1628-July  
1629.  
Fol. 115, b.

toun and Natoun, at the sight of Henrie Nisbitt, portioner of Restalrig, Thomas Thomsoun of Duddingstoun, Hay of Montoun, James Rig of Carbarrie, and bailleis of Mussilburgh, persouns thought fitt to be overseers of the said worke ; and they find it expedient that the inhabitants within the parishes foresaids sould come to the repairing of the saids hiewayes, furnished with mattockes, gavelockes, hurlebarrowes, uther barrowes, schuills, creills, skulls and uthers necessarie instruments fitt for repairing of the saids wayes, and that they sould follow furth, performe, and fulfill suche ordour and injunctiouns as sall be sett doun to thame thereanent be the saids overseers ; as alsua they find that the peece way betuix the corse calsey be north S<sup>t</sup> Cuthberts Kirk and the West Port of Edinburgh aucht and sould be mendit be the burgh of Edinburgh as in ane act made to this effect at lenth is conteanit. And whereas the saids commissioners hes tane so great paines and travellis in this bussines and hes so wiselie and moderatlie prescryved and sett doun the forme and ordour how the saids passages and wayes sall be mendit and enlarged, as said is, necessar it is that the course prescryved be thame be followed out be these whome it apperteannes ; and thairfoir ordains letters to be direct charging all and sindrie noblemen, barouns and parochiners unto whome the charge of this service is injoynned that they and everie ane of thame for thair awin pairts doe and performe that point of dewtie in the said service whilk to thame apperteannes and whilk is injoynned unto thame, and that they make no shift, excuse nor delay upon whatsomever cullour or pretext as they and ilke ane of thame will answeere upoun the contrarie at thair highest perrell, and under the pane to be callit, persewed and punished in thair persouns and goods at the arbitrement of his Majesteis Counsell, as hinderers of his Majesteis service and contemnners and disobeyers of his Majesteis royall commandement.”

Fol. 116, a.

“Forsameekle as the Justices of Peace within the shirefdome of Linlithgow being commandit be the Lords of his Majesteis Privie Counsell to sight the hie wayes and passages within the bounds of the said shirefdome throw whilks his Majestie is to travell and to caus the same be enlarged and mended and made passable for horses and coaches, they have verie ordourlie and discretlie proceedit in that bussines and hes sett doun and prescryved the forme and ordour how the saids wayes sall be enlarged and mended ; as namelie, they ordained that the way up the water edge, whilk hes a great gape at the east foote of the brae, sall be mended be the Erle of Wintoun and his tennents, and that they make the whole way up the brae on the water side plaine by taking doun of the knowis ; and siclyke they ordained that the said Erle and his tennents sould caus sticke in staikes at a dangerous nuike on the head of the brae on everie side thairof that men may eshew the danger of the same, as alsua that the said Erle and his tennents caus enlarge and mend the rest of the way fra the water to the toun of Kirklistoun and

Charge for the  
repairing of  
the highways  
within the  
Sheriffdom of  
Linlithgow.

throw the toun to the mylne of Kirklistoun, and to make the same Acta February 1628-July 1629. passable, and to remove all knowes and other impediments ather by eird, Fol. 116, a. stones great or small; and fra the said mylne west throw the lands perteaning to Johne Dundas of Newlistoun that they be mended and enlarged be the said Johne and his tennents; and fra the said Johnes lands to the lands of Wincheburgh perteaning to the said Erle of Wintoun, that they be mendit and enlarged be him and his tennents; and fra Wincheburgh to Ald Cathiemure perteaning to the Erle of Hadintoun that they be mendit and enlarged be him and his tennents; and fra the said Erle's lands to the lands perteaning to the Lord Rosse to be mendit be him and his tennents throw his whole lands to the lands of Kincavell perteaning to M<sup>r</sup> Alexander Bruce to be mendit be him and his tennents throw his lands to the lands of Magdalens; and they ordained M<sup>r</sup> Williame Powrie to mend the hieway foranent his land of Witcocksholme; and they ordained Sir Johne Hamiltoun of Magdalens, Clerk of Register, to mend and enlarge his lands of Magdalens throw the same whole lands till they come to the lands perteaning to the Fol. 116, b. burgesses of Linlithgow; whilks lands they ordained to be repaired be the burgh of Linlithgow till they come to the East Port thair of; and they ordained the said hie way to be made sufficient and passable for coaches and hors throw the whole bounds thair of by removing of all knowes and other impediments that may hinder the same ather by stones great or small ar any other way whatsoever; and they ordained the Justices of Peace in everie parish within the saids bounds ilke ane within thair awin bounds to be overseers of this worke and to see the same putt in executioun as ane act made to this effect beiris. And whereas the saids commissioners hes tane so great panes and travellis," [etc., as in the previous Act].

Direction for the repair of the highways between Falkland and Perth.

"Forsameekle as the commissioners nominat be the Lords of Secreit Counsell for sighting of the hie way betuix Falkland and Perth and for prescryving of the ordour and rule how the same sall be enlarged and mended and made passable for horses and coaches for his Majesteis more sure and saulffe travelling that way the saids commissioners hes prescryved and sett doun the ordour following, to witt,—that the hieway betuix Falkland and the craig of Pittinbrog sall be enlarged and mended be the parochiners of Stramiglo and Auchtermuchtie at the sight and be directioun of the Lord Burley, M<sup>r</sup> Androw Murrey, fear of Balvaird, the Laird of Pitloure, the provest of Auchtermuchtie, and George Moncreif of Redie; and that the way betuix the craig of Pittinbrog and the Bridge of Erne sall be mendit be the parochiners of Arngosk, Abirnethie and Dron at the sight and directioun of Sir George Afeck of Balmanno, Williame Afeck, his sone, the said Laird of Balvaird, and David Carmichaell of Balmedie; and that the way betuix the Bridge of Erne and the burgh of Perth sall be enlarged and mended be the parochiners of Fol. 117, a. Dumbarnie, Aberdage, Lin, Mailler and that pairt of the parish of Perth

Acta February  
1628-July  
1629.  
Fol. 117, a.

lying besouth the burgh of Perth at the oversight and directioun of the Lord Chancellor his chamberlane, the Laird of Moncreiff, the Baroun of Fingas, and Williame Blair of Tarsaffie, as in the report made to this effect at lenth is conteanit. And whereas the saids commissioners hes tane so great panes and travellis in this bussines," [etc., as in the preceding Acts].

"Forsameekill as the commissioners nominat be the Lords of Secreit Counsell for sighting of the hie way betuix Dumfermeline and Falkland and for making the same passable for horses and coaches and for his Majesteis more sure and saulffe journeying that way hes givin in thair report to the saids Lords, bearing that the way betuix Dumfermline and Maistertons Brae is exceeding good, bot frome that east to the old Bridge of Or there wer some pairts whilks required helpe, and betuix the old Bridge and Kinglassie that there wer some pairts that required to be bett and helped, and that frome that to Falkland the way is exceeding good; and they ordained that thir defects in the way sall be mended and helped be the parochiners of Auchterdirrane at the sight and be directioun of the Lord Burlie as the report made to this effect beiris. And whereas the saids commissioners hes tane so great panes and travellis in this bussines," [etc., as in the preceding Acts].

Direction for  
the repair of  
the highways  
between Dun-  
fermline and  
Falkland.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 196, a.

Complaint by James Mureheid of Lawchop, as follows:—Umphra Cahowne of Bavie, his son-in-law, having married Margaret Somervell, his wife's daughter, and "being ane ordinarie in the compleaners hous and at his table, and als farre respected be him in all kynde of dewteis of love and freindship as possiblie anie man could respect his sone-in-law, and the compleaner reposing als great trust and confidence in him as in anie persoun whatsomever upoun the assurance of a reciprocke correspondence of mutuall dewteis on his pairt, he had a full auctoritie over the compleaners hous, and nothing that wes thairin wes concealed or hid frome him, yea not so muche as his chartour kist." But abusing this confidence, the said Umphra lately "finding the compleaners hous within the burgh of Edinburgh, where he now loodges, quyet and his chartour kist unlocked, he opened the same, taking inspectioun of all his evidents, letters and papers being thairin," picked out such as he thought would benefit himself and hurt the complainer, and carried them away. Amongst others there was "ane booke whairin wes punctuallie writtin and sett down the haill burdeins and distresses lying upon the living of Somervell, and whair of the compleaner and some other freinds of that hous wer bound to releve the Erle of Mar, of the quhilk booke everie page and leaffe wes marked and subscryved be the lait Lord Somervell and the said Erle, the abstracting of quhilk booke will draw upon the compleaner and others warrandice of these distresses." When the complainer missed

Holyrood  
House, 15th  
April 1629.

Complaint by  
James Muir-  
head of Law-  
chop against  
Humphrey  
Colquhoun of  
Bavie, his son-  
in-law, for  
abstracting  
papers from  
the com-  
plainer's  
charter-chest.

Fol. 196, b.

the book, he suspected and challenged his son-in-law about it, who acknowledged he had it, but "upon some frivolous excuses refused redelyverie." Unwilling to enter into process with one "so neerelie linked in strictest bonds of freindship," he tried intreaties and all fair and lawful means that he could, but without success, and the said Umphra still detains it and others of his writs, intending apparently to bring the said warrandice of the Somervell burdens upon him, which is a burden he is not able for, and will ruin his estate and family. Charge having been given to the said Umphra, who compeared, along with the pursuer, and confessed that he had the said book, but denied upon oath having any other of the pursuer's evidents, the Lords ordain him to deliver the said book to James Prymrois, Clerk of Council, before Saturday next at night that it may remain in his hands and be forthcoming to all parties interested.

Decreta,  
November  
1627-January  
1630.  
Fol. 196, b.

Fol. 197, a.

Petition by the Moderator and brethren of the Presbytery of Dalkeith that the noblemen and gentlemen of the said Presbytery may be permitted to place their prisons at the service of the petitioners for the warding of persons accused of witchcraft.

Petition by the moderator and brethren of the presbytery of Dalkeith, as follows:—Some witches who lately by warrant of their Lordships were tried, convicted their upon own confession, and executed, having during their trial informed upon a number of persons within the said presbytery as "guiltie of the lyke execrable impietie," the supplicants, "to purge the presbyterie of so abominable ane slaunder," thought it their duty to cite and examine such suspected persons. In former trials nothing so much facilitated their work herein as the favour they had from the Earl of Morton, of his prison in Dalkeith, but this is now refused to them because the Earl requires it for delinquents within his own regality. In this case the supplicants know no better expedient than the authorising of such well-affected noblemen and gentlemen within the bounds of the presbytery "as may be moved by thair perswasion to take in thair custodie and saulffe keeping" such persons as the supplicants may request, and they crave that the Lords will authorise such to do so without being in danger of the law for the same. The Lords, "for the furtherance of a worke so muche importing Gods glorie, the overthrow of Satans kingdome, punishment of thir wicked instruments and the salvatioun of thair soules by bringing of thame to sense and repentance," grant the authority craved, and dispense with acts and statutes which may be to the contrary, but impose upon the supplicants the observing of "the custome used in the lyke caisses in sending the processe of thir criminalls to thair ordinarie to be seene and allowed be him and exhibiting the same thairafter to the saids Lords, to the intent accordinglie commissiouns fitting for thair forder tryell and punishment may be granted."

Fol. 197, b.

Petition by Sir James Hamilton of Priestfield for a warrant to arrest soldiers who have deserted his company.

Petition by Sir James Hamiltoun of Preistfeild, knight, as follows:—By his Majesty's allowance he has lifted a company for the service of the King of Sweden, and the men "freelie and willinglie enrolled thame-selffes under his charge and ressaved his pay," but they have "mischantlie and unworthilie disbandit and left thair cullours." He therefore craves

Decreta,  
November  
1627-January  
1630.  
Fol. 197, b.

a commission to himself and his officers, with the concurrence of some ordinary magistrates to burgh and land, to apprehend his fugitive soldiers, and commit them to ward till occasion offer for their embarkation and transport. This the Lords grant, it being first proven in presence of the said magistrates that the persons apprehended are his fugitive soldiers and have received his pay.

Fol. 198, a.

Petition by George Lawder of Bas and Dame Isabel Hepburne, his mother, as follows:—Their former protection expires on April instant (*ante*, p. 90), and their business is yet unaccomplished, because their principal party, Sir James Livingstoun, his Majesty's servant, is presently at Court, though they expect his return shortly. They therefore crave a prolongation of their protection. This the Lords grant until 15th June next.

Continuance of protection to George Lawder of Bas and Dame Isabel Hepburn, his mother.

Fol. 198, b.

Complaint by Alexander Keith of Balmure, as follows:—He has an infeftment of the barony of Dunbreck passing the seals, and it was stopped at the Great Seal until he paid £60 for it, which by the Act of Parliament is the price of three baronies. Having complained to their Lordships last Council day, they, because of the Lord Chancellor's interest in the matter, ordained the infeftment to lie in Mr. David Sibbald's hands till the Chancellor came home, in which the complainer acquiesces. But as there is no certainty when the Chancellor will return, he may suffer great prejudice by the want of his infeftment, either by others passing the seals before it, or if he should die, his heirs would be greatly troubled before they got infeftment, and he cannot remove his tenants nor uplift his rents unless there be some remedy provided. Charge having been given to the said Mr. David Sibbald to compare and hear their Lordships' decision as to what the amount should be according to the Act of Parliament, otherwise to accept £24 as the just amount—and the pursuer appearing by Robert Keith, writer, and Mr. David Sibbald also comparing, the Lords ordain the latter to deliver the fore-said charter and infeftment, the pursuer finding caution to pay to the Lord Chancellor, and the said Mr. David Sibbald, keeper of the Great Seal under him, such sums as shall be found due to the Chancellor for the appending of the Great Seal thereto.

Complaint by Alexander Keith of Balmure anent his infeftment of the barony of Dunbreck.

Petition by the provost and bailies of Edinburgh, as follows:—In the last Convention of Estates in October 1625, the Commissioners for the Burghs gave in a petition craving a discharge of penal statutes as was usual in preceding meetings of the Estates. The Estates, not having any warrant from his Majesty in this matter, recommended the same to himself, who was thereafter petitioned to the same effect by the Burghs, whereupon his Majesty was pleased, by his letter to the Council dated 3rd March 1627, to direct that no prosecution of transgressors of penal statutes for any time preceding should take place in Edinburgh or Leith, or the free burghs of the kingdom, unless by his Majesty's special command. Since that time there has been no prosecution of this nature

Petition by the provost and bailies of Edinburgh anent the discharge of penal statutes in the said burgh.

Fol. 199, b.

in this town till now the supplicants are informed his Majesty's Advocate has raised summons against over two hundred persons in the town for breach of some penal statute, though his Majesty has neither by word or writ warranted the same. They therefore crave that the Advocate be discharged from this prosecution, as well as all other Justices and Judges, in respect of the inhabitants of this town, till his Majesty signify his pleasure therein. The Lords grant the prayer of the petition and continue all proceedings till warrant be given by the Council or Exchequer herein.

Decreta,  
November  
1627-January  
1630.  
Fol. 199, a.

Petition by  
James Steven-  
son, master  
and owner of  
the ship called  
"The James of  
Pittenweem,"  
for a change of  
cautionry for  
the said ship.

Petition by James Stevinsoun, burges of Pittinweyme, master and owner of the ship called *The James of Pittinweyme*, as follows:—Their Lordships had granted to him, as captain and commander of the said ship, a letter of marque against the public enemy, and Andrew Ainslie, who was then a partner of the said ship, became cautioner for the petitioner that he would use his privilege lawfully. The petitioner has now acquired the rights of the said Andrew Ainslie, and of all the other partners in the said ship, and is desirous of relieving the said Andrew of his cautionry, and will find another. Charge having been given to the said Andrew Ainslie, and he compearing, and also the said James Simsoun (*sic*), the Lords relieve the said Andrew of his cautionry and ordain James Dowglas of Lugtoun to be received in his place.

Fol. 199, b.

Complaint by  
William Storie,  
Thomas Storie,  
his son, and  
Patrick Mylne,  
his servitor,  
against James  
Ayton, baillie  
of the Canon-  
gate, for  
assault.

Complaint by William Storie, wright in the Cannogait, Thomas Storie, his son, and Patrick Mylne, his servitor, as follows:—On 11th April instant the said Thomas "being in his awin buith of the Cannogait working at the wright craft," James Aittoun, one of the bailies of the Cannogait, "caused all the four officers of the Cannogait take up fra M<sup>r</sup> James Ahanna his yett ane commoun notorious whoore, callit Margaret Watsoun, who wes new delyvered of her birth, caryed her to ane tennents hous of the said William Storie, his father, who wes working his Majesteis worke in the palace of Halyrudhous; and the said Thomas Storie, knowing the manie proclamatiouns made aganis the ressavers of suche infamous banished people, went and locked the entrie of the close to the said tennents hous, and past backe to his buith and labour, whairupon the said baillie, not being content with the shamefull and disgracefull injurie done before, he come in and fell upon the compleaner, strake and dang him in sindrie pairts of his bodie with his hands and feete, commandit his officers to carie him to the tolbuith; and they being harling and tralling him through the myres and gutters, his said father, hearing thairof, come to the said baillie and offered himselfe cautionner for the said Thomas, his sone, to enter him before anie judge or justice seate whatsoever to underly his censure for anie wrong committit; nothwithstanding whairof the said baillie caused take the said William Storie and carie him to waird lykewayes, and the said Patrik Mill, his servant; and the saids officers, being drunk, fell upoun the saids compleaners,

Decreta,  
November  
1627-January  
1630.  
Fol. 200, a.

strake and dang thame, rave thair ruffes, clokes and hatts fra thame, and had not failed to have tane thair lyffes if they had not beene hindered be some good nighbours, and thairwith the said baillie caused send for forehammers and thairwith dang up the said yett and the doore of the said tennents hous, and caused putt in the vyle whoore thairin." Charge having been given to the said James Aittoun, bailie, and James Dasoun and John Ramsay, officers of the Cannogait, and both pursuers and defenders compearing, the Lords remitt the whole business to be tried by the bailies of the Cannogait.

Commissions,  
1624-30.  
Fol. 196, a.

Commission under the Signet to Sir John Hamiltoun of Barganie, Sir James Maxwell of Calderwod, Sir James Lokhart, elder of Lee, William Weir of Stainbyres, John Hamiltoun of Orbestoun, Archibald Hamiltoun of Halcraig, sheriff depute of Lanerk, Thomas Inglis of Eistscheill, Gideon Jacke and James Gray, bailies of Lanerk, or any three of them, to search for, apprehend, ward, and examine Janet Scot in Wicketshaw, Marion Schailer in Law, Janet Weir, spouse to John Wilsoun in Baruch, Helen Simsoun in Craignuick, Agnes Adame in Cleghorne, Marion Aitkine, spouse to Ralph Watsoun in Cleghorne, Isobel Quhyte, spouse to George Quhyte in Auchquhren, Beatrix Crichtoun in Kirkton of Dowglas, Margaret Fischer in Stainbyremylne, John Greinscheills in Dundreven, Janet Clerksoun in Cauldlaw, Margaret Sempill in Str فرانке, Margaret Hutchesoun, spouse to Thomas Mure in Kirkbanke, Margaret Wilsoun, spouse to John Huttoun in Lanerk, James Frame in Lanerk, Margaret Haistie in Welgait of Lanerk, and Jean Clelland in Corehouse Mill, who "ar commoun practisers of the detestable crymes of witchcraft, using of charmes and inchantments, laying on and taking aff of sicknesses, and uthers devilish practises," as the depositions of Isobel Gray, lately "brint for witchcraft, both before her convictioun and at her death," show. Signed by Mar, Hadintoun, Wintoun, Roxburgh, Seafort, Lauderdaill, and Areskine.

Holyrood  
House, 15th  
April 1629.

Commission to  
Sir John  
Hamilton of  
Barganie and  
others to try  
Janet Scott in  
Wicketshaw  
and others for  
witchcraft.

Fol. 196, b.

"Ane letter frome his Majestie anent the prorogatioun of the Parliament and ane act past accordinglie."

Letter from  
his Majesty.

"Ane commissioun and warrand to the provest and baillies of Edinburgh, being assisted with his Majesteis Advocat and the Justice Depute, to examine Jonnett Hoode anent the putting of fyre in a house of Leethe, and according as thay find caus to putt hir to tortour."

Case of  
incendiarism.

"The quhilk day M<sup>r</sup> Williame Douglas reported to the Counsell that the Earle of Angus had appointed M<sup>r</sup> Archibald Watsoun to be pedagogue to his sone. The Lordis ordanis the said M<sup>r</sup> Archibald to mak his addresse to M<sup>r</sup> Andro Ramsay to be examined be him towcheing his sufficiencie and soundnes in religioun, and yf neid beis that he be chargeit to that effect."

The Earl of  
Angus and the  
education of  
his son.

"Ane charge aganis the Laird of Aytoun, the shireff of Beruik and baillies of Dunse, to compeir the nixt Counsell day to heir and see thame decernit to mak the tolbuith of Dunse patent for ressaveing of prisounaris, otherwayes the shireff courtis to be removed to Grenelaw."

The Tolbooth  
of Duns.



James Grant.

"That charges be direct aganis suche as refusit to concur in the persuite of James Grant"

Sederunts  
1625-29.  
Fol. 120, b.

"The nixt Counsell day to be upoun the secund of Junij."

Holyrood  
House, 15th  
April 1629.  
Letter to his  
Majesty  
petitioning  
that great  
persons, who  
are Papists, be  
not admitted  
to the Privy  
Council or  
other high  
courts of the  
Kingdom.

"Most sacred Soverane, upoun informatioun givin unto us in name of the prelat and ministers of the greaffe and danger apprehendit be most pairt of the subjects best affected to religioun and to your Majesteis obedience for the bypast boldnesse of papists out of the confidence they presooome frome thair receaved and expected protection by noblemen of thair opinioun powerfull in sindrie pairts of the kingdome and too muche strenthenned by thair place in your Counsell, and that manie things weill intendit for establishing your Majesteis obedience and uniformitie in religioun ar subillie crossed ather by the publict cariage or covert wayes of some counsellers thair patrons heere, or by the bissie plotts of these of thair qualitie who live neere your Majestie, aganis the necessarie and just motions of the prelat attending at Court, the solliciting of maters concerning your Majesteis service, and the effaires of the Church, we have thought it our boundin dewtie humbelie to interpone our sensible concurrence to the clergeis desires for preventing the future perrell, and humbelie to intreate your sacred Majestie gratuslie to consider how muche papists ar emboldenned when they see they have Counsellers, protectours of thair sect, both at your royall Court and this table, quhilk your Majestie hes honnoured with the trust of mannaging the effaires of this estate. We will not renew old sores, bot for preventioun of suche perrellis as are past we will crave leave to informe your Majestie that Counsellers, patrons of Poperie, when they wer most trusted, graced and benefited by your blessed father of glorious memorie, did bring religioun and State in danger of subversioun and forrane subjection, quhilk makes manie weill affected to thinke that we cannot be answerable to God and your Majestie if we sall not offer our earnest petition to your sacred zeale and wisdom that your Majestie may be pleased to give ordour that profest and avowed papists have no place in your Counsell, judicatoris, commissiouns, nor in the effaires of this kingdome to be determined at Court, since the devilish device of equivocatioun hes teachd the world how small trust is to be givin to the oath of allegeance givin by some powerfull papists, who after thair simulat professioun to the trew religioun have returned to their vomite, and ar thairby vehementlie suspected to have dispensatioun frome the pope, thair vicedeus on earth, to contraveene all they sweare, becaus their oath is extorted, as they pretend, by just feare by suche as not being thair lawfull judges cannot exact of thame anie binding oath nor they be tyed in conscience not to equivocat when they sweare in that kynde. Your royall father of eternall blessed memorie did wiselie foresee the danger of admitting papists to be of his Privie Counsell as your Majesteis Secretarie may more particularly relate by warrand of the Act of Counsell made for that purpose sent heerewith to him. Your

Royal Letters,  
1625-32.  
Fol. 160, b.

Fol. 161, a.

Majesteis renowned zeale to trew religioun acknowledged with muche joy and praise by all the professours thair of gives us hope of your gracious pardoun for this earnest and most humble petition, as we dewtifullie promise that we sall ever approve ourselfes faithfull obeyers and to our power executers of your royall commandements, and supplicants to God for your long, happie and glorious lyffe and raigne, and sall constantlie remaine, etc. Halyrudhous 15 *Aprilis*. *Subscribitur*, Mar, Hadinton, Winton, Roxburgh, Seafort, Lauderdaill, Lorne, Areskine, Melvill, Hamiltoun, S<sup>r</sup> Thomas Hope, S. G. Elphinstone.”

Royal Letters,  
1623-32,  
Fol. 161, a.

Holyrood  
House, 15th  
April 1629.  
Letter to his  
Majesty anent  
Sir James  
Sinclair of  
Murkill, who  
has failed to  
raise the com-  
plement of his  
regiment for  
the King of  
Denmark.

“Most sacred Soverane, There wes a petition preferred this day to the Counsell be Sir James Sinclair of Murkill, knight, showing that he being employed to lift a regiment of three thowsand men for the service of the King of Denmarke and having trewlie bestowed the whole moneyes received by him to the intendit use and ingaged his awin estait for the furtherance thair of, that notwithstanding the service hes miscaried and the number of his regiment is not fullie compleited, be reasoun of some of his captans thair oversight and default in not performing the conditiouns of thair undertaking, and of his necessarie attendance heere to persew thame and thair cautioners by course of law, aganis quhom he hes used all ordinarie executioun bot hes reported no benefite thair of in respect of the unlooked for inhabilitie of some of thame to discharge thair dewtie and the pretence of others grounded upon the King of Denmarkes letters direct to the Counsell in thair favours quhairby they contend and pleade a liberatioun frome thair bands; through occasion quhair of the companeis sent over be him ar brokin, his estait ruyned, and (which is deerest unto him) his credite with the King of Demarke disgracefully forefeytted. This being the conditioun of the gentleman, and the truthe thair of with his panefull endeavoures and difficulteis that occurred in the prosecutioun of that service being tryed and weill knowin to us all, we have beene moved at his humble sute to interpone our humble requeist to your Majestie in his behalffe that your Majestie may be pleased to vouchesafe unto him a gracious accesse and favourable hearing to propone unto your Majestie the reasouns of his desire, that after consideratioun thair of your Majestie may (if so yow find it expedient) recommend him over to the King of Denmarke in suche maner as yow sall find the merite of the caus and the gentleman his distressed estait in justice to require, and so, etc. *Subscribitur*, Mar, Hadinton, Roxburgh, L. Lorne, L. Melvill, Hamiltoun, S<sup>r</sup> Thomas Hoip, S. G. Elphinstoun, James Baillie. Halyrudhous, 15 *Aprilis* 1629.”

Fol. 161, b.

Whitehall,  
18th April  
1629.  
Letter from  
his Majesty  
desiring the

“CHARLES R., Right trustie, etc. Having had prooffe of the affectioun of Sir Richard Grahame, knyght, to doe us good service, we have thought good in regaird thair of and for his further encouragement and enabling thairunto to advance him to be one of the commissioners for the Middle

Fol. 168, b.

appointment of Sir Richard Graham as a Commissioner of the Middle Shires.

Shires of that our kingdome. It is thairfoir our pleasure and we doe heirby require yow that yow give ordour for admitting him to be one of the saids commissioners and for receaving him as one of that number in maner as is requisite or hes beene accustomed in the lyke caises or otherwayes if there be ane necessitie of renewing thair commissioun that yow lykewayes give ordour for doing the same that his name may be insert thairin; for doing whair of these presents sall be unto yow ane sufficient warrant. Givin at our Court at Whitehall the 18 day of Apryle 1629.”

Royal Letters, 1623-32. Fol. 163, b.

Greenwich, 26th May 1629. Letter from his Majesty desiring that the Bristol ship be restored to its owners. See *ante*, p. 59.

“CHARLES R., “Right trustie, etc. Whereas it doeth appeare unto us by a report upon a reference granted by our directioun and other the inclosed papers whiche we have sent yow heerewith that the shippe and goods mentiouned in the petitioun ought entirelie and presentlie to be restored unto the petitioner and his owners, our pleasure is after yow have perused and examined these papers that yow caus delyver the said shippe and goods unto thame, and that with als mucche speedie expeditioun as lawfullie and convenientlie may be, that they be not putt to anie further charge or losse of tyme in seeking quhat is justlie dew unto thame; provyded alwayes that they pay unto us custome for suche of these goods as ar sauld there and allowing such reasonable charges as have beene employed by the Admiraltie of that our kingdome. So we bid yow fareweill. Givin at our Mannour of Greenewiche the 26 of May 1629.”

Fol. 164, a.

Holyrood House, 2nd June 1629.

*Sederunt*—Treasurer; Privy Seal; Wintoun; Linlithgow; Seafort; Lauderdaill; Lorne; Areskine; Melvill; Jedburgh; Naper; Tracquair; Clerk of Register; Advocate; Justice Clerk; Sir Johne Scot.

Acta February 1623-July 1629. Fol. 117, b.

Act in favour of the Earl of Mar and his cautioners touching their disbursements for his Majesty's coming to this kingdom.

“Forsameekill as his sacred Majestie having considerit the charges requisite for repairing of his castellis and palaces, interteaneing of his houses and manie uthers great and necessarie charges during the tyme of his abode in this his ancient and native kingdome of Scotland, to receive his crowne and to hold ane Parliament, whiche of necessitie does require present moneyes<sup>1</sup>; and in regard of his great affaires he cannot convenientlie afford the same at this present and that his Majestie intends to take suche ane course for leveying of thame that none of his subjects can have just caus to compleane nor yitt to suspect his royall intentionis in seing thame at the tyme appointed dewlie repayed, his Majestie hes beene pleased to move the Erle of Mar, his Majesteis

<sup>1</sup> Since the beginning of his reign Charles's financial difficulties had been steadily increasing. His foreign wars had exhausted the treasury and had plunged him in debt. To add to his troubles the Parliament which had

sat through the spring of 1629 had denied the legality of tonnage and poundage, and in consequence these imposts were now being levied in the teeth of a general opposition.

Acts February  
1628-July  
1629.  
Fol. 117, b.

Fol. 118, a.

Thesaurar, to borrow these moneyes at this tyme for his service, as said is ; and to the effect that he nor na uthers who ar or sall be bound with him sould anie way suffer for thair affectioun to his Majesteis service or be in danger of not being payed of what they have or sall undergoe for the same, his Majestie is willing to grant unto thame anie assurance they can reasonable demand or that he can grant for thair releeffe. Thairfoir his Majestie be his missive letter of the dait at Greenewiche the secund of May last bypast hes willed and declared that it is his Majesteis pleasure that there be granted unto the said Erle of Mar, and these who ar or sall be bound with him anie securitie he sall require upon his Majesteis rents, casualiteis or taxatiouns present or to come in generall or by particular assignements by Acts of Counsell or Exchecker as he sall devise for his and his foresaids securitie, and that he be secured in maner foresaid upon anie benefite to be payed in to his Majesteis Exchecker for his pairt, arysing be the Commissioun tuicheing the omissiouns and concealements of his rents grantit unto Sir Alexander Strauchane, knight and baronnet, his airis and assigneyes ; and that all impediments that can aryse to the said Erle of Mar and his saids cautioners in thair uptaking the saids assignements whairby he or they may be hindered freelie to intronett with the same, be removed be the Lords till they be satisfied of all moneyes debursed be thame for this purpose with the ordinarie increase for the same induring the tyme of the forbearance thairof. And forsameekle as the said Johne, Erle of Mar, hes already lifted and borrowed great sowmes of money for repairing of his Majesteis castellis and palaces and for furnishings and provisiouns during his Majesteis remaining within this his ancient kingdome, and hes givin band to the persons fra whome the samine wes uplifted, whairin he himself, Johne, Lord Areskine, and James, Erle of Buchane, his sonnes, with ane number of uther freinds ar bound and obleist for repayment of the same and annuelrent thairof, lykeas he is of intentioun still to imploy the said Johne, Lord Areskine, and James, Erle of Buchan, with others, his freinds, in the leveying of the rest of the moneyes that sall be necessar for that service, Thairfoir and to the effect that the said Johne, Erle of Mar, Johne, Lord Areskine, and James, Erle of Buchane, and thair freinds and cautioners who ar or sall be bound with thame or for thame may be secured of the saids moneyes and annuelrent thairof, conforme to the command and desire of his Majesteis letter, the Lords of Secreit Counsell ordains the said Johne, Erle of Mar, Johne, Lord Areskine, James, Erle of Buchane, thair airis and executours for thameselfes and in name of thair saids freinds and cautioners already bound or who sall be bound for or with thame to be payed and satisfied of all sowmes of money already furnished and debursed or to be furnished and debursed by thame for and upon the repairing of his Majesteis castellis and palaces and for or upon his Majesteis

provisiouns and all uthers furnishings and preparatiouns for his Majesteis <sup>Acts February</sup> receptioun within this his ancient kingdome for receaving of the crowne <sup>1628- July</sup> thairof, and for the maintenance, interteanement and furnishings of his <sup>1629.</sup> Majestie and his royall houshold and all uthers debursements that sall <sup>Fol. 118, a.</sup> be requisite induring the tyme of his Majesteis abode within the kingdome, and of the annuel rent of the saids sowmes, at ten of the hundreth fra the tyme of the uplifting thairof for his Majesteis use foresaid to the tyme of the repayment of the samine, according to the accompts thairof frome tyme to tyme to be made, givin up and verified be the said Erle of Mar to the Lords Auditors of his Majesteis Exchecker and allowance thairof to be made be the saids Lords, and that out of the first and readiest of his Majesteis rents and casualiteis of the Thesaurarie, Comptrollerie, Collectorie and Thesaurarie of New <sup>Fol. 118, b.</sup> Augmentatiouns of the said kingdome of all yeeres restand unpaid and yeerlie in tyme comming, and furth of all and whatsomever his Majesteis rents present or to come, and whilks sall accresse unto his Majestie and to his Hienesse crowne be whatsomever maner of way, and als furth of whatsomever taxatiouns alreadie graunted or to be granted to his Majestie be the Estats of the kingdome, and furth of the concealed money of the taxatiouns bygane, and furth of whatsomever benefite arysing to his Majestie by the Commission grantit to Sir Alexander Strauchane of Thornetoun, knight baronnet. And the saids Lords of Secreit Counsell according to his Majesteis warrand foresaid assignes the whole rents, casualiteis and uthers foresaids to the said Erle of Mar and his saids sones and thair foresaids of all yeeres bygane restand aughtand and yeerlie in tyme comming ay and whill they be fullie satisfied and payed and releved of the foresaids sowmes lifted and debursed or to be lifted and debursed be the said Erle of Mar for and in respect of his Majesteis provisiouns foresaids and of all charges belonging to his Majesteis interteanement during his abode in this his kingdome ; and declairs that it sall be lawfull unto thame to reteane the saids rents, casualiteis and uthers foresaids in thair awin hands, and to be fred of all payment of whatsomever precepts or pensiouns directed or to be directed be his Majestie in favours of whatsomever person or persons furth of the samine untill the tyme they be first satisfied of the foresaids sowmes, and decernes thame to be preferred in payment to all persons whatsomever, and thairfoir ordains the Thesaurar, principall and depute and under receavers being for the tyme, and all collectours of taxatiouns and others having interese thairin, and Sir Alexander Strauchane of Thornetoun, for anie benefite to be payed in to his Majesteis Exchecker for his Majesteis part arysing be vertew of his commissioun tuicheing the omisiouns and concealments of his Majesteis rents grantit unto the said Sir Alexander Strauchane, his airis and assigneyes, to answer, obey and make thankefull payment to the said Johne, Erle of Mar, Johne, Lord Areskine,

Acta February  
1628-July  
1629.  
Fol. 118, b.

James, Erle of Buchan, his saids sonnes and thair foresaids of the saids whole rents, casualiteis, taxatiouns and uthers foresaids ay and whill they be fullie paid of the hail sowmes in maner foresaid and annuel rents of the same."

Fol. 119, a.

"Forsameekle as the subcommissioners nominat and entrusted with the valuatiouns of the lands and teinds throughout the severall presbytereis of this kingdome, having according to the power and warrand of thair commissioun made choise of some certane persons to be procuratours fiscall aud clerkes at thair meetings, and it being expected that thir persons chosin for suche ane publict charge sould have dewtifullie accepted the charge upon thame and carefullie and diligentlie execute the same, notwithstanding diverse of thame hes most undewtifullie refused the said imployment and sua does what in thame lyes to frustrat and disappoint this great service whilk so neerelie imports the publict and generall weale of the kingdome, Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging all and sindrie persouns nominat to be procuratours fiscalls and clerkes to the saids subcommissioners and all suche officiers of armes as sall be imployed in this service be thair names in speciall as they sall be required thairto to accept the said charge and service in and upon thame and carefullie and dewtifullie to attend the same and to doe and performe that whilk to thair charge and places apperteanes within sax dayes after the charge under the pane of rebelloun, etc. and if they failyie, to denunce and escheate, etc."

Charge against  
fiscals, officers,  
and clerks to  
the sub-com-  
missions.

The whilk day the letter underwritin signed be the Kings Majestie in favours of the patentees for making of yron cannon wes presented to the Lords of Secreit Counsell and read in thair audience, of the quhilk the tennour followes:—"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. We are informed by the patentees for making of yron cannon there that the workes, being now begun and in good way to continew, may notwithstanding in ane short space be ather abased in goodnes or possiblie interrupted for want of boig myne, if it sould not be upon occasioun suppleed frome the nixt nighbouring places; we thairfoir out of our princelie care toward the strenth and ornament of that our kingdome being willing that suche publict good workes sould continew have thought fitt to require yow frome tyme to tyme as occasioun sall require to authorize the saids patentees by commissioun frome yow for freelie taking and transporting the said boig myne (as belonging unto us) wheresoever it may be found, bot so as the proprietars be satisfied for breaking of their ground at the sight of the neerest justices of our peace or others as yow sall thinke fittest; whairin not doubting of your care and diligence we bid yow fareweill. Givin at our Court at Whitehall

Act anent the  
patentees for  
making of  
cannon.

Fol. 119, b.

this 27 of Marche 1629.”<sup>1</sup> Quhilk letter being read, heard and considered be the saids Lords and they rypelie advised thairwith, the Lords of Secreit Counsell ordains the patentees to deale with suche persons within whois bounds there is anie boig myne, and if they cannot agree that they call the saids parteis before the Counsell.

Acta February  
1628-July  
1629.  
Fol. 119, b.

Holyrood  
House, 2nd  
June 1629.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 200, a.

Petition by  
Colonel Alex-  
ander Hamil-  
ton and others  
for a warrant  
to arrest  
soldiers who  
have deserted  
the Earl of  
Morton's regi-  
ment, and to  
impress for  
military ser-  
vice idle and  
masterless  
men.

Petition by Col. Alexander Hamiltoun, and Sir James Hamiltoun of Preistfeild, knight, Lieutenant-Colonel to Sir John Meldrum, as follows:

—His Majesty was pleased to authorise the said colonels, and their captains, commanders and officers to raise two regiments of men for the service of the king of Sweden. There are “nombres of ydle and loyttering persouns” who enlisted and took pay under the regiment of the Earl of Mortoun and “under the regiments and companeis lifted for the warres of Germanie and Sweden,” and the petitioners’ own companies, who have deserted the service and not passed over sea; and there are “others ydle and maisterlesse men, wanting trades, calling and industrie to winne thair living, who preferring ane ydle and loyttering lyffe at home to all generous exercises whilks may procure thame credite and advancement they shunne this employment, and lyes as ane unprofitable and unnecessar burdein upon the countrie.” Though given up by the several parishes as persons who ought to be sent to the wars, they continue yet “ydle vagabounds and maisterlesse men.” They therefore crave that these persons may be apprehended and inrolled in their regiment. The Lords grant warrant as craved, but only with the presence and concurrence of some of his Majesty’s judges and officers of the law, who are authorised, if the persons apprehended prove refractory, to put them in ward till occasion of their transport offer. In the case of deserters, the fact of their being so is to be proven to said judges and law officers, otherwise interference with their liberty is strictly prohibited upon the highest peril.

Fol. 200, b.

Fol. 201, a.

Charge by the  
King's Advoca-  
cate against  
Thomas Norrie,  
messenger in  
Stirling, for  
neglect of his  
duty in con-  
nection with  
the sub-com-  
mission of  
teinds in the  
presbyteries of  
Stirling and  
Dunblane.

Complaint by Sir Thomas Hoip of Craighall, King’s Advocate, as follows:—“In the dispatche of the sub-commissiouns for trying of the constant rent of the lands of each parish in stocke and teind throughout the whole presbytereis of this kingdome, the dispatche for the presbytereis of Stirlin and Dumblane, with the commissiouns and letters requisite for that dispatche, togidder with particular copeis for everie sub-commissioner, and ane speciall informatioun in writt anent the forme of the executioun and using of that dispatche wes in all dew and lawfull tyme sent be Mr. Williame Broune, Clerk of his Majesteis Thesaurarie, in the moneth of Februarie last to Thomas Norie, messenger in Stirlin, to have bene execute be him, and he alsua sent unto him money for his wages and ane speciall bearer to have attendit and awaited upon him to

<sup>1</sup> This letter is also registered in the Councils Register of Letters, fol. 169, a.

Acta February  
1628. July  
1629.  
Fol. 201, b.

have beene witnes to his executiouns and to have seene that dispatche ordourlie and formallie execute." Norie received the dispatch and the money, and his acknowledgment by letter is dated 11th March last. But instead of doing the duty that was expected of him, he sent back the said bearer and "most knavishlie, falselie and undewtifullie," kept the dispatch beside him till the time appointed for pursuers and defenders discussing their valuations, viz., 15th April last, was past. On the 21st or 22nd of April, meeting accidentally with the two conveners of the sub-commissioners of the said presbyteries upon the High Street of Stirlin, he then charged them, whome, if he had not thus met, he would not have charged at all, as he omitted to charge the others, and has only returned the letters untimeously executed against these two. Thus the business in respect of these two presbyteries is frustrated and disappointed through the "mischant, knavish and undewtifull behaviour" of the said Thomas Norie, who ought to be exemplarly punished in his person, deprived of his office, and declared incapable of any public charge hereafter. Charge having been given to the said Thomas Norie and the pursuer compearing, but not the defender, the Lords ordain him to be denounced and escheat.

Fol. 202, a.

Complaint by Captain William Grahame, and Jean Borthwick, his spouse, as follows:—John Dykes in Ballaggan, the complainer's tenant, being in arrears with his rent, and finding some difficulty thereby on account of "his unthriftie cariage," they caused arrest his goods till he found caution for payment of the debt. But he broke the arrestment and took away all the said goods. When the said Jean "in ane modest and sober maner" asked him why he brake his Majesty's arrestment, he pursued her with "ane great long forke, gave her diverse straiques therewith in sindrie pairts of her bodie, and left her for deid, she being for the tyme great with childe, whairthrow she hes lyn bedfast sensyne in great pane and dollour." Charge having been given to the said John Dykes, and the said Captain compearing for himself and his wife, but the defender not compearing, the Lords ordain him to be denounced rebel and escheat.

Complaint by  
Captain  
William  
Graham and  
Jean Borth-  
wick, his  
spouse, against  
John Dykes,  
their default-  
ing tenant, for  
assault on the  
said Jean  
Graham.

Fol. 202, b.

Complaint by Mr. James Baillie of Crimcrampe as follows:—Sir John Dalmahoy of that Ilk, and Andrew Ker of Yair, for themselves and in name of the kin and friends of James Dalmahoy in , alleging that the complainer is at the horn for not compearing to undergo his trial before his Majesty's Justice for art and part of the slaughter of the said James, executed letters of caption against him, and he is now in ward in the tolbooth of Edinburgh, and most wrongfully so, because he obtained relaxation from the said horning, as letters registered in the Books of Council and Session show; but the provost and bailies of Edinburgh refuse to release him. Charge having been given to the said Sir John Dalmahoy and Andrew Ker, and the pursuer and Sir John Dalmahoy compearing personally, and Andrew Ker, compearing

Complaint by  
Mr. James  
Baillie of  
Crimcrampe  
against Sir  
John Dal-  
mahoy and  
Andrew Ker  
for illegal  
warding.



by . . . Ker, his son, the pursuer produced Letters of Slains made to him by Agnes and Helen Dalmahoy, daughters of the deceased William Dalmahoy, merchant burgess of Edinburgh, and only lawful sisters on life to the said James Dalmahoy, and he likewise produced the letters of relaxation. The defenders objected against these Letters of Slains that they were of no value, not being signed by the brother of the deceased man, he being the principal party concerned. To which the pursuer replied that this brother was dead, and at least he had not been in this country for a long time back. The Lords ordain the provost and bailies of Edinburgh to put the pursuer to liberty upon his finding caution in £500 acted in the Books of Adjournall to compear before the Justice and his deputes and underlie his trial for the said slaughter whenever lawfully charged thereto by the brother of the said deceased James, or any having his lawful mandate to pursue; and the Lords further ordain the Justice, Justice Clerk and his deputes, the said caution being found, to desert the diet fixed for the trial of the pursuer, viz. 5th June instant.

Complaint by Sir Robert Hepburn, Sheriff-principal of Had-dington, and others against Sir John Home of North Berwick for resetting John Lindsay, portioner of Dirleton, who is at the horn.

Complaint by Sir Robert Hepburne of Aulderstoun, knight, sheriff principal of Hadintoun, John and Margaret Lindseyes, James Bruce, spouse to the said Margaret, and Mr. Alexander Hepburne, writer in Edinburgh, as follows:—John Lindsey, portioner of Dirletoun, was put to the horn at the instance of the four last named complainers, and he contemning the same, as he yet does, they were forced to raise letters of caption and to charge the said sheriff to apprehend him, as he dwells in his bounds: The sheriff accordingly on May last sought for the said John Lindsey, who on learning the fact went secretly to the dwelling house of Sir John Home of North Berwick by whom he was reset, and who, contrary to his duty as a Justice of the Peace, refused to deliver him up to the said sheriff when he went and demanded him, and still keeps him in his house. Charge having been given to the said Sir John Home to compear and produce the said rebel, and the sheriff compearing for himself and the other pursuers, and the defender being also present and in the sheriff's presence denying that he was required by the sheriff to deliver the said rebel, and that while he was in his house it was with the connivance and warrant of the sheriff himself, who could not well deny the same, the Lords assoilzie the defender.

Caution by John Hiddleston, indweller in Edinburgh, to appear before Sir William Grier of Lag, and others, on fifteen days' warning.

John Hiddlestoun, indweller in Edinburgh, compearing personally, bound himself under the penalty of 500 merks to compear before William, Viscount of Drumlanrig, Sir William Greir of Lag, and Sir Thomas Kirkpatrick of Closeburne, three of the Commissioners of the Middle Shires, or any two of them, whenever charged upon fifteen days warning, and answer to any charge of theft or reset of theft laid against him by Harbert Maxwell, called of Tynnell, and John Maxwell of Schaw, his son.

Decreta,  
November  
1627-January  
1630.  
Fol. 202, b.

Fol. 203, a.

Fol. 203, b.

Fol. 204, a.

Decreta,  
November  
1627-January  
1630.  
Fol. 204, a.

Petition by Elizabeth Maxwell, as follows:—For fifteen days past she has been incarcerated in the tolbooth of Edinburgh “in ane most miserable estate in ane vyle prissoun amongst malefactours, and seing the caus of her warding is her irresolutioun in some points of the religioun whair of yitt her conscience is not fullie perswadit,” and that she is willing to leave the country until she is resolved and can obtain his Majesty’s license to return, she craves her liberty. Charge having been given to Mr Andrew Ramsay and Mr John Maxwell, ministers of Edinburgh, and the pursuer compearing by Alexander Cuninghame, servitor to Adam Cuninghame, advocate, her procurator, and the two above named ministers compearing for themselves and the rest of the ministers of Edinburgh, upon the said Elizabeth finding caution to go abroad, as above, before 1<sup>st</sup> July next, and that in the meanwhile she will “behave her selfe modestlie without offence or scandall to the kirk,” and not reset nor company with Papists, under the penalty of 1000 merkes if she fail in any point, the Lords ordain the provost and bailies of Edinburgh to put her to liberty.

Petition by Elizabeth Maxwell, now in the Tolbooth of Edinburgh, on account of her religion, for license to go abroad.

Fol. 204, b.

Petition by Richard Carmichael “aide to the serjant major of Colonell Hamiltouns regiment,” as follows:—For the furtherance of those levies which his Majesty has so earnestly recommended for the service of the King of Sweden the petitioner has undertaken the office above named, which requires personal and assiduous attendance, but owing to the rigorous behaviour of some of his creditors, he is hindered therein and so he craves their Lordships’ protection. This the Lords grant till 1<sup>st</sup> July next.

Protection granted to Richard Carmichael, “aide to the serjeant-major of Colonell Hamilton’s regiment.”

Commissions,  
1624-30.  
Fol. 198, b.

Commission under the Signet to the Sheriff of Bervick and his depute, John Cranstoun of Thornedykes, and Sir George Ramsay of Wylicleuche, or any two of them, to hold courts and try Janet Brothastanes in , Bessie Sleigh in Duncce, and Janet Bowmaker there, who have been long suspected of witchcraft. Signed by Hadintoun, Wintoun, Linlithgow, Seafort, Jedburgh, Naper, and Hamiltoun.

Holyrood House, 2nd June 1629.  
Commission to the Sheriff of Bervick and others to try Janet Brothastan and others for witchcraft.

Fol. 197, a.

Another commission against Helen Knight, spouse to John Nicolsoun in Grange in the parish of Petterrugie, Margaret Strath in Auchereis in the parish of Rathin, and Alexander Hay in Kinmudie in the parish of Over Peterheid, granted to the Sheriff of Aberdein and William Gordoun of Knockaspeck, sheriff-depute of Aberdein, jointly and severally for trial of these persons for witchcraft, conform to the former commission in all points.

Similar commission granted to the Sheriff of Aberdein and his Sheriff-depute.

The like commission granted to the bailies of the Regality of Dalkeith, Archibald Tweddell of Langside, Mr. Robert Case of Fordell, Mr. Patrick Ednistoun of Schanke, and Thomas Megget of Maistertoun, or any one of them with the said bailies, for trying Margaret Hamiltoun in Fala by an assise for witchcraft.

Similar commission granted to the bailies of the regality of Dalkeith.

The like commission granted to Sir James Richartsoun of Smetoun, James Rig of Carbarrie, Adam Wauchop of Caikmure, Mr. Robert Cas of

Similar commission granted to Sir

James  
Richardson of  
Snerton.

Fordell, Mr. Patrick Edmiston of Schanke, and Thomas Meggett of Commissions, 1624-30.  
Maistertoun, or any three of them, for trying Janet Hill in Prestoun, Fol. 197, a.  
Janet Pursell in \_\_\_\_\_, and Janet Schearer in \_\_\_\_\_, by an assise for  
witchcraft, conform to the former commission in all points.

Holyrood  
House, 2nd  
June 1629.  
Commission to  
the provost  
and bailies of  
of Edinburgh  
to try Janet  
Hood, accused  
of setting fire  
to her  
mistress's  
house in Leith.

Commission under the Signet to the provost and bailies of Edinburgh Fol. 205, b.  
or any two of them, as justices, to hold courts and try Janet Hood,  
servitrix to Agnes Wilsoun, widow in Leith, who in April last raised Fol. 206, a.  
fire "by putting of ane kendled peitt in at ane hole of the dwelling hous  
of the said Agnes Wilsoun, her maistresse, quhilk wes ane thacke  
hous, of purpose thereby to have burnt the hous, quhilk she oftin and  
diverse tymes assayed to have done." Signed by Mar, Hadintoun,  
Wintoun, Linlithgow, Seafort, Lauderdaill, Lorne, Dunkelden, and  
Scottistarvett.

Letter from  
his Majesty  
anent Ballin-  
dallach.  
See ante, p. 113.

"Ane letter frome his Majestie in favour of Ballindallach and a Sederunt, 1625-29.  
letter ordanit to be writtin to him requiring him to make offeris of Fol. 120, b.  
assythment and satisfacioun to the relict and freindis of Carroun;  
and the lyke letters to be writtin to thame for accepting of the  
offeris."

Missive from  
his Majesty  
anent the  
Bishop of the  
Isles.

"Ane missive frome his Majestie in favours of the Bishop of the Ilis, Fol. 121, a.  
a copie wherof ordanit to be delyverit to the Ilismen and thay to ansuer  
upoun Thurisday."

Holyrood  
House, 4th  
June 1629.

*Sederunt*—Treasurer; Privy Seal; Wintoun; Linlithgow; Seafort; Acts February 1628-July 1629.  
Lauderdaill; Bishop of Dunkeld; Lord Lorne; Lord Areskine; Fol. 119, b.  
Lord Melvill; Lord Jedburgh; Lord Naper; Lord Tracquir;  
Clerk of Register; Advocate; Justice Clerk; Sir John Scot;  
Sir James Baillie.

Charge to the  
Earl of Angus  
and Lord Gray  
to appear  
before the  
Council to  
answer for the  
ill-behaviour  
of their sons in  
the Colledge of  
Edinburgh.

"Forsameekill as James Dowglas, sone to Williame, Erle of Angus, and  
Gray, sone to Patrik, Lord Gray, being be directioun of his  
Majesteis Counsell sent to the Colledge of Edinburgh there to have  
bene trayned up and instructed in the grounds of trew religioun, it is  
of truthe that they have caried thameselfes verie scandalouslie in that  
colledge; they refuse to goe to church and heare sermoun, spends the  
Sunday in suspect places and companeis, corrupts others youths within  
the colledge and gives verie great mater of offence to the regents and  
maisters of the colledge; and thairfoir thair saids fathers under whois  
auctoritie, power and command they yitt remaine, aucht and sould be  
answerable for thame and for thair good behaviour within the colledge:  
Thairfoir ordains letters to be direct charging the said Erle of Angus and  
Lord Gray to compeir personallie before the saids Lords upon the xj day  
of Junij instant to answer to the premisses and to underly suche ordour  
as sall be tane be the saids Lords thereanent under the pane of rebelloun,  
etc., with certificatioun, etc."

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 205, a.

Fol. 205, b.

Complaint by the moderator and brethren of the presbytery of Linlithgow, as follows:—In pursuance of the Act of the Parliament held at Edinburgh in June 1594 they had cited Sir William Monteith of West Kerse, knight, Alexander Hamiltoun of Middlerig, and Christian Pollock, his spouse, for being suspected Papists, refusing to repair to the kirk, hear the word and communicate, and having failed, after long pains and travels, to convert them, they had been compelled to proceed against them with kirk censures. Accordingly on March last, being Sunday, these three persons were duly excommunicated in the kirk of Faw Kirk by Mr. Thomas Spittell, minister there; notwithstanding whereof they still go about as free lieges. Charge having been given to these three persons, and the pursuers compearing by the said Mr. Thomas Spittell, but the defenders not compearing, the Lords ordain them to be denounced and escheat.

Holyrood  
House, 4th  
June 1629.

Complaint by  
the Presbytery  
of Linlithgow  
against Sir  
William  
Monteith,  
Alexander  
Hamilton, and  
Christian  
Rollock, his  
spouse, all  
suspected  
Papists, for  
defying the  
censures of the  
Church.

Fol. 206, a.

Complaint by the ministers and session of the kirk of Leith, as follows:—Mr. William Spence, master of the school of Leith, having been deservedly removed from that situation for adultery, and a number of other scandals “not worthie to be repeated,” has since then pressed with all possible means and friendship to obtain himself reponed; but seeing he could not thus prevail, the complainers having “filled the place with another modest and learned youth,” he resolved to thrust himself into it. He imparted this resolution to Mr. Robert Spence, his brother, “who is laithie come frome England,” and this Mr. Robert on 3rd June came out of his house “in the morning directlie to the schoole, with ane sword about him and entering within the same he threatened the doctour with present death if he left not the schoole and if ever he fand him there agane, boasted and shoared [threatened] all the barnes being within the schoole, shott thame all to the doore, locked the doore and tooke the key with him.” He has so terrified the children that they are now afraid to come to the school. Charge having been given to the said Mr. William and Mr. Robert Spence, and the pursuers compearing by Mr. John Cranstoun and Mr. James Fairlie, ministers, who passed from the charge against Mr. William Spence, and the defenders also compearing, and witnesses having been heard, the Lords find that Mr. Robert Spence acted as libelled, and refused delivery of the key, and for his “insolence” commit him to ward in the tolbooth of Edinburgh till they release him.

Complaint by  
the ministers  
and session of  
the Kirk of  
Leith against  
Mr. William  
Spence, school-  
master, who  
having been  
dismissed from  
his office for  
misconduct,  
had offered  
violence to his  
successor and  
to the scholars.

Fol. 206, b.

Petition by John Grant, younger of Ballindallache, as follows:—The King has been pleased upon perusal of the depositions taken by their Lordships about the slaughter of the late goodman of Carroun “to forbear the strict rigour of law aganis the said supplicant, and to injoyne him to deale by all meanes to give contentment to the relict and children” before 1st August next; and that meanwhile he have their Lord-

Protection to  
John Grant,  
younger of  
Ballindalloch.

ships' protection for going about the same, as his Majesty's letter to them proports. He craves accordingly, and the Lords grant him their protection till 1st August next.

Decreta,  
November  
1627-January  
1630.  
Fol. 208, b.  
Fol. 224, b.

Holyrood  
House, 4th  
June 1629.

[This act  
omitted in its  
proper place.]

Protection  
granted to  
Finlay  
M'Grunnan  
that he may  
prove his  
allegation that  
he is not a  
rebel and  
fugitive, and  
that he had  
no part in the  
slaughter of  
Carron.

Petition by Finlay M'Grunnan, as follows:—In the action before his Majesty between Ballindallache and some of the friends of the late goodman of Carroun, with regard to Carroun's slaughter and also the slaughter of two on Ballindallache's side, his Majesty was moved to conceive that the said slaughter of Carroun proceeded from the petitioner's being in his company, the petitioner being alleged a rebel and fugitive from the laws for the slaughter of Patrick Grant of Lettache and John Grant of Dalnabo, the one being uncle and the other a near kinsman to Ballindallach, who claimed to be in execution of his Majesty's commission against Carroun and the petitioner. Now Ballindallach expects by laying this foul aspersion on the petitioner to clear himself of Carroun's slaughter, and by abuse of his Majesty's sacred ears to win his favour, whereas the truth is that the petitioner had no hand whatever in these two slaughters and is not rebel or fugitive for that cause. To prove his innocence he offers to find caution to stand the strictest trial before the Justice, but in respect of some civil hornings he cannot compear for finding caution without their Lordships' protection, which he accordingly craves. The Lords grant him protection as craved till 1st August next, he having found caution in 1000 merks to behave himself peaceably and not intercommune with James Grant.

Fol. 225, a.

Holyrood  
House, 4th  
June 1629.

Commission to  
James John-  
ston of that  
Ilk to apprehend  
John Johnston, who  
has broken  
ward.

Commission under the Signet to James Johnstoun of that Ilk, to convocate the lieges in arms, and search for, apprehend and detain in ward till further direction be given by the Council, John Johnstoun called of Quhytecastell, who being among a number of others for whom the said Laird of Johnstoun was bound that they would compear before the Commissioners of the Middelshires on 22nd April last, to answer for certain crimes laid to their charge, alone of them all did not compear, thereby taking the guilt upon him of the crime laid against him, and being declared a fugitive. After much search and trouble, the said Laird of Johnstoun apprehended him and warded him in his place of Newbie, but while the said Laird had come to Edinburgh to receive the Council's directions in the case, the said John Johnstoun, after five weeks imprisonment, broke the said ward, and has associated himself with other fugitives and broken limmers. There is license to use all necessary force with clause of immunity. Signed by Mar, Sanctandrewes, Hadintoun, Winton, Linlithgow, Areskine, and Tracquair.

Commissions,  
1624-30.  
Fol. 197, b.

Commission to  
Alexander  
M'Kenzie of  
Kilcoy and  
John M'Kenzie  
of Fairburn to  
try John  
Carron for  
manslaughter,

Commission under the Signet to Alexander M'Kenzie of Culcoy, and John M'Kenzie of Fairbairne, or either of them, as justices, to hold courts and try John Carroun, servitor to Colin, Earl of Seafort, who on March last slew James Walker, a fellow servant, and being taken "with the bloodie hand" is now in ward in the tolbooth of the

Fol. 198, a.

Commissions,  
1624-30.  
Fol. 198, a.

Channonrie. Signed by Mar, Hadintoun, Wintoun, Linlithgow, Lauderdaill, Lorne, Dunkelden, and Scottistarvett.

Commissioun under the Signet to William, Viscount of Drumlanrig, Sir Thomas Kirkpatrick, and Greir of Lag, or any two of them, as justices, to direct their own precepts and cite, and hold courts and try John Hiddlestoun, now indweller in Edinburgh, who, having been called before the Commissioners of the Middle Shires at their late Justice Court at Dumfries, procured a suspension and discharge against their proceeding, at the hearing of which before the Council on 2nd June instant, he, to clear his innocence, offered himself for trial before the Viscount of Drumlanrig, and the Lairds of Closeburne and Lag, or any two of them whenever charged, and found caution in 500 merks to appear and answer to any charges of theft and reset of theft laid against him. Signed by the same Lords with the addition of Seafort.

Commission to William, Viscount of Drumlanrig, Sir Thomas Kirkpatrick, and Greir of Lag, to try John Hiddlestone, now indweller in Edinburgh.

Sederunts,  
1625-29.  
Fol. 121, a.

"That chargeis be direct aganis the Earle of Angus and the Lord Gray to compeir to ansuer upoun the recusancie and refusall of thair sones to heir conference or resorte to the church for thair instructioun in the groundis of religioun, and to underly suche ordour as salbe prescryved unto thame thairanent."

The Earl of Angus, Lord Gray, and their sons.

"The quhilk day the Bishop of the Ilis gaif in some articlis concerning the reformatioun of the Ilis whilkis wer delyverit to Sir Donald Gorme in name of the Ilismen, and thay ordanit to answer upoun Twisday nixt."

The reformation of the Isles.

"A warrand to the Earle of Rothes to convene the Justiceis of peace of Fyffe for setting downe ane ordour for mending his Majesteis hie wayes in that shirefdome."

The Earl of Rothes and his Majesty's highways.

Royal Letters,  
1623-32.  
Fol. 161, b.

"After our verie heartilie commendatiouns. Whereas the Kings Majestie hes beene gratuslie pleased to forbear the strict rigour of law aganis yow and your complices accessoreis to the slaughter of the lait goodman of Carroun and to require yow to deale by all meanes to give contentment to the relict and childrene betuix and the first of August, we have thocht good to acquaint yow with his Majesteis pleasure heerin, and in regaird heirof and of your awin interesse to require and advise yow to use your best endeavoures for giving unto thame reasonable satisfioun; and for that effect that yow make offers of assythment unto thame and seeke by all faire meanes and dewtifull respect to conciliat thair favour, and that yow deale with suche of the freinds and make choise of suche persons to travell in this bussines as ar most gratus to the partie and fittest to be employed for drawing of your differences to a freindlie agreement; quhairin nothing doubting of your discretioun and care we committ yow to God. Halyrudhous 4 Junij 1629. *Subscribitur*, Mar, Hadintoun, Wintoun, Linlithgow, Seafort, S. G. Elphinstoun, Scottistarvett."

The Earl of Holyrood House, 4th June 1629.

Letter to Ballindalach requiring him to make offer of assythment to the relict and children of the late Carron.

"After our verie heartilie commendatiouns. Whereas the Kings Majestie hes beene gratuslie pleased upon perusall of the depositions

Holyrood House, 4th June 1629.

Letter to the  
relict of  
Carron advis-  
ing her to  
accept the  
offer of assith-  
ment on the  
part of Ballin-  
dallach for the  
slaughter of  
her late hus-  
band.

taken by the Counsell concerning the caussis and circumstances of the slaughter of your umquhill husband committed be the Goodman of Ballindallache and his complices to forbear the strict rigour of law aganis thame and to require Ballindallache to deale by all meanes to give unto yow and your childrein contentment betuix and the first day of August nixtocome, and if yow sall happin not to agree among yourselfes betuix and the said day it is his Majesteis pleasure that the Counsell in that cause sall sett down and appoint suche reasonable compositioun for assythement as they in thair judgement sall thinke fitting; quhair of we have thought good to certife yow and thairwith all to intreat and advise yow dewtifullie to hearken to a freindlie agreement and not stomackedlie to refuse the performance of that quhilk his Majestie upon just and considerable reasons hes willed to be done. We doubt not bot the partie will make reasonable offers, and we ar alyke hopefull of your readie acceptance thair of, and that thairin yow will shew your obedience to his Majesteis command who hes beene so respective of your interesse in the whole course of this bussines; otherwayes if yow sall show your selfe averse and sall not embrace quhat in reason sall be offered, the Counsell will be constrained to performe that pairt quhilk his Majestie hes committed to thair charge and trust; bot hoping that the significatioun of his Majesteis pleasure heerin will be sufficient inducement to dispose yow to a freindlie sattling. we commit, etc, Halyrudhous 4 Junij 1629. *Subscriptur*, Mar, Hadintoun, Wintoun, Linlithgow, Seafort, Elphinstoun, Scottistarvett.”

Royal Letters,  
1623-32.  
Fol. 161, b.

Fol. 162, a.

Holyrood  
House, 9th  
June 1629.

*Sederunt*—Treasurer; Privy Seal; Wyntoun; Linlithgow; Perth; Wigtoun; Landerdail; Seafort; Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Lord Jedburgh; Lord Naper; Lord Tracquair; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Acta February  
1628-July  
1629.  
Fol. 119, b.

Charge to  
Robert  
Bramlie to  
appear before  
the Council,  
seeing that  
having been  
appointed  
sheriff of  
Northumber-  
land by his  
Majesty he  
had evaded  
the office and  
fled into  
Scotland.

“ Forsameekle as Robert Brambe [*sic*] of Northumberland, Esquire, being appointed by the King’s Majestie to be shireff of the said countie, and being writtin to be the Lord Keeper of the great seale of England to accept his charge and to execute the same according to the trust reposed in him, yitt his Majestie is informed that to shunne the said charge he hes withdrawin himselfe to the kingdome of Scotland as slighting or neglecting the performance of his said charge, to the high and proud contempt of his Majestie and his authoritie; Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said Robert Bramlie [*sic*] to compeir personallie before the saids Lords upon the day of to answer upon his said neglect of dewtie and to underly suche ordour as sall be tane thereanent under the pane of rebellious and putting of him to the horne; with certificatioun to him and he failzie that not onlie sall he be denounced and declared ane

Fol. 120, a.

Acta February  
1628 July  
1629.  
Fol. 120, a.

rebell and fugitive frome his Majesteis lawes, bot with that suche other ordour sall be tane with him as the honnour and justice of the kingdome requires. 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 trustie and weilbelovit counsellours, we greeete yow weill. Whereas Robert Bramley of                    in the countie of Northumberland, Esquire, being prickt by us to be shireff of the said countie and being writtin unto by the Lord Keeper of our great seale to accept his charge and to execute the same according to the trust reposed in him, yitt we ar crediblie informed that to shunne his said charge he is gone into that our kingdome as slighting or neglecting the performance of his said charge. Our pleasure is therefore that yow inquire where he is in that our kingdome and that yow direct letters to charge him to compeir before yow to answer his said neglect, and upon his apparence [*sic*] to take him acted to retourne to the said countie to accept of his said charge, and upon his refusall or delay to doe so, we require yow to send him backe to the now shireff of the said countie to be by him kept untill our farther pleasure be knowin concerning him; and for your so doing these presents sall be your sufficient warrand. Frome our Court at Greenewiche the 27 day of May 1629.”

“ Forsameekle as the Lords of Secreit Counsell ar informed that there is some appearance of trouble and unquyetnes lyke to fall out betuix the bailleis and inhabitants of the Cannogait, on the ane pairt, and the baroun baillie of the regalitie of Broughtoun and inhabitants of the north side of Leith, on the other pairt, anent thair weapounshawing appointed to be keeped and haldin upon the tenth of this instant and anent the ordour of thair ranking and marching at the said weapounshawing, whairin some innovatioun is intendit againis the forme and ordour observed in all tyme bygane, whilk is lyke to disturbe his Majesteis peace and to bring on forder inconvenient without remeid be provydit, Thairfoir ordains ane maisser or officiar of armes to pas and in his Majesteis name and auctoritie to command and charge the baillies of the Cannogait, on the ane pairt, and the said baroun baillie, on the other pairt, to compeir personallie before the saids Lords upon the ellevent day of Junij instant to underly suche ordour as sall be prescryved unto thame tuicheing the removing of all differences betuix thame at thair said weapounshawing, under the pane of rebellioun and putting of thame to the horne, with certificatioun, etc.; and in the meanetyme, whill the said ordour be tane, to command, charge and inhibite thame that they nor nane under thair charge presooome nor take upoun hand to make thair weapounshawings, displey cullours nor towke drwmms to that effect under the said pane of rebellioun and putting of thame to the horne; certifeing thame that sall failyie or doe in the contrair that they sall not onelie be immediatelie denounced rebellis and putt to the horne

Charge to the  
bailies of the  
Canongate  
and the baron-  
baillie of  
Broughton to  
appear before  
the Council  
touching  
differences  
that have risen  
between them  
anent their  
weapounshaw-  
ing.

Fol. 120, b.



bot they sall be otherwayes punished in their persouns as contemners and dissobeyers of the directiouns and commandements of the saids Lords with all rigour.”

Acta February  
1628–July  
1629.  
Fol. 120, b.

Charge to persons who have refused the office of sub-commissioner at once to accept the office.

“Forsameekle as ane number of persons throughout the severall presbytereis of this kingdome being nominat and chosin to be subcommissioners for valuing of the constant rent of the lands and teinds within the saids presbytereis; And it being expected that thir persons, who wer employed in so great aud publict ane worke whairin the Kirk and gentrie of the kingdome hes suche speciall interesse, sould have accepted the charge and commissiouns upon thame and dewtifullie and carefullie execute the same according to the trust concredite unto thame, yitt it is of truthe that diverse of the saids subcommissioners in sindrie presbytereis of this kingdome hes most undewtifullie and unworthilie shunned the said imployment and refused to accept the same upon thame and to concurre and joyne with thair fellow commissioners in executioun of the same; quhairthrow this publict worke whilk his Majestie so earnestlie affects for the good of his subjects is cassin louse in manie pairts of the kingdome and hes not had suche ane progresse and dispatche as the importance thairof requires: Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging all and sindrie persouns nominat to be subcommissioners of the severall presbytereis within this kingdome be thair names as they sall be required, who hes not as yitt accepted the commissioun upon thame, that they and everie ane of thame addresse thameselfes to thair presbytereis upon the first presbyterie day after the said charge and thair accept the said charge upon thame and give thair oath for administratioun thairof, and that they and the rest of the subcommissioners who hes accepted the charge upon thame concurre and joyne effauldlie and effectualle for putting of the said charge to executioun in all pointes conforme to the tennour thairof, within sax dayes nixt after the charge, under the pane of rebelloun etc., and if they failyie, to denunce and escheit, etc.”

Fol. 121, a.

Ratification of Acts of the Commission of Teinds.

“The Lords of Secreit Counsell ratifeis, allowes and approves the Acts sett down be the Commissioners anent the tithes and surrenders upon the fyft day of Junij instant in all and sindrie points, clauses and articles conteanit thairin, and after the forme and tennour thairof in all points.”

Holyrood House, 9th June 1629.

[Sederunt as recorded above.]

Decreta,  
November  
1627–January  
1630.  
Fol. 207, a.

Complaint by Janet Hardie and Janet Barclay that they are illegally detained in the Tolbooth of Fisherraw on a charge of

Complaint by Janet Hardie, spouse to Robert Clerk, skipper in Fisherraw, and Janet Barclay, widow there, as follows:—On March last the bailies of Mussilburgh came to the dwelling house of the complainers in Fisherraw, apprehended them, and put them in their tolbooth where they still keep them “in the stockes and yrnes,” alleging that they are guilty of witchcraft. To prove their innocency thereof

Decreta,  
November  
1627-January  
1630.  
Fol. 207, a.

they have offered themselves for trial, and to find caution to compear for the same, but the said bailies refuse. Charge having been given to William Duncan and John Calderwode, bailies of Mussilburgh, to compear and produce the complainers, and Janet Hardie compearing by Robert Clerk, her husband, and Janet Barclay, by Robert Clerk, her son, and the defenders also compearing, the Lords remit the case to the Lord of the regality of Dunfermline and his bailies.

witchcraft  
and are not  
brought to  
trial.

Fol. 207, b.

Complaint by Sir James Hamiltoun of Preistfeild, as follows:—In the expedition “towards the Ile of Rae” which was so earnestly recommended by his Majesty to their Lordships, the complainer enlisted Robert Forbes in North Beruick, who freely and willingly undertook and accompanied him in that service. Since his return he has again enlisted the said Robert Forbes for the service of the King of Sweden, and he, having willingly embraced the service, has been entertained by the complainer till now that his company is ready to embark. The complainer sent one of his company to North Beruick for him, and he professed his willingness to accompany the man, but desired first leave to go and speak with Sir John Home of North Berwick about some of his affairs. So the man went with him and after they had spoken a short time, Sir John Home told the man “that the said Robert Forbes must not go in that service, and that he would keepe him still, protesting and avowing that if fyve hundreth men had come there to take him, they sould not gett him.” Charge having been given to the said Sir John Home, and pursuer and defender both compearing on a day bypast, the latter confessed that the said Thomas Forbes was in his house and company when the pursuer’s officer came for him, and that on being desired on deliver him up, he refused; whereupon the Lords had ordained him to produce the said Thomas Forbes this day. Both again compearing, but Forbes neither being produced, nor any reasonable cause shown why he was not, the Lords ordain Sir John Home to be put to the horn.

Complaint by  
Sir James  
Hamilton of  
Priestfield  
against Sir  
John Home of  
North Ber-  
wick for  
detaining John  
Forbes, who  
had enlisted in  
the regiment  
of the said Sir  
James.

Fol. 208, a.

Petition by Wilkine Johnestoun, Thomas Patersoun, Malcolme Brown, John Smith, Robert Davidsoun, Hew Hamiltoun for himself and for Thomas Hamiltoun as assignee of John Hamiltoun, merchant; John Smith, William Mitchelsoun, Adam Mitchelsoun, Robert Keith, John Sinclare, Alexander Binnie, Robert Glen, James Pont, James Stevinsoun, David Jonkein, James Naismith, John Grahame, Robert Maistertoun, and David Mitchelsoun, merchants burgesses of Edinburgh; George Foulles, master of his Majesty’s Cunziehous; John Fraser, goldsmith; Mr. Robert Balcalquall, minister at Tranent; Arthur Rae, writer; Alexander Lintoun, Mr. Alexander Livingstoun, advocate; Mr. John Patersoun, for his sister Janet Patersoun; Thomas Lamb, messenger; and Samwell Moresoun, in Leith, as follows:—They are all creditors of Alexander Mauchane, merchant burges of Edinburgh, who for fear of arrest fled to England, but in December last applied to them for their

Petition by  
Wilkine John-  
stone and  
others for  
continuance of  
protection to  
Alexander  
Mauchane,  
that he may  
have the  
opportunity of  
paying his  
debts to the  
said persons.

assurance for his safe return that he might give them all the satisfaction his estate would permit, and their Lordships upon the desire of the petitioners granted a protection to him till the last day of March, now past. They acknowledge "the honest and upright meaning of the said Alexander" and affirm that during the term of the said protection he arranged with all his English creditors, and therefore they all in one voice crave their Lordships' further protection to him till 1st August next. This the Lords grant.

Decreta,  
November  
1627-January  
1630.  
Fol. 208, a.  
Fol. 208, b.

Missive from  
his Majesty  
anent Robert  
Bramlie.  
See ante, p. 160.

"Ane missive frome his Majestie concerning Robert Bramby, and letters accordingle direct with missives to the shireffis of Beruik, Roxburgh and Drumfreis, the Commissionaris of the Middleshyris, to witt, the Earle of Nithisdail, and Vicount of Drumlangrig, the Lordis Yester and Tracquir, the Laird of Aytoun, the provest and baillies of Glasgw."

Sederunts,  
1625-29.  
Fol. 121, b.

Letter to be  
sent to his  
Majesty anent  
the Lord of  
Lorne and the  
holding of  
Justice-courts  
in the Isles.

"That ane letter be written to his Majestie toucheing the differenceis betuix the Lord of Lorne and the Ilandars anent the place of halding his justice courtis, representing to his Majestie the ressonis alledgeit *hinc inde* be ather pairty, and requiring his Majestie to signifie his royall pleasour thairanent; and in the mean tyme dischargeing the Lord of Lorne to forbear the executioun of his commissioun aganis the north Ilandaris till the returne of his Majesteis pleasour."

The Lord of  
Lorne.

"Ane missive produceit be the Lord of Lorne toucheing the halding of his justice courtis."

Holyrood  
House, 9th  
June 1629.  
Letter requir-  
ing the arrest  
of Robert  
Bramlie and  
his production  
before the  
Council.  
See ante, p. 160.

"After our verie heartilie commendatiouns. Whereas Robert Brainbe alias Brameley in the countie of Northumberland, Esquire, being nominat be the Kings Majestie to be shireff of the said countie, and he being writtin unto be the Lord Keeper of the great seale of England to have accepted the charge and to have execute the same according to the trust reposed in him, yitt, as his Majestie is informed, he hes most undewtifully, to shunne the said charge, withdrawin himselfe toward this kingdome, slighting and neglecting thairby the performance of his said charge, to the high and proud contempt of his Majesteis auctoritie and disgrace of his government; and thairfoir these ar to requiest and desire your good lordship to make diligent inquiry and searche for the said Robert throughout all the bounds of your office and if yow can gett notice of him that yow caus execute thir within writtin letters aganis him charging him to compeir before his Majesteis Counsell at suche a certane day as yow sall appoint, being ather upon a Tuisday or Thurisday upon sax dayes warning, and that yow report the saids letters dewlie execute and indorsat to his Majesteis Counsell with all convenient diligence after the executioun of the same; quhilk looking assuredlie yow will doe as yow respect his Majesteis pleasure and contentment speciallie in a mater of this kynde quhairin his Majesteis honnour is so farre ingadged, we committ your lordship to God. Frome Halyrudhous the

Royal Letters  
1623-32.  
Fol. 162, a.

Royal Letters,  
1623-32.

nynt day of Junij 1629. *Subscribitur*, Mar, Hadintoun, Linlithgow, Dumblane, S<sup>r</sup> Thomas Hoip.”

Fol. 163, a.

“ After our verie heartilie commendatiouns. Report being made unto us of your contempt and dissobedience in not reporting of the diligence of that presbyterie anent the nominatioun of subcommissioners for trying of the constant worth of the lands and teinds within the same conforme to the charge execute aganis yow to that effect, we could not bot mervell at your oversight in suche a point especiallie quhair the weale of the church is so effectuallie aymed at and quhairin all the remanent presbytereis within this kingdome hes givin obedience. And altho we might proced aganis yow with that rigour quhilk your neglect of dewtie hes justlie merited, yow being alreadie denounced rebell and putt to the horne for that caus, yitt we have forborne to enter in suche a course, wishing rather by lenitie and favour to procure your obedience than by auctoritie of justice to enforce yow thairunto; and thairfoir these ar to requiest and desire yow that with convenient and possible diligence after the ressett heiroyf yow send in to the Clerk of the Commissioun the report and diligence of your presbyterie anent the choise of subcommissioners for the valuatiouns within the same, to the intent that accordinglie subcommissiouns may be exped for bringing of these valuatiouns to ane end; quhairin attending your readie obedience as yow respect your owin weill and would eshew that censure quhilk your forder contempt will justlie bring upon yow, we bid yow fareweill. Frome Halyruidhous the nynt day of Junij 1629. *Subscribitur*, Mar, Hadinton, Linlithgow, S<sup>r</sup> Thomas Hope.”

Holyrood House, 9th June 1629.  
Letter to the Clerk of the Presbytery of Bamff anent the neglect of the said Presbytery to nominate sub-commissioners of teinds.

“ After our verie heartilie commendatiouns to your good lordship. The whole presbytereis within this kingdome (Bamff onelie excepted) having reported thair diligence anent the choise of subcommissioners for trying of the constant rent of the lands and teinds within the same and the dispatches requisite thairanent being long agoe sattled and the valuatiouns going on conforme to the prescryved course and ordour, the presbyterie of Bamff in this meane tyme is neglected and no valuatioun had of thame, so that this great and publict worke importing so neerelie the weale of the kirk and kingdome is slighted within that presbyterie ather by the sleuth or negligence, or by the wilfull contempt and dissobedience of the moderatour and brethrein theiroyf. And whereas they ar within your lordships diocie, and we being loath to enter in anie hard course aganis thame, wishing rather by lenitie and favour to procure thair obedience nor by auctoritie of law to enforce thame thairto; these ar thairfoir to requiest and desire your good lordship to lett thame know thair oversight in this point and to move and caus thame with diligence to amend what hes beene amisse and to send in to the Clerk of the Commissioun thair report formallie in writt anent the nominatioun of subcommissioners for trying of the valuatioun of the said presbyterie, to the intent that there be no forder hinder nor delay there-

Holyrood House, 9th June 1629.  
Letter to the Bishop of Aberdeen anent the same.

Fol. 163, b.

anent: quhairin expecting your lordships care and furtherance with all the haist that possible may be, we committ your lordship to God. Frome Halyrudhous the nynt of Junij 1629. *Subscritur*, Mar, Hadintoun, Linlithgow, S<sup>r</sup> Thomas Hoip.”

Royal Letters,  
1628-32.  
Fol. 163, b.

Holyrood  
House, 11th  
June 1629.

*Sederunt*—Privy Seal; Linlithgow; Seafort; Air; Lord Lorne; Lord Areskine; Bishop of Dumblane; Naper; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Acts February  
1628-July  
1629.  
Fol. 121, a.

The son of the Earl of Angus committed to the charge of Mr. John Adamson, principal of the College of Edinburgh, for his religious education.

“The whilk day Williame, Erle of Angus, compeirand personallie before the Lords of Secreit Counsell conforme to the charge execute aganis him for that effect and the scandalous behaviour of James Dowglas, his sone, by his refusall to goe to church and to heare sermoun, and spending of the Sabboth day in suspect places and companeis to the great offence of the maisters and regents of the Colledge of Edinburgh where he wes placed as ane student being objected unto the said Erle, his father, under whois power, auctoritie and command he yitt remaines, and the said Erle having excused himselfe that the behaviour and cariage of his sone in these particulars wes besides his knowledge, directioun or allowance, the Lords of Secreit Counsell, being carefull of the religious educatioun of the said James Dowglas, they ordained him to be putt and placed in the hous of Mr. Johne Adamesoun, principall of the said Colledge, to remaine with him for the space of fyftene dayes upon the said Erle his fathers charge and expenses, to the intent that in the meane tyme the said Mr. Johne Adamesoun may have the more frequent occasioun to conferre with the said James, and to resolve him in the scruples and doubts of his religioun. Lykeas the said Mr. Johne Adamesoun, being personallie present at the request and desire of the saids Lords, accepted that charge upon him.”

Fol. 121, b.

Postponement of the case of the bailies of the Canongate and the baron-baillie of Broughton till the return from Court of the Earl of Roxburgh, the superior of the said barony of Broughton. See ante, p. 161.

“Anent the Act of Secreit Counsell direct makand mentioun, Forsameekill as the Lords of Secreit Counsell ar informed that there is some appearance of trouble lyke to fall out betuix the bailleis and inhabitants of the Cannogait, on the ane pairt, and the baroun baillie of the regalitie of Broughton, and the inhabitants of the north side of Leith, on the other pairt, anent thair weaponshawing appointed to be kepted and haldin upon the tent of this instant, and anent the ordour and ranking of thair marching at the said weapounshawing whairin some innovation is intendit aganis the forme and ordour observed in all tyme bygane, whilk is lyke to disturbe his Majesteis peace and to bring in forder inconvenient without remeid be provydit: And anent the charge givin to Adame Bothwell and James Aittoun, bailleis of the Cannogait, on the ane pairt, and Williame Sinclare, baroun baillie of the regalitie of Broughton, on the other pairt, to have compeired personallie before the Lords of the Privie Counsell upon this present ellevint day of Junij instant to have underlyne suche ordour as sould be prescryved unto

Acta February  
1623-July  
1629.  
Fol. 121, b.

thame tuicheing the removing of all differences betuix thame at thair said weapounshawing, under the pane of rebellioun and putting of thame to the horne, with certificatioun to thame and they failyied letters sould be direct *simpliciter* to putt thame thairto, lykeas at mair lenth is conteanit in the said act, executions and indorsatiouns thairof : Quhilks being callit and both the saids parteis compeirand personallie, and thair reasouns and allegatiouns being heard and considerit be the saids Lords and they weill advised thairwith, the Lords of Secreit Counsell understanding that Robert, Erle of Roxburgh, as baroun of the baronie of Brouchtoun, is superiour to both the saids parteis, and that thairfoir it is expedient that he be present at the satting of this mater anent the weapounshawing, Thairfoir the said Lords continewes this mater untill the returne of the said Erle of Roxburgh from Court, and in the meane tyme commands and inhibits both the saids parteis that they nor nane under thair charge presoomie nor take upon hand to make thair weaponshawing nor displaye cullours, nor towke drwmmes for that effect, as they will answeere upon the contrarie at thair highest charge and perrell."

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 208, b.

Holyrood  
House, 11th  
June 1629.  
Complaint by  
Cornelius  
Armstrong  
against Wil-  
liam Whippa  
for assault.

Fol. 209, a.

Complaint by Cornelius Armestrang, son to John Armestrang of Holehous, as follows :—On 22d May last William Whippa, son to David Whippa called of Leehouses, came to the dwelling house of Matthew Murrey in Milleyes on the Water of Esk where the complainer was with sundry other gentlemen, and having insinuated himself into their company, he began to provoke the complainer to a quarrel. " Bot the mater being tane up be some gentlemen in the companie they wer moved to drinke together in token of freindship, be reasoun whair of the compleaner being secure and leaning himselfe upon the boord to have tane some rest," Whippa drew his sword and gave him " three great and bloodie wounds " upon the arm, and has mutilated him therein, so that the complainer is still " under the cure of chirurgians in great pane and dollour " to his great prejudice, and disappointing him of the service he has undertaken under the Erle of Bugleuche, in the Wars of Holland. Charge having been given to the said William Whippa and the pursuer compearing but the defender not, the Lords ordain him to be put to the horn and escheat.

Fol. 209, b.

Petition by John Davie, general clerk to Colonel Hamiltoun, as follows :—On his petition to the King for his Majesty's protection for six months, his goods and estate, now in the hands of his creditors, being more than sufficient to satisfy all their claims, the King had referred the same to their Lordships, " willing thame for the good of the King of Sweden his service to take suche ane faire course in this cause as they wer wount to doe for the service of the King of Denmarke." He craves  
Protection to  
John Davie  
against his  
creditors till  
the 1st of  
August.

their favourable reply. Their Lordships grant him their protection till 1st August next.

Decreta,  
November  
1627-January  
1630.  
Fol. 209, b.

Complaint by  
Mr. William  
Smith, minister  
at Dunett,  
against George  
Sinclair,  
bastard  
brother to the  
Laird of  
Rattir, for  
assault.

Complaint by Mr. William Smith, minister at Dunett, as follows:—  
On 30th December last, when he was in the dwelling house of John Sinclair of Rattir, George Sinclair, bastard brother to the said Laird of Rattir, came to him and “began to querrell him, verie disgracefullie upbraiding him with sindrie contumelious and minassing speeches,” expecting he would retaliate; but being disappointed in this he left the house before the compleaner, and meeting him on the way home, he assailed him with a great rung, wounding him on the head and other parts of his body. On being reprehended by some persons who rescued the complainer out of his hands, “he bragged that he cared nather for King, Counsell nor Bishop, opinlie affirming that it was the thing he had prepared for the compleaner sevin yeeres agoe at his fathers boord if he had not glowmmed upoun him.” Further, on thereafter he came to the complainer’s dwelling houses under cloud and silence of night, and dang up his windows and doors, thinking that thereby he would have brought the complainer forth, and then slain him. Consequently he dare not attend his “necessarie and lawfull calling in preaching of the Word at his parish kirk” for fear of his life. Charge having been given to the said George Sinclair, and the pursuer compear- ing, but not the defender, the Lords ordain him to be put to the horn.

Fol. 210, a.

Complaint by  
Mr. Richard  
Merchiston,  
archdean of  
Caithness,  
against Donald  
Caddell of  
Suddell and  
others for  
assault and for  
seeking his life  
during the last  
five yeeres.

Complaint by Mr Richard Merchinstoun, Archdean of Caithness, as follows:—Donald Caddell of Suddell, Alexander Caddell in Auchougall, Andrew Caddell in Brigend of Wattin, David Caddell, his son, David Caddell of Auchintoft, William Caddell in Boilfendack, Donald Caddell of Newtown Wester, William Caddell of Achahoy, William Caddell of [in] Over Skuddell, John Dow at Graystane, and Walter Caddell at Boilfen- dack, with others of their kin and friends, in hatred of the complainer because he, “as thair ordinar pastour, reprehended and snibbed thame as occasioun offered for thair insolenceis and dissolute lyffe,” have for five years hunted after his life. On 7th March 1623 these persons, being convened for the making of a contract of marriage between two of their friends, and pretending the necessity of his presence, invited him to dinner with them, but when he consented and came to the house, “instead of kyndelie and freindlie intreating” they assailed him and would have murdered him if some honest men had not come to his relief. Further, on the 10th of the said month when he went to the kirk of to have preached to his flock, notwithstanding that it was “the Lords Sabboth,” these persons came thither armed with two handed swords, bows and other weapons, sought his life, and wounded his servant, Donald Sutherland, so “deidlie on the heid” that he lay in danger of his life for a quarter of a year thereafter. By reason of this fray the people were forced to depart and were deprived of sermon that day. At the earnest desire of the Earl and Sheriff of Caithnes he for-

Fol. 210, b.

Decreta,  
November  
1627-January  
1630.  
Fol. 210, b.

gave this insolence, receiving a promise from these persons of "more respective cariage" in future. Yet persisting in their intention, they hounded on David Caddell of Newtoun in April 1626 to "putt ane durke in him and thairafter to have past to the warres of Germanie, afferming that it sould be good service to them and the countrie people whome the compleaner would not suffer to live at thair awin libertie in thair wounted maners," which the said David confessed before the Earl of Caithnes. And on 24th June 1627 when these persons understood that the complainer was going to Edinburgh on some business, "they under ane culloured and simulat forme of freindship sent Donald Caddell for him and invited him to the house of Souddell" in passing, so that "as they pretended that they might take good night at him, and deale kyndelie with him before his departure." And the said Donald went before to advertise his coming. They thereupon procured two broken Highlandmen, John Dow and Walter Caldell, to take his life, and ever since they have hounded them out for this purpose at all occasions, furnishing them with armour and other necessaries, so that he cannot safely go about the duties of his calling in the place. Charge having been given to the persons named, and the pursuer compearing, but not the defenders, the Lords ordain them to be put to the horn and escheat.

Fol. 211, a.

Petition by Sir William Ker, lawful son of Sir Robert Ker of Ancrum, as follows:—In a lawfull way he had enlisted John Young, called of the Myres, for the wars of Holland, who after being for some weeks, entertained at his expense, was apprehended by the Earl of Roxburgh and warded in the tolbooth of Jedburgh. The Earl was then ignorant of his enlistment, but on being informed declared his willingness to deliver the said John Young upon their Lordships' warrant, which therefore the petitioner craves. The Lords ordain the provost and bailies of Jedburgh to deliver him to the petitioner to be transported with the rest of his company.

Fol. 211, b.

Archibald M<sup>c</sup>Cawes in Fernoche, and Ewin M<sup>c</sup>Cawes, his son, compearing before the Lords, gave in a copy of letters whereby they were summoned by John M<sup>c</sup>Corle alias Lamount in Fernoche, and Sir Coill Lamount of Innerrin, knight, his master, to answer to a complaint therein set forth. The pursuers had not appeared, and therefore they protested that no such complaint should proceed against them, until they were charged of new and their expenses paid—which the Lords admitted.

Commissions,  
1624-30.  
Fol. 198, b.

Commission under the Signet to the Sheriff of Berwick and his deputes, Sir John Home of Blacader, John Wilkie of Foulden, and John Ramsay of Edingtoun, or any two of them, as justices, to hold courts and try Samuell Fairlie in Foulden, who has long been suspected of witchcraft, etc. Signed by Hadintoun, Linlithgow, Seafort, Air, Lorne, and Scottistarvett.

Petition by Sir William Ker for the delivery from the Tolbooth of Jedburgh of John Young, who had enlisted for the wars in Holland.

Protestation by Archibald M<sup>c</sup>Cawes in Fernoche and Ewin M<sup>c</sup>Cawes, his son.

Holyrood House, 11th June 1629.

Commission to the Sheriff of Berwick and others to try Samuel Fairlie in Foulden for witchcraft.



Commission to the Sheriff of Peebles and others to examine John Graham and others, all suspected of witchcraft.

Commission under the Signet to the Sheriff of Peebles and his <sup>Commissions, 1624-30, Fol. 199, a.</sup> deputes, the bailies of the burgh of Peebles, the bailies of the regality of Dalkeith, and the bailies of the regality of Glasgow, or any two or three of them, to search for, imprison and examine John Grahame, weaver, *alias* Joke the Grahame, in the parish of \_\_\_\_\_, Katharine Mairshell within the parish of Athelstoun, Marion Boyd there, Margaret Gowanlocke there, Helen Beatie, midwife, in Menner, Agnes Chalmers in the parish of Peebles, Susanna Elphinstoun there, Margaret Yerkine there, William Thomesoun in Purveshill, William Mathesoun in Kirnauche, Thomas Stoddart in Mylneknow, Agnes Robesoun, vagabond, Katherine Broun in Innerlethaine, Marie Johnestoun in the parish of Lyntoun, Janet Hendersoun in Blythe, Agnes Thomesoun in Lyntoun, Katharine Wode in Spittelhauche, Marion Croser in Slipperfeild, Isobel Haddock in the parish of Lyntoun, Gilbert Hog in Winkstoun, Patrick Lintoun in Melvingsland, Katharene Alexander in the parish of Lintoun, Bessie Ur there, Janet Achesoun in the parish of Menner, Margaret Johnestoun *alias* Craweswyffe in the parish of Tracquair, Margaret Dicksoun, "bleckster" in Kailyie and Jean Watsoun in the parish of Glenquhome, who are "vehementlie suspect" of witchcraft, and whose names have been given up in a roll by the Moderator of the presbytery of Peebles. Their depositions are to be reported to the Council who will thereupon give further orders, but the examination must take place within fifteen days after the apprehension of any of the prisoners. Signed as above.

Commission to John, Earl of Mar, and his bailies within the bounds of Braemar to enforce the laws against murder and other crimes specified, which are frequent within the said bounds.

Commission of justiciary under the Signet to John, Earl of Mar and <sup>Fol. 200, b.</sup> his bailies within the bounds of Braemar, Strathdie, Glengarne, Crowmar and Strathdon, belonging to the said Earl, to enforce the laws against murder, slaughter, mutilation, theft and reset of theft, sorning, oppression and "pykerie," these crimes being very common there, and the greater boldnes often taken because the injured parties lack means to prosecute the criminals before the Justice, and no one within the said bounds has authority to deal with such. The parties prosecuted must be the Earl's own tenants, and he is authorised to hold courts and deal with them according to law. The commission is to endure for one year. Signed as above.

The reformation of the Isles.

"The quhilk day the articlis producit be the Bishop of the Ilis <sup>Sederunta, 1625-29, Fol. 122, a.</sup> towcheing the reformation of the Ilis, wer gevin up be [*sic ? to*] the Advocat to be advisit thairwith."

Lady Abercorn.

"The Lordis continewis the ordour taking with the Lady Abircorne anent hir removall frome the burgh of Edinburgh till the Erlé of Monteth his returne."

The infetments of the town of Leith.

"A letter frome his Majestie in favouris of the toun of Leethe toucheing the productioun of thair infetmentis befor the Counsell to be considerit be the Counsell: ordanis the toun of Edinburgh to be chargeit to ansuer."

Royal Letters,  
1623-52.  
Fol. 162, a.

"Most sacred Soverane. Having carefullie considerit your Majesteis three letters sent unto us in the mater contraverted betuix the Lord of Lorne and the Ilanders anent the place for halding of the said lord his justice courts, and having had the parteis at diverse dyets before us and heard thair reasons, answers and replyes givin in heiranent, the one standing to the priviledge and conditioun of his infetment and urging that he might keepe courts in anie pairt within the bounds of the North Iles, and the other claiming the benefite of the Act of Parliament designing the burgh of Innernes for the justice seate of the North Iles, quhair they ar willing to answer; in end after long contestatioun the Lord of Lorne acquiesced and wes content that the burgh of Innernes sould be the ordinarie place for halding of Justice courts, provyding it wer not privative nor exclusive of him to keepe courts indefinitelie aganis particular delinquents in the Iles quhair they dwell. This point being opposed be the Ilanders as if thairby they wer to be depryved of the common benefite quhilk the lawes of this kingdome allowes unto thame for defence of thair lyffes, seing within no pairt of the Iles they can be assisted with advice and counsell of advocats who upoun no conditioun will be enduced [*sic*] to repaire to the Iles for suche ane earand, beside sindrie other inconveniences alledgit be thame to ensew upon the Lord of Lorne his resort and keeping of courts within thair bounds, and this mater being vehementlie contraverted on either side we have presoomed in all submissive reverence to represent the same to your most judicious and royall consideratioun that being directed be your excellent judgement we may the more readilie proceed and determine thairin: and till the returne of your royall pleasure we have ordained the Lord of Lorne to forbear all proceeding aganis anie of the North Islanders be vertew of his commissioun. Whairin becaus the course of justice will be interrupted and ressave some delay we will crave pardoun humbelie to intreate your Majestie when your more important effaires will permitt to latt us know how to carie our selfes heerin, and if your Majestie sall be pleased to allow of the Lord of Lorne his offer to hold his courts at Innernes then he must have your Majesteis warrand to that effect seing without the same he can doe nothing, the burgh of Innernes being without the bounds of his commissioun. After this mater was settled in the forme and tennour foresaid the Lord of Lorne exhibite ane new missive from your Majestie quhairin becaus thair wes nothing materiall to stay this our conclusioun we medled no farther thairin. And so praying, etc. Halyrudhous, 12 Junij 1629. *Subscribitur*, Mar, Hadintoun, Wintoun, Linlithgow, Areskine, Hamiltoun, S<sup>r</sup> George Elphinstoun, Scottstarvet, S<sup>r</sup> James Baillie."

Holyrood  
House, 12th  
June 1629.  
Letter to his  
Majesty anent  
the dispute  
between the  
Islanders and  
the Lord of  
Lorne touching  
the right of the  
said Lord to  
hold Justice-  
courts within  
the Islands.

Fol. 162, b.

"Most sacred Soverane, We have seene your Majesties two letters directed to your Thesaurar and Deputie Thesaurar quhairby your Majestie hes recommendit unto thame the payment of some gentlemen of your Privie Chamber and to your Majesteis nurce of thair pensiouns importing that

Holyrood  
House, 12th  
June 1629.  
Letter to his  
Majesty  
importing that

the state of the Exchequer does not permit such payment being made to certain gentlemen of the Privy Chamber as his Majesty desires.

als weill for tymes bygane as to come, whairin altho your saids officers out of thair trew acknowledgment of the worth and deserving of these gentlemen and of the good services of your nurce would with most heartie affectioun secund your royall directioun by the forderance of thair payment to the uttermost of thair power, yitt they have humbelie represented unto us the difficulteis and trew impediments, notour enough unto us, disabling us to give the same. For your Majesteis Exchecker by the manie pressing burdeins lying thairupoun, as namelie by precepts, fees, pensiouns and particular assignatiouns of the best pairt of your propertie, suche as Orkney, Ila, Kintyre, Dumfermeline, Dumbar, and Fyffe, is so exhausted as now there rests little to defray the necessarie effaires and daylie interveening services of the state, with the dispatches of your Majesteis Counsell and payment of the Lords of Sessioun thair allowances bot your customes, quhairin lykewayes thair is a verie great and sensible decay by the interruption of the trade thir diverse yeeres bygane, and thir occurring services ar so important for the estait and your Majesteis effaires as of necessitie they must be preferred to all other payments quhatsomever. And altho your Majesteis Thesurar hes most dewtifullie undertane and carefullie and worthilie begun to performe and accomlishe the great preparatiouns requisite for your royall and contented receptioun heere, yitt he with verie great patience abydes the tyme of payment, with dew respect to these urgent and necessar effaires quhilks cannot admitt anie delay; and thairfoir humbelie intreatting your Majestie not to take offence that thir payments recommendit be your Majestie cannot be so tymouslie and readilie dispatched as the affectioun and wishes of your officers heartilie requires, who will be carefull with the first conveniencie of your Majesteis coffers to give unto these your Majesteis servants satisfioun, we pray, etc. Halyrudhous 12 Junij 1629. *Subscribitur*, Mar, Hadintoun, Wintoun, Linlithgow, Areskine, Hamiltoun, S<sup>r</sup> G. Elphinstoun, Scottistarvett, S<sup>r</sup> James Baillie, S. A. Strauchane.”

Royal Letters,  
1623-32.  
Fol. 162, b.

Fol. 163, a.

Holyrood  
House, 16th  
June 1629.

Treasurer; Privy Seal; Lynlythqu; Perth; Bishop of Abirdene; Bishop of Dunblane; Lord Arskene; Lord Melvill; Naper; Clerk of Register; Advocate; Justice Clerk; Sir John Scott; Sir James Baillie.

Sederunts,  
1625-29.  
Fol. 122, a.

The reformation of the Islands.

“Anent the articlis gevin in be the Bishop of the Ilis aganis the Ilandaris, and first, anent the planting of schoolis, the Lordis remittis to the Bishop and Ilandaris to consult of the meanes how and of the placeis quhair the schoolis salbe select, and to reporte.”

Anent the same.

“The Lordis for the Bishop his better informatioun anent the estate of his diocie recommendis to the gentlemen of the Ilis to send some honnest laymen with the minister of eache parroche to everie synode; lyke as the

Sederunts,  
1625-29.  
Fol. 122, a.

Lordis did intimat to the gentlemen not to hinder the ministeris to repair to the Synod, under the pane to be callit and censurit for the same."

"The Lordis ordanis the Bishop to forme and present a draught of the commissioun craved be him." The same.

"Ordanis the Ilismen to concur to the building of kirkis conforme to the Act of Parliament." Building of Kirks in the Isles.

"That all dew obedience be gevin to the Bisshop and his ministers, and that they concur with the Bisshop in executioun of churche discipline." Church discipline in the Isles.

Fol. 122, b.

"The quhilk day Robert Creichtoun, brother to the Vicount of Air, declairit that the Vicount of Drumlanrig shew to him that he wes content and consentit to a protectioun to be gevin to the Lord Hereis for fyfteene dayes providing that no thing sould be alterit in the estate of his proceedingis be suspensioun or otherwayes; and the Advocat compeirand personalie consentit for the Earle of Annandail."

Decreta,  
November  
1627-January  
1630.  
Fol. 212, a.

[Sederunt as recorded above.]

Holyrood  
House, 16th  
June 1629.]

Complaint by John Sinclair of Dunbeth and . . . Mowat of Swinzie, as follows:—They understand that they have been denounced by the King's Advocate, George, Earl of Caithnes, and Francis Sinclair, his son, for non-compearing to answer to a charge of violently taking away a number of goods belonging to them, and pursuing the said Francis, etc. They were never lawfully charged to compear, or they should have done so and cleared their innocence, for doing whereof they have found caution, as well as for payment of their escheat to the Treasurer, Treasurer Depute, and Receivers of his Majestys Rents; therefore this horning should be suspended. Charge having been given to the said Advocate, and Earl of Caithnes and his son, and the pursuers compearing as also the Advocate personally, and the Earl and his son by William Mortimer, their procurator, who did not produce the letters of horning, the Lords graut suspension. Suspension of horning granted to John Sinclair of Dunbeth and Mowatt of Swinzie.

Fol. 212, b.

Complaint by Hercules Guthrie, burges of Aberdein, as follows:—He is informed that he has been put to the horn by Mr. William Guild and Mr. Alexander Ros, Commissioners for the ministry of the diocese of Aberdein, for not compearing to answer to a complaint of "affixing of some infamous pasquills upon the kirk doore and some of the bailleis doores of Aberdein." He has now given full satisfaction to the ministry and magistrates of Aberdein "both anent his religioun and anent the pasquills foressaids; he hes reconciled himselfe to the kirk and purged himselfe of the wrytting, indytting and making of these pasquills, and hes made ane ample confessioun unto thame of all that he knew in that mater," as their certificate bears. Parties being cited, and the pursuer compearing by Mr. Thomas Mercer, servitor to Sir William Scot, one of the Clerks of Session, his procurator, and Mr Alexander Ros compearing for himself and Mr. William Guild and consenting to the suspension of Complaint by Hercules Guthrie, burges of Aberdeen, that he is kept at the horn though he has a certificate of pardon from his pursuers.

Fol. 213, a.

the horning, the Lords, after hearing Mr. Thomas Mercer read the letter under the hand of the Clerk of the Synod of Aberdein, and written with consent of the Bishop and brethren of that Synod, suspend the horning.

Complaint by William Dickson and Thomas Dickson, golf-ball makers in Leith, against James Melville, quartermaster to the Earl of Morton, for threatening their lives and stealing their balls.

Complaint by William Dicksoun and Thomas Dicksoun, "makers of gowffe ballis in Leith," as follows:—James Melvill, quartermaster to the regiment of the Earl of Morton, pretends that he has a gift from his Majesty's late father, for exacting a "certain impost aff everie gowffe ball made within this kingdome," which gift their Lordships had never ratified, and on 20th February last, he sent a number of "lawlesse souldiours" to the complainer's dwelling houses in Leith, "who after manie threatnings and execrable oathes uttered to take thair lyffes they violentlie reft and tooke frome thame ane greate number of gowffe ballis quhilkis they had made for his Majesteis use at the desire of Arthure Naismith, indweller in Edinburgh," and the said James Melvill publicly avows that he will either take the complainers' lives or "disappoint them of thair callings if they grant not unto him the said impost." Charge having been given to the said James Melvill and pursuers and defender being personally present and heard, and also a number of witnesses examined, the Lords find that James Melvill and his servants took nineteen "gowffe ballis" from the pursuers most unwarrantably, and ordain him to consign £5 as the price thereof in the hands of the Clerk of Council to be paid to the pursuers, and also to find caution in £100 acted in the Books of Secret Council for the indemnity of the pursuers.

Decreta,  
November  
1627-January  
1630.  
Fol. 213, a.

Fol. 213, b.

Complaint by William Forbes of Craigiewar against John Wood and Andrew Wood, his son, for assault on his bailie, William Ronald.

Complaint by William Forbes of Craigiewar, proprietor of the barony of Fintrey and bailie of the regality thereof, and William Rannald, his officer, as follows:—Complaint having been made to the said bailie and his depute by some persons against Andrew Wood, son to John Wood at the Mill of Fintrie, he caused his said officer cite the said Andrew to appear and answer thereon on February last, which the said officer having done, the said Andrew, "maligning that he durst use anie charge against him, he, out of the pride and malice of his heart, after that he had in most disgracefull and contemptuous maner revylled the said bailie," assailed the said officer "with ane great tree," and following him as he fled, struck him therewith on the head and other parts of his body, "to the great effusioun of his blood, and so birsed and bruised him with bauche and blæe straiques that he hes ever lyin bedfast sensyne in great pane and danger of his lyffe." Further, on the of the same month he and John Wood, his father, being fined in a fenced court in , and the fine having been intimated to them by the said officer and Alexander Sinclare and Robert Udnie, his witnesses, the said John Wood pursued the said officer for his life, and wounded Alexander Sinclair "with ane great tree brought with him for the purpose." Charge having been given to the said John and Andrew Wood, and

Fol. 214, a.

Fol. 214, b.

Decreta,  
November  
1627-January  
1630.  
Fol. 214, b.

they and the pursuers compearing and witnesses having been examined, the Lords find that Andrew Wood assailed the said officer with "ane great gade or tree," and ordain him to be warded in the tolbooth of Edinburgh until they release him, but they assoilzie John Wood, as against him the witnesses produced failed to prove any part of the complaint.

Commissions,  
1624-30.  
Fol. 199, b.

Commissioun under the Signet to Colin Campbell of Kilquhome, baron baillie of the barony of Ila, for whom John Campbell, apparent of Caddell, is to be held to answer, as justice, to hold courts and try Duncan M<sup>c</sup>Intagart in who has been long suspected as a common thief, and who in February last was taken by the said John Campbell "with ane fang of some stollin hydes of some sheepe and oxin quhilk he confessed that he had stollin frome Nauchtane M<sup>c</sup>Keith in Kyllinane." He also confessed to the theft of a cow from Donald Odochartie, and for these thefts was warded in the Castle of Dunyveg. He escaped thence, but after diligent search the said John Campbell retook him and recommitted him as prisoner to the said castle. Signed by Mar, Hadintoun, Linlithgow, Perth, Areskine, Naper, and Scottistarvett.

Holyrood  
House, 16th  
June 1629.

Commission to  
Colin Campbell  
of Kilwhome,  
baron-baillie of  
the barony of  
Isla, to try  
Duncan  
M<sup>c</sup>Intagart, a  
common thief.

Fol. 200, a.

Commission under the Signet to Thomas Areskine of Pittodrie, Alexander Strauchane of Glenkindie, John Ferquhairsonne of Innercauld, and Robert Ferquhairsonne, his son, Donald Ferquhairsonne of Monattrie, Alaster Ferquhairsonne in Allenquhoiche, James Ferquhairsonne in Innerrey, Donald M<sup>c</sup>Keinzie in Dalmore, and Thomas M<sup>c</sup>Keinzie, his son, jointly and severally, to search for, apprehend and present before the Council for delivery to the Justice and his deputes, Alexander Gordoun, son natural to the deceased Alexander Gordoun of Aberyeldie, Alaster M<sup>c</sup>Comeis V<sup>c</sup>Ferrucher, his brother on the mother's side, and Robert Smith in Clauchane turne in the barony of Abiryeldie, who on 27th May last were put to the horn at the instance of Marjorie Braibner, as relict, Duncan Stewart, as son, Robert Stewart in Aberardour, and Arthur and James Stewart as brothers, and the remanent kin and friends of the deceased John Stewart in Aberardour, for failing to compear before the Justice and his deputes to answer for the slaughter of the said John Stewart. Power is given of fire and sword and there is a clause of immunity. Signed as above.

Commission to  
Thomas  
Erskine of  
Pittodrie and  
others to  
apprehend and  
present before  
the Council  
Alexander  
Gordoun and  
others, who  
are at the horn  
for the  
slaughter of  
John Stewart  
in Aberardour.

Fol. 201, a.

Commission of Justiciary under the Signet to Sir John Scot of Scottistarvett, knight, Director of Chancery, and the provost and bailies of Cowpar, for enforcing the laws against the slaughter of black fish, smolts, and fry of salmon, which offence has become very common within the Water of Eden, and the part of it opposite Sir John Scots' lands, and the lands pertaining to the burgh of Cupar. To prevent the further growth of this abuse, the persons foresaid are appointed justices within these bounds, with power to try and punish offenders, provided the penalty strike not upon life or member. Exemption from this commission, which is to endure for one year, is given to the tenants and possessors of the lands belonging to

Commission of  
Justiciary to  
Sir John  
Scot of  
Scottistarvet  
and the  
provost and  
bailies of  
Cupar to  
enforce laws  
against the  
slaughter of  
black fish,  
smolts, and fry  
of salmon in  
the Water of  
Eden.

Sir Thomas Hoip of Craighall, King's Advocate, and the inhabitants of the lands within the regality of S<sup>t</sup> Andrewes. Signed by the same Lords, substituting Sir James Baillie for Scottistarvett.

Holyrood  
House, 18th  
June 1629.

*Sederunt*—Treasurer; President; Privy Seal; Wintoun; Linlithgow; Perth; Air; Bishop of Aberdein; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Jedburgh; Lord Naper; Clerk of Register; Advocate; Sir John Scot; Sir James Baillie.

Acts February  
1628-July  
1629.  
Fol. 121, b.

Commission appointed for the burgh of Aberdeen to enforce an Act of Parliament of the year 1579, which imposed a penalty on all who did not attend divine service on the Sabbath.

“Forsameekill as in the Parliament haldin at Edinburgh in the moneth of October 1579 yeeres it wes statute and ordained that no person nor persons sould wilfullie remane frome thair parish kirk in tyme of sermoun or prayers upon the Sabbath day under the pane of twentie shilling to be uplifted of everie person contraveining, to be applyed to the helpe and releeffe of the poore in the parish, and in caise of the refusall or inabilityie of anie person offending in the premisses to pay the said pane, that presentlie upon thair apprehensioun or convictioun, after lawfull tryell, he or she sould be putt and haldin in the stockes or suche other ingyne devised for publict punishment for the space of twentie foure houres as the said Act of Parliament ordaining commissiouns to be givin to some certane persouns in eache parish best affected and most able to putt the said Act of Parliament to executioun at lenth beiris; the executioun of the whilk Act hes beene this long tyme bygane neglected within the burgh of Aberdein in default of speciall commissioun to execute the same, whairthrow great numbers of the inhabitants within the said burgh, especiallie these of the base and meaner sort, wilfullie and contemptuouslie remains frome the kirk in tyme of sermoun and prayers, and nather by intreatie nor admonitioun can be enduced to repaire to the same, whilks is ane verie great offence and scandall to the kirk and encouragement of persouns not weill affected to the religioun to contemne all ordour and discipline of the Kirk. For remeid whairof the Lords of Secreit Counsell hes made and constitute and be the tennour heirop makes and constituts the proveists [*sic*] and bailleis of Aberdein with the ministers thairof, Thomas Collisoun, Mr. Vedast Lawsoun, M. Alexander Jaffrey, Mr. Robert Ferquhar, Androw Meldrum, Alexander Ramsay, and Mr. Mathow Lumisden, burgesses of Aberdein, or anie fyve of thame, the proveist or one of the bailleis or one of the ministers, being alwayes present, our soverane Lords commissioners and justices in that part to the effect underwrittin, givand, grantand and committand unto thame or anie fyve of thame as said is full power and commission, expresse bidding and charge to putt the said Act of Parliament to dew and full executioun aganis all and sindrie persons, inhabitants within the said burgh, who wilfullie remains from the kirk in tyme of sermoun and prayers; and for this effect to direct thair precepts and to caus warne the saids persons to compeir before thame

Fol. 122, a.

Acts February  
1623-July  
1629.  
Fol. 122, b.

to abide thair tryell and censure, with power lykewayes to thame to fence and hold courts and to create officers and members of court neidfull, and to proceid aganis the persouns foresaids contraveenners of the said Act by suche lawfull tryell and probatioun as may stand with law and justice, witnesses for this purpose to summound, warne, choose and caus be sworne, ilke person under the pane of twentie shillings; the unlaues and fynes of the court to intromett with and uplift and for the same if neid beis to poynd and distreinzie and to the releeffe of the poore within the said burgh to apply; and generallie all and sundrie uthers things to doe and use whilks for executioun of the said Act of Parliament ar requisite and necessar: Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin. Commanding and charging heirby all the saids commissioners to accept this commissioun in and upon thame and to putt the same to dew and full executioun in all points conforme to the tennour thairof as they will answer to the saids Lords upon thair obedience at thair highest charge and perrell. This commissioun for the space of ane yeere after the dait heirof but revocatioun to indure, and forder ay and whill it be dischargit."

"Forsameekle as Sir Johne Campbell of Caddell, being lawfullie and ordourlie excommunicat for his apostasie and defectioun frome the trew religioun, and being thairupon charged to have reconciled himselfe to the Kirk, and to have submitted himselfe to the discipline thairof he wes for dissobedience of that charge upon the threttein day of Marche last denounced our soverane lords rebell and putt to the horne, as the letters of horning, execute and indorsat and registrat aganis him, showin to the Lords of Secreit Connsell, beiris; at the processe of the whilk fearefull sentence of excommunicatioun and horning following thairupon the said Sir Johne most prouddie and contempnandlie remaines as yitt unrelaxt, takand no regard thairof, bot haunts and frequents publictlie and avowedlie in all pairts of the countrie at his pleasure and injoyes the possessioun of his place and fortalice of Caddell whilk he keepes as ane starting hole and place of receipt for Jesuits, seminarie and messe preists, who ar bussie corrupters of his Majesteis good subjects both in thair religioun and allegiance, and in this his place of Caddell he and they thinkes thameselfes sure enugh aganis anie personall executioun can be intendit aganis thame, and thereby they ar encouraged to continew in thair rebellious and dissobedience to the high contempt of law and justice and disgrace of his Majesteis government. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct charging heralds to pas, command and charge the said Sir Johne Campbell and all uthers havers, keepers and deteaners of his towre and fortalice of Caddell, to rander and delyver the same to the said herauld, executer of the saids letters, and to remove thameselfes and thair servants furth thairof within sax dayes after the charge under the pane of treasoun; with

Charge for the seizure of the house of Sir John Campbell of Caddell, who defies the sentence of excommunication and horning under which he now lies.

Fol. 123, a.



certificatioun to thame and they failie they sall be repute, haldin Acta February  
and persewed as tratours and the processe and doome of forfaltour sall 1628-July  
be led and deduced aganis thame conforme to the lawes of this kingdome." 1629.  
Fol. 123, a.

Charge against  
resetting and  
intercommun-  
ing with Sir  
John Campbell  
of Caddell,  
who is an  
avowed Papist  
and under  
sentence of  
excommunica-  
tion and horn-  
ing, which he  
now defies.

"Forsameekill as Sir Johne Campbell of Caddell, ane profest and avowed Papist and apostat and adversarie to the trew religioun presentlie profest and be law established within this kingdome, being oft tymes warned to have compeired before the presbyterie of Forresse and to have answered upon his apostasie and defection from the religioun and to have givin ane confessioun of his faith conforme to the ordour of the Kirk, and he maliciouslie and obstinatlie persevering in his rebellious and dissobedience, in end after that all the ordinarie formaliteis requisite in this kynde wer used aganis him, he wes most justlie, worthilie and lawfullie excommunicat, as the processe of excommunicatioun ordourlie led and deduced and the sentence thair of pronounced aganis him at lenth beiris; upon the quhilk processe he being charged be vertew of our soverane lords letters to have reconciled himselfe to the Kirk, and to have submitted himselfe to the discipline thair of, he with the lyke contempt and misregaird of law and justice, dissobeyed the said charge and wes thairfor upon the threttein day of Marche last bypast denounced our soverane lords rebell and putt to the horne, as the letters of horning execute, indorsat and registrat aganis him showin and produced before the Lords of Secreit Counsell at lenth beiris; at the processe of the quhilk fearefull sentence of excommunicatioun and horning following thairupon the said Sir Johne in contempt of law and justice remains as yitt unrelaxt, takand no regaird thair of bot haunts, frequents and repaires publictie and avowedlie in all pairts of the countrie where the necessitie of his adoes invites him, busseing himselfe so far as in him lyes to perswade and allure others to embrace and follow his erroneous opiniouns, giving thairby great occasioun of offence and scandall to the Kirk, besides the high and proud contempt of his Majesteis auctoritie; lykeas he is ressett, suppleed and interteanned amongs his familiars and acquaintance in the countrie as if he wer ane free and lawfull subject, whairby he is strenthenned and conforted in his Popish opinions and encouraged to continew thairin without respect to law and justice. Thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at all places neidfull that nane of thame presooome nor take upon hand to ressett, supplee nor intercommoun with the said Sir Johne Campbell nor have intelligence with him be word nor writt under whatsumever cullour or pretext during his rebellious under the pane to be callit, persewed and punished as ressetters, suppleers and intercommouners with his Majesteis rebellis with all rigour and extremitie to the terrour of uthers."

Sir John Campbell of Caddell, Mr. Alexander Irwing, burgess of Order for the  
Aberdein, Thomas Meinzeis of Balgownie, Mr. Robert Bissat of Lessin- seizure of the  
houses of Sir

Acta February 1628–July 1629. Fol. 123, b. drum, John Gordoun of Craig, James Forbes of Blacktoun, Thomas Cheyne of Raynistoun, William Seatoun of Blair, Alexander Gordoun of Tilligreg, Patrick Gordoun of Tillisoule, and Margaret Gordoun, goodwife of Cormellat, having been for nonconformity excommunicated by the Kirk, and also put to the horn for that cause and for disobedience to the High Commission of the Kirk, to which they pay no heed, but go about publicly as if they were free and lawful subjects, and enjoy the possession of their houses and goods (which now pertain to his Majesty as escheat), whereby they are not only encouraged themselves “in thair Popish courses bot ar enabled to show comfort and supplee to Jesuits, seminarie and messe priests, who hes ane frequent resort and repaire in the north pairts of this kingdome and corrupts his Majesteis good subjects both in thair religioun and allegeance,” the Lords ordain officers of arms to pass and seize the houses of these rebels foresaid, remove them therefrom and keep these houses in his Majesty’s name and to his behalf, during the period of their excommunication and rebellion; also to search for, compryse, poind and distrain their whole goods, and inbring and account for the same in his Majesty’s Exchequer. Charge is given to all the lieges to assist the said officers in the execution of this charge upon their highest peril, and also to these officers to accept and dutifully execute the same, as they will answer to the Council and upon the peril of their offices.

John Campbell of Caddell and others, all Papists and at the horn.

Fol. 124, a.

[Sederunt as recorded above.]

Decreta, November 1627–January 1630. Fol. 215, a.

Complaint by Sir Thomas Hoip of Craighall, King’s Advocate, John Simsoun in Prentatioun, Janet Borthuick, his spouse, Janet Melrose, his servitrix, , servitrix to Patrick Blakie, sometime in Prentatioun, and Dame Liliass Ker, Lady Borthuick, for her interest, as follows:—Though the wearing of hagbuts and pistols, and the convocation of the lieges in arms have been often prohibited, yet Sir James Pringill of Galoscheills, pretending some right to the lands in Prentatioun belonging heritably to the said Lady Borthuick and occupied for many years past by the said John Simsoun, and “disdaining to persew this his right, if he anie hes, be ordour of law, he hes resolved be way of deid, bangsterie and oppressioun to debarre and seclude thame thairfra.” On 27th May last, he sent William Ormestoun, servitor to James Pringill, his eldest son, to the said John Simsoun’s dwelling house, with the message to warn him to remove with his goods and geir from these lands “or ellis his skinne should pay for it.” Within an hour afterwards he sent James Howesoun in Oversheills with a similar message; and shortly after that he sent John Pringill, his sister’s son, with the like message, and threatening that if he disobeyed, “both his and the best of his hous skinne sould pay for it and all his kin sould never gett with wha did it.” Next

Holyrood House, 18th June 1629.

Complaint by John Simpson in Prentatioun, and others against Sir James Pringle of Galashiels and others for assault and hamesucken.

Fol. 215, b.

day he sent the said James Pringill, his eldest son, to John Simsoun's dwelling house, who meeting his wife addressed her thus "Ant, yee ar fell stout to abide so manie warnings. It seemes yow would have ane new goodman, for this goodmans skinne sall pay for it, and with that he immediately hounded ane nomber of mastish dogges at the said Johnes nolt and sheepe and chaist thame twa myle aff the ground." That same night the said James Pringill, John Pringill, sister's son to the said Sir James, Thomas Wilsoun, William Broun, William Stirlin and William Peacocke, tenants and servants to the said Sir James, and other persons to the number of forty, came armed with swords, staves, forkes, hagbuts and pistols, under cloud and silence of night, by way of hamesucken to the said John Simsoun's dwelling house, and surrounding it, shot in at the windows with their hagbuts, demolished the roof of the house "whereat the said Thomas Wilsoun entered, and the remanent persons foresaids brake up the doores of the hous and forcible entered within the same, stobbed the beds whair sucking barnes wer lying with drawin swords and forkes and went in a furious maner athort all the corners of the hous seeking the said Johne of purpose to have slaine him, hurt and woundit his poore wyffe and barnes with manie bauche, blaë and bloodie straikes, cutted the bands whairwith his nolt wes bound and drave thame in upon his barnes, and so affrighted the said that ever sensyne her judgement hes beene greatlie distempered." Further, on 5th June instant the same persons, armed as said is, came at the direction of the said Sir James to where the complainers' cattle were pasturing, "hounded great mastish dogges at the poore beasts, kuist stones at thame, hurt and woundit the said Jonnet Melros with great rungs to the effusioun of her blood, dischargit thair pistolets at the said Johne Simsoun" and forced them to flee for their lives. Charge having been given to the persons named, and the pursuers compearing, and of the defenders the said Sir James and his son only, the Lords, after hearing the depositions of certain witnesses who failed in proving any point of the complaint, assolzie the defenders.

Decreta,  
November  
1627-January  
1630.  
Fol. 215, b.

Fol. 216, a.

Fol. 216, b.

Complaint by  
the King's  
Advocate  
against Hew  
Hill in West  
Seate of  
Gartly for  
the wearing of  
hagbuts and  
pistols.

Complaint by the King's Advocate as follows:—In contravention of the laws prohibiting the wearing of hagbuts and pistols Hew Hill in West Seate of Gartly has for several years, and specially in November, December and January last, daily worn these weapons for purposes of private revenge. Charge having been given to the said Hew Hill, and also to Thomas Strauchane in West Seate of Gartlie, William Tarsie and Patrick Hill there, Thomas Paxtoun in Miltoun Casteltoun of Strabogie and Alexander Jossiemman of Westertoun, as witnesses, and the Advocate compearing but none of those charged, the Lords ordain them to be put to the horn and escheat.

Suspension of  
horning  
against Sir  
John Home of  
North Berwick

Complaint by Sir John Home of North Berwick, as follows:—Their Lordships have caused him to be put to the horn at the instance of Sir James Hamiltoun of Preistfeild, for not exhibiting Robert Forbes in

Decreta,  
November  
1627-January  
1630.  
Fol. 216, b.

North Berwick as his man, though the complainers did nothing in that matter to give any offence to the said Sir James, "he being ane gentleman unto whome the compleaner careis als great and loving ane respect of dewtie and freindship as to anie gentleman in the countrey and will be verie loathe in anie case to wrong him." For the matter itself he stated the case truly to their Lordships—"the said Robert is fled for feare of the said Sir James, and it lyes not in his power to exhibite him." However he has found caution in 1000 merks this day either to present the said Robert Forbes, or two as sufficient men, and his horning should therefore be suspended. Charge having been given to the said Sir James, and the pursuer compearing and exhibiting the said Robert Forbes, and the defender also compearing, the Lords suspend the horning as craved, and ordain Robert Forbes to be delivered up to the said Sir James Hamiltoun as his fugitive soldier.

anent the case  
of his detention  
of Robert  
Forbes from  
Sir James  
Hamiltoun of  
Priestfield.  
See ante, p. 163.

Fol. 217, a.

"The Lordis continewis the course and wayis how the frequent resorte of noblemen and otheris to Courte may be restreaned till a more frequent meeting of the Counsell, and in the meantyme ordanis the actis maid for this purpois to be looked oute and produceit."

anent the  
resort of noble-  
men to the  
Court.

Sederunts,  
1625-29.  
Fol. 122, b.

"That a missive be direct to the provest and baillies of Abirdene, that nane be admitted to beare office of magistracie within the same who ar suspect in religioun thameselfis or whose wyffis and familieis ar excommunicat."

anent the  
magistracy of  
Aberdeen.

"The whilk day the Earle of Angus his sone wes ordanit to remayne with M<sup>r</sup> Johne Adamesoun xv dayis."

The Earl of  
Angus and his  
son.

Fol. 123, a.

"The whilk day the articlis gevin in be the Bishop of the Ilis and concludit be the Counsell concerning some reformatioun in these boundis wer intimate to Sir Donald M<sup>c</sup>Donald, Johne M<sup>c</sup>Cleud of Hereis, Lauchlane M<sup>c</sup>Kynnoun of Strathurdail, and to the young Laird of Coill, and the obedience thairof recommendit unto thame."

The reformati-  
on of the  
Isles.

"The Lordis dispenses with the personis abonewritin and with the Capitane of Clanrannald and the Laird of Coill, eldair, thair not compeirance upoun the tent day of Julij nixt."

The same.

"Sir Donald Gorme, cautioner for the Capitane of Clanrannald his compeirance upoun the tent of Julij 1630 and for observing of the remanent conditionis till that tyme."

Sir Donald  
Gorme and the  
Captain of  
Clanrannald.

Commissions,  
1624-30.  
Fol. 201, b.

Commission under the Signet to David Brodie of that ilk, Alexander Brodie, portioner of Kinlosse, and \_\_\_\_\_, Commissary of Morey, as justices, to hold courts and try John Hasben in Calseat, Bessie Fraser, his spouse, Janet Brodie, spouse to David Lawsoun in Craigheid, Janet Baxter in Mylnetoun of Moynes and Elspet Dunbar there, who have been long suspected of witchcraft. Signed by Mar, Monteith, Hadintoun, Wintoun, Linlithgow, Aire, Areskine, Sir Thomas Hoip, and Scottistarvett.

Holyrood  
House, 19th  
June 1629.

Commission to  
David Brodie  
of that ilk and  
others to try  
John Hasben  
and others for  
witchcraft.

Royal Letters,  
1623-32.  
Fol. 163, b.

"Most Sacred Soverane, May it please your Majestie, for obedience of your Majesteis letter directed unto us ordaining the indentour and

Holyrood  
House, 19th  
June 1629.

Letter to his Majesty anent the indenture between Lord Napier and Robert Welthen touching the furnishing of confections during his Majesty's visit.

backeband made betuix the Lord Naper and Robert Welthen, Serjant of your Confectionarie, anent the furnishing of confectionions during your Majesteis abode in this kingdome, to be produced and cancelled by us, in respect your Majestie after dew consideratioun of that bargane hes discharged the same, we callit before us the Lord Naper and required him to produce the saids writts, who taking the mater to his advisement for a certane tyme thairafter gave in his answer subscriyvit with his hand (a just extract quhairof we have sent heerewith under the subscriptioun of your Clerk of Register), notwithstanding of the whiche answer and of all other reasouns propounded by him to the contrarie, being fullie advised thairwith we ordained him to produce the said indentour and backeband according to the command contained in your Majesteis letter, whiche he refusing to doe, we have delayed to urge him thairto quhill your Majestie be gratiouslie pleased to expresse your farther will and directioun anent the forme of proceedour for satisfeing your Majesteis former command and our ordinance. And altho we cannot bot acknowledge that Sir James Baillie, according to the reference of your Majesteis letter, most dewtifullie offered to have made knowin unto us all that proceedit in this purpose yitt we have delayed to ressave his information till we heare your Majesteis pleasure thereanent. So we pray God earnestlie to continew your Majestie long in a blessed and happie raigne over us. *Subscribitur, Mar Th<sup>rs</sup>, Monteith, Hadinton, Winton, Linlithgow, Aire, Areskine, Hamiltoun. Halyrudhous, 19 Junij 1629.*

Royal Letters.  
1623-32.  
Fol. 163, b.

Holyrood House, 19th June 1629. Letter to the Provost, Bailies, and Council of Aberdeen forbidding them to elect Papists to offices in the said burgh.

"After our verie heartilie commendatiouns. Whereas amongs the manie caussis quhilks procure the grouth and increase of Poperie within this kingdome and the emboldening of persouns popishlie disposed to continew in thair erroneous opiniouns to the offence of God, scandall of the Kirk, and disgrace of his Majesteis government, the preferring and advancing of thame to places and offices of magistracie is not the least, quhilk being wiselie foreseene be the Estaits of thiskingdomeconveenned in the High Court of Parliament, it wes decreed be thame that nane sould be preferred to beare anie publict office or charge within the kingdome bot suche as profest the trew religioun established within the same; quhairin becaus some suspicioun hes beene had that within that burgh suche regard hes not beene had to the observatioun of the law as the importance of the caus requires, we have thairfoir thought meet to make yow foreseene quhat becometh yow in dewtie in this point, and how farre yow may draw your selfes within the compasse of offence and breake of the law if anie neglect or failie sall fall out on your pairt at the nixt electioun of your magistrats; requeisting and desiring yow, as yow respect his Majesteis obedience and contentment and the weale and credite of your toun, that yow have a special cair and regard that at your nixt electioun nane be preferred who ar ather suspect thameselfes in religioun, or whois wyffes and famileis ar excommunicat for that caus; quhairin not doubting of your respective and dewtifull obedience, as yow

Fol. 164, a.

Royal Letters, will answer upoun the contrarie at your perrell, we committ, etc.  
 1623-32.  
 Fol. 164, a. Halyrudhous, 19 Junij 1629. *Subscribitur*, Mar, Monteith, Hadinton,  
 Wintoun, Linlithgow, Air, Areskine, S<sup>r</sup> Thomas Hoip, Scottistarvett."

Fol. 170, b. "CHARLES R., Right trustie, etc. Whereas we ar informed that it is  
 specialle provydit by Act of Parliament and Privie Counsell of that our  
 kingdome that no persons be admitted factours at Camphire for the  
 Scotch trade thair bot suche who give thair oath unto our Conservatour  
 for giving dew obedience to the lawes of that kingdome; and being lyke-  
 ways informed that some factours have in a most contemptuous maner  
 refused to conforme thameselfes to these Acts, and that the wedowes of  
 diverse of thame have assumed the libertie of the Estaits of the United  
 Provinces in seazing upon the cheefest or greatest pairt of the goods  
 remaining in the custodie of thair deceased husbands, thairby defrauding  
 the just awners thairof residing within that our kingdome, to the great  
 hurt thairof and contempt of our auctoritie and lawes; for the tymelie  
 preventing of the lyke whairof heerafter, our speciall pleasure is, after  
 yow have seriouslie considerit heirof, and if yow find the premissis to  
 be suche as is affirmed, that yow consider of some fitt remedie for the  
 same, ather by causing make ane Act of new or by causing adde to these  
 former acts, that no persoun quhatsoever sall be admitted nor continued  
 factours bot suche who with thameselfes thair parents and wyffes doe reallie  
 acknowledge us to be thair supreme head and governour and doe continew  
 to be subject unto our lawes and to none ellis, thair wyffes renuncing  
 all libertie of the saids States and taking thameselfes to be subject  
 unto us and the lawes of that kingdome, giving to this purpose thair  
 oathes of obedience unto the said Conservatour quhen he sall requyre  
 the same, or otherwise that yow take suche ane course heerin as yow  
 in your judgement sall thinke most fitt for the good of that kingdome.  
 And understanding how muche able and discreit persouns quho ar to  
 beare charge at that church may contribute for the better observing of  
 these things; and quhairas we have beene pleased to write unto the  
 right reverend father in God and our trustie and weilbelovit counsellour,  
 the Archbishop of St. Andrewes, that none be admitted nor continued to  
 beare charge in that church bot suche as ar weil affected to our service  
 and to the good and credite of that our kingdome and who sall frelie  
 for these respects give thair oath of obedience unto our said Conservatour,  
 our further pleasure is that (if neid be), yow interpone your auctoritie  
 that none bear charge at the said church bot suche as conforme thameselfes  
 as aforesaid, and who doe actuallie enjoy the liberteis of our said kingdome;  
 whiche recommending to your speciall care, we bid yow heartilie fareweill.  
 Frome our Mannour of Grenewiche, the 19 day of June 1629."

Greenwich,  
 19th June  
 1629.  
 Letter from  
 his Majesty  
 directing that  
 no persons be  
 appointed  
 factors at  
 Campvere  
 except such as  
 acknowledge  
 themselves the  
 subjects of his  
 Majesty.

Fol. 171, a.

*Sederunt*—Treasurer; President; Privy Seal; Wintoun; Perth;

Holyrood  
House, 23rd  
June 1629.

Dumblane; Lord Areskine; Lord Melvill; Clerk of Register; *Acta* February  
Advocat. 1628-July  
1629.  
Fol. 124, a.

Charge, in  
accordance  
with a missive  
from his  
Majesty,  
for the meeting  
at Holyrood  
on July 23rd  
of the whole  
Council and  
representa-  
tives of the  
clergy, who are  
to bring with  
them the  
names of all  
Papists within  
their respective  
dioceses; and  
likewise for  
the removal  
from the  
country of all  
Jesuits and  
trafficking  
Papists.

“ Forsameekle as the Kings Majestie, having heard diverse complaints of the great increase and daylie growth of Poperie within this kingdome and of the proud and insolent behaviour and cariage of Papists; and being alsua importuned daylie by sindrie of that sect compleaning that they ar more strictlie and severelie dealt with all and putt at nor manie others who ar alyke guiltie and yitt overseene and spaired, thairfoir his Majestie out of that princelie, fatherlie and zealous care, whilk he hes of the flourishing of the gospell and trew religioun and the good of the Church and peace of this his ancient kingdome, hes concluded and appointed that ane meiting sall be kept at Halyrudhous upon the twentieth thrid day of Julij nixtocome by his Majesteis whole counsellours and clergie, viz.: the archbishops, bishops and suche commissioners of thair dioceis as they sall thinke fittest, who sall bring with thame and produce before these who sall be assembled at that meiting the names of all the profest Papists within thair bounds and dioceis, als weil these who ar not as yitt as these who be alreadie excommunicated and denounced his Majesteis rebellis, to the intent his Majesteis Counsell may resolve upon suche ane solide course to be prosecuted aganis thame as they sall thinke fittest for reclaiming of the tractable and obedient and for dew censuring and repressing of the insolent, stubburne and refractarie sort thairof. Thairfoir the Lords of Secretit Counsell according to ane warrand and directioun in writt signed be the Kings Majestie and directed unto thame, ordains letters to be direct to make intimatioun and publicatioun of this his Majesteis resolutioun and directioun be opin proclamatioun at the mercat croces of the head burrowes of this kingdome and others places neidfull, and to warne and require all his Majesteis counsellers, prelat and commissioners to be nominat be thame, that they and everie ane of thame compeir and meit at the day and place and for the purpose foresaid; and in the meane tyme it is his Majesteis pleasure that all petitionns and offers to be made be anie Papists be referred and continewed to that meeting and there to be propounded to be takin ordour with. And becaus the cheefe occasioun of the increase of that superstitious professioun is the frequent resort and ressett of preists, Jesuits and traffiquing Papists within this kingdome; Thairfoir it is his Majesteis expresse will, command and directioun that all suche persouns sall be removed out of this kingdome and that thair receavers sall be punished according to the lawes thairof; and for this effect to command and charge all the saids Jesuits, preists and traffiquing Papists that they and everie ane of thame remove and depart furth of this kingdome within fourtie dayes after publicatioun heir of under the pane of deid; and if anie of thame sall be found within this kingdome after the expyring of the said tyme and space it is hereby

Fol. 124, b.

Acts February  
1629-July  
1629.  
Fol. 125, a.

declared to be lawfull to anie of his Majesteis subjects whatsoever to take and apprehend thame and to present thame before his Majesteis Counsell to be punished at thair directioun conforme to the lawes of this kingdome. Followes his Majesteis missive for warrand of the act abonewritten :—CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, trustie and weilbelovit cousins and counsellours, and trustie and weilbelovit counsellours, we greete yow well. Whereas diverse complaints have beene made unto us both by yow and the clergie of that our kingdome of the great increase and insolenceis of Papists, as alsua being daylie importunned by sindrie of that sect capmeaning that they ar more strictlie and severelie dealt withall and putt at nor manie others who ar alyke guiltie and yitt overseene and spaired, thairfoir we out of that princelie, fatherlie and zealous care whiche we have of the floorishing of the gospell and trew religioun, the good of the churche and peace of that our ancient kingdome, have concluded and doe heirby require yow to appoint ane meeting to be keeped at Halyrudhouse upon the twentie thrid day of Julij nixt by our whole counsellours and clergie, viz., the archbishops, bishops and suche commissioners of thair dioceses as they thinke fittest who sall bring with thame and produce before these assembled at that meeting the names of all the profest Papists within thair bounds and dioceis, als weill these who ar not as yitt as these who be alreadie excommunicated and denounced our rebellis, to the effect yow may resolve upon such ane solide course to be prosecuted aganis thame as yow sall thinke fittest for reclameing of the tractable and obedient and for dew censuring and repressing the insolent, stubburne and refractarie sort thairof: and we will yow to caus intimat this our resolutioun be publict proclamatiouns at the mercat crosses requisite that all our counsellours, prelates and commissioners to be nominat be thame may be required to compeir and meit at the said day; and in the meane tyme that all petitions and offers to be made be anie Papists be referred and continued to that meeting, and there to be propounded to be takin ordour with. And becaus the cheefe occasioun of the increasse of that superstitious profession is the frequent resort and receipt of preists, Jesuits, and traffiquing Papists within that kingdome, thairfoir we have thought fitting that all suche persons sall be removed out of the kingdome and thair receavers punished according to the lawes thairof, and to that effect that yow caus proclamatioun be made at all crosses requisite charging thame all to remove within fourtie dayes after the publicatioun thairof under the pane of death; and if any sall be found within the kingdome after the expyring of the said tyme and space, it sall be lawfull to anie subject whatsoever to take and apprehend thame and present thame before the Counsell to be punished at thair directioun according to the lawes. And we require yow to give commissioun to

Fol. 125, b.



all shireffs, justices of peace and others officiars requisite for their apprehensioun. So hoping yow will have ane special care of the premisses, we bid yow heartilie fareweill. From our Court at Greenewiche the 12 day of June 1629.”

Acta February  
1628-July  
1629.  
Fol. 125, b.

Charge from his Majesty directing that the Lords of Privy Council, and all persons holding offices of trust, shall celebrate the Communion quarterly in Holyrood Chapel that his Majesty may ascertain who are of the true religion, and likewise that all his Majesty's subjects shall celebrate the Communion once a year in their respective pariah churches.

“Forsameekle as the Kings Majestie considering the dangerous consequences following upon the preferment of Papists to Counsell, judicatoris, commissiouns and other determinations and effaires of this kingdome, contrarie to the lawes, acts and statuts of the same, and his Majestie being informed that the saids Papists ar vehementlie suspected to have dispensatioun frome thair oaths and to mainteane equivocatiouns as if they wer not tyed in conscience to performe what they sweare; and his Majestie conceaving the dew participatioun of the halie communioun to be ane readie and easie way of discoverie of recusants who manie tymes taking the oath of alleageance doe usuallie returne to thair vomite agane for all thair simulat professioun of the trew religioun; and this being ane mater of high and dangerous consequence especially among suche as ar preferred to the Counsell and others judicatoris, his Majestie cannot in his princelie respect to the good of this his ancient kingdome bot be verie sensible heirof and of the wholesome advice givin unto his Majestie for remedie of the same, hoping also that the dew administratioun of the said communioun will mucche conduce to that purpose. And thairfoir it is his Majesteis speciall pleasure, lykeas the Lords of his Majesteis Privie Counsell according to his Majesteis royall directioun in this point ordains and commands that the communioun sall be dewlie and ordourlie celebrated everie quarter in his Majesteis chappell at Halyrudhous, and that for this first quarter it sall be celebrated in the said chappell upon Sunday the twentie sax day of the moneth of Julij nixtocome, and that the Lords of Privie Counsell, commissioners of the High Commissioun, Exchecker, Justiciarie, the Lords of Sessioun, advocats, clerkes, wrytters to the signet, keepers of his Majesteis seales, registers and wrytters thairto, togidder with the Commissars of Edinburgh and thair clerkes, and the clerkes and members of Justiciarie sall communicat in the said chappell quarterlie, at the least once in everie yeere, and that the deane of the chappell certifie unto his Majesteis Counsell quarterlie the names of the communicants and the names of suche of the foresaids persons as sall happin to refuse or to neglect so to communicat, that by directiouns frome his Majesteis Counsell suche of thame as sall happin to forbear receiveing of the communioun in the said chappell may be alsua required by his Majesteis Counsell to forbear the executioun of thair severall places till they bring the deane of the chappellis testimoniall or certificat of thair receiveing of the halie communioun in the said chappell as afore-said; and ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croce of Edinburgh and others places neidfull whairthrow nane pretend ignorance of the same; and to

Fol. 126, a.

Acta February  
1628-July  
1629.  
Fol. 126, a.

command and charge all and sindrie persons of the rankes and qualiteis particularlie abonewrittin to prepare thameselfes and to receive the said halie communioun upon Sunday the said twentie sax day of Julij nixtocome in the said chappell at Halyrudhous where his Majestie hes appointed the same to be readie aganis that day ; and alsua to command and charge all others his Majesteis good subjects of this kingdome to communicat at thair severall parish kirks once in everie yeere at least, and that the incumbent ministers of every parish certifie the names of the not-communicants under thair hands to the ordinarie archbishops and bishops of thair severall dioceis, and that the saids archbishops and bishops certifie thair names under thair hands to the Lords of his Majesteis Privie Counsell yeerelie to be registrat in the bookes of Privie Counsell, whairby suche persouns may be prevented frome being preferred to anie judicatorieis or other offices within the kingdome, or removed frome the saids offices and judicatorieis as vehementlie suspected of Poperie untill they sall communicat as aforesaid. 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, trustie and weilbelovit cousins and counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Whereas upon informatioun givin unto yow in name of our clergie of the greefe and danger apprehended by the most pairt of our subjects best affected to religioun, yow did latelie wryte unto us of the dangerous consequences following upon the preferment of Papists to the Counsell, judicatorieis, commissions and others determinations of the effaires of that our kingdome, contrarie to the lawes, acts and statuts of the said kingdome in that case provyded, as also we being informed by your said letter that the saids Papists ar vehementlie suspected to have dispensatioun frome thair oathes and to mainteane equivocatiouns as if they wer not tyed in conscience to performe what they sweare : And we, conceaving the dew participatioun of the halie communioun to be ane readie and easie way of discoverie of recusants, who manie tymes after thair taking the oath of alledgeance doe usuallie returne to thair vomite againe for all thair simulat professiouns of the trew religioun ; and this being ane mater of high and dangerous consequence, especiallie among suche as ar preferred to the Counsell and other judicatorieis, we cannot in our princelie respect to the good of that our ancient kingdome bot be verie sensible thairof and of your wholesome advice givin unto us for remedie of the same, hoping also that the dew administratioun of the said communioun will mucche conduce to that purpose ; our pleasure thairfor is, and we doe heirby will and require yow to give present ordour that the communion may be dewlie and ordourlie celebrated everie quarter in our chappell at Halyrudhous, and that the Lords of our Privie Counsell, commissioners of our High Com-missioun, Exchequer, Justiciarie, and the Lords of Sessioun, Advocats,

Fol. 126, b.

clerkes, wrytters to the signet, keepers of our seales, registers and wrytters thairunto, togidder with the Commissars of Edinburgh and thair clerkes, and the clerkes and members of justiciarie, may communicat in our said chappell quarterlie, or at the least once in everie yeere; and that the deane of our chappell may certifie unto yow quarterlie the names of the communicants and the names of suche of the foresaids persouns as sall happin to refuse or neglect so to communicate, that by directiouns frome yow suche of thame as sall happin to forbear receaving the communioun in the said chappell may be also required by yow to forbear the executioun of thair severall places untill they may bring the deane of our chappells testimoniall or certificate of thair receaving the holie communioun in our said chappell as aforesaide. And our forder pleasure is that by proclamatioun or otherwayes yow caus require the saids persouns to receive the said holie communioun upon the twentie one [*sic*] day of Julij nixtocome in the said chappell where we have appointed the same to be readie against that day; and also to require all others our good subjects of our said kingdome to communicate at thair severall parish churches once in everie yeere at least, and that the incumbent ministers of everie parish may certifie the names of the not communicants under thair hands to the ordinarie archbishops or bishops of thair severall dioceis and the saids archbishops and bishops to our Secreit Counsell yeerlie to be registrat in the bookes of Counsell whairby suche persouns may be prevented frome being preferred to anie judicatoreis or other offices within our said kingdome, or removed frome the saids judicatoreis or other offices as vehementlie suspected of Poperie untill they sall happin to communicat as aforesaid. So recommending the whole premisses to your speciall care, we bid yow heartilie fareweill. Frome our Court at Greenewiche the 12 day of June, 1629."

Acta February  
1628-July  
1629.  
Fol. 126, b.

Fol. 127, a.

Charge to the vassals, feuars, tacksmen, and pensioners of the benefices of Newbattle and Lindores to pay their respective portions of the taxation of the said benefices to George, Viscount of Dupplin.

"Forsameekle as in the taxatioun grantit to his Majestie be his Estaits in the moneth of October j<sup>m</sup>vj<sup>c</sup> and twentie fyve yeeres his Majestie hes nor nather can gett payment of the fourt termes payment of that pairt of the taxatioun which is imposed and dew to be payed for the lordships of Newbottle and Lundores in regaird there is not ane persoun who can be formallie burdenned and charged for the same, and whereas it is nowayes reasonable that his Majestie sould be defraudit of his just taxatioun of the saids lordships, speciallie seing thair is perfyte stent rollis made and sett down of the samine for releeffe of the beneficed persouns thair of, Thairfoir and for the furtherance of his Majesteis payment of the saids taxatiouns, the Lords of Secreit Counsell ordains and commands Archibald Prymrois, clerk of the taxatiouns, to give warrand for directing of letters upon the saids twa stent rollis charging the vassalls, fewers, tacksmen, and pensioners of the said benefices, ilke ane of thame respective for thair awin pairts, to make payment to George, Vicount of Dupline, Collectour of the said taxatioun

Acta February  
1623-July  
1629.  
Fol. 127, a.

grantit in October 1625 yeers, and to suche others as sall have warrand and power frome him, of that portioun of the said taxatioun whilk is imposed upon the saids vassalls, fewers, tacksmen and pensioners of the saids lordships, ilke ane of thame for thair awin pairts respective, conforme to the saids stent rollis within twentie dayes nixt after the charge under the pane of horning, and if they failyie, to denunce, etc. Lykeas the saids Lords heirby declairs that the acquittances and discharges to be givin be the said collectour and his deputs to the vassalls, tacksmen, and uthers foresaids upon payment of thair taxatioun sall be valide and sufficient to the parteis receavers and sall liberat thame thair of at the hands of all parteis having interesse. For doing whair of the extract of these presents sall be unto the said clerk of the taxatiouns and uthers whome it effeirs ane sufficient warrand."

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 217, a.  
Fol. 217, b.

Complaint by William Braikinrig in Clevens, as follows:—Thomas Stewart, Robert Cuthbert, and John Henrie, all in Barrassie, and James Stewart in Hoill, having conceived a hatred against him and resolved to execute their malice, "trysted to meit togidder in the burgh of Air" on

May last when they understood he was to be there on business. He and they accordingly met and in a friendly manner they invited him to drink with them in the dwelling house of \_\_\_\_\_, burgess of Air, to which he acceded. While sitting at table the said \_\_\_\_\_ offered him a drink, but as he was putting out his hand to take it the offerer "slang the cup" upon his face, "and brake his face to the great effusion of his blood. And than they all come behind the compleaners backe and with thair whole force rasched his face upon the side of the boord, dang out three of his teeth and rave his goomes, and had not failed to have slaine him," if some well-disposed persons had not interfered. Enraged at being thus disappointed, they afterwards lay in wait for him "at the Newtoun neere the end of the burgh of Air" under cloud and silence of night, where, as he was proceeding home, they set upon him, "kuist his cloke over his head and with great cudgellis and battouns prepared for the purpose gave him three deepe holes on the head, cutted his brow to the great effusioun of his blood and so demained his whole head and face that the skinne of his head and brow fell down upon his eyes, and almost blinded him, gave him manie others bauche, blæ and bloodie straikes in diverse pairts of his bodie and than left him lying as ane deid man." Charge having been given to the persons named, and the pursuer compearing by John Cuninghame, younger of Dankeith and the defenders not compearing, the Lords ordain them to be denounced.

Fol. 218, a.

Complaint by John Maxwell of Stanelie, Janet Crawford, his spouse, Patrick Maxwell, his lawful son, and Robert Hamiltoun of Milburne for

Holyrood  
House, 23rd  
June 1629.

Complaint by  
William  
Brakenridgo  
in Clevens  
against  
Thomas  
Stewart and  
others for  
assault.

and others  
against John  
Maxwell, son  
of the said  
Maxwell of  
Stanelie, for  
purchasing a  
suspension of  
his horning,  
which sentence  
he had  
incurred for  
purloining his  
father's  
evidents and  
writs of his  
lands.

his interest, as follows:—John Maxwell “the unnaturall sonne of the said Laird of Stanelie,” being denounced at his said father’s instance for not compearing to answer to a charge of taking away the complainers’ evidents and writs and so disappointing them in respect of several agreements regarding their estate, on some frivolous pretexts purchased a suspension of that horning, but he has refrained from discussing the same and intends still to refrain therefrom, to the eluding of justice and further injury of the complainers. Charge having been given to the said John Maxwell, and pursuers and defender compearing the pursuers produced the horning obtained by them and the King’s Advocate against the defender, bearing their complaint against him as follows: That on 1st August 1626 he came to his father’s chamber in Mr. Alexander Guthreis lodging in Edinburgh, and “by some sinister trick or policie opened the locke of the chamber doore, and finding the box whairin his said fathers evidents and writts of his lands of Stanelie, Thornelie, Corsbar, Almochlie, Cunmon and Hiedykes wer, he cunninglie and mischantlie medled with the same and tooke all away with him to the disappointing of the agreement made by his said father for selling of ane pairt of his lands to outred his debt.” This complaint being read in the hearing of the defender, he contended that no process should be granted to his father against him, because Sir Walter Stewart of Minto, knight, and Robert Hamiltoun of Milburne, became cautioners judicially acted before the Lords of Council and Session for the pursuer, that he, during his release from ward in the tolbooth of Paisley to which the defender and his procurators had consented, would not pursue him [the defender] before any judge within the kingdom upon any cause whatsoever depending between them; and this the defender verified by producing a Decreet of the Lords of Council and Session containing the said Act of caution dated 18th February last. The Lords, in respect of this Act, find that no process ought to be granted in this matter against the defender while the said John Maxwell, elder, remains forth of the said ward.

Complaint by  
Mr. John  
Adamson that  
the son of the  
Earl of Angus,  
who had been  
committed to  
his charge, had  
surreptitiously  
left his house.

“The quhilk day M<sup>r</sup> Johnne Adamesoun complit to the Counsell that the Earle of Angus his sone who wes ordanit to remayne in his house for xv dayis had privatlie without his knowlege or allowance withdrawne him self and gone away and that he had some suspitioun that his pedagogue wes accessorie thairto. The Lords ordanis letters to be direct at the instance of the Kings Advocat and of M<sup>r</sup> Johnne, chargeing the Earle of Angus and his pedagogue to compeir, and the Earle to exhibite his sone to the intent it may be knowne be whome the youth wes convoyed away and that M<sup>r</sup> Johnne may be cleirit of all imputioun for that caus.”

Sir Richard  
Graham.

“Ane missive frome his Majestie in favouris of Sir Richard Grahame for ressaveing him to be one of the commissionaris of the Middle shyris. The resolutioun upoun this point continewit till a meeting of the commissioneris; and the Earle of Menteth tooke up the missive.”

Decreta,  
November  
1627-January  
1630.  
Fol. 218, a.

Fol. 218, b.

Sederants,  
1625-29  
Fol. 123, a.

Fol. 123, b.

Royal Letters,  
1623-32,  
Fol. 164, b.

"After our verie heartilie commendatiouns. We ar informed by the  
petitioun of Mr Alevander Ouing, minister at Halkirk in Caithnes, that  
yow being his Majesteis shireff in these bounds and the executioun of  
the law committed to your charge yow ar notwithstanding denounced his  
Majesteis rebell and putt to the horne at the ministers instance  
for not removing of the Lord Berridaill, Alexander, David and Mans  
Oigs and James Inneis, rebellis, fra the manse and gleb of Halkirk and  
for not entering the minister to the possessioun thair of according to the  
designatioun and tennour of the letters of horning direct thereanent; as  
alsua that yow ar denounced rebell for not taking of Oliver Sinclair,  
Tutour of Brimmes, who is at the horne for not payment making to the  
minister of the sowme of fourtie fyve pundis money, ten bollis and ane  
halffe boll victuall, halffe beir, halffe meale, of the cropes and yeeres of  
God 1624, 1625 and 1626 yeeres; by whiche your carelesse neglect  
and connivence the persouns foresaids ar encouraged to stand out in  
thair rebelloun and to defraud and withhold frome the minister his  
manse, gleb and stipend; this mater being heard at the Counsell table  
and the minister his distressed estait being muche pitied and your  
inexcusable oversight muche highlie aggravated and condemned, we have  
notwithstanding forborne to proceid aganis yow according to the merite  
of your fault, and have beene pleased rather to certife yow of your  
dewtie then to punishe yow for your offence; in whiche regard we will  
earnestlie intrate and thairwithall advyse yow to further and assist the  
minister with the executioun of the law, and that yow use your best  
power, care and diligence for making of these rebellis lyable to the  
course of justice, sua that the minister may be satisfied of his stipend  
and peaceablie possess in his manse and gleib, and that he have no just  
caus to compleane heerafter of anie remissenesse or connivence in yow,  
bot that he may have all the favour quhilk the lawes of this kingdome  
and your power in the executioun of your office may at this tyme  
affoord him; otherwayes we will be constrained to take suche exemplar  
ordour with yow as may be a terrour to other shireffs to offend in the  
lyke kynde heerafter; bot hoping that yow will be more respectife of  
your dewtie and the parteis interesse, we committ yow to God. Frome  
Halyrudhous xxij Junij 1629. *Subscribitur*, Monteith, Hadinton,  
Wintoun, Areskine, Ad. B. of Dumblane, Hamiltoun."

Holyrood  
House, 23rd  
June 1629.  
Letter to the  
Sheriff of  
Caithness  
anent his  
neglect of the  
duties of his  
office.

Acta February  
1628-July  
1629.  
Fol. 127, b.

*Sederunt*—Treasurer; President; Perth; Air; Dumblane; Lord  
Areskine; Lord Melvill; Master of Elphinstoun; Clerk Register;  
Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Holyrood  
House, 25th  
June 1629.

"The whilk day Sir George Elphinston of Blythiswod, knight, Justice  
Clerk, produced before the Lords of Secret Counsell foure commissiouns  
of justiciarie to the Erle of Monteith and certane senatours of the  
Colledge of Justice for halding of circuit courts within the foure quarters

Appointment  
of four justici-  
aries for hold-  
ing Circuit  
Courts.

of this kingdome; whilk commissiouns being seene and considerit be the Lords, they allowed of the saids commissiouns and past and expedit the same accordinglie." Acta February  
1628-July  
1629.  
Fol. 127, b.

The principal  
submission to  
be sent to the  
Archbishop of  
Glasgow.

"The whilk day Sir Thomas Hope of Craighall, knight baronet, Advocat to our Soverane lord, represented to the Lords of Privie Counsell that the submission made to his Majestie be the archbishops and bishops wes not as yitt subscriyved be the Archbishop of Glasgow; and thairfoir he craved the Counsellis advice if he might send the said principall submission to the Archbishop and require his subscription thairto. Quhilk proposition of his Majesteis Advocat being heard and considerit be the saids Lords, and they advised thairwith, the Lords of Secret Counsell allowes the said Advocat to send the principall submission abonewritten to the Archbishop of Glasgow and to require him to subscriyve the same conforme to the generall ordour and obedience givin be the rest."

[Sederunt as recorded above.]

Holyrood  
House, 25th  
June 1629.

Complaint by  
Mr. David  
Wardlaw  
against his  
wife, Sara  
Douglas, and  
her relatives  
for carrying off  
his goods and  
for illegal  
proceedings  
against him.

Complaint by Mr. David Wardlaw of \_\_\_\_\_, as follows:—He has married Sara Dowglas, daughter of Alexander Dowglas of Easter Gellet, sometime macer before the Lords of Session, and he expected that she would have "behaved her selfe as ane honest and vertuous matron to him and have procured his benefite and weale so farre as in her lay." But "contrarie unto the strait band of matrimonie" she has, in league with her said father and Margaret Inglis, her mother, sought to wreck the complainers estate. For \_\_\_\_\_ years past "she has ten or twelffe tymes in everie one of the saidis yeeres, speciallie in the tymes of seid, hay and harvest, deserted his hous and companie, leaving all his domestick effaires in confusioun." They have "verie subtilie stollin" him to the horn for, as they allege, his not infetting her in 1000 merks of conjunct fee, which was done eight years since, and the production of her infettment thereon procured his relaxation from the Lords of Session, but notwithstanding they have passed the gift of his escheat and liferent upon the said horning, raised letters of inhibition and arrestment against him, put the same into execution; and now on 19th April, last, being Sunday, the said Margaret Inglis and her said husband, Alexander and James Dowglas, her sons, David Dowglas in Easter Gellet and Henry Dowglas, his brother, \_\_\_\_\_, his servitor, Andrew Burne there, William Burne, his brother, \_\_\_\_\_, his servitor, Henry Dick in Bandrum, John and Robert Dick, his sons, George Dowglas in Steilend, James Dowglas, his son, and Robert Stirk, burgess of Dunfer- Fol. 219, b.

Decreta,  
November  
1627-January  
1630.  
Fol. 219, a.

Decreta,  
November  
1827-January  
1850.  
Fol. 219, b.

Further, he having come to Edinburgh on May last, to complain to their lordships hereupon, he was apprehended and warded in the tolbooth of Edinburgh as cautioner for the young Laird of Torrie, to whom their Lordships have granted a protection for five years, and thereafter he was arrested as cautioner for Robert Douglas, son to the said Alexander, and in this ward he has since remained in great want and misery, having nothing to sustain himself with. Charge having been given to the said Alexander Dowglas, Margaret Inglis, Alexander and James Dowglas, their sons, James Dowglas of Carmoir, Johne Orrock, Adame Brand, Robert Stirk, Andrew and William Burnes in Easter Gellet, David and William Dowglas there, Henry Dick in Bandrum, and George Douglas in Steilend, and the pursuer compearing, and of the defenders, Alexander Douglas and his spouse and two sons, Andrew Burn and David Dowglas in Easter Gellet, Henry Dick in Bandrum, Robert Stirk and George Dowglas in Steilend, the Lords, having heard the depositions of certain witnesses, who failed to prove any point of this complaint, assoilzie the defenders.

Complaint by Alexander Hay, indweller in Leith, as follows:—On 23rd June instant Archibald Tod, one of the bailies of Edinburgh, sent to him desiring him under trust to come and confer with him in the "laich tolbuith" of Edinburgh. When he went thither the said Archibald Tod "keeped not the dyet himselfe but caused ane number of the toun officers of Edinburgh, as namelie one callit Russill or Robesoun, one callit Bishop, another callit Elder, sonne to Robert Elder, messinger, with ane number of other people wait upon the compleaner, who violentlie seized upon his persoun and rudelie and disgracefullie harled him to the tolbuith, shott him in into thair yrnehous amongs theeves and condemned persouns, layed him in thair great yrnes callit the lang gade, where he hes lyin sensyne in great pane and trouble, and tooke the key of the yrnehous with thame," so that none of his friends should have access to assist or advise him. This was done at the direction of the provost, bailies and council of the said burgh, he having committed no offence, being his Majesty's free liege and ready to answer on lawfull citation to any charge laid against him, and they refuse to release him even upon caution. Charge having been given to David Aikinheid, provost, and Archibald Tod, bailie of Edinburgh, for themselves and the other magistrates, and they, compearing and producing the pursuer, alleged that he was lawfully apprehended and warded in terms of a decreet of a court of the burgh of Edinburgh held in the tolbooth of the town of Leith by John Sinclair, one of the bailies of Edinburgh and sheriff depute of the said burgh and town of Leith, and one of the Justices of Peace of the same, on 23rd June instant, porporting that the said Alexander Hay being twice cited before the said provost and bailies to answer for his contempt done to Patrick Eleis and James Murrey, bailies of Leith, on 18th June instant "they

Complaint by  
Alexander  
Hay, indweller  
in Leith,  
against  
Archibald Tod,  
bailie in Edin-  
burgh, for  
illegal  
imprisonment,

Fol. 220, a.

Fol. 220, b.



being sitting in judgement in the Kirk sessioun of the said toun of Leith for the tyme, saying that he did not acknowledge thame for his judges, bot that they wer his servants, and that being thairfoir rebooked for abusing of his magistrats, who wer cled with his Majesteis auctoritie, he contemptuouslie answered that they were malapert to affirme that they wer cled with his Majesteis auctoritie, and that he would not be commandit with thame nor acknowledge thame for his magistrats, and that thairwith he rose up in ane furious maner, kuist his cloke frome him, patt his hands in his pocket to have found ane knyffe to have struckin at the saids bailleis, and missing ane knyffe, that he ranne furiouslie toward the saids bailleis to have struckin at thame, whilk he had not failed to have done if he had not beene stayed be some nighbours of the sessioun, and that he being commandit for this his contempt be the saids bailleis to have past to waird, he dissobeyed and resisted Robert Young thair officiar, and come bragging on the shoare, purposing to have raised ane mutinie and seditioun in the toun." Having refused to obey the said two citations, the said John Sinclair, bailie, had decerned him to be apprehended wherever he might be found within the jurisdiction of the burgh of Edinburgh, and laid in the irons during the pleasure of the provost and magistrats thereof, and till he made assithement to the said two bailies of Leith. The defenders produced copy of the said decret, and desired that the pursuer be not liberated until he obtempered the same. The Lords, however, after hearing the case discussed, ordain the said provost and bailies to liberate the pursuer as they will answer upon their obedience.

Decreta,  
November  
1627-January  
1630.  
Fol. 220, b.

Fol. 221, a.

Complaint by  
John Maxwell,  
messenger,  
against  
William  
Gordon of  
Airds and  
others for  
assault when  
in the dis-  
charge of his  
duty.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, John Maxwell, messenger, and Thomas Charters, merchant burghess of Edinburgh, as follows:—Though the wearing of hagbuts and pistols is straitly prohibited by law, yet John Glendoning of Drumrasche, being indebted to the said Thomas Charters in a certain sum, and Charters having found nothing in him but shifts and delays in payment with an evident design of not paying at all, and proceeding against him in a legal way of pointing, when on August last the said John Maxwell went to the lands of Airds to execute the pointing and had apprised a number of his oxen and carried them towards Kirkcudbright, as the head burgh of the shire, to complete the pointing, directed William Gordoun of Airds, John Wilsoun in Maynes of Corsmichael and Robert McMinneis at the kirk thereof, with others, armed with "swords, speiris, gyrounforkes, lances," hagbuts, pistols and other weapons, to follow the said messenger and his witnesses. These persons, overtaking the said messenger at the Greenelaw, pursued him and his companions of their lives, "ranne at Johne Cowttered in Inglistoun, ane of the compleaners witnessis, with lances, and slew his hors under him thairwith," and they then recovered and took away "the said poynd." Charge having been given to the said William Gordoun, John Wilsoun, and Robert

Fol. 221, b.

Decreta,  
November  
1627-January  
1630.  
Fol. 221, b.

M<sup>c</sup>Minneis, and the pursuers compearing, but not the defenders, the Lords after hearing witnesses find that the defender violently took away the goods referred to from the messenger after the Laird of Partane had offered to cause the goods to be delivered if the defenders would either make faith that the goods were their's or would show a suspension, that the said John Wilsoun bore a hagbut, and Robert M<sup>c</sup>Inneis a lance, and that John Cowtterd's horse was slain at that time, and ordain the defenders to be charged to enter into ward in the tolbooth of Edinburgh within six days.

Commissions,  
1624-30.  
Fol. 203, a.

Commission under the Signet to the Sheriff of Bervick and his deputes, Sir John Home of Blacader and Patrick Home of Restoun, or any two of them, as justices, to hold courts and try Janet Dick, spouse to George Andersoun, elder, in Flemingtoun, who has long been suspected of witchcraft. Signed by Monteith, Perth, Areskine, Dumblane, Hamiltoun, Sir Thomas Hoip, and Scottistarvett.

Holyrood  
House, 25th  
June 1629.

Commission to  
the Sheriff of  
Berwick and  
others to try  
Janet Dick for  
witchcraft.

Fol. 203, b.

Commissioun under the Signet to Brandane Baird of Northfield, William Gordoun of Murraik, Alexander Gordoun, his son, John Andersoun of Auchrynie, John Ogilvie of Peill, James Halkheid of Cairnetoun, John Halkheid of Scottismyln, James Ogilvie, son to the goodman of Pitmoweis, William Ogilvie of Rothmakenzeis, and John Mar of Nether Brangane, jointly and severally, to search for, apprehend and present before the Council for delivery to the Justice and his Deputes, George Ogilvie, sometime servitor to Sir George Ogilvie of Banff, knight, who on 9th and 20th June instant was put to the horn at the instance of the said Sir George, and of the King's Advocate for not finding caution to underlie the laws for stealing 30 double angels and a purse belonging to the said Sir George. Signed as above.

Commission to  
Brandane  
Baird of  
Northfield  
and others to  
apprehend and  
present before  
the Council  
George Ogilvie,  
now at the  
horn.

Royal Letters,  
1623-32.  
Fol. 164, b.

"After our verie heartilie commendatiouns to your good lordship. Whereas the Kings Majestie out of his most princelie and zealous care towards the flourishing of the Gospell and trew religioun within this kingdome hes appointed a meeting of his whole Counsell and clergie, viz., the archbishops and bishops and suche commissioners of thair dioceis as they thinke fittest, to be kepted heere at Halyrudhous upon the 23 of July nixt, to the intent the names of all profest papists being exhibite be the saids commissioners and made knowin to that meeting, suche a solide course may be resolved upon to be prosecute aganis thame for reclaiming of the tractable and censuring of the refractorie as sall be thought meet. And his Majestie wiselie considdering that the preferment of papists to the Counsell and others determinatiouns of the effaires of this kingdome produces manie dangerous consequences aganis the estait, and that they ar vehementlie suspected to have dispensatioun frome thair oaths and to mainteane equivocatiouns; and his Majestie conceaving that the participatioun of the halie communioun will be a readie way for discoverie of recusants and others persouns of this kynde, his Majestie hes thairfoir commandit that the communioun sall be celebrat in his

Holyrood  
House, 25th  
June 1629.

Letter  
summoning  
members of  
Council to the  
meeting of the  
Council and of  
the representa-  
tives of the  
Kirk to be held  
on the 23rd of  
July.

See ante, p. 184.

Fol. 165, a.

Chappell of Halyrudhous about the tyme foresaid of this meeting and that all of his Majesteis Counsell sall be present thereat; lykeas the Sunday after this meeting, being the 26 day of the said moneth of July nixt, is appointed as the most fitt and proper tyme for this holie actioun. And thairfoir these ar to requeist and desire your good lordship that yow faile not, all your others effaires sett aside, to keep the meeting foresaid of the twentie thrid of July preceislie, to the intent yow may concurre and joyne by your best advice with the rest of his Majesteis Counsell and with the clergie in thir maters so carefullie recommendit be his Majestie, and that yow may be prepared to communicat upon the Sunday thairafter in his Majesteis Chappell; quhilk looking assuredlie your lordship will doe, as yow will testifie your affectioun to the advancement of his pious and most religious directiouns in this point and will eshew the imputatioun and suspicioun of a contrair dispositioun, we committ, etc. Halyrudhous, 25 Junij 1629. Mar, Monteith, Perth, Air, Areskine, Melvill.”

Royal Letters,  
1623-32.  
Fol. 166, a.

Greenwich,  
29th June  
1629.

Letter from  
his Majesty  
anent the cele-  
bration of the  
communion at  
the meeting of  
the Council  
and repre-  
sentatives of  
the Kirk.

“CHARLES R., Right trustie, etc. Whereas by our lait letters we did appoint ane meeting to be upon the 23 day of July nixtocome betweene our Counsell and the prelats and others commissioners for the clergie for taking ordour with papists, celebrating the communion in our Chappell of Halyrudhous and for suche other things as in our saids letters ar exprest, and we considdering that it is fitt that the said communion be celebrated upon the Sabboth day immediatlie preceeding the said meeting, our pleasure therefore is that yow give order and intimatioun quhairby the said Communion may be celebrated in our said Chappell on the Sunday before the said meeting, viz., upon the nyneteene day of July nixtocome; so referring this unto your speedie directioun we bid yow heartilie fareweill. Frome our Court at Greenwich the 29 day of Junij 1629.”

Fol. 169, a.

Fol. 169, b.

Holyrood  
House, 30th  
June 1629.

*Sederunt*—Treasurer; S<sup>t</sup> Andrewes; President; Privy Seal; Linlithgow; Galloway; Dumblane; Lord Areskine; Lord Melvill; Lord Carnegie; Master of Elphinston; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Acta February  
1623-July  
1629.

Fol. 127, b.

Lord Wemyss  
relieved of the  
office of con-  
vener of the  
Justices of  
Peace in Fife.

“The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Lord Weymes of Elcho, and produced before the saids Lords ane commissioun under his Majesteis great seale whairby he was made and constitute conveener of the Justices of peace within the shirefdom of Fyffe, and desyred that in regard of his other employments in his Majesteis service and the manie weightie effaires disabling him to attend that service that he might be releevd of the same. The Lords having heard his desire and reasouns thair of and considdering that he is now ane noblemen and in respect thair of not fitting to be burdened with the said service, the Lords exoners him of the said charge,

Fol. 128, a.

Acta February  
1628-July  
1629.  
Fol. 128, a.

and of new appoints the Laird of Newtoun to supplee his place of conveenner, and ordains ane letter to be writtin to Newtoun for this effect."

"The Lords of Secreit Counsell, considdering the great hurt and prejudice done to his Majesteis service in the leveyes and supplee ordained to be sent from hence toward Sweden for supplee of the King of Sweden in the warres whairin he is ingadged by arresting of persouns tane on and lifted for this service, and who ar committed to waird by thair captans, lieutenents, officiers and commanders, of the whilk arreistments the most pairt ar simulatlie and fraudulentlie made by the meanes and procurement of the persons thameselffes without anie just ground bot purposelie to frustrat thair transport whan the tyme and occasioun is thairto offered, for remeid whair of the Lords decernis and ordains that no persoun nor persouns tane on and lifted for the service foresaid or committed to waird within anie jayle of this kingdome be thair captans, officiers, or commanders, sall be arrested or deteanned in the said waird unlesse they have beene tane be letters of captioun or suche other warrand proceeding upon horning; discharging all provests and bailleis within burgh of admitting or allowing of anie suche arrestments or deteanning anie souldiours in waird be vertew thair of except suche soldiours allanerlie as hes beene or sall be tane upon hornings or captiouns raised thairupon; and that suche of the saids soldiours as hes beene or sall be arrested without letters of horning or captioun that the saids provest and bailleis putt thame to libertie to the intent they may be imbarcked for the service foresaid, whereanent thir presents sall be thair warrand."

Order forbid-  
ding arrest of  
soldiers levied  
for service in  
Sweden except  
on the ground  
of horning and  
captioun.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 222, a.

Complaint by Harie Elphinstoun of Alichmoir, and Mr. Thomas Rollock, younger, for themselves and in name of the remanent gentlemen dwelling within the burgh of Stirlin, as follows:—They have withdrawn themselves and their families to the burgh of Stirlin with the intention of dwelling there for a time and looked for kindly and friendly usage, seeing they medled in none of the burgh affairs but only spent their living there; and so they expected to be supplied with "vivers and other necessarie furnishing for thair houssis at ane ordinarie rate and pryce." But Thomas Meldrum, deacoun of the baxters of Stirlin, James Waird, John Andersoun, Duncan Watsoun, David Miller, and James Hendersoun, baxters in Stirlin, "in thair pretendit maner" have made some unlawfull acts binding themselves, and requiring all other bakers in the said burgh not "to baikie or sell to the compleaners anie of their bread callit mainschots bot to ty thame to take the commoun bread of the toun whilk is baikin for serving of the poore people in the countrie about; whilk sort of bread is so base and unworthie as the lyke

Holyrood  
House, 30th  
June 1629.

Complaint by  
Harry Elphin-  
ston and  
others, who  
with their  
families have  
settled in Stir-  
ling, against  
the bakars of  
the said burgh,  
who have  
refused to  
supply them  
with a special  
kind of bread.

Fol. 222, b.

is not to be found in no burgh of this kingdome"; so that by reason of this unlawfull discharge, which is against law, the good government and weal of the said burgh, and is prejudicial to his Majesty's good subjects resorting thither, the complainers can get no bread there "bot suche as is not worthie to be givin to hors." This act they plead, should be discharged, and the makers of it punished. Charge having been given to the bakers named, and the pursuers compearing and with them Mr. John Rollock, Commissary of Dumblane, and the defenders also compearing, the latter produced an act made "among the brethrein of the baxters within the burgh of Stirlin" on 27th March 1628 proporting, "That the saids whole brethrein being conveened the day foresaid in thair bakehous, they statute and ordained be ane interloquoutour that no man sould sell mainschots nor unleavenned bread to be sauld nor baikin nather in burgh nor land bot to noblemen and barouns who hes wheate to give to thair furnishers of thair awin at eight score in the boll, whilk extends to twa hundreth and fourescore single mainschots for the boll to the said noblemen, and who ever contraveenned the said ordinance sould pay fourtie shillings *toties quoties*; and siclyke that the said brethrein all in one voice and consent dischargit that no brother sould baike no double bread to be sauld, bot the ordinar that sall be baikin to sell in the toun under the pane of fourtie shillings *toties quoties*: and they alledgit that the said act wes made and sett down be thame for the good and releefe of the baxters of the said burgh that everie one of thame might baike bread and be employed *per vices*." The Lords, however, find "that the said act hes beene evill made to the hurt and prejudice of his Majesteis subjects" in and about the town, and accordingly declare it null and void, so that the bakers there may bake and sell all sorts of bread at all times as they shall be required or find occasion. They also warn the defenders that if they make any acts in contravention of this decision, such contraveners shall be called and exemplarily punished.

Complaint by Mr. Robert Rollock, minister at Muirhouse, against Mr. William Durham for assault.

Complaint by Mr. Robert Rollock, minister at Murrou, as follows :—  
On 17th June instant Mr. William Durhame of Omuchie came to his lands in Newbigging while he was watching his cattle pasturing there, "patt violent hands" upon him, knocked him down, and while he was lying on the ground gave him "three cruell straikes on the head with ane great rung, whairwith he brake his head in twa or three severall pairts," to the great effusion of his blood, besides other blows on other parts of his body. Charge having been given to the said Mr. William Durhame, and he and the pursuer both compearing, and the matter being referred to the defender's oath he confessed having assaulted, hurt, wounded "and bled" the pursuer on the head. Wherefore the Lords, considering that the pursuer being a minister whose profession and calling should have secured him from "suche ane violent and insolent utterage," ordain the defender to repair to the presbytery of Dundee on 9th July next, "and there in presence of the brethrein of the presbyterie and

Decreta,  
November  
1627-January  
1630.  
Fol. 222, b.

Fol. 223, a.

Fol. 223, b.

Decreta,  
November  
1627-January  
1630.  
Fol. 224, a.

with uncovered head to acknowledge his fault, expresse his sorrow for the same, and crave the minister and brethrein pardoun for the wrong and scandall done be him to thame, and to promeis to behave himselfe more respectively heerafter, and to live als ane good and peaceable nighbour with the minister in tyme comming."

Complaint by James Rodger of Balbrekie, as follows:—Katherine Balfour in Kennowy, having conceived a hatred of him and resolving to have his life, sent James Davidsoun in Kennowy to his dwelling house in the Burnes of Kennowy on 16th June instant under cloud and silence of night, who lay in wait a long time for the complainer's forthcoming. And he having gone forth about midnight to ease himself, as he was doing so and "being naiked," the said James Davidsoun with a drawn sword gave him a "cruell straike upon the right syde of his head, whairwith he cutted away his lug with ane great part of his haffett, so that the same hange be ane tacke," and then he fled thinking the complainer dead. Charge having been given to the said Katherine Balfour and James Davidsoun, and the pursuer compearing by Mr. Richard Tailyeour, his procurator, and Katherine Balfour also compearing, but not James Davidsoun, the Lords after hearing witnesses, who failed to prove any part of the complaint against Katherine Balfour, assoilzie her, and ordain James Davidsoun to be put to the horn and escheat.

Complaint by James Rodger of Balbrekie against Katherine Balfour in Kennowy for inciting James Davidsoun to assault the said James Roger.

Fol. 224, b.

Sederunts,  
1625-29.  
Fol. 124, a.

"The quhilk day Sir Johnne M<sup>c</sup>Kanyee of Tarbett become cautioner for M<sup>c</sup>Neill of Barra his compeirance anes in tua yeir upoun the tent of Julij and his first compeirance to be upoun the tent of Julij, 1631; and for performeing of all the rest of the conditionis wherunto the llandaris ar subject under the pane of ane thousand pundis."

Caution by Sir John M<sup>c</sup>Kenzie of Tarbett for M<sup>c</sup>Neill of Barra.

"The whilk day M<sup>c</sup>Neill nominat and designat the duelling house of M<sup>r</sup> Roger Mowatt, advocat, for his domicile quhair all chargeis to be direct aganis him salbe execute upoun sax score dayis, and a copie of the charge to be delyverit to M<sup>r</sup> Roger Mowatt or Johnne M<sup>c</sup>Rannald."

M<sup>c</sup>Neill's domicile in Edinburgh.

"The Lordis nominatis the Bishop of Dunblane, the Clerk of Register, Advocat, Justice Clerk, Sir Johnne Scott, and the Justice or ony tua or three of thame to examine Henrie Dik upoun the mater of incest and murthour layed to his charge."

Trial of Henry Dick for incest.

Royal Letters,  
1623-32.  
Fol. 165, a.

"Most sacred Soverane, Before the receipt of your Majesteis letter the Lord Naper wes in his way to court, and wanting the backeband quhilk wes to be surrendered to your Majestie, we called for William Dick and urged him to exhibite the copie thair of, quhilk being exhibited we gave command to your Majesteis Advocat to draw up a surrender thair of in your Majesteis favours quhilk wes done and is heerewith sent to the effect your Majestie may caus the said surrender be signed there

Holyrood House, 30th June 1629.  
Letter to his Majesty anent the backband to be signed by Lord Naper, now on his way to Court.  
See ante, p. 181.

<sup>1</sup>The conditions referred to were those M<sup>c</sup>Neill of Barra was an old offender. See imposed by the Band and Statutes of Index to Vol. IX. Icolmkill (1609).—See ante, Vol. IX., pp. 26-30.

be the Lord Naper and returned heere with the principall backband, quhilk the said Lord Naper hes in his owin hand, to be entered in your Majesteis Exchequer according to the command of your Majesteis letter; and lykeways we find by William Dicks declaratioun unto us that there ar three termes of the foresaid dewtie payed be him to the Lord Naper amounting to the sowme of ten thowsand and fyve hundreth merkes before anie stay wes made to the payment of the saids sowmes by your Majesteis former warrand; quhilk we remitt to your sacred Majesteis gratioun consideration, and prayes, etc. Halyrudhous 30 Junij 1629. *Subscritur*, Mar, S<sup>t</sup> Andrewes, Monteith, Hadinton, Linlithgow, Areskine, Hamiltoun, S<sup>r</sup> Thomas Hoip, S<sup>r</sup> G. Elphinstoun, Scottistarvett.”

Royal Letters  
1628-32.  
Fol. 165, a.

Holyrood  
House, 1st  
July 1629.  
Letter to a  
sub-commissioner of teinds  
urging him to  
the active prosecution of his  
duties.

“After our verie heartilie commendatiouns. We received your letter and allowes verie weill of your obedience givin in accepting upon yow of the subcommissiouns for the valuatiouns within that presbyterie, quhairin yow have done that quhilk to the dewtie of good and obedient subjects apperteanned. And whereas this is so good and publict ane work, importing so neerelie the weale of the whole kingdome, especiallie of the gentrie for leading of thair teinds, we will requeist and desire yow to proceid and goe on in the prosecution of that bussines committed to your charge and trust till the whole valuatiouns for that presbyterie be fullie sattled and discust. And as tuicheing your procuratour fiscall it is ordained be the Commissioun (as yow will perceave by reading thairof) that his panes sall be considerit and thankefullie acknowledgit and rewarded by the Kings Majestie. There is ane course lykeways tane for satisfioun and payment of the officers whome yow ar to imploy in this bussines as yow will lykeways perceave by this enclosed act sent unto yow. We have lykeways sent unto yow letters of horning aganis your fiscalls, clerkes and officers for doing of thair service accordinglie, quhilks yow sall caus execute as yow find the occasioun. And so recommending this mater to your care and diligence as a peece of service quhilk will be verie acceptable to his Majestie and quhair of we will exactlie crave ane accompt if anie neglect and failie sall be thairin, we committ yow to God. Frome Halyrudhous the first of July 1629. *Subscritur*, Mar, Monteith, Hadinton, Wintoun, Linlithgow, Areskine, Hamiltoun.”

Fol. 166, b.

Holyrood  
House, 2nd  
July 1629.

*Sederunt*—Treasurer; President; Privy Seal; Wintoun, Linlithgow; Bishop of Dumblane, Lord Areskine; Lord Melvill; Lord Carnegie; Lord Tracquair; Master of Elphinston; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Acta February  
1628-July  
1629.  
Fol. 128, a.

Supplication  
by Robert  
Buchan,  
burgess of  
Aberdeen, who

“Anent the supplicatioun presented to the Lords of Secretit Counsell be Robert Buchan, burgess of Aberdein, makand mentioun that where it hes pleased the Kings Majestie with advice of the Lords of Secretit Counsell

Fol. 128, b.

Acta February  
1628-July  
1629.  
Fol. 128, b.

to authorize him with commissioun<sup>1</sup> for fishing and seeking of pearles within the whole waters within the shirefdome of Aberdein, and within the bounds of Sutherland, Rosse and Stranaver, and for restrayning all others to fishe for pearles in the said waters bot suche persons of skill and experiance as sall be appointed by the said supplicant, and that in dew and lawfull tymes in the moneths of Julie or August yeerelie; lykeas his Majestie hes made the said supplicant commissioner for receaving to his Majesteis use of the whole pearles that sall be gottin within the waters within the whole bounds abonewrittin upon reasounable prices to be payed be the said supplicant for the same, as in the commissioun givin unto him for this effect at lenth is conteanit; in the executioun whairof, altho the said supplicant hes beene most solist and carefull to approve himselfe worthie of the trust his Majestie hes reposed in him and for that effect hes nominat skilfull and expert men to fishe for pearles at convenient and seasounable tymes in the moneths abone namit within the bounds abonewrittin, and hes purchased and caused publishe letters discharging all fishers and gatherers of pearles to sell anie of the saids pearles bot unto him, and that no merchant nor anie other buy anie pearle bot frome the said supplicant under the pane of confiscatioun of the said pearle and punishment of the contraveeners at the arbitrement of the Counsell; neverthelesse, suche is the habituall practise and trade of some lawlesse and avaritious persouns that they cease not at all tymes indistinctlie to fishe the pearle and to sell the same covertlie to strangers and others for ane small advantage; by whiche forme of doing the trade of the pearle is spoyled and his Majestie deprived of the credite and benefite of the same: and whereas the calling and conveening of the transgressours of the said proclamatioun will be fashous to the countrie and chargeable to the said supplicant, humblie desyring thairfoir the saids Lords that he may have thair warrand and allowance to call and conveene all suche persouns, als weill strangers as natives, who hes or sall contraveene the said proclamatioun before thair awin ordinar magistrats to burgh and land in the shyres and touns where they dwell, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords, and they finding the desire thairof to be reasonable, and to import the good and credite of the kingdome and weale and ease of the subjects, hes givin and grantit, and be the tennour heirof gives and grants thair warrand and allowance to the said supplicant to call and conveene all suche persouns, als weill strangers as natives, who hes or sall contraveene the said proclamatioun before thair awin ordinar magistrats to burgh and land in the shyres and touns where they dwell and where the saids strangers doe most ordinarlie resort and have thair residence; and the saids Lords hes made and constitute and be the tennour heirof makes and constitutes the saids magistrats everie

possesses the monopoly of pearl fishing, that he may have warrant to produce before magistrates all persons, natives and foreigners, whom he may ascertain to have infringed his monopoly.-  
Granted.

Fol. 129, a.

<sup>1</sup> See *ante*, Vol. I. (Second Series), p. 95.



ane of thame within thair awin bounds and jurisdiction his Majesteis <sup>Acta February</sup> judges in that pairt, with power to thame to fence and hold courts and <sup>1628-July</sup> to create officers and members of court neidfull and to call the <sup>1629.</sup> transgressours of the said proclamatioun before thame and to examine <sup>Fol. 129, a.</sup> and try thame upon the breache and violation of the said proclamatioun outhir by thair oath or witnesses as the said supplicant sall make choise of his probatioun, and according to the verificatioun thair of to wairde and fyne the transgressours answerable to the merite of thair fault and frequent trespasse under the panes following, viz., fiftie merkes for the first fault, ane hundreth pundis *toties quoties* thairafter; with power to the said supplicant to uplift the saids fynes, the one halffe thair of to his awin use for his panes to apply, and to make compt in his Majesteis Exchecker of the other halffe to his Majesteis behove; and in caise of the absence and not compeirance of the saids transgressours before the saids judges, the saids Lords allows the said supplicant to conveene and call thame before his Majesteis Counsell; with power lykeways to the saids judges upon the appearance of anie stranger before thame and tryell of thair guiltinesse in the fishing or buying of the saids perles, to proceed aganis thame conforme to the commissiouns and proclamatiouns already made in that behalffe; and to urge the saids strangers to find caution to forbear in tyme comming, or to compeir before the Lords of Privie Counsell to answer upoun thair contraventioun; and for this effect with power to the saids judges to summond assyesses and witnesses als oft as neid beis, ilke persoun under the pane of ten pundis; and generallie all and sindrie uthers things to doe, exerce and use whilk for executioun of this commissioun ar requisite and necessar. Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin; commanding heirby the saids judges to hold courts and to ministrat justice within twentie foure houres after the said supplicant sall require thame thairto, and to proceed and minister justice in the premisses according to the power and warrant of this commissioun as they and everie ane of thame will answer to his Majestie and the saids Lords upon thair obedience and the dewtifull discharge of thair offices, and under all highest pane that they may incurre by thair disobedience in this point."

Charge to the Sheriff of Orkney and his deputies to try and punish all persons in Shetland who are accused of reviling, assaulting, and defying their ministers—crimes which are very frequent in the said islands.

"Forsameekle as the Lords of Secret Counsell ar informed of the <sup>Fol. 129, b.</sup> great and high contempt of the ministrie and kirk discipline within the bounds of Zetland whilk is now come to suche ane height by the presumptioun and boldnesse of lewde and dissolute persons within the saids bounds that in a maner there is ane avowed oppositioun made to the ministrie in all and everie thing they goe about for punishment of vice and reformatioun of maners, as namelie by opin defyances givin by thir dissolute persouns to the ordinarie sessionis of the kirk, thair impudent and proud refusall in face of presbytereis and in the presence of the magistrat to rander thair obedience, thair vyle raylings and

Acta February  
1624-July  
1629.  
Fol. 129, b.

imprecations spewed out aganis the ministrie in thair faces, the upbraiding of thame in thair pulpits in the discharge of thair functionis, the cartalling of thame at thair presbyteriall meetings, the threatning of thame to breake thair heads, to bullett thair bodeis, to battoun thame if they presooome to use the censures of the kirk aganis thame, the battoning of thair kirk officiars, the lying at await for the ministers awin lyffes, seeking thame be way of haimsuckin at thair awin houses for that effect, comming to the kirks on the Sabboth day with unlawfull weapouns to persew the ministers of thair lyffes, commanding thame most imperiouslie to forbear the censuring of thame, threatning thame with present death if they dissobey. And besides this proud and malapert contempt of the ministrie and ordours and discipline of the kirk, the abominable cryme of incest is become most frequent and commoun within the saids bounds; and one of the cheefe causes of all thir evills proceids frome the distance of the place and countrie frome the supreme seate of justice heere and the difficultie and trouble to bring parteis and witnesses heere upon just and trew complaints, so that all kynde of impietie hes ane daylie grouth and progresse within the saids bounds to the high offence and displeasure of Almightye God, scandall of the kirk and religioun, contempt of our soverane lord and disgrace of his royall governement. And the saids Lords of Secret Counsell being moved in honnour and justice to prevent so farre as possiblie may be the forder grouth of thir evills, whilk by no way can be so weill done as by inflicting of dew punishment upon the offenders, Thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power and commissioun, expresse bidding and charge to the Shireff of Orkney and his deputs for whome he sall be haldin to answeere, conjunctlie and severallie, to call and conveene before thame at suche dayes and places as they sall thinke meit all and sindrie persons inhabiting within the saids bounds suspect and delait of the crymes abonewrittin or anie of thame and to take tryell and cognitioun thairof after suche ane lawfull forme and maner as agrees with the lawes of the kingdome, and for this effect with power to thame to fence and hold courts and to create officiars and members of court neidfull, unlaues and amerchiaments of the Courts to lift and raise and for the same if neid beis to poynd and distreinzie, and in the same courts the persons guiltie of the saids crymes to call and accuse and outhier to putt thame to the knowledge of ane assyse or to deduce and lead probatioun and witnesses aganis thame, and if they sall be convict of the saids crymes or anie of thame that they forbear to pronunce sentence aganis thame bot that they report thair processe and ordour of proceeding aganis thame to the saids Lords of his Majesteis Counsell to the intent that after consideratioun thairof the saids Lords may inflict suche punishment as the nature and circumstances of the crymes sall deserve; assyesses and witnesses als oft as neid beis, ilke persoun under the pane

Fol. 130, a.

of ten punds to summond, warne, choose and caus be sworne, and generallie all and sindrie uthers things to doe, exerce and use whilks for executioun of this commissioun ar requisite and necessar. Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin; charging heirby all his Majesteis lieges and subjects to reverence, acknowledge and obey, concurre, fortifie and assist the said Shireff and his deputs in all and everie thing tending to the executioun of this commissioun, as they will answeere upon thair obedience at thair highest charge and perrell. This present commissioun for the space of ane yeere nixt after the dait heirof but revocatioun to indure.”

Acta February  
1628-July  
1629.  
Fol. 130, a.

Protestation  
by George,  
Lord Gordon,  
and others for  
relief from  
their cautionary  
for John  
Gordon,  
apparent of  
Rothiemay.

“The whilk day Johne Gordoun, appearand of Rothiemay, compeired personallie before the Lords of Secreit Counsell for obedience of the band givin be him for that effect whairupon in name of George, Lord Gordoun, Donald, Lord Rae, and Sir Alexander Gordoun of Clunie, cautioners for the said Johne Gordoun, appearand of Rothiemay, protested that seing the said Johne by his compeirance had satisfied thair band that they might be fred of thair cautionerie and the sowme of foure thowsand merkes conteanit in thair band, quhilk protestatioun the saids Lords admittit.”

Fol. 130, b.

Caution by  
Alexander,  
Master of  
Forbes, for  
John Gordon  
of Rothiemay.

“The quhilk day in presence of the Lords of Secreit Counsell compeired personallie Alexander, Maister of Forbes, and become actit and obleist as cautioner and souertie for Johne Gordoun, appearand of Rothiemay, that the said Johne sall compeir personallie before the saids Lords upon Tuisday nixt and answeere to the complaint made upon him be James Crichton of Fendraucht under the pane of foure thowsand merkes, in respect whair of the saids Lords ordained ane protectioun to be granted to the said Johne till Thurisday nixt at night.”

Lord Chesters  
accepts the  
Commission of  
Justiciary.

“The whilk day in presence of the Lords of Secreit Counsell compeired personallie Mr Thomas Hendersone of Chesters and accepted upon him the commissioun for the circuit courts within the shirefdomes whair of he hes charge and gave his oath to use and execute the said commissioun faithfullie according to his knowledge.”

Holyrood  
House, 2nd  
July 1629.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 225, b.

Complaint by  
John, Earl of  
Mar, and  
George,  
Viscount of  
Dupplin,  
against the  
Provost and  
Baillies of  
Perth for not  
delivering Sir  
John Mon-  
crieff of  
Kinmonth,  
whom they

Complaint by John, Earl of Mar, Lord Areskine and Garviauche, etc., Collector of the taxation granted in August 1621, and George, Viscount of Duppline, Lord Hay of Kinfaunes, Collector of the taxation granted in October 1625, as follows:—According to a warrant from the Council “to uplift under his Majesteis pay sax gentlemen to be of his Majesteis Guaird for apprehending all such persouns as wer denounced his Majesteis rebellis and putt to the horne for not payment of the same taxatiouns,” they had chosen six gentlemen for that purpose and of their number directed Alexander Ogilvie and George Dunbar, indwellers in

Decreta,  
November  
1627-January  
1630.  
Fol. 225, b.

Leith, John Symontoun, indweller in Dumbar, and James Currie, Ormound pursuivant, to apprehend such persons in Perthshire and Forfarshire. They apprehended Sir John Moncreiff of Kynmonth, sheriff depute of Perth, who was denounced for not paying to the said Viscount of Duppline £1324 14s. 6d. for a part of the first and second terms' tax for Perthshire, and £2114 12s. 10d. for a part of the third and fourth terms' tax, and they delivered him into the custody of the provost and bailies of Perth, in whose hands he now remains. Charge having been given to Alexander Peebles of Chappelhill, provost, Andrew Gray, Mr. Robert Mitchell, and William Hall, bailies of Perth, to compear and produce the said rebel to be further taken order with, and the Earl of Mar personally compearing and the Viscount of Duppline by Archibald Prymrois, Clerk of his Majesty's taxations, but not the defenders nor the said Sir John Moncreiff, the Lords ordain the said provost and bailies to be denounced and escheat.

hold in custody  
for non-pay-  
ment of his  
taxation, at  
the instance of  
the com-  
plainers.

Fol. 226, a.

Complaint by Hew Sampson in Plimmouth, as follows:—About twenty one years ago he equipped a barque with salt and other necessaries for fishing at the Isle of Aran upon the coast of Tirconnell in Ireland, and having gone ashore for hiring a pilot he met Duncan Sempill, then master of a ship called the *Antilop* of Glasgow, and James Dennistoun merchant of that ship, "who with thair companie all in armes and unknowin to the compleaner (calling him ane Aran traytour, ane villane and ane pyrat, without anie provocatioun offered be him unto thame), they in ane violent maner bait and abused him, pulled and hayled him over the rockes to thair boates as thair prisouner," although his Majesty's sheriff there required them to desist and leave the complainer in his hands, and he would be forthcoming to his trial when charged. But they forcibly carried him to their ship, kept him a prisoner all the next night, until the sheriff came aboard the next morning and dealt with them to leave him in his hands, which with great difficulty was granted upon caution being found for his appearing for trial. While he was thus imprisoned, his ship, of which he was both merchant and owner, was by tempestuous weather cast upon the rocks and she and her cargo lost, to the complainer's utter undoing, his losses thereby amounting to , as will be evident by the examination and proof already taken in this matter by the Lord Depty and Council of Ireland, who have carefully recommended this case to their Lordships. Charge having been given to the said James Dennistoun and Duncan Sempill, and the pursuer and James Dennistoun personally compearing, but not Duncan Sempill, the Lords having considered the process in Ireland, and heard the report of Sir John Hamiltoun of Magdalens, Clerk of Register, Sir George Elphinstoun of Blythiswod, Justice Clerk, and Sir John Scot of Scottistarvet, whom they had appointed to peruse the documents in the case, and finding nothing therein which can justly

Complaint by  
Hew Sampson  
in Plymouth  
against Dun-  
can Sempill  
and James  
Denniston for  
assault when  
he was hiring  
a pilot off the  
coast of Tyr-  
connel in  
Ireland.—  
James  
Denniston  
assoilzied.

Fol. 226, b.

infer any guilt on the part of James Dennistoun, assoilzie him, but they ordain Duncan Sempill to be denounced and escheat.

Decreta,  
November  
1627-January  
1630.  
Fol. 227, a.

Complaint by  
Sir James  
Baillie of  
Lochend,  
collector-  
general of the  
taxation,  
against  
William Home  
in Kinmerghame and  
others for fail-  
ing to appear  
as witnesses  
against Mr.  
Robert Hep-  
burn.

William Home in Kimmerghame Mill, George Broun, John Forsyith and William Nisbitt in Kimmerghame, having been charged to compear as witnesses in the process by Sir James Baillie of Lochend, knight, as Collector General of the taxation granted to his Majesty in October 1625, against Mr. Robert Hepburne, servitor to John Belcheis, advocate, and his accomplices for the deforcement of George Stewart, messenger, while ingathering the taxation of the priory of Coldingham, "by breaking up the doors of George Broun in Kymmerghame," and taking away nine bolls of beir apprised by the said messenger, for the part of the taxation due by the deceased John Home of Slegden, and having failed to compear, the Lords ordain them to be put to the horn and escheat for their contempt.

Holyrood  
House, 2nd  
July 1629.  
Commission  
for the trial of  
John Dow  
Moir  
M'Connochie,  
a common and  
notorious thief.  
Commission to  
the Sheriff of  
Caithness and  
others to  
apprehend and  
present before  
the Council  
Donald  
Thomasson in  
Spittell and  
others.

Commission under the Signet to Sir James Campbell of Lawers, knight, as justice, to hold courts and try John Dow Moir McConnochie, a common and notorious thief, who has been apprehended by the said Sir James, "with ane fang of ane hundreth merkes, and threttie or twentie stanes of cheis," and is now in his custody. Signed by Mar, Monteith, Hadintoun, Wintoun, Linlithgow, Areskine and Scottistarvett.

Commissions,  
1624-30.  
Fol. 204, a.

Commission under the Signet to the Sheriff of Caithness and his deputes, John Sinclair of Dunbeth, John Sinclair of Rattir, and William Inneis of Sandsyde, or any three of them, the said sheriff or his depute being one, to convocate the lieges in arms and search for, apprehend and present before the Council for delivery to the Justice and his deputes, Donald Thomassone in Spittell, and Janet Henreisdochter, widow of John Rioche, father's brother to the said Donald, George Sinclair in Scorneclait, Ewfame Dundas "who made her repentance for fornicatioun" committed with James Sinclair, father's brother to the said George, Hucheoun Mansoun in Braibster and Isobel Bayne, relict of Gavin Mansoun, father's brother to the said Hutcheoun, who on 11th June last were put to the horn at the instance of his Majesty's Treasurer and Advocate for not compearing before the Justice and his deputes to underlie their trial for witchcraft. Signed as above.

Fol. 204, b.

Commission to  
John  
Wauchope of  
Niddrie to  
apprehend  
Katharine  
Oswald, who is  
accused of  
witchcraft, and  
to place her in  
the Tolbooth  
of Edinburgh.

Commission under the Signet to John Wauchop of Nidrie to search for and apprehend Katharine Oswald, spouse to Robert Achesoun in Nidrie, who has been long suspected of witchcraft, and has been in process before the kirk sessioun of the kirk of Nidrie for ten weeks past. Several indictments have been given in against her, and so it is necessary that she be apprehended for examination, and because he has no "wairdhou within his awin bounds," he is to bring her to the tolbooth of Edinburgh and ward her there until examined, and he is to report her depositions to the Council on 20th July instant. Order is given to the Provost and bailies of Edinburgh, and the keeper of the said tolbooth to receive and safely keep the said Katherine, as they will

Fol. 205, b.

**Commissions,** 1624-30. Fol. 205, a. answer upou their obedience. Signed as above, substituting S. G. Elphinstoun for Scottistarvett.

**Sederunts,** 1625-29. Fol. 124, a. "Ane missive frome his Majestie in favours of Frendraught concerning Rothiemay." Rothiemay.

Note of the compearance of Rothiemay, younger, in which the band by him is said to have been given "at Court." Rothiemay, younger.

**Royal Letters,** 1623-32. Fol. 166, b. "After our verie heartilie commendatiouns to your good lordship. Whereas Maurice Bennet, Englishman, merchant in Bristo, having now after some processe and dependance in the Court of Admiraltie recovered decretit and sentence tuicheing his shippe and goods quhilk wes drivin upon the coast at Whithorne and there seazed upon as a suspect shippe, he is now to make his addresse thither for trying and discoverie of the particular persouns quho intrometted with his goods and for persute of thame by course of justice; and whereas he hes verie probable suspiciouns and caus of feare that thir persouns out of thair discontented humours hes tane mater of offence aganis him for this caus and ar about to doe him some effront and wrong, whilk will be a very great discredite to the countrie if strangers repairing heere in the lawfull following of justice sall be so unworthilie dealt with; we have thairfoir tane occasioun to recommend him, his servants and followers unto your good lordship, requeisting and desiring your lordship to have a speciall care that no harme be offered to thame be anie within these bounds over quhom your lordship hes power or commandement, and that in so farre as your lordship may, yow take upon yow the saulfe garde of thame, so that they may prosecute thair bussiness in a faire maner as his Majesteis good subjects without feare of trouble. His Majestie hes beene gratuslie pleased to recommend this strangear and the furtherance of his adoes unto us quhilk we ar assured will make your Lordship so muche the more solist and carefull of thair indempnitie and suretie; and so, etc. Halyrudhous, the secund of July 1629. *Subscribitur,* Mar, Monteith, Hadintoun, Wintoun, Linlithgow, Areskine, Hamiltoun." Holyrood House, 2nd July 1629. Letter from the Council to the Earl of Galloway desiring his protection of Maurice Bennet, merchant in Bristol, whose ship had been wrecked on the coast at Whithorn. See ante, p. 59.

Fol. 166, a.

**Acta February** 1628-July 1629. Fol. 130, b. *Sederunt*—Treasurer; Privy Seal; Linlithgow; Wintoun; Lauderdaill; Galloway; Lord Areskine; Lord Carnegie; Lord Melvill; Master of Elphinston; Bishop of Dumblane; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir John Baillie. Holyrood House, 3rd July 1629.

"The whilk day in presence of the Lords of Secretit Counsell compeired personallie Sir James Skeene of Curriehill, Sir Andrew Fletcher of Innerpeffer; Sir George Affleck of Balmanno; Sir James Learmonth of Balcolmie; M<sup>r</sup> George Halyburtoun of Foderance; and M<sup>r</sup> Alexander Seatoun of Kilcreuche, and accepted upon thame the commissioun for the circuit courts within the shirefdomes whairof they have the charge, and gave thair oath to use and execute the said commissioun faithfullie according to thair knowledge." Acceptance of the commission for the Circuit Courts by Sir James Skene and others.

Holyrood  
House, 7th  
July 1629.

*Sederunt*—Treasurer; Privy Seal; Linlithgow; Wintoun; Acta February  
Lauderdaill; Galloway; Lord Areskine; Lord Carnegie; Lord 1628—July  
Melvill; Master of Elphinston; Bishop of Dumblane; Clerk 1629.  
of Register; Advocate; Justice Clerk; Sir John Scot; Sir James  
Baillie. Fol. 131, a.

Warrant to  
Sir George  
Cunningham,  
colonel, to levy  
1200 men for  
service under  
the King of  
Sweden.

“ 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 commissioun and warrand be thir presents to Sir George Cuninghame, Colonell, to levey and take up twelffe hundreth men out of all suche persouns within this kingdome as he sall find willing to serve under him and to conduct and transport thame towards Sweden for ayding of his Majesteis darrest brother, the King of Sweden<sup>1</sup>, in his warres; with power to the said Sir George to nominat and appoint captans, commanders and other officiers and members neidfull over the said regiment, and to caus towcke drwmmes, displye cullours, and to doe and performe all and everie other thing that towards the furtherance of thir leveys ar requisite; firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heirin, the said Sir George alwayes giving suche satisfioun to everie ane of the said number as sall be agreed upon betuix him and thame according to the custome in the lyke caises. Commanding heirby all magistrats to burgh and land to concurre and assist the said Sir George in the lifting and transporting of the said regiment; and if anie persouns who sall inroll thameselfes and ressave pay sall thairafter disband and leave thair cullours that the saids magistrats upon complaint heirof to be made unto thame be the said Sir George his captans, officiers or commanders doe justice heerin accordinglie. Followes his Majesteis missive for warrant of the Act abonewrittin—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. Having<sup>Fol. 131, b.</sup> intention upon verie good consideratiouns at this tyme to ayde our brother, the King of Sweden, with suche forces as we can convenientlie spare frome all our kingdomes, and being willing to send him frome thence twelffe hundreth men, our pleasure is that yow grant unto our trustie and weilbelovit Sir George Cuninghame, colonell, ane commissioun with ane sufficient warrand to levey and transport thither the said twelffe hundreth men, granting him libertie to towcke drwmmes for that purpose, with als large priviledges as anie other hes had heeretofore in the lyke kynde, he alwayes giving suche satisfioun to everie ane of the number as sall be agreed upon betuix him and thame according to the former custome in the lyke caises, for doing whair of these presents sall be unto yow ane sufficient warrand. Frome our Court at Whitehall the first day of Apryle, 1629.”

<sup>1</sup> On the 4th of July, 1629, Gustavus Adolphus great enterprise which was to end in his triumph had landed in Pomerania, thus beginning the and death at Lützen in 1632.

Acta February  
1628-July  
1629.  
Fol. 181, b.

"The Lords of Secret Counsell gives and grants full power and commission be thir presents to Sir Johne Hamiltoun of Magdalens, Clerk of Register, Sir George Elphinston, Justice Clerk, Sir Johne Scot of Scottistavrett, and Sir James Baillie of Lochend, or anie three of thame, to heare the accompts of Williame Dick and Williame Gray tuicheing thair intromission with the goods of the Lubick shippe and charges bestowed be thame upon the transport thair of to the port of Leith, and to report the estait of the saids compts to the saids Lords."

Warrant for hearing the accounts anent the Lübeck ship.  
See Index to Vol. XV. s.v.

"The Lords continewes the questiouns betuix James Crichtoun of Fendrauch and Johne Gordoun, appearand of Rothemay, and prorogats Johne Gordouns protection until this day aucht dayes."

Frendrauch and Rothiemay.

Decreta,  
November  
1627-January  
1630.  
Fol. 227, b.

[Sederunt as recorded above.]

Holyrood  
House, 7th  
July 1629.

It is known to their Lordships "that the brigs of Airth over the Pow thair of ar now decayed and fallin doun," and that thereby the passage that way is impeded. The inhabitants of the parish of Airth are the persons chiefly concerned, and therefore their Lordships, having a special care that the said bridges be repaired, grant power and commission to the minister and elders of that parish to meet when and where they may judge convenient "to resolve upon some solide and good course how twa brigs may be bigged over the said Pow of Airth with sufficient pends of stane cassin over the said Pow," and to set down a stent and taxation for payment thereof to be paid by "the heretours and maisters of the lands lying within the said parish, stenting everie oxin gait of land within the same parish to suche ane proportionable rait and sowme as they sall thinke expedient." They are to report the Stent roll to the Lords that letters may be directed for payment thereof.

Commission to the minister and elders of the parish of Airth anent the bridges over the Pow of Airth, which are out of repair.

Commissions,  
1624-30.  
Fol. 205, a.

Commission under the Signet to Sir James Richartsoun of Smetoun, James Rig of Carbarrie, and Mr. Robert Cas, apparent of Fordell, or any two of them, as justices, to hold courts and try Janet Dow in Prestoun who has been long suspected of witchcraft. Signed by Mar, Hadintoun, Wintoun, Linlithgow, Lauderdale, Hamiltoun, and Scottistavrett.

Holyrood House, 7th July 1629.  
Commission for the trial of Janet Dow in Prestoun, accused of witchcraft.  
Holyrood House, 7th July 1629.

Fines, 1614-31.  
Fol. 125, a.

Complaint by James Mill in Middletoun as follows:—On 13th November last Mr. James Wishart of Pittarrow, Henry Aimerland, his servitor, Mr Robert Wishart in Cairnbeg, George Wishart in Middletoun, Andrew Stood and David Patersoun, his servants, James Hantoun in Quhytmyre, James Beatie in Westertoun, John Young there, Robert Sowter at the mill of Carnweth, William Bran there, Paul Young in Fuirdhous, Patrick Rawsoun, Robert Sim, George Chope, David Watsoun, younger and elder in Fuirdhous, and James Parke in Pittarrow, came to the lands of Middletoun where the complainer was ploughing and attacked him with swords, staves and other weapons, struck him on the face to the effusion of his blood, and so "birsed and bruised him" that he could not stir. They further "bound his hands and feit with great

Complaint by James Mill in Middletoun against Mr. James Wishart of Pittarrow and others for assault.



towes as if he had beene ane theeffe, boxed him on the breast with thair <sup>Fines, 1614-31.</sup> falded neiffes and footed him with thair feete, harled him lyke ane <sup>Fol. 125, a.</sup> tratour up and doun the ground, and than left him lying bound hand and foote, almost in deid thraw, beleaving assuredlie that he sould have died, otherwayes they had not left him." Charge having been given to <sup>Fol. 125, b.</sup> the said Mr. James Wishart, and the pursuer and defender both personally compearing, and probation being referred to the defender's oath he confessed "that Henrie Amerland layed ane tedder about the persewers armes," but denied the other parts of the complaint, whereupon the Lords find that the defender accompanied with five persons came to the pursuer the time libelled "and layed ane tedder about his termes to hold him thairwith," that in so doing he has committed a "great insolence in binding ane lawfull subject without ane warrand," and fine him 300 merks, 100 to his Majesty's Treasurer, Treasurer Depute and Receivers of Rents, and 200 to the pursuer. They assoilzie the defender from the rest of the complaint, but ordain him to find caution in £500 in the Books of Secret Council for the indemnity of <sup>Fol. 126, a.</sup> the pursuer and his tenants and servants.

Complaint by  
Luke Simpson,  
messenger of  
arms, against  
Mr. James  
Wishart of  
Pittarrow for  
assault.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, and Luke Simsoun, messenger, as follows:—Though "the stryking and abusing of his Majesteis officers in the executioun of thair offices be ane cryme neerelie tuicheing his Majestie in his legall and princelie auctoritie," yet when the said Luke Simsoun, at the instance of James Mill in Middletoun, went on 12th June last to the Foordhous of Pittarrow where Mr. James Wishart of Pittarrow was holding a Court and administering justice to his tenants, and with due reverence had delivered to the said Mr. James a copy of letters of charge, he "in great anger callit for the principall letters and blazoun, howbeit he knew him to be ane ordinarie messenger." Having these ready in his hand to show him, the messenger was then addressed by Mr. James as follows:—"Luke, the Laird of Geicht caused ane messinger eate his awin letters," and the complainer having merely replied "that he wes caused pay als weill thairfoir," Mr. James Wishart struck him on the face and head with "his falded neiff, and bade him take that for his service and paines," and he would have done him "some great insolence" if the complainer "had not humbled himselfe unto him and craved him pardoun whilk he wes forced to doe for feare of his rage." Since then the said Mr. James "makes his vaunt in tavernes and others publict places where he resorts that he gave the said messenger one kuff for the Laird of Arbuthnot his maisters sake and another for the discharge of his office, threatning that if he had knowin <sup>Fol. 126, b.</sup> that his maister would have made so muche din for it that he sould have given him twentie." Charge having been given to the said Mr. James Wishart, and both pursuers and defender compearing and probation being referred to witnesses, the Lords find the defender guilty

Fines, 1614-31.  
Fol. 126, b.

of striking the messenger, and that he has committed "ane verie great insolence and ane proud contempt aganis his Majestie in presooming to strike ane messinger of armes, who careis his Majesteis badge for the lawfull executioun of his office," and they fine him 1000 merks, of which 800 are to be paid to the Treasurer and Receivers of his Majesty's Rents, and 200 to the said Luke Simsoun; and ordain him to be warded in the tolbooth of Edinburgh till they release him. Further he is to find caution in 1000 merks acted in the Books of Secret Council for the indemnity of the said Luke and his tenants and servants; and to pay to each of the witnesses produced in the case £4.

Acta February  
1628-July  
1629.  
Fol. 131, b.

*Sederunt*—Treasurer; Privy Seal; Linlithgow; Galloway; Lord Holyrood  
Areskine; Lord Melvill; Lord Carnegie; Lord Jedburgh; House, 9th  
Bishop of Dumblane; Master of Elphinston; Clerk of Register; July 1629.  
Advocate; Justice Clerk; Sir John Scot.

Fol. 132, a.

"Anent the charge givin to Williame, Erle of Angus, to have compeired personallie before the Lords of Secreit Counsell upon the nynt of Julij instant, and to have brought and exhibite with him James Dowglas [his sonne, and to have heard and seene the forme, maner and trueth of the said James his escape from M<sup>r</sup> Johne Adamesone, primar of the Colledge of Edinburgh, cleered and ordour tane thereanent, lykeas at mair lenth is conteanit in the letters raised thairupoun; quhilk being callit and the said Erle of Angus compeirand be Dowglas of Kilspindie, who excused the Erles absence upon some necessar occasiouns and craved this day aucht dayes to be assigned to the said Erle for his compeirance; quhilk desire being heard and considerit be the Lords they continew the mater untill this day aucht dayes, the saxtene day of Julij instant, of the whilk continewatioun his Majesteis Advocat, and M<sup>r</sup> Johne Adamesone, primar of the College, being personallie present, and the said Laird of Kilspindie, in name of the Erle of Angus wer warned *apud acta*."

Petition of the  
Earl of Angus  
that the day  
of his appear-  
ing before the  
Council anent  
his son may be  
postponed.—  
Granted.  
See ante, p. 190.

"The Lords continewis the questiouns betuix the Laird of Fendraucht and Johne Gordoun, appearand of Rothemay, till Tuisday nixt; and the Maister of Forbes, being personallie present, become actit to exhibite the said Johne Gordoun that day uuder the pane of foure thowsand merkes."

Frendraucht  
and Rothie-  
may.

"The Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh to caus the doome pronounced aganis Alexander Drummond to be put in executioun aganis him conforme to the tennour thair of upon Wednesday nixt, whereanent thir presents sall be thair warrand."

Warrant for  
the execution  
of Alexander  
Drummond.

"The whilk day the letter underwritten, 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 weilbe-

Letter from  
his Majesty  
desiring that  
license may be  
granted to the  
Countess of

Abercorn to travel to England for the sake of her health.

lovit cousins and counsellours, and right trustie and weilbelovit Acta February  
 counsellours, we greete yow weill. Whereas we have beene humbelie 1628-July  
 suted in name of the Countesse of Abercorne that in regard of her sick- 1629.  
 nesse and disease of bodie she might have licence to repair unto this Fol. 132, a.  
 our kingdome for having the benefite of the Bathe and of suche other  
 things necessarie as she can procure within this kingdome for her health,  
 though for the present we understand how she lyes under the Churches  
 censure and yours by being excommunicated and [con]fynned in that our  
 burgh of Edinburgh, yitt as we intend to doe nothing that may derogate Fol. 132, b.  
 from the authoritie of either so we would be loath that by the means  
 thair of she sould be brought to the extremitie of loosing her lyfe for  
 want of ordinarie remedeis; thairfor our pleasure is that yow  
 grant unto her ane licence for repairing unto this our kingdome for the  
 effect foresaid, provyding alwayes that so long as her occasioun sall make  
 her remaine within this our kingdome she doe not repaire to our Court  
 and that at her returne she be bound to appeare before yow to be dis-  
 posed of as you sall find caus; and so recommending this to [y]our  
 care we bid yow fareweill. Frome our Mannour of Greenewiche the 23 of  
 June 1629.<sup>1</sup> Quhilk letter being heard and considerit be the  
 Lords and they advised thairwith, the Lords continewes the answer-  
 ing of the said letter untill the twentie three day of Julie instant."

Holyrood  
 House, 9th  
 July 1629.

Complaint by  
 Agnes Arnot  
 against her  
 husband,  
 Laurence  
 Thomson, for  
 attempting her  
 life.

[Sederunt as recorded above.]

Decreta,  
 November  
 1627-January  
 1630.  
 Fol. 228, a.

Complaint by Agnes Arnot, relict of Elias Dumplanqueis, and now  
 spouse to Laurence Thomesoun, indweller in Leith, and Elizabeth  
 Dumplanqueis, her daughter, as follows:—The said Agnes, years  
 ago, "out of ane ardent affectioun to the said Laurence Thomesoun,  
 maryed him and thereby made him partaker of the honest maintenance  
 whairunto she wes provydit with her said lait husband, looking to have  
 beene mett with ane ansuerable measure of love, and to have lived with  
 the said Laurence in peace and conjugall amitie all the dayes of her  
 lyffe." Yet against all law and matrimonial obligations he has for several  
 years attempted by all means to take her life. In October 1626 he took  
 her between 9 and 11 at night "to thair backe crosse in Leith where  
 (as he apprendit) nane could perceave thair devilish plott, of purpose to  
 have drowned her in ane well within the said crosse, stryped her  
 naiked of her cloathes and had not failed to have drowned her, if the  
 servants of the house, hearing the compleaners pitiful cryes, had  
 not come for her releefe. Whairwith he being highlie offendit  
 thus to be disappointed of his mercilesse intentioun, he then  
 cruellie hurt and woundit the harmelesse woman, being naiked,

<sup>1</sup> A copy of this letter is also transcribed in *Acta*, fol. 149, b. See also note of original letter  
 the Council's Letter Book, fol. 168, b, and again in *Miscellaneous Papers*,  
 in the Act of Council of 28th July following,

Decreta,  
November  
1627-January  
1630.  
Fol. 228, a.

and so birsed her with manie bauche and blae straikes as she yitt beares the markes thair of." Further, on Tuesday, 3rd June 1628, he threatened her with many fearfull oaths, and would have slain her if the minister and some of the neighbours had not come to her relief. And again, on 3rd July instant, he attacked the complainer "within his awin house, gripped her be the throat of purpose to have strangled her," and would have done so if some of the servants had not interposed; and then he violently thrust her and her said daughter out of the house, followed them to the streets, and there again attacked the complainer, who had to be rescued from him by the people of the town. He will not suffer her nor her daughter "to come within thair awin house," threatening to take the lives of both, if they do. Charge having been givin to the said Laurence Thomson, and he and the pursuer both compearing, and witnesses having been examined, who failed to prove any part of the complaint, the Lords assolzie the defender.

Fol. 228, b.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, Edward Forrester, Commissary of Kirkcudbright, and John Newell, notary in St. John's Clachan, as follows:—By Act of the Parliament held at Edinburgh in June 1593, it was ordained that whoever should strike any person before bailies of burghs, commissaries, sheriffs, bailies of royalties and regalities and other inferior judges, while sitting in judgment, should pay £100 to be disposed of at the discretion of the judge offended, and should be imprisoned during the judge's will. Now,

Complaint by  
John  
Newell, notary  
in St. John's  
Clachan  
[Dalry],  
against James  
Cannan in  
Mardochat  
and James  
Cannan in  
Barley for  
assault.

Fol. 229, a.

on 19th February last, the said John Newell "being procuring before the said Commissar and remanent members of Court" in St. John's Clauchane, as procurator for Gilbert Gordoun in Knockreochie in an action by him against David Gibsoun in Portmooke, James Cannan in Mardochat, without any cause, "most disgracefullie in face of judgement revylled the said Johne Newell with diverse contumelious speeches, and with his falded neiffes despitemfullie strake him on the face, and thereafter drew his whingear," and would have slain him if the gentlemen present had not prevented him. And when the Commissary thereupon raised the Court and withdrew with the said John Newell and Gilbert Gordoun to the house of John Edger in the hope of reconciling parties, the said James Cannane, accompanied by James Cannane in Barley, came armed with a drawn sword and whinger, to take their lives, and would have so done if some gentlemen had not "putt thame to the doore and closed the same." Charge having been given to the said James Cannan in Mardochat and James Cannan in Barley, and the pursuers compearing but not the defenders, the Lords ordain the latter to be denounced and escheat.

Fol. 229, b.

Petition by Mr. Thomas Murrey of Cassoche, as follows:—He has raised a complaint against William Moncreiff of Easter Ardettie for convocation and using forbidden weapons and coming to his lands and

Petition by  
Mr. Thomas  
Murray of  
Cassoche for

protection to  
Walter  
Murray, who is  
to appear as  
one of his  
witnesses.

house of Cassoche and cutting, destroying and carrying away peats and fuel thence. One of his witnesses is Walter Murrey, sometime chamberlain to the late Duke of Lennox, but he cannot compear because of some civil hornings, and as his absence will be greatly to the petitioner's prejudice, he craves thair Lordships' protection for him till Thursday next the 16th instant (the trial is for the 14th.) The Lords grant protection as craved till the 16th at night.

Decreta,  
November  
1627-January  
1630.  
Fol. 229, b.

Holyrood  
House, 9th  
July 1629.  
License to  
Lord Fleming.  
Commission to  
the Sheriff of  
Orkney and  
his deputes to  
apprehend and  
try Adam  
Cromartie and  
Elizabeth  
Irving for  
incest.

Licence under the Signet to John, Lord Fleeming, to go beyond sea wherever he pleases for three years. Signed by Mar, Hadinton, Linlithgow, Galloway, Areskine, Melvill, Carnegie and Sir Thomas Hoip.

Commissions,  
1624-30.  
Fol. 205, b.

Commission under the Signet to the Sheriff of Orkney and his deputes, for whom he is to answer, to seek for, apprehend, ward and hold courts and try Adam Cromartie in Kirkhous, and Elizabeth Irwing, his brother's son's wife, who are suspected as guilty of incest. They were cited for this before the brethren of the Presbytery of Orkney, but not compearing they were, after long and earnest dealing for their reclamation, excommunicated by Mr. Daniel Callendar, their minister. Signed by Hadintoun, Linlithgow, Galloway, Areskine, Melvill, Carnegie and Hamiltoun.

Fol. 206, a.

The execution  
of Drummond,  
and his con-  
fession.

In reference to the act ordaining the execution of Drummond, "ordanis the Advocat to informe himself aganis Twisday quhat he sall learne anent Drummond his conversioun to the knoulege of God and of his confessioun and discoverie of his compliceis in his wicked deidis."

Sederunts,  
1625-29.  
Fol. 126, a.

Holyrood  
House, 14th  
July 1629.

*Sederunt*—Treasurer; Præses; Privy Seal; Wintoun; Linlithgow; Galloway; Lord Areskine; Lord Tracquare; Bishop of Dumblane; Clerk Register; Advocate; Justice Clerk; Sir John Scot.

Acta February  
1628-July  
1629.  
Fol. 132, b.

Discharge to  
Sir James  
Sinclaire of  
Murkill for the  
£4000 which  
he received for  
the levying of  
a regiment for  
the King of  
Denmark.

"Forsameekle as the Kings Majestie by his letter writtin and directed to the Lords of his Privie Counsell hes signified his royall pleasure and with that hes givin gracious warrand and directioun that Sir James Sinclaire of Murkill, knight, and his cautioners sall be exonered and dischargit of the sowme of foure thowsand pund sterlinge money received be him for leveying of ane regiment of three thowsand men for the service of his Majesteis darrest uncle, the King of Denmarke, seing it is weill knowin that the said Sir James trewlie bestowed the whole moneys received be him for that use, and besides did ingadge his awin estait for the forderance of that service; Thairfoir the Lords of Secret Counsell, according to his Majesteis warrand and directioun in writt sent unto thame in this mater hes fred, exonered and dischargit, and be the tennour of this present act freithis, exoners and discharges the said Sir James Sinclaire and his cautioners of the said sowme of foure thowsand pund sterlinge money received be him for the imployment and service foresaid, and of the hail conditionis mentiouned in the act made

Acta February  
1629-July  
1629.  
Fol. 133, a.

anent the saids moneys and leveyes of the men foresaid and declaires the said Sir James and his cautioners to be *simpliciter* freed and exonered of the same for ever; reserving alsua unto the said Sir James actioun aganis his captans and officiars who received thair proportions and pairts of the saids moneyes for recoverie of the saids moneys fra thame by ane summarie course of justice. Followes his Majesteis missive for warrand of the act abonewritten:—CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Whereas we understand by your letter of the fyfteinth of Apryle last that Sir James Sinclare of Murkill, knight, having beene employed to levey ane regiment of three thowsand men for the service of our uncle, the King of Denmarke, did trewlie bestow the whole moneyes received by him for that use and hath ingadged his awin estait for the furtherance of that service, in which he hes beene much prejudiced by some of his captans who have not performed conditions with him; and we having takin into our princelie consideratioun the said Sir James his losses and great charges and the prejudice done unto him by his saids captans and officiars, our pleasure thairfoir is and we doe heirby authorize and require yow not onelie by act of Counsell to discharge the said Sir James Sinclair and his cautioners of the foure thowsand pund sterlinge received be him for that employment, and of the whole conditions mentiouned in ane act made for the saids moneyes and leveyes of the saids men, bot also that yow grant unto him ane speedie remedie aganis his saids captans and officiars by ane summarie course of justice; and for your so doing these presents sall be unto yow frome tyme to tyme ane sufficient warrand and discharge in that behaffe. Givin at our Court at Greenewiche the 29 day of June, 1629.”

“The whilk day in presence of the Lords of Secreit Counsell compeired personallie James Crichton of Fendraucht and Johne Gordoun, appearand of Rothemay, and declared that the differences betuix thame wer now fullie sattled and agreed and that there wes no forder mater of contestatioun betuix thame; with whilk declaratioun made be the saids parteis the Lords of Secreit Counsell rested satisfied, and exoners the Maister of Forbes of his cautionrie for Johne Gordoun his compeirance before the saids Lords.”

Agreement  
between Fren-  
draught and  
Rothiemay.

Fol. 133, b.

“Forsameekill as the Kings Majestie by his letter writtin and directed to the Lords of his Majesteis Privie Counsell hes willed thame to call before thame the provest, bailleis and Counsell of Edinburgh, and to require thame to exhibite and produce before the saids Lords thair infetments of the superioritie of Leith, old and new, with the ratifications and decreits following thairupon, to the intent that, if after dew tryell and consideratioun thairof the saids Lords sould find anie clause derogatorie to his Majestie or to his Majesteis officiars of Admiraltie and Shirefship, or to the nobilitie or gentry of this kingdome, or to the

Charge to the  
Provost and  
bailies of  
Edinburgh to  
produce the  
infetments on  
which they  
base their  
claim to  
superiority  
over the town  
of Leith.

priviledges of the toun of Leith, ather competent unto thame be vertew of thair infeftments or as his Majesteis free lieges, or to thair kirk, that the saids Lords might make dew report thair of to his Majestie to be rectified in the nixt Parliament to be haldin in this kingdome, as his Majesteis missive letter direct to the saids Lords for this effect beiris ; Thairfoir the Lords of Secreit Counsell according to his Majesteis warrand and directioun foresaid ordains the maisser of Counsell to pas and charge the provest and bailleis of Edinburgh personallie, if they can be apprehendit, and failyeing thair of at thair dwelling places, and the Counsell of the said burgh be opin proclamatioun at the mercat croce of Edinburgh, becaus they ar ane multitude, to compeir personallie and to bring, present and exhibite with thame before the saids Lords upon the saxtene day of Julij instant thair infeftments, confirmatiouns, ratificatiouns and uthers writts particularlie underwrittin, viz. :—Ane infeftment granted to the said burgh of the office of shirefship of Edinburgh and halding of mercats ; ane infeftment or commissioun to the provest and bailleis of Edinburgh for punishing of regraters ; ane confirmatioun of the infeftment grantit to the said burgh of the passage and way to Leith, and ratificatioun grantit to the tailyeours of the burgh of Edinburgh of thair liberteis conteaning higher exactiouns nor formerlie they had ; ane infeftment of thair fourt pairt lands and milne of Innersea granted to the toun of Leith, ane confirmatioun of the knocke rent to Leith ; ane confirmatioun granted to the taverners of Edinburgh of some liberteis in thair favours ; ane infeftment concerning certane liberteis and priviledges for making of acts grantit to the maltmen of Leith ; ane confirmatioun of certane acts of the toun of Edinburgh grantit to the provest, bailleis and counsell of the said burgh ; ane infeftment of the superioritie of Leith grantit to the burgh of Edinburgh, ane licence grantit to the hospitall of Leith to poynd shippes for the pryme gilt [harbour tax] ; ane ratificatioun grantit to the burgh of Edinburgh of ane act anent ane subsidie for repairing of the shoare of Leith ; ane infeftment of all lands, tenements and annuel rents of the territorie of Leith to the communitie thair of ; ane impost grantit to the burgh of Edinburgh for repairing of the bulwarke of Leith ; ane exactioun grantit to the burgh of Edinburgh for repairing of Leith bulwarke ; ane new licence grantit to the said burgh for uplifting of ane impost for repairing and helpe of the shoare of Leith ; ane new impost grantit to the said burgh for helping the bulwarke of Leith ; ane confirmatioun grantit to the said burgh of all thair chartours, priviledges and liberteis ; ane commissioun grantit to the said burgh aganis the wearers of gunnes ; ane impost grantit to the said burgh for lifting of foure pundis of ilke twanne of wyne vented within the same ; ane licence grantit to the said burgh for making of thair weyhous ; ane infeftment grantit to the said burgh of all the kirk annuellis and benefices within the territorie of Edinburgh ; ane infeftment or commissioun to the said burgh of

Acta February  
1628- July  
1629.  
Fol. 133, b.

Fol. 134, a.

A. to February  
1625-July  
1629.  
Fol. 134, a.

Edinburgh of the offices of justices of the peace within Edinburgh and Leith; ane new impost grantit to the said burgh of foure pundis upon ilk twenne of wyne; ane confirmatioun grantit to the said burgh of the offices of shirefship and justices of peace and casualteis thair of within Edinburgh; ane infestment grantit to the said burgh of the heretable justiciarie of Leith with ane impost for the support of the poore; ane infestment grantit to the said burgh of the office of shirefship and crownership of Edinburgh; ane infestment grantit to the toun of Leith of the lands and annuelrents in Leith and Restalrig; ane infestment grantit to the said burgh for gadging of herring; ane infestment grantit to the said burgh of the chaplanreis of S<sup>t</sup> Androwes, S<sup>t</sup> Antons, and S<sup>t</sup> Keith; ane infestment grantit to the said burgh in Apryle 1615 or 1616 ratifeing all priour rights unexpress; ane infestment grantit to the said burgh in *anno* 1603 or 1604 bearing the sole justiciarie of Lothiane, admiraltie, shirefship, crownership and manie uthers dangerous priviledges; ane infestment grantit be King James 4 conteaning manie uthers dangerous priviledges; quhilks twa last infestments ar not to be found in his Majesteis registers; ane ratificatioun in Parliament haldin in *anno* 1621 ratifeing all infestments and preceeding rights grantit to the said burgh of whatsomever dait or qualitie they be, togidder with all and sindrie uthers rights, ratificatiouns in Parliament, infestments and commissiouns granted unto thame aganis the toun of Leith or to the prejudice of his Majesteis subjects in generall, togidder with thair decreits following thairupoun and all bylawes made by thame to the hurt and prejudice of the toun of Leith in particular and the registers whairin thair bylawes ar insert, to the intent that after consideratioun of the same ordour may be takin thairwith in maner foresaid as is conteanit in his Majesteis directioun abonewrittin, certifeing thame if they sall failyie in thair said production that directioun sall be givin to the Clerk of his Majesteis register and others keepers of the registers whairin the same infestments, confirmatiouns and others writtis ar enrolled to satisfie the said production by thair registers or authentick extracts thair of. 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, trustie and weilbelovit cousins and counsellours and trustie and weilbelovit counsellours, we greete yow weil. Whereas ane petitioun hes beene exhibited unto us in the behalffe of the inhabitants of the toun of Leith aganis the toun of Edinbrow, and the contents thair of having beene debated by some of our Counsell heere by our appointment and they haveing conceaved that the greevances thairin mentiouned doe muche concerne the publick in generall and ane great manie nighbouring gentlemen in particular, we have thought fitt to send the said petitioun unto yow to be seriouslie considered of, and we doe heereby will and require yow to call before yow the proveist, bailleis,

Fol. 134, b.



and Counsell of Edinborrow and to require thame to exhibite and produce before yow the infestments thairin mentiouned togidder with the extract of suche bylawes and acts as they have made thairupon, and if upon perusal thair of yow sall happin to find the same greevous unto our subjects in generall and aganis the publict good or unlawfull vexatiouns unto the petitioners, than we require yow to stoppe the executioun thair of by all the lawfull wayes and meanes yow can untill our nixt Parliament that thairin some suche publict course may be takin as may seeme suteable unto our princelie care of our good subjects and publict justice of that our ancient kingdome. And if the saids magistrats of our said burgh sall happin to delay or refuse the productioun of the saids infestments and acts, then we require yow to caus our Clerk of Register and others keepers of the Registers whairin the same is inrolled to satisfie the productioun by thair registers or authentick extracts thair of, and thereupon to consult and sett doun suche ordour as may ease our good subjects and answeere the trust we have reposed in yow for the governement of that our kingdome, whiche we will accompt as verie acceptable service done unto us: And so we bid yow heartilie fareweill. Frome our Court at Greenewiche the 9 day of May 1629."

Acta February  
1628-July  
1629.  
Fol. 134, b.

Fol. 135, a.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 230, a.

Holyrood  
House, 14th  
July 1629.

Complaint by  
the Moderator  
and brethren of  
the Presbytery  
of Lanark  
against Patrick  
Dickson, who  
is a Papist and  
defies the  
censure of the  
Kirk.

Complaint by the Moderator and brethren of the presbytery of Lanark, as follows:—In fulfilment of their duty according to the Act of the Parliament held at Edinburgh in June 1594 anent Papists, they cited before them Patrick Dicksoun, servitor to William, Earl of Angus, who has "made shamefull apostasie and defectioun frome the trew religioun," and on his refusing to compear, after long patience for his conversion, the sentence of excommunication was passed against him and pronounced in the kirk of Dowglas by Mr. Thomas Bannatyne, minister there. Of this sentence, however, he takes no heed. Charge having been given to the said Patrick Dicksoun to compear and produce the certificate of his relaxatioun, and the pursuers compearing by the said Mr. Thomas Bannatyne, but the defender not, the Lords ordain him to be put to the horn and escheat.

Fol. 230, b.

Hector M<sup>c</sup>Lean  
of Dowart and  
others.

"The quhilk day Hector M<sup>c</sup>Clayne of Dowart, Lauchlane M<sup>c</sup>Clane, his brother, and Lauchlane M<sup>c</sup>Clane of Morverne, and M<sup>c</sup>Clane of Lochbuy being callit, compeirit not, and ar thairfoir decernit in the soumes whereupon they fand caution for thair yeirly compeirance, and superseidis the executioun till the first Counsall day of November."

Sederunts,  
1625-29.  
Fol. 125, b.

Holyrood  
House, 14th  
July 1629.  
Letter to his  
Majesty desir-  
ing that the

"Most sacred Soverane, Upon informatioun made unto us that Johne Weir of Clenochedykes wes excommunicat by the Church of his incestuous mariage contracted with Issobell Tweddail, the relict of his goodshirs brother, we gave ordour to your Majesteis Advocat to persew him

Royal Letters,  
1623-32.  
Fol. 166, a.

Royal Letters,  
1623-32.  
Fol. 166, a.

criminally for the same, who being accordingly brought to his tryell was convict of the cryme and sentenced to death; bot in regard the degrees ar so remote that the lyke heirof hes not to our remembrance heeretofore occurred, we thought fitt to continew the executioun of the sentence till your Majesteis pleasure wer first knowne theranent; the mariage indeid is unlawfull and forbiddin by the Word of God, and the parteis offence the more inexcusable that being required be the Church he refused to absteane; and yitt if your Majestie may be pleased in respect of the singularitie of the cause gratuslie to dispense with the rigour of the law and to give warrand for changing the doome of death in banishment furth of this kingdome (whiche the pannell humbelie begs) we ar confidentlie hopefull that this our exemplarie proceeding aganis him will be ane sufficient restraint unto others and will worke ane awfull regard in thame not to offend in the lyke kynde heerafter; whiche remitting to your Majesteis most judicious consideration and attending the significatioun of your royall pleasure, quhairunto we sall conforme our selves with all dewtifull obedience, we pray, etc. Halvudhous 14 July 1629. *Subscribitur*, Mar, Monteith, Hadintoun, Galloway, Areskine, Tracquir, Hamiltoun, Scottistarvett."

sentence of death passed on John Weir of Glenochdykes for marrying the relict of his good-sire's brother may be commuted to banishment.

Acta February  
1623-July  
1629.  
Fol. 135, a.

*Sederunt*—Treasurer; Præses; Privy Seal: Linlithgow; Wintoun: Holyrood House, 16th July 1629.  
Wigtoun; Galloway; Lauderdaill; Bishop of Dumblane; Lord Areskine; Lord Jedburgh; Master of Elphinston; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

"Anent the charge givin to the proveist, bailleis and counsell of Edinburgh to have compeired personallie before the Lords of Privie Counsell this present day, the saxtene day of Julij instant, and to have brought, produced and exhibite with thame thair infeftments, confirmations, ratificatiouns and others writs particularlie exprest and sett down in the said charge, togidder with all and sindrie uthers rights, ratificatiouns in Parliament, infeftments and commissiouns grantit to thame aganis the toun of Leith or to the prejudice of his Majesteis subjects in generall, togidder with thair decreits following thairupon and all bylawes made be thame to the hurt and prejudice of the toun of Leith in particular and the registers whairin thair bylawes ar insert, to the intent that, after consideration of the same, ordour may be takin thairwith as his Majestie in his letter and directioun to the saids Lords hes appointed, with certifiatioun to thame if they failyied in the said productioun that directioun sould be givin to the Clerk of his Majesteis Register and others keepers of the registers whairin the same infeftments, confirmations and others writts ar enrolled, to satisfie the said productioun be thair registers or autentick extracts, lykeas at mair lenth is conteanit in the said charge: Quhilk being callit, and the saids provest and bailleis with some of the counsell of Edinburgh compeirand personallie, and Alexander Hay in Leith with some of the inhabitants of the toun of Leith, compleaners,

Direction to Alexander Hay to report on the evidents of the superiority claimed by Edinburgh over Leith.

Fol. 135, b.

being lykewayes personallie present, thair reasons and allegatiouns being heard and considerit be the saids Lords and they ryplie advised thairwith, the Lords of Secreit Counsell ordains the said Alexander Hay in name of the compleaners of Leith to condescend upon the evidents whairof they craved productioun, and to give in the same in note to the saids Lords upoun Tuisday nixt to the intent the toun of Edinburgh may answer thairto.”

Rebuke the Earl of Angus for sending his son to England without the knowledge of the Council.

“Anent the charge givin to Williame, Erle of Angus, to have compeired personallie before the Lords of Secreit Counsell at ane certane day bygane, and to have brought and exhibite with him James Dowglas, his sone, who be directioun of the saids Lords wes placed with M<sup>r</sup> Johne Adamesone, primar of the Colledge of Edinburgh, to have remained with him some certane space to the intent that the said M<sup>r</sup> John, having the more frequent occasioun of conference with the said James, might resolve him in the doubts of his religioun, and who convoyed himselfe away frome the said M<sup>r</sup> Johne Adamesone and is now with his said father, lykeas at mair lenth is conteanit in the said charge: Quhilk being callit and Sir Thomas Hope of Craighall, knight baronnet, Advocat to our Soverane Lord, and the said M<sup>r</sup> Johne Adamesone compeirand personallie, and the said Erle of Angus being lykewayes personallie present, be whome it wes answered that he knew nothing of his said sone his escape frome the primar and that he wes not accessorie thairunto, and that now sensyne he hes sent his said sone to England, with ane letter of recommendatioun to the Duke of Lennox and to the Dutchesse to be placed in some of the Universiteis by the advice of Doctour Hopkin, and that his sone wes to remane in England to be disposed of as his Majestie sould direct. Whilk answer being heard and considerit be the Lords and they weill advised thairwith, the Lords of Secreit Counsell finds and declares that the said Erle of Angus hes done wrong in sending of his sone out of the countrie without exhibiting of him before the said Lords, he being putt to the colledge be ordour frome thame; whilk wrong the said Erle acknowledged, and humblie craved the saids Lords pardoun for the same.”<sup>1</sup>

Holyrood House, 16th July 1629.

Case of Alexander Hay and the Provost and bailies of Edinburgh.

See *ante*, p. 193.

[Sederunt as recorded above.]

Decreta, November 1627-January 1630. Fol. 230, b.

The provost and bailies of Edinburgh having been ordained by their Lordships to produce this day an extract of the decret pronouced by one of the bailies against Alexander Hay of Pitgonie, whereby he was warded in the tolbooth of Edinburgh “within the yrnehous thairof and layed in the yrnes,” for delivery of the said extract to the said Alexander Hay, and Hay compearing, and the said provost and bailies also being present, but not producing the said extract, nor offering any reasonable

<sup>1</sup> A volume of the *Acta* as now bound ends here, but the second portion of the original volume separately bound, continues the folios of the first portion.

Decreta,  
November  
1627-January  
1630.  
Fol. 230, b.

excuse for not doing so, the Lords ordains James Prymrois, Clerk of the Privy Council, to deliver to the said Alexander Hay an authentic duplicate or copy of the said decret which was produced in process before the Lords by the provost and bailies against Hay.

Fol. 231, a.

Complaint by James Cannan in Mardochat and James Cannan in Barley as follows:—They are informed that they have been put to the horn at the instance of the King's Advocate, Edward Forrester, Commissary of Kirkeudbright, and John Newell, notary in St John's Clachane for not compearing to answer to a complaint against them (*ante*, p. 213), which has been wrongfully done; for they had come to Edinburgh for that very purpose, but some friends on both sides having entered into friendly negotiations to compose the matter, in the meanwhile their accusers "fearing the weaknesse of thair caus and being resolved to take some unhonest advantage of the compleaners whill they wer secure in respect of the agreement aforesaid" caused call the letters. The complainers never suspected this "dissimulat dealing," or they would have appeared, and they at once found caution to do so in 300 merks. Charge having been given to the King's Advocate, and the said Edward Forrester, and John Newell, and the pursuer compearing, but not the defenders, the Lords grant suspension of the horning against the pursuers.

Complaint by James Cannan against Edward Forrester, commissary of Kirkeudbright, and John Newell, notary in St. John's Clachan [Dalry], for being illegally put to the horn at their instance.

Fol. 231, b.

Mr Robert Hepburne, son-in-law to Robert Dicksoun of Stainfauld, compearing personally, acted and obliged himself to pay to Sir James Baillie of Lochend, knight, £111 2<sup>s</sup> for the four terms payment of the taxation due from the pension which the deceased John Home of Slegden had from the priory of Coldinghame, and to which the said Robert Dicksoun and Nicholas Home, his spouse, daughter to the said deceased John, claimed right by assignation or other security, and that twenty days before Martinmas next under a penalty of £20 in addition to the above sum.

Obligation by Mr. Robert Hepburn to pay £111 2s. to Sir James Baillie for four terms' payment of his taxation.

Fol. 232, a.

Complaint by Robert Peirsoun, as follows:—Alexander Thomesoun, "culteller," burgess of Edinburgh, has kept him in the tolbooth of Edinburgh for the past three years for a debt due by the deceased John Young, writer, and that in great misery and poverty, he "being ane old aged man." On his complaint to their Lordships they ordained the said Alexander Thomsoun to pay 3s. 4d. daily for his support; but he has paid nothing for the past six weeks, suffering him almost to famish. Charge having been given to the said Alexander Thomesoun, and to Alexander Heriot, 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 Thomsoun to account with Peirsoun before Tuesday next in presence of the Clerk of Council, and to pay his arrears, and if Peirsoun refuse to receive payment of this he is to consign it. And he is in future to pay him his daily allowance,

Complaint by Robert Pearson against Alexander Thomson, who keeps him in the Tolbooth of Edinburgh without contributing to his maintenance, as had been ordained by the Council.

which if he refuse Thomsoun is to consign it in the hands of the keeper of the tolbooth at the times formerly appointed.

Decreta,  
November  
1627-January  
1630.  
Fol. 232, a.  
Commissions,  
1624-30.  
Fol. 206, b.

Holyrood  
House, 16th  
July 1629.  
Commission to  
the Sheriff of  
Berwick and  
others to try  
Margaret Loch  
in Eyemouth  
for witchcraft.  
Order for the  
conveyance to  
Haddington of  
Alexander  
Hamilton, who  
is charged with  
witchcraft.

Commission under the Signet to the Sheriff of Bervick and his deutes, Sir John Home of Blacader, and Mr. Alexander Lawder of Gungreyn, or any two of them, the said Sheriff or his depute being one, as justices, to hold courts and try Margaret Loche in Haymouth, who has long bæn suspected of witchcraft. Signed by Mar, Hadintoun, Wintoun, Linlithgow, Jedburgh, Hamiltoun, and Scottistarvett.

"The quhilk day Alexander Hamiltoun, suspect of witchecraft, being by warrand frome his Majestie apprehendit in England and send to Scotland, and being this day be the Laird of Aytoun exhibite befor the Counsell, the Lordis ordanis Hamiltoun to be committit to warde within the tolbuith of Hadintoun thair to remayne till ordour be tane for his tryall and punishment; and ordanis the Laird of Ormestoun, who wes present, to mak his convoy to Hadinton and to delyver him to the provest and baillies to be committit be thame in maner and to the effect abonewritten; lykeas thair wes a warrand past in Counsell for this purpos."

Sederunts,  
1625-29.  
Fol. 125, b.  
Fol. 126, a.

The son of the  
Earl of Angus.  
Flemings and  
their fishing in  
the North Sea.

"A missive to his Majestie concerning the Earle of Angus sone."

Charge to the  
Advocate,  
Justice-Clerk,  
and Sir John  
Scot.

"A missive to his Majestie recommending to his Majestie the petition of the Burrowis anent the fisheing of the Fleemingis in the North Ilis."

"The Lordis nominatis the Advocat, Justice Clerk, and Sir Johnne Scott to examine the witnessis produceit in the processis this day and to modifie thair expenssis, and to meete for this effect in the Exchekqher house the morne at eyght of the cloke."

Windsor, 16th  
July 1629.  
Letter from  
his Majesty  
anent the  
breeding of  
hounds.

"CHARLES R., Right, etc. Being informed by Ludovick Carlill, our servant, how that in the tyme of our lait deere father of worthie memorie order wes givin for breeding of good hounds within sax myles of Dumfreis, Lochmaben, and the toun of Annand, and for restraining the killing of haieres with gunnes and gray hounds within the saids bounds; and we being no lesse willing that the lyke course sould be taken now for preserving the game there, our pleasure is that yow call before yow Harbert Carlill, his father, who (as we ar informed) wes cheefelie entrusted to see that order putt in executioun, and after yow have informed your selfes by him of what hes beene formerlie done in that purpose in the tyme of our lait father and how far at this tyme yow may lawfullie and convenientlie proceid heirin, that accordinglie yow give order to the most sufficient men in these parts for seing the saids abuses restrained. Whiche recommending to your care we bid yow farewell. Frome our Court at Windsore the 16<sup>th</sup> of July 1629."

Royal Letters,  
1623-32.  
Fol. 182, a.

Holyrood  
House, 16th  
July 1629.  
Letter to the  
Sheriff of  
Caithness, at

"After our verie heartilie commendatiouns. We ar informed that yow, being his Majesteis shireff in these bounds, and the executioun of the law committed to your charge, yow ar notwithstanding denounced his Majesteis rebell and putt to the horne at the instance of M<sup>r</sup> Richard

Fol. 166, b.

Royal Letters, 1623-32.  
Fol. 166, b.

Merchinstoun, Archdeane of Caithnes, for not taking of David Bruce of the horn for neglecting the duties of his office.  
See ante, p. 168.

Stamstell, rebell, and at the horne for not making payment to the said Archdeane of aucht bollis twa firlofts victuall, with the sowme of fourtie pundis money for the vicarage of the said David Bruce his lands within the parochin of Bower of the crop and yeere of God 1625 yeeres, as ane pairt of his stipend for serving the cure at the kirks of Bower and Wattin; by whiche your carelesse neglect and connivence the said David Bruce is encouraged to stand out in his rebellious and to defraude and withhold from the minister his stipend: This mater being heard at the Counsell table and the ministers estait being muche pitied and your inexcusable oversight highlie aggravated and condemned, we have notwithstanding forborne to proceed aganis yow according to the merite of your fault and have bene pleased rather to certifie yow of your dewtie than to punishe yow for your offence; in whiche regard we will earnestlie intreat and thairwithall advise yow to further and assist the minister with the executioun of the law and that yow use your best power, care and diligence for making the rebell lyable to the course of justice, sua that the minister may be satisfied of his stipend and that he have no just caus to compleane hereafter of anie remissenesse or connivence in yow, bot that he may have all the favour quhilk the lawes of the kingdome and your power in the executioun of your office at this tyme may affoord him, otherwayes we will be constrained to take suche ane exemplar ordour with yow as may be ane terrour to other shireffs to offend in the lyke kynde heerafter; bot hoping that yow will be more respective of your dewtie and the parteis interesse, we committ, etc. Halyruidhous 16 July 1629. *Subscribitur*, Hadintoun, Wintoun, Linlithgow, Hamiltoun."

Fol. 168, a.

"CHARLES R., Right trustie, etc. Whereas we ar informed that the commissiouns of the peace of that our ancient kingdome hes not as yitt bene renewed since the death of our lait deare father by whois deceasse the same ar determined, and that manie of the justices therein mentiouned ar ather deid or living in some other shyres, or aged and infirme, to the great hinderance of justice and of the peace and quyetnes of our said realme, our pleasure therefore is and we doe heirby authorize, will and require yow to caus renew the saids commissiouns of the peace during our pleasure onelie and with additioun of suche others justices as yow thinke fitt for that charge, having alwayes ane speciall care that they be men of sound religioun and of sufficiencie, integritie and abilitie to live as men of that qualitie, and that in everie one of the saids commissiouns all the lords and others of our Privie Counsell be first named as being commissioners of the peace throw the whole kingdome and nixt the *Custos Rotulorum* in everie shyre, and thridlie the rest of the justices according to thair ranke and qualitie, reserving alwayes the nominatioun of the Clerk of the Peace of everie shyre unto our Secretareis, who by these presents ar authorized by us for that effect; and in doing heirof

Windsor, 16th July 1629.  
Letter from his Majesty requiring the appointment of new Justices of the Peace and the renewing of such commissions for the office as have fallen into abeyance.

yow sall doe unto us acceptable service; and so we bid yow heartilie farewell. Frome our Court at Windsore the 16 day of July, 1629.”

Royal Letters,  
1623-32.  
Fol. 168, a.

Edinburgh,  
18th July 1629.

*Sederunt*—Mar; Monteith; Linlithgow; Galloway; Lauderdaleill; Areskyne; Master of Elphinston; Clerk of Register; Justice Clerk; Sir John Scot.

Acta July  
1629-December  
1630.  
Fol. 136, a.

Charge anent  
disputes which  
have arisen  
between the  
Earls of  
Wigton and  
Cassillis in  
Edinburgh  
within the last  
few days.

“Forsameekle as the Lords of Secreit Counsell ar informed of the tumultuous convocatiouns and unseemelie backings betuix the Erles of Cassills and Wigtoun within the burgh of Edinburgh thir twa or three dayes bygane, amongs whome and thair freinds there is suche ane animositie and heate as may produce great disordour and troubles, for preventing whair of the saids Lords ordains ane maisser to pas and in his Majesteis name and auctoritie to command and charge both the saids parteis that they nor nane of thame presooome nor take upon hand to repaire to the Tolbuith and place of justice accompanied with moe persons than sevin at the farthest, and all in ane quyet and peaceable maner, under the pane of treasoun.”

Holyrood  
House, 18th  
July 1629.

*Sederunt*—Mar; Monteith; Linlithgow; Galloway; Lauderdaleill; Tracquair; Justice Clerk; Scottistarvet.

Charge to  
John, Lord  
Erskine, and  
others to  
convey the  
admonition of  
the Council to  
the Earls of  
Wigton and  
Cassillis.

“Forsamekill as the Lords of Secreit Counsell ar informed that of lait within these two or three dayes bygane there has bene unseemlie convocations and backing within the burgh of Edinburgh betuix the Erles of Cassills and Wigtoun, who being noblemen who will be respective of his Majesteis peace and of thair awin honnour and obedience, yitt it is lyke enough that some restlesse and evill disposed persons attending thame may upon the least interveening occasioun give mater of provocatioun and offence and so doe quhat in thame lyes to draw the noblemen and the peaceable and good subjects following thame in bad termes, whair-upoun some inconvenients may fall out to the breache of his Majesteis peace without remeid be provydit; Thairfoir the saids Lords ordains Johne, Lord Areskine, Alexander, Maister of Elphinstoun, and Sir Johne Hamiltoun of Magdalens, Clerk of Register, to go to the twa noblemen abonewrittin and frome his Majesteis Counsell to admonishe thame what becometh thame in thair dewtie and alledgeance to his Majestie and to the peace of the countrie and to thair awin honnour and credite in this case, and to require thame that during thair remaining within this burgh upon the service now in dependance they nor nane of thame presooome nor take upon hand to come to the streits accompanied with moe persons nor twelffe at the farthest for eache partie and that in ane quyet and peaceable maner, nor that they come to the bar the tyme of the said service till they be sent for be the saids Lords after the rying of the Sessioun, and that none of thame bring to the bar with thame

Fol. 136 b.

Acta July 1629-  
December  
1630.  
Fol. 136, b.

bot sax for eache partie besides thair advocats, and that they dismisse all others thair followers who hes not necessarie and knowin occasiouns of thair attendance heir, and that they require the noblemen who ar thair freinds to forbear the backing of thame at this tyme; certifeing thame if they faille or sall doe in the contrair of anie point of the premissis, that they sall be callit to thair answeere before his Majesteis Counsell and sall be exemplarilie censured as disturbers of his Majesteis peace."

"The whilk day the commissioun abonewrittin being intimat to the commissioners be the parteis abonespecifeit, they promised to give obedience thairto according to thair bound dewtie."

*Sederunt*—Treasurer; St. Andrewes; Præses; Privy Seal; Mair-Holyrood shell; Wintoun; Linlithgow; Bishop of Dunkeld; Bishop of Holyrood House, 21st July 1629.  
Dumblane; Lord Areskine; Master of Elphinston; Clerk of Register; Justice Clerk; Sir John Scot.

"Forsameekill as the Kings Majestie, having takin into his royall con- sideratioun the criminall judgement of this his native and ancient king- dome of Scotland quhilk consists in the High and Supreme Court of Justiciarie, whereupon 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 beene forced long to groane under the heavie burdein of manie insolent injureis, crymes, oppressiouns, and extortiouns, occasiouned ather by neglect of the ordinarie 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 parteis greeved; Thairfoir his Majestie hes beene pleased for the releeffe and confort of his distressed subjects to revive the discontinued ancient laudable 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 Julie 1587 hes directed particular commissions 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 shires where they dwell according to thair severall commissiouns and to the lawes and practick of this kingdome; and for this effect the Lords of Privie Counsell hes appointed his Majesteis Courts of Justiciarie to be haldin and kepted within the shirefdomes underwrittin upoun the dayes particularlie following and be the persouns aftermentiouned, justices and commissioners nominat be his Majestie for keeping and halding of the saids Justice Courts; they ar to

Order from his Majesty specifying the times and places where Circuit Courts are to be held and the persons who are to hold them.

Fol. 137, a.



say, be his Majesteis right trust cousine and counsellour, Williame, Erle of Monteith, President of his Majesteis Counsell and Lord Cheefe Justice of this kingdome, and be M<sup>r</sup> Thomas Hendersone of Chesters and Sir Johne Scot of Scottistarvett, twa of the Senatours of the College of Justice, or anie twa of thame, for halding of Justice Courts at the burgh of Hadintoun for the constabularie thairof, upon Tuisday the saxt day of October nixtcome, with continuation of dayes, and for halding of Justice Courts at Dunce for the shirefdome of Bervick upon Tuisday the threttein day of October nixtcome with continuatioun of dayes, and for haldin of Justice Courts at Selkirk for the shirefdome thairof upon Tuisday the twentie day of October nixtcome with continuation of dayes, and for halding of Justice Courts at Peebles for the shirefdome thairof upon Tuisday the twentie sevin day of October nixtcome with continuation of dayes; and be the said Williame Erle of Monteith, Sir James Learmouth of Balcolmie, and M<sup>r</sup> George Halyburtoun of Foderance, twa of the Senatours of the Colledge of Justice, or anie twa of thame, for halding of Justice Courts at the burgh of Lanerk for the shirefdome of Lanerk upon Tuisday the saxt of the said moneth of October nixtcome with continuation of dayes, and for halding of Justice Courts at the burgh of Renfrew for the shirefdome thairof upon Tuisday the threttein day of October nixtcome with continuatioun of dayes, and for halding of Justice Courts at the burgh of Linlithgow for the shirefdome thairof upon Tuisday the twentie day of October nixtcome with continuatioun of dayes, and for halding of Justice Courts at the burgh of Edinburgh for the shirefdome thairof upoun Saturday the twentie fourt day of the said moneth of October nixtcome with continuatioun of dayes; and be the said Williame Erle of Monteith, and Sir George Afleck of Balmanno, and M<sup>r</sup> Alexander Seatoun of Kilcreuche, two of the Senatours of the Colledge of Justice, or anie twa of thame, for halding of Justice Courts at the burgh of Perth for the shirefdome of Perth, Kinroscher, and Clackmannan, upon Tuisday the saxt day of October nixtcome with continuatioun of dayes, and for halding of Justice Courts at the burgh of Cowper of Fyffe for the shirefdome of Fyffe upon Tuisday the threttein day of October nixtcome with continuatioun of days, and for the halding of Justice Courts at Dumbartane for the shirefdome thairof upon Wednesday the twentie ane day of the said moneth of October with continuatioun of dayes; and be the said Williame, Erle of Monteith, Sir James Skeene of Curriehill, President of the Sessioun, and Sir Androw Fletcher of Innerpeffer, knight, twa of the Senatours of the Colledge of Justice, or anie twa of thame, for the halding of Justice Courts at the burgh of Aberdein for the shirefdomes of Aberdein and Bamff upon Tuisday the threttein day of October nixtcome with continuatioun of dayes, and for halding of Justice Courts at the burgh of Forfar for the shirefdomes of Forfar and Kincardin upon Wednesday the twentie ane day of the said moneth of October nixtcome with continuatioun of

Acta July 1629.  
December  
1630.  
Fol. 137, a.

Fol. 137, b.

Acts July 1629-  
December  
(E.).  
Fol. 137, b.

dayes : in the quhilk courts all his Majesteis good subjects having just caussis of complaint sall have justice administrat unto thame. And thairfoir ordains letters to be direct charging officers of armes to pas to the mercat croces of the heid burrowes of the shirefdomes foresaids and others places neidful and there 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 dukes, marqueises, erles, lords spirituall and temporall, lords of regaliteis, barouns, shireffs, justices of peace, baillies, chamberlans, magistrats, and ministers of his Majesteis lawes, and all others subordinat judges within the severall shirefdomes abonewrittin 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 offices and dewtie apperteannes, and as is prescryved and enjoynned to be done be thame be 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 every ane of thame will answeere upon the contrarie and underly 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 places as the saids commissioners sall appoint, by whome the veritie in maters concerning the executioun of the said commissioun may be verified and knowin ; as alsua that the saids shireffs and freeholders within the severall shires of this kingdome particularlie abonewrittin meit the saids justices at the entrie into the shire and convoy thame unto the heid burgh of the same and accompany thame during thair remaining there, and ay and whill they be receaved be the said shireffs and his depute at the nixt shyre, according to the tennour of the said Act of Parliament."

Fol. 138, a.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Johne Scot of Scottistarvet, ane of the Senatours of the Colledge of Justice, and accepted upon him the commissioun for the circuit courts and gave his oath for the faithfull discharge thairof according to his knowledge."

Sir John Scot  
accepts the  
commission for  
the Circuit  
Courts.

The whilk day the Lords of Secreit Counsell having heard and considered the report made be the commissioners of the burrowes tuicheing thair advice that it wes not expedient for the publict weale that there sould be ane deacoun of maissouns within the burgh of Dundie and the saids Lords being advised with the said report they rested satisfied and contented thairwith."

The Council  
approves the  
report of the  
Commission of  
Burghs that it  
is inexpedient  
that there  
should be a  
deacon of  
masons in  
Dundee.

"The whilk day Alexander Hay in Leith in name of the compleaners in Leith compeirand personallie before the Lords of Secreit Counsell produced before the saids Lords ane extract under the hand of M<sup>r</sup> Alexander Hay, wrytter to the Privie Seale, of ane infeftment grantit be the lait King's Majestie of blessed memorie to the burgh of Edinburgh in the

See ante, p. 135.  
Production by  
Alexander Hay  
in Leith of  
certain writs  
anent the  
claims

Fol. 138, b.

of Edinburgh  
over Leith.

1603 yeere of God, togidder with the extract of twa chartours grantit be the said lait King to the burgh of Edinburgh in the 1616 yeere of God, togidder with ane gift grantit to the said burgh in the 1609 yeere of God anent the habits of the magistrats of the said burgh, all extracted and subscriyved be the Clerk of Register; quhilk infestments, togidder with ane note of some greevances givin in be the compleaners of Leith and some acts of court and ane procuratorie produced be M<sup>r</sup> Robert Craig and subscriyved be ane certane number of the inhabitants of Leith, wer ordained to be delyvered upon inventar to the provest and bailleis of Edinburgh and they ordained to answeere thairto upon Tuisday nixt. And whereas it was objected aganis the said procuraturie that some of the subscriptiouns conteanit thairin wer counterfoote and that the persons alledgit subscriyvers thairof would not abide be the same, thairfoir the saids Lords ordains the said procuratorie to be givin up to the said M<sup>r</sup> Robert to the intent he may informe himselfe by whom the procuratorie wes trewlie subscriyved, and who will insist in the persute, and to report upon Thurisday nixt.”

Acta July 1629.  
December  
1630.  
Fol. 138, b.

Protest by the  
Provost and  
bailleis of Edin-  
burgh against  
the petition  
presented to  
his Majesty by  
Mr. Robert  
Craig.

“The whilk day in presence of the Lords of Secreit Counsell compeired personallie the proveist and bailleis of Edinburgh, with some of the counsell of the burgh of Edinburgh, and M<sup>r</sup> Johne Hay, clerk of the said burgh, thair preloquoutour, and the said M<sup>r</sup> Johne in name and behalffe of the saids proveist, bailleis and counsell, protested that M<sup>r</sup> Robert Craig, advocat, had no warrand to petition the King’s Majestie frome the inhabitants of Leith except for suche persons allanerlie as hes subsoryved the procuratorie produced by him this day bearing dait at Leith the sevintene and auchtene dayes respective of July instant, in regaird of the said M<sup>r</sup> Robert his refusall to produce or shew anie other warrand than the procuratorie foresaid he being oft tymes required thairto be the said M<sup>r</sup> Johne Hay. Whairupon he asked instruments.”

Alexander  
Hay’s protesta-  
tion.

“The whilk day Alexander Hay in Leith in name of the compleaners of Leith protested that the subscriyving of the procuratorie by the persouns thairin mentiouned sould not be prejudiciall unto thame bot that notwithstanding thairof they might be receaved witnessis in the caus.”

Fol. 139, a.

No advocats  
to compear for  
Edinburgh or  
Leith.

“The Lords of Secreit Counsell remembering that they ar not in use to receive advocats to pleade in anie caus before thame, thairfoir the saids Lords discharges advocats to compear for either of the parteis of Leith and Edinburgh in the maters now contraverted betuix thame.”

Holyrood  
House, 21st  
July 1629.

[Sederunt as above recorded.]

Decreta,  
November  
1627-January  
1630.  
Fol. 232, a.

Complaint by  
Mr. Patrick  
Shaw, minister  
at Selkirk,  
against Eliza-  
beth Ormiston

Complaint by Mr. Patrick Schaw, minister at Selkirk, as follows:—By direction from the bailleis of Selkirk he went on 2nd July instant with one of the town officers to the house of Elizabeth Ormestoun in Selkirk, to seek delivery of a cow which was in her possession. They had

Decreta,  
November  
1827-January  
1830.

Fol. 232, b.

“apprehendit the kow” in order to take it with them, when the said Elizabeth, with Jean Robsoun, her daughter, and others, not only deforced the said officer, but she, after uttering a number “of disgracefull and opprobrious speeches” against the complainer, came fiercely upon him, and would have “committed some great insolence aganis him,” if the officer had not interposed. Thereupon she “verie bitterlie flew upon Margaret Schaw, his daughter, and shamefullie rave her face to the effusioun of her blood, and the said Jeane Robsoun entered upon Issobell Schaw, another of the compleaners daughters, being bot ane barne, rugged her be the haire of the head and rasched her to the ground upon hard stones whairby she verie cruellie hurt and woundit the harmesse damosell.” Being cited before the magistrates of Selkirk she has fled the town. Charge having been given to the said Elizabeth Ormestoun and Jeane Robsoun, and pursuer and defenders compearing and probation being referred to the pursuer’s witnesses, who failed to prove any part of the said complaint, the Lords assolzie the defenders.

for assault  
upon his  
daughters.

Fol. 233, a.

Counter complaint by Elizabeth Ormestoun, spouse to James Mitchell in Selkirk, as follows:—On 2d July instant Mr. Patrick Schaw, minister at Selkirk, accompanied by Patrick Richartsoun and Margaret Ker, his servants, and others, came by way of hamesucken about 11 of the clock at night to the complainer’s dwelling house in Selkirk, lawlessly broke up the doors of the stable, and meeting the complainer “in his awin crosse” he “to the disgrace of his calling, shamfullie invaidit and persewed her with ane great rung and gave her diverse bauche and blae straiques thairwith on her shoulders, kuist her backward to the ground, tooke her be both the shaikell bones, shamefullie and dishonestlie crying, ‘Woman, I sall lett the see that I sall make ane bussard of the,’ and so birsed and buffeted her with manie sad and heavie straiques, as she hes continuallie sensyne beene under great sickenese; lykeas they tooke frome the compleaner her purse with ane great sowme of money being thairin and barbarouslie rave her cloathes aff her, to the disgrace of the said M<sup>r</sup> Patrik his professioun, who sould be ane exemplar of obedience to others.” Charge having been given to the persons complained upon and they and the pursuer compearing, and probation being referred to the pursuer’s witnesses, who failed to establish any point of the complaint, the Lords assolzie the defenders, but reserve to the pursuer action against the said Mr. Patrick Schaw for the cow alleged to have been taken by him from her.

Counter-com-  
plaint by Eliza-  
beth Ormiston  
against Mr.  
Patrick Shaw,  
minister at  
Selkirk, for  
hamesucken  
and assault.

Fol. 233, b.

Complaint by Dame Helen Oliphant, relict of Sir John Halyday, and John Kinnaird, fiar of Fordie, now her spouse, as follows:—She had “caused win and leade ane great number of stanes with ane hundreth loade of fail and divvets to have bigged ane hous upon her lyferent lands of Tulliboill, callit the Cruikhauche, for easing of her tennents with whome she had agreed for occupying of the same hous,” and looked for no hindrance therein, especially from them, yet on July instant,

Complaint by  
Dame Helen  
Oliphant,  
relict of Sir  
John Halyday,  
against Law-  
rence Keltie in  
Knockyatyme  
and others for  
destroying a  
house which

she had built for the use of her tenants.

Laurence Keltie in Knockyatyne, Janet Kid, his wife, Andrew Patoun of Clayside and Janet Mairshell, his wife, John Quhyte in Cruike of Dowane and Marjorie Dewar, his wife, Margaret Dempster, widow of William Livingstoun at the Cruikmylne, Marion Rodger, widow of Andrew Dowie at the Cruik of Dowane, and Andrew Dowane (Dowie), her son, her vassals and tenants, went to the said lands "where she had already bigged up the yairds dykes, the side wallis, and gavellis of the hous and layed ane great quantitie of timber for geasting and coupplis to the hous," and demolished the whole, cutting and destroying "the divvetts and other fail whairwith the same wes bigged, and kuist thame in ane water, cutted and loused the whole coupplis of timber," and so made it useless. Charge having been given to the tenants named, who compeared, and the said John Kinnaird compearing for himself and his wife, and probation being referred to the pursuer's witnesses who failed in proving any point of the complaint, the Lords assoilzie the defenders, and appoint 40s. to be paid by the producer to each of the witnesses.

Decreta,  
November  
1627-January  
1630.  
Fol. 233, b.

Complaint by Gilbert Ferguson, servitor to Mr. David Lindsay, parson of Bethelvie, against Patrick Sinclair in Blairton for assault.

Complaint by Gilbert Fergusson, servitor to Mr. David Lindsay, parson of Bethelvie, and the said Mr. David for himself, as follows:—

On Patrick Sinclair in Blairton, came to the said Mr. David's lands of Bethelvie, where his said servant was pasturing his cattle, and so assailed the poor man with a great baton upon his shoulders and other parts of his body that he was not able to stir; then he "tirred the said Gilbert to the sarke and caried away his cloathes with him and left the poore man naiked." Charge having been given to the said Patrick Sinclair, and the said Mr. David compearing for himself and his said servant, but the defender not compearing, the Lords ordain him to be put to the horn and escheat.

Fol. 234, b.

Complaint by Mr. James Drummond, minister of Foulis, against Andrew Buchan in Buchantie for assault and personal abuse.

Complaint by Mr. James Drummond, minister of Foulis, and George Hay of Killour, one of the Justices of Peace for Perthshire, as follows:—Andrew Buchan in Buchantie, "ane dissolute and vitious persoun," having for his scandalous behaviour, such as striking the late minister of the kirk of Foulis and his own father, and "tuilyeing upon the Sabboth day," been cited before the Kirk Session of Foulis, contemptuously disobeyed, and because the minister presumed to process him, he resolved to have his life. Accordingly, learning that the said minister was in the kirk of Foulis on 15th June last "at his meditatiouns," he came to the kirk yard, and awaited his outcoming. The minister on coming out saw him, and asked him the reason why he had not obeyed the Session, and received the answer that he would obey. Thereupon the minister returned to the kirk, when "the said Robert" [*sic*] cried to him to come out, and after he had come out, the "said Robert prouddie affirmed that he would not obey, whether the minister would or not, and followed the minister, crying in ane raylling maner and he wer hanged upon it he sould not come, and he durst not stirre him for his hanging, tooke up ane great stone whairwith he had felde the said

minister if he had not benee awar, flew on his face and shamefullie skarted him; so that the said minister, being ashamed thus to be abused be this dissolute persoun, he retired to ane hous neere by to be quyte of his trouble, bot the said Robert followed him to the hous, calling him 'debosht Drummond,' with ane number of others opprobrious speeches, satt down in the hous neere by the minister of purpose to have provoked him to some contestatioun with him untill he wes putt furth of the hous, and than he awaited the ministers furthcomming with ane great sled tram whairwith he thought to have feld him; bot being at this time disappointed in respect the minister wes advertised of his purpose he than derved himselfe in ane hous of Foulles by the quhilk the minister behoved to pas in his returne home, untill three after noone, at whilk tyme perceaving the minister passing by he threw ane great stone at him whairwith he had not failed to have feld him if he had not turned about tymouslie and escaped." The said Robert being then apprehended by the foresaid Justice of Peace and warded in the tolbooth of Perth till he found caution to keep the peace and was otherwise punished, the provost and bailies of Perth put him to liberty without any satisfaction to the party whatever. Charge having been given to the said "Andrew Buchan" [*sic*] and to William Hall, one of the bailies of Perth, to produce him, and the pursuer compearing, but neither of the defenders, the depositions of certain witnesses were taken, whereupon the Lords find the said Andrew Buchan guilty of assaulting the pursuer "both with his hands and be casting of stones at him and that he upbraidit him with disgracefull and reproachefull speeches calling him 'Deboshed Drummond' and avowing that he sould have ane durke readie for his ribs, and that thairafter he brake ane cairt tram whairwith he purposed to have invalidit and persewed the minister." They also find that the said William Hall has very contemptuously disobeyed the charge given to him, and ordain both to enter in ward within the tolbooth of Edinburgh within six days, which if they fail to do, they are to be put to the horn.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, and James Guthrie, writer in Edinburgh, as follows:—The wearing of hagbutts and pistols is strictly prohibited by law, yet when the complainer sent George Andersoun, messenger, to execute certain letters he had raised against John Ramsay of Balnabreich for payment of certain interests, and to poynd some goods for the same on the lands of Balnabreich, Ramsay, accompanied by Alexander and William Collace, his brothers-in-law, and others to the number of four score persons, all armed "with bandit stalffes, pow axes, partisans, jackes, corsletts, steil bonnets" and other weapons, and the prohibited hagbutts and pistols, came on the 17th June last in warlike manner to the ground of the said lands, "the said Johne Ramsay as captane of this convocatioun going before with ane buffill coate on him, twa dags at his belt, and ane commanders battoun

Holyrood House, 21st July 1629.  
Complaint by James Guthrie, writer in Edinburgh, against John Ramsay of Balnabreich for threatened assault on George Andersoun, messenger, in the discharge of his office.

Decreta,  
November  
1627-January  
1630.  
Fol. 234, b.

Fol. 235, a.

Fol. 235, b.

Fines, 1614-31.  
Fol. 127, a.

in his hand, drew thame up in militarie forme and placed thame about the houses where the goods poyndable wer, and than lappe on horsebacke himselfe and come and mett the messinger and his witnesses, threatened to take the messingers blasoun and cast it in the fyre and to putt bullets in him and his witnesses if they preast to poynd his goods." When the messenger and his party essayed to perform their duty, the persone foresaid pursued them of their lives, "held the points of thair lances and speiris unto thame and bedit thair hacquebutts" intending to slay them, and so they deforced the said messenger. Charge having been given to the said John Ramsay and Alexander Collace, and pursuers and defenders compearing and probation being referred to witnesses, the Lords assoilzie the defenders in reference to the wearing of hagbutts and pistols, but find that the defenders "convocat and assembled togidder the number of fourescore men armed with pow axes, Jedbrugh stalffes and forkes, and that they having houssed the goods Balnabreich come himselfe upon horsebacke with ane blew bonnet, ane buffill coat and ane lang sword, accompanied with Alexander Collace and ane footman who caried ane lance and that they come to the messinger and inquired for his warrand, and bade the messinger goe his way and come not againe otherwayes he sould repent it; and that the officiar having come to the hous where the goods wer the said John Ramsay and his complices held the points of thair halberts and speiris to him and his witnesses, saying to the officiar if the goods wer upon the ley he durst not take thame, and if he or his witness come agane that earand some of thame sould ly behind." For this insolence the Lords fine John Ramsay 400 merks, of which 200 are to go to his Majesty and 200 to the party. Ramsay is also to pay the expenses of the witnesses, and to be warded in the tolbooth of Edinburgh till payment is made. He is further to find caution in £500 acted in the books of Secret Council for the indemnity of James Guthrie, and his men, tenants and servants.

Holyrood  
House, 21st  
July 1629.  
Letter to his  
Majesty anent  
the son of the  
Earl of Angus.

"Most Sacred Soverane,—Having for obedience of your Majesteis letter directed unto us tuicheing the religious educatioun of noblemens sones givin ordour that James Dowglas, sone to the Erle of Angus, sould be putt to the Colledge of Edinburgh attendit with ane pedagogue sound in religioun, and that both sould be boardit with Mr. William Dowglas, one of the maissers of Counsell, we wer thairafter informed of the said James his scandalous behaviour within the Colledge and refusall to repaire to the Church, quhairupon we placed him with Mr. Johne Adamesoun, Principall of the said Colledge, to have remained with him for fyftene dayes, to the intent the said Mr. Johne might have had the more frequent occasioun of conference with him for his instructioun and saulffe breeding in the grounds of trew religioun; bot the youth having without the knowledge of the Principall convoyed himselfe privilie away, we directed charges aganis the said Erle, his father, for exhibition of

Fines, 1614-31.  
Fol. 127, a.

Fol. 127, b.

Fol. 128, a.

Royal Letters,  
1623-32.  
Fol. 166, b.

Fol. 167, a.

Royal Letters,  
1623-32.  
Fol. 167, a.

him, who compeiring this day before us and the escape of his said sone being objected unto him as done by his foreknowledge, directioun and allowance, seeing he was putt to the Colledge upon condition not to be removed thairfra untill your Majesteis Counsell wer first acquainted thairwith, the said Erle purged himselfe upon his honnour that he wes not accessorie nor upon the foreknowledge of his sones escape, and declared that having since made searche for his sone and recovered him and finding him altogidder unwilling and averse to prosecute his studeis heere, he thairupon resolved before he wes charged to send him to England with letters of recommendatioun to the Duke of Lennox and the Ladie Dutchesse, his mother, for placeing him in some one of the Universiteis by the advice of Doctor Topham there to be disposed of as your Majestie sould direct; quhairwith we have thought good to acquaint your Majestie to the intent your Majestie may be pleased in your accustomed pious care to provyde for the religious and saulffe educatioun of this young gentleman as to your princelie wisdomsall seeme fitting, and so, etc. Halyruidhous 21 July 1629. *Subscribitur*, St. Andrewes, Monteth, Hadintoun, Mairshell, Wintoun, Linlithgow, Dunkelden, Hamiltoun, S<sup>r</sup> Thomas Hoip, S<sup>r</sup> George Elphinstoun."

Ac. July 1629-  
December  
1630.  
Fol. 139, a.

*Sederunt*—Treasurer; Bishop of St. Andrewes; Monteith, Præses; Holyrood House, 23rd July 1629.  
Privy Seal; Bishop of Glasgow; Mairshell; Linlithgow; Perth;  
Wigtoun; Lauderdaill; Bishop of Dunkeld; Bishop of Aberdeen; Bishop of Murrey; Bishop of Galloway; Bishop of Rosse; Bishop of Dumblane; Bishop of Caithnes; Bishop of Orkney; Bishop of Yles; Bishop of Argyle; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Jedburgh; Lord Tracquare; Master of Elphinstoun; Clerk Register; Advocate; Justice Clerk; Sir John Scot; togidder with ane number of the commissioners frome the severall presbytereis of this kingdome.

"The whilk day the Kings Majesteis missive letter directed to the Lords of his Majesteis Privie Counsell tuicheing the occasioun and caussis of this meeting wes presented to the nobilitie, clergie, counsellours and commissioners present, and read in thair audience. Quhilk letter is registrat upon the twentie three day of Junij last." The meeting anent Papists. See ante, p. 185.

"The whilk day the commissioners frome the severall dioceis and presbytereis of this kingdome being callit and compeirand they gave in the rollis of all excommunicat papists and others persouns suspect in thair religioun within thair bounds." Production of rolls of Papists.

"The quhilk day the nobilitie, clergie, counsellours and commissioners present gave ane committee [*sic*] to the Lords President and Privie Seale, the Erles of Lauderdaill and Wigtoun, the Lord Carnegie, the Archbishops of S<sup>t</sup> Andrewes and Glasgow, the Bishops of Aberdene, Murrey, Rosse, and Dumblane, Sir Thomas Hope, his Majesteis Advocat, M<sup>r</sup> Andrew Appointment of Committee for the suppression of Papists.



Ramsay, M<sup>r</sup> Williame Struthers, M<sup>r</sup> Gawin Dumbar, M<sup>r</sup> Alexander Rosse, M<sup>r</sup> Theodore Hay, M<sup>r</sup> Thomas Ramsay, and M<sup>r</sup> Williame Annand to convene and meit the morne at sax of the clocke in the morning in the laich counselhous of Edinburgh for setting doun of overtours for repressing of Poperie and to report thair proceedings to the great meeting upon Saturday the twentie fyve of this instant at aucht of the cloke in the morning.”

Acta July 1629-  
December  
1630.  
Fol. 139, b.

Act of Parliament anent excommunicants' livings to be put to execution.

“The nobilitie, clergie, counsellours and commissioners present all in one voice ordains the Act of Parliament made in anno 1609, whairby it is ordained that no excommunicat persoun sall enjoy the possessioun of thair lands and livings bot that the same sall be whollie uplifted to his Majesteis use, to be putt to dew executioun in all points conforme to the tennour thairof.”

Commission for the pursuit of Papists.

“The whilk day choise wes made of some certane persouns to be commissioners for persute of Jesuits, seminarie and messe preists, and excommunicat papists, as by the commissioun heerafter following is evident.”<sup>1</sup>

Holyrood House, 23rd July 1629.

Petition by William Seton of Blair that his goods may be restored seeing he has confirmed to the true religion.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 235, b.

Petition by William Seatoun of Blair as follows:—He has been excommunicated for nonconformity to the religion presently professed within this kingdom and their lordships have charged officers of arms to take the house of Blair and uplift his goods for his Majesty's use, by virtue whereof Alexander Guthrie, herald, and Robert Mercer, messenger, came on to his lands and house of Blair, took his house, carried off a great number of his oxen, sheep and other bestial to the market cross of Aberdeen, and there appraised the same. His goods were purchased by Patrick Leslie, bailie of Aberdein, for 400 merks and £26, and he has given bond for this money to the said herald and messenger. “Seing now it hes pleased God to opin the compleaners eyes to see the errours of the superstitious professioun whairin he hes beene misled this whyle bygane,” and that he has given satisfaction to the Bishop of Aberdein, his ordinary, “by ane absolute conformitie to the religioun presentlie profest within this kingdome,” as the said Bishop and commissioners from Aberdein will testify, he craves their Lordship's command to the said herald and “maisser” to deliver to him the keys of his said house and the bond foresaid, so that by redelivery of it he may obtain the restoration of his goods. The Lords, after hearing a declaration by Patrick, Bishop of Aberdein, testifying to the petitioner's conformity, grant the prayer of his petition; he having enacted himself to compear before the Lords whenever cited and answer to any charge which shall be made against him concerning his religion or resetting or haunting the company of Jesuits, priests or excommunicated Papists,

Fol. 236, a.

Fol. 236, b.

<sup>1</sup> See under date 25th July, *postea*,

Decreta,  
November  
1627-January  
1630.  
Fol. 236, b.

and that he will not reset any such under the penalty of 500 merks *toties quoties*; and having also acknowledged that the proceedings of the said officer were lawful and warranted, and that he has no action for that cause against him.

[No record of Sederunt.]

Holyrood  
House, 24th  
July 1629.

Complaint by Alexander Schort, weaver in Collonoch, as follows:—  
When on March last he was peaceably walking “upon his awin toft in Collonoch,” Andrew Strauchane in Endiauche came to him, and without any provocation “patt violent hands in his persoun, caried him with thame [*sic*] perforce, band his hands behind his backe with ane tedder,” alleging that he had stolen some of his grain. He then went and searched the complainer’s house for the same, “bot finding none he than tooke a certane quantitie of cornes furth of his awin barn neere by, sewed thame in a pocke, patt thame about the compleaners necke, and thus caryed thame [*sic*] as ane theefe with ane fang to the place of Strabogie where he kepted thame in the yrnies for the space of foure dayes in great miserie,” after which the complainer was released on caution to appear before the bailie depute of Strathbogie to answer to any charge against him by Strauchane. Accordingly on March he appeared in the said bailie court of Strabogie, where he expected to be dealt with in a legal way, instead of which the said Andrew Strauchane, with the purpose of undoing him in his name and means both, took him out of the court, carried him to the place of Strabogie and after keeping him there some time, offered to the complainer that if he would give him his best cow, he would let him free. The complainer refused, whereupon Strauchane went to his house and took away his whole plenishing and cattle and other belongings, leaving him nothing to sustain himself and his poor family with, thus usurping his Majesty’s royal power and authority. Charge having been given to the said Andrew Strauchane and he and the pursuer compearing and the probation being referred to the pursuer’s witnesses, who failed to substantiate any point of his complaint, the Lords assoilzie the defender.

Complaint by  
Alexander  
Short, weaver  
in Collonoch,  
against  
Andrew  
Strachan in  
Endiauche for  
assault and  
robbery.

Fol. 237, a.

Fines. 1614-51.  
Fol. 128, a.

Complaint by John, Earl of Mar, Lord Areskine and Garioch, Lord High Treasurer of this kingdom, and Sir Thomas Hoip of Craighall, knight baronet, King’s Advocate, as follows:—The wearing of hagbutts and pistols and the slaying “of deir, rae, wylde foule and vennisioun” is very strictly forbidden by law, yet Angus M°Intoshe of Tirenzie, John M°Intoshe, his brother, John M°Koull in Killerygne, John M°Knokhill in Forther, David M°Knokhill, his brother, William M°Knokhill in Auchinmoir, David Ogilvie of Bellatie, James Mal Alwes Schaw in Kinyteache, John and Ferquhar Schaw, his sons, James Ga, son to Alexander Gaw in Lellancroft, William M°Ildowie there, Thomas Moreis in Delsenkar, Lachlan M°Coull in Kildrynie, Andrew Rattray of

Holyrood  
House, 24th  
July 1629.  
Complaint by  
the Earl of  
Mar,  
Treasurer, and  
Sir Thomas  
Hoip, King’s  
Advocate,  
against Angus  
M°Intosh and  
others for  
killing deer  
and wild fowl  
and cutting  
timber.

Fol. 128, b.

Darreidlane, Alexander Robertsoun of Drumheid, Alexander M<sup>c</sup>Coull V<sup>c</sup> Fines, 1614-31. Fol. 128, b. in Carro, John Murrey in Rinobroche, George Small in Dernezane, Alexander Stewart in Cuthill, John Dow M<sup>c</sup>Chain in Kilrey, David Ogilvie of Newtown, James Robertsoun, brother to Baron Reid, George M<sup>c</sup>Condoche in Cuthill, Patrick Robertsoun in Lenachmore, John M<sup>c</sup>Phatrik V<sup>c</sup>Onnell there, John M<sup>c</sup>Keleroy in Linganemore, William M<sup>c</sup>Robert V<sup>c</sup>Connochie in Atholl, Andrew M<sup>c</sup>Robert, his brother, Alexander M<sup>c</sup>Lauchlane in Craigerine, Patrick M<sup>c</sup>Keyoche in Tulloche, Patrick and Allaster, his two sons, M<sup>c</sup>William V<sup>c</sup>Alaster V<sup>c</sup> in Glenshey, Richie Maber in Bramar, Allan Eir, and Donald M<sup>c</sup>Kichane, vagabonds, and Robert Grant *alias* M<sup>c</sup>Robie V<sup>c</sup>Conzell, servitor to the Laird of Rathimurchus, have in every year since 1620 or in one or other of them worn hagbuts and pistols and made great spoil and destruction of wild fowl and venison within the forests of \_\_\_\_\_, and has cut and daily cuts the growing timber therein. Charge having been given to these persons, and the Earl of Mar compearing to pursue and of the defenders only David Ogilvie of Bellate, Lachlan M<sup>c</sup>Coull in Kildrygnie, Andrew Rattray of Darreidane, Alexander Robertsoun of Drumheid, George Small in Dernezane, David Ogilvie of Newtown, James Fol. 129, a. Robertsoun, brother to Baron Reid, Patrick Robertsoun of Lenachmore and John M<sup>c</sup>Phatrik V<sup>c</sup>Connell, and the proof as regards them being referred to their own oaths of verity, the Lords assoilzie David Ogilvie of Newtown, Patrick Robertsoun and John M<sup>c</sup>Phatrik, who denied the accusation, but the others having confessed wearing hagbuts and pistols and shooting therewith, the Lords fine them as follows:—David Ogilvie of Bellate, 20 merks; Andrew Rattray, £40; Lachlan M<sup>c</sup>Coull, 40 merks; Alaster Robertsoun, 100 merks; George Small, 40 merks; and James Robertsoun, 40 merks, and ordain them to remain in the burgh of Edinburgh till they pay the same. The Lords further ordain the defenders who failed to appear to be put to the horn.

Cautions for certain persons that they will not carry hagbuts, nor shoot deer or wild fowl, nor cut timber.

The same day \_\_\_\_\_ Campbell of Crownane compearing personally Fol. 129, b. became cautioner in 500 merks each for David Ogilvie of Bellate, Andrew Rattray of Darreidane, and Alaster Robertsoun of Drumheid; Lachlan M<sup>c</sup>Coull of Kildrygnie in £200 for George Small in Dernezane; the said George Small in £200 for the said Lachlan M<sup>c</sup>Coull; Patrick Robertsoun in Lenachmore in £200 for James Robertsoun, brother of Baron Reid; the said James Robertsoun, in £200 for the said Patrick Robertsoun; Patrick Robertsoun in Lay in 500 merks for Alaster Robertsoun of Downie; and the said George Small in 100 merks for John M<sup>c</sup>Phatrik, that they will not wear hagbuts or pistols, nor shoot at wild fowl nor venison, nor destroy the woods in future.

Similar caution.

Similar caution by \_\_\_\_\_ Campbell of Crownane in 500 merks for Fol. 130, a. George Ferquharsoun of Brochedarge.

Complaint by the Earl of Mar,

Another complaint by the Treasurer and Advocate as follows:—On 2nd June 1618 Patrick M<sup>c</sup>Illeich in Cames became cautioner in 100

Fines, 1614-31.  
Fol. 130, b.

merks for Alaster M<sup>c</sup>Patrik V<sup>c</sup>Thomas in Stronyloyne; John Roy M<sup>c</sup>Duff Treasurer, and Sir Thomas Hope, King's Advocate, against Patrick M<sup>c</sup>Illeich and others who became caution for certain persons who have forfeited the said cautions. in Innerchadnie became cautioner in £100 for Alaster Robertson in Downie; the said Alaster Robertson in Downie became cautioner in 500 merks for David Spaldine of Aschintullie; Alaster M<sup>c</sup>Patrik V<sup>c</sup>Thomas in Stronyloyne became cautioner in £100 for Patrick M<sup>c</sup>Illeich in Cames; David Weymes, son of James Weymes at the Mill of Werie, became cautioner in 500 merks for John Fleeming in Inverchroskie; Baron Reid became cautioner in 500 merks for Alaster Robertson in Downie; the said Alaster Robertson became cautioner in 500 merks for the said Baron Reid; and the said Baron Reid became cautioner in 500 merks for Robert Robertson Reoche in Cultilony:

Fol. 130, b.

likewise on 30th March 1620 Patrick Grant of Rathimurchus became cautioner in 500 merks for John Grant, his natural brother, that these persons would not wear hagbuts or pistols nor shoot at wild fowl or venison, yet these persons, principals above mentioned, have frequently since been guilty of so doing in the forests of , and therefore their said cautioners ought to be decerned in payment of the cautions above mentioned. Charge having been given to the said Alaster M<sup>c</sup>Phatrik, David Spalding, John Robertson, Robert Robertson, Patrik Grant of Rathimurchus and John Grant, his brother, and the pursuers compearing, likewise, Alaster M<sup>c</sup>Phatrik, David Spaldine, Robert Robertson, and John Grant in Kandapole—John Robertson of Stralochie and Alaster Robertson of Downie his cautioner being excused in respect of his sickness—and probation being referred to the oaths of the defenders, the Lords find the said John Grant in Kandapole, brother natural of Rathimurchus, guilty of violating the said act of caution, and ordain him and his cautioner to pay the same, being 500 merks, and John Grant to be warded in the tolbooth of Edinburgh till payment is made; but they assoilzie the remaining defenders present who denied the charge.

Fol. 131, a.

George Duff, agent in Edinburgh, compearing personally, became cautioner in 500 merks that John Grant, brother natural to the Laird of Rathimurchus, would keep ward within the burgh of Edinburgh till 1st August next, and on that day compear personally before their Lordships.

Caution by George Duff, agent in Edinburgh, for John Grant, natural brother to the Laird of Rothiemurchus. Holyrood House, 25th July 1629.

Acts July 1629-  
December  
1630,  
Fol. 139, b.

[*Sederunt ut in die praedicto.*]

“The whilk day the nobilitie, clergie, counsellours, and suche others as mett upon the committee, reported and gave in the overtours made and sett down be thame anent the repressing of Poperie and punishing of Jesuits, preists, and excommunicat papists; quhilks overtours being read and considerit be the nobilitie, clergie, counsellours and commissioners present, and some things being reformed and rectified thairin, and they being weill and throughlie advised thairwith, they ordained commissiouns and acts to be exped and drawin up thairupon in dew and ample forme

Charge to certain persons specially appointed for the purpose to apprehend all Jesuits in the country and all persons found going on pilgrimages to chapels and wells.

and to be exhibite upon Tuisday to be subscriyved. Lykeas accordingle the saids commissiouns and acts wer extendit and drawin up of the tennour following.—Forsameekle as altho all Jesuits, seminarie and messe preists, and excommunicat traffiquing Papists, ar found and declared by diverse Acts of Parliament and Secreit Counsell to be most pernicious pests in this commounweale and avowed enemies to Gods truthe and all Christiane governement, and that thairfoir they wer by diverse acts and proclamatiouns made and published heeretofore expresslie commanded and charged to have departed furth of this kingdome within ane certane space now of a long tyme bygane, under the pane of deid, yitt partlie upon occasioun of the confort and good countenance whilk they find amongs numbers of his Majesteis subjects of good qualitie, being popishlie affected, and partlie be the negligence and oversight of these to whois charge the executioun of the saids acts and apprehensioun and punishing of the saids persouns apperteanned, thir Jesuits, seminarie and messe preists, hes tane the boldnesse and encouragement fra tyme to tyme to repaire to this kingdome, where they bussie thameselfes to corrupt and pervert the simple and ignorant people both in thair religioun and alledgeance, and some of thir Jesuits and messe preists being craftie and politick heads and trafficquers in maters of state they bend thair whole endeavoures by surmising and forging of lees and dispersing of brutes and rumours of forrane projects and resolutiouns among his Majesteis subjects of better sort to distract thame in opiniouns and affectiouns and to raise and interteane factiouns and seditioun in the state, to the trouble and disturbance of his Majesteis peace. For preventing of whois treasonable courses and preserving of his Majesteis good subjects from the snares and dangers whairin thir wicked, politick and bussie headed people will not faile to involve thame to thair utter wracke and undoing, the Lords of Secreit Counsell being assisted with ane number of the clergie and commissioners frome the severall dioceis of this kingdome, whome his Majestie out of his most religious and pious dispositioun towards the propagatioun and advancing of the religioun and suppressing of thir pernicious and wicked pests, by whome the religioun and peace of the kirk and countrie is so mightilie disturbed, ordained to be conveyened, hes commanded and ordained that all Acts of Parliament, Convention and Secreit Counsell formerlie made aganis Jesuits, seminarie and messe preists, and excommunicat traffiquing papists, sall be put to dew executioun in all points conforme to the tennour thairof; commanding heirby all his Majesteis judges, officiairs and magistrats to burgh and land, to whois charge the executioun of anie of the saids Acts apperteanes, to putt the same to dew executioun accordingle. And forder the saids Lords hes givin and grantit, and be the tennour heirof gives and grants, full power and commissioun, expresse bidding and charge to the persons particularlie underwrittin within the bounds following; they ar to say, to James, Erle of Murrey, his Majesteis lieutennent for the north

Acta July 1629.  
December  
1630.  
Fol. 139, b.

Fol. 140, a.

Acts July 1629-  
December  
1630.  
Fol. 140, b.

parts of this kingdome, and to James, Lord Desfurde, Alexander, Maister of Forbes, Alexander Irwing of Drum, Burnet of Leyes, John Forbes of Leslie, Sir Alexander Gordoun of Cluny, James Crichton of Fendraucht, Sir James Gordoun, appearand of Lesmore, Androw Fraser of Muckalls, Williame Forbes of Tolquhone, Thomas Fraser of Streachin, and Abircrombie of Birkinboig, and to the proveist and bailleis of the burgh of Aberdein, conjunctlie and severallie within the bounds of the shirefdome of Aberdein; and to the said James, Erle of Murrey, lieutenant, Sir Johne Grant of Freuchie, James Brodie of that Ilk, Dumbar of Grange, Robert Inneis of Balvenie, Rosse, baroun of Kilrawacke, Alexander Inneis of Coitts, Alexander Dumbar of Kilboyack, Leslie of Finressie, and Patrik Grant of Easter Elcheis, and the proveist and bailleis of Elgine, Forresse, Narne and Bamff, within the bounds of the shirefdomes of Elgine, Forresse, Narne and Bamff; and to the said James, Erle of Murrey, lieutenant, Coline, Erle of Seafort, Simon, Lord Fraser of Lovat, Patrik, Bishop of Rosse, Johne Urquhart, shireff of Cromartie, Rosse of Pitcalnye, Johne Gordoun of Buckie, and M<sup>r</sup> Angus M<sup>c</sup>Intoshe, minister at Kingussie, and to the provest and bailleis of Innernes, conjunctlie and severallie within the bounds of the diocie of Rosse; and to Alexander, Erle of Galloway, Williame, Vicount of Drumlanrig, the shireffs of Dumfreis and Wigtoun, and to Johne Gordoun of Lochinvar, Sir Johne Charters of Amisfeild, Sir Robert Greir of Lag, James Johnestoun of that Ilk, and to the proveist and bailleis of Dumfreis and Kirkcudbright, within the bounds of the Shirefdome of Dumfreis, and stewartreis of Kirkcudbright and Annanderdaill; and to the said James, Erle of Murrey, lieutenant, Johne, Bishop of Caithnes, Johne Sinclare of Rattir, Williame Inneis of Sandsyde, and David Sinclare of Din, conjunctlie and severallie, within the bounds of Caithnes; and to the said James, Erle of Murrey, lieutenant, Coline, Erle of Seafort, Donnald, Lord of Rae, Sir Robert Gordoun, knight, Johne Gordoun of Embo, Murrey of Spainziedaill, James Sutherland, tutour of Duffus, Sutherland of Clyn, Johne M<sup>c</sup>Ky of Dyllirait, and Angus M<sup>c</sup>Ky of Boighous, conjunctlie and severallie, within the bounds of Sutherland; and to Johne, Erle of Kinghorne, David, Lord Carnegie, Sir Johne Scrimgeour of Duddop, constable of Dundie, Lindsay of Edzell, Harie Wod of Bonytoun, Grahame of Fintrie, Campbellof Lundie, Halyburtoun of Pitcur, Thomas Fotheringhame of Powrie, Sir John Carnegie of Ethie, Crichtoun of Ruthvens, Alexander Areskine of Din, Carnegie of Dinnechin, and to the proveist and bailleis of Dundie, Forfar, Breechin and Monrose, conjunctlie and severallie, within the bounds of the shirefdome of Forfar: and to George, Vicount of Dupline, Lord High Chancellour of this kingdome, William, Erle of Monteith, President of his Majesteis Counsell, Johne, Erle of Atholl, James Lord Cowper, Mungo, Maister of Stormont,

Fol. 141, a.

Coline Campbell, appearand of Glenurquhie, Sir James Campbell of Acta July 1629-  
 Lawers, Ogilvie of Inchemartine, Moncrieff of December  
 that Ilk, Sir Williame Stewart of Garnetullie, Blair of Fol. 141, a.  
 Batheyock, Mercer of Aldie, Campbell of Crownane, M<sup>r</sup>  
 James Stewart of Ladywell, commissar of Dunkelden, Ratray  
 of Craighall, and the proveist and bailleis of the burgh of Perth, con-  
 junctlie and severallie, within the bounds of the shirefdome of Perth,  
 and stewartreis of Stratherne and Monteith; and to Williame, Lord Kil-  
 mares, James Lord Rosse, Sir George Elphinston of Blythiswod, Justice  
 Clerk, Sir Williame Cuninghame of Caprinton, Sir Walter Stewart of  
 Minto, Ludovick Howstoun of that Ilk, Williame Sempill of Foulwod,  
 Stewart of Castelmilk, Archibald Stewart of Blakhall, Mure,  
 appearand of Rowallan, John Birsebane of Bishoptoun, Craw-  
 furd of Kilbirnie, Porterfeild of Duchill, Malcolme Crawford  
 of Newtoun, and Boill of Kelburne, and the proveist and  
 bailleis of Irwing, conjunctlie and severallie, within the shirefdome of  
 Renfrew; and to Coline, Erle of Seafort, Archibald, Lord of Lorne,  
 Johne, Bishop of the Iles, Sir Donald M<sup>c</sup>Connell of Slait, Johne  
 M<sup>c</sup>Cleud of Hereis, Johne Campbell, appearand of Caddell, and Lauch-  
 lane M<sup>c</sup>Claine of Morverne, conjunctlie and severallie, within the bounds  
 of the diocie of the Iles; and to Thomas, Erle of Hadinton, Lord Privie  
 Seale, John, Erle of Lauderdaill, Lord Dalkeith, Thomas, Lord  
 Binning, Johne, Lord Hay of Yester, Johne, Lord Torphichin, Johne, Lord  
 Balmerinoch, Johne, Lord Cranstoun, Lord Ramsay, Sir Patrik  
 Hepburne of Wauchtoun, Sir George Dundas of that Ilk, Sir Johne  
 Hamiltoun of Prestoun, Sir James Richartstone of Smeton, M<sup>r</sup> Patrik  
 Hepburn of Smeton, Sir Robert Hepburne, knight, Sir James M<sup>c</sup>Gill of Fol. 141, b.  
 Cranstoun, Sir Johne Dalmahoy of that Ilk, Sir George Forrester of  
 Corstorphine, Sinclare, appearand of Rosling, Sir Johne  
 Sinclare, appearand of Herdmeston, and the provest and bailleis of the  
 burrowes of Edinburgh and Hadintoun, conjunctlie and severallie, within  
 the bounds of the shirefdomes of Edinburgh and constabularie of Hadi-  
 nton, to pas, searche, seeke and take all and sindrie Jesuits, seminarie  
 and messe preists, and excommunicat traffiquing rebellious papists, where-  
 ever they may be apprehendit and whois names sall be givin unto thame  
 be the bishop of the diocie, moderator of the presbyterie, or any one of  
 the ministers of the presbyterie, or whois names sall be sent unto thame  
 be his Majesteis Counsell, or of whome they have certane knowledge  
 thameselfes, and to putt, hold and deteane them in sure firm-  
 ance and captivitie ay and whill they be exhibite to his  
 Majesteis Counsell and whill ordour and directioun be givin to the  
 saids commissioners be his Majesteis Counsell for their punishment  
 accordinglie. With power lykewayes to the saids commissioners con-  
 junctlie and severallie to have a speciall care and regaird within their  
 severall bounds and offices that the superstitious going in pilgrimage to

Acta July 1629.  
December  
1630.  
Fol. 141, b.

chappellis and wellis, quhilk is so frequent and commoun in this kingdome, to the great offence of God, scandall of the Kirk, and disgrace of his Majesteis government, be restrained, and for this effect that they caus diligent attendance be givin at all suche pairts and places where this idolatrous superstitioun is used, and to take and apprehend all suche persouns of quhatsomever ranke and qualitie whom they sall deprehend going in pilgrimage to chappellis and wellis, or whome they sall know thameselffes to be guiltie of that cryme, and to committ thame to waird and to deteane thame thairin till ordour and directioun be given for thair tryell and punishment conforme to his Majesteis lawes and Acts of Parliament; commanding heirby the saids commissioners and everie ane of thame to fortife and assist his Majesteis heraulds and officiars in the taking of the saids excommunicat rebellis thair housis and intrometting with thair goods to his Majesteis use. And if it sall happin the saids Jesuits, seminarie and messe preists, and excommunicat traffiquing and rebellious Papists or anie of thame for eshewing of apprehensioun to flee to strenths and houssis, with power to the saids commissioners, conjunctlie and severallie, to pas, follow, hunt and persew thame with fyre and sword, assiege the saids strenths and houssis, raise fyre and use all other force and warrelyke ingyne that can be had for winning and recoverie thairof, and apprehending of the saids Jesuits, seminarie and messe preists, and excommunicat rebellious Papists being thairin. And if in persute of thame or assiedging of the saids strenths and houssis it sall happin thame or anie of thame or anie being in companie with thame and assisting thame or within the saids strenths and houssis to be slaine, mutilat, hurt or woundit, or anie fyre raising, destructioun of cornes or other inconvenient whatsomever to follow thairupon, the saids Lords decernis and declaires that the same sall not be impute as cryme nor offence to the saids commissioners nor nane of thame nor to the persons assisting thame in the executioun of this commissioun, nor that they nor nane of thame sall be callit nor accused thairfoir criminallie nor civille be anie maner of way in tyme comming, notwithstanding whatsomever acts, statuts and constitutiouns made to the contrair; whereanent and all panes conteanit therein the saids Lords dispenses be thir presents. And generallie with power to the saids commissioners, conjunctlie and severallie, to doe, exerce and use all and sindrie others things quhilks for apprehensioun of the saids Jesuits, seminarie and messe preists, excommunicat rebellious Papists, and persons superstitiouslie going in pilgrimage to chappellis and wellis whilks of law and consuetude of this realme may lawfullie be done: Firme and stable halding and for to hald whatsomever things sall be lawfullie done heerin. And ordains letters to be direct charging officers of armes to pas to the mercat croces of the heid burrowes of the shirefdomes particularlie abonewrittin and there be opin proclamatioun to make

Fol. 142, a.



publicatioun heirof and to command and charge all and sindrie his Majesteis lieges and subjects to reverence, acknowledge and obey, ryse, concurre, fortifie and assist the saids commissioners, conjunctlie and severallie, in all and everie thing tending to the executioun of this commissioun, and for this effect to conveene and meit with thame at suche dayes, tymes and places as they sall be advertised be thair missive letters or otherwayes, and that effauldlie and trewlie they concurre and joyne with thame in the executioun of this commissioun and doe nor attempt nothing whilk may impede or hinder the same or linger and delay the executioun thairof, as they and everie ane of thame will testifie thair affectioun and good dispositioun to the trew religioun and punishing the adversars thairof, and under the pane to be repute, haldin, esteemed and persewed as favourers, suppleers and showers of countenance and assistance to the saids Jesuits, seminarie and messe preists and excommunicat rebellious Papists, and to be punished for the same accordingle with all rigour : And to command and charge the saids commissioners to accept this commissioun in and upoun thame, and faithfullie, carefullie and dewtifullie to execute the same, and to be readie at all tymes as they sall be required or advertised of the being of the saids Jesuits, seminarie and messe preists and excommunicat rebellious Papists in anie pairt or place within the bounds allotted unto thame, to ryse and goe for persute and apprehensioun of thame as they will approve thameselfes worthie of the trust reposed in thame, and will answere upon the contrarie at thair perrell.”

Commission to archbishops, bishops, and presbyteries to apprehend and try all resetters of Jesuits, and to fine all who refuse to communicate.

“ Forsameekle as altho the ressett, supplee and intercommuning with Jesuits, seminarie and messe preists, who by diverse Acts of Parliament wer found and declared to be profest and avowed enemeis to all Christiane governements, has benee verie straitlie prohibite and dischargit by manie good Acts of Parliament, Conventioun, and Secretit Counsell, under certane panes mentiouned and conteanit thairin, notwithstanding it is of truthe that the ressett, supplee and conforting of thir wicked and unhappie people is of lait become to be verie frequent and commoun in this kingdome, partlie upon occasioun of the bypast connivence and oversight givin to persons offending in that kynde and partlie becaus particular commissiouns hes not benee granted for trying and censuring of the saids resetts ; and the Lords of Secretit Counsell finding that the said resett is the cheefe and speciall caus whairby thir Jesuits and messe preists ar encouraged to repaire to this kingdome and to take the libertie to corrupt his Majesteis subjects both in thair religioun and alleadgeance, whereas if thair resetts and starting holes wer denyed unto thame the countrie would not be so farre infected and poysouned with thair treasounable projects and insinuations ; Thairfoir the Lords of Secretit Counsell, according to ane Act of Parliament made in the moneth of Junij 1609 yeeres, ordains and commands all and sindrie archbishops, bishops and presbytereis within the kingdome, and with that gives and

Acta July 1629-  
December  
1630.

Fol. 142, a.

Fol. 142, b.

Acta July 1629-  
December  
1630.  
Fol. 142, b.  
Fol. 143, a.

grants unto thame full power and commissioun, to call and conveene before thame all and sindrie persouns, resettters of Jesuits, seminarie and messe preists and excommunicat rebellis for Poperie, and all sayers and hearers of messe, at suche dayes and tymes as they sall appoint, and for this effect to fence and hold courts and to create officers and members of court neidfull, and the persoun or persons guiltie of the crymes abone-writtin or anie of thame to call and accuse, and to deduce and leade probatioun thairupon, and to take cognitioun and tryell of the same outhr by oath of partie or by witnessis; and in caise anie persoun resetter being lawfullie sumound to compeir and answeere upon the said resett will notwithstanding wilfullie absent himselfe and shun his tryell and so take the cryme upon him, that in that caise they hold him as confest, provyding alwayes that the name of the partie resett be speciallie condescended upon and the resett to have bene within the space of ane yeere; and the said tryell and probatioun being tane, that they report the same to his Majesteis Privie Counsell or Advocat to the intent the persouns guiltie may be callit to thair answeere and accordinglie punished. With power lykewayes to the saids archbishops, bishops and presbytereis, everie ane within thair awin bounds and office, to call and conveene before thame all and sindrie persouns who against the tennour of the Act of Parliament made in the 1609 yeere of God refuses to communicat, and to take tryell and cognitioun of thair refusall; and if upon dew tryell it sall be found that they ar non-communicants, that they decerne thame in the particular fynes and panes mentiouned and prescryved in the said Act of Parliament, and that they report the processe of thair proceedings aganis the saids non-communicants to the Lords of his Majesteis Privie Counsell, to the intent that the saids Lords upon consideratioun of the processe may direct letters for uplifting of the saids fynes to his Majesteis use and that they may modifie the panes to be imposed upon burgessis, seing the same ar left be the Parliament to the modificatioun of the saids lords. And recommends to the saids archbishops, bishops and presbytereis to have a speciall care to putt this commissioun to executioun."

"Forsameikle as in the Parliament haldin at Edinburgh in the moneth of Junij 1609 it wes statute and ordained that no persouns quhatsoever who wer alreadie or thereafter 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 behove to enjoy the possessioun of thair lands, rents and revenewes, bot that the same sould be medled with and uplifted to his Majesteis use, as the said Act of Parliament beiris; quhilk Act the Lords of Secreit Counsell all in one voice ordains to be putt to dew executioun in all points conforme to the tennour thair of, and

The Act of Parliament of 1609 anent the confiscation of the goods of non-conforming persons to be put in execution.

Fol. 143, b.

ordains and commands his Majesteis officers to whois charge it apper-  
teans to have ane speciall care that the said Act of Parliament receive  
executioun accordingle.”

Acta July 1629-  
December  
1630.  
Fol. 143, b.

Order for the  
enforcement of  
the Act of 1609  
forbidding all  
persons not  
professing the  
true  
religion to  
hold any  
public office.

“ Forsameekle as by ane Act of Parliament made in the moneth of  
Junij 1609 it wes statute and ordained that no persoun nor persons  
whatsomever who professes not the trew religioun presentlie profest  
within this kingdome sall be preferred nor advanced to anie office what-  
somever without exceptioun or restrictioun; thairfoir the Lords of Secreit  
Counsell according to the said Act of Parliament declaires and ordains  
that no profest Papist refusing to communicat being required thairto  
sall have place in Counsell, Sessioun or other judicatorie, nor bruike anie  
office within this kingdome; and ordains these whome it concerns to have  
ane speciall care of the precies observatioun of the saids Acts. And  
siclyke the saids Lords ordains and by these presents expresslie prohibits  
and discharges all persouns whatsomever being under processe for  
Poperie to resort or repaire to his Majesteis Court without licence frome  
the saids Lords had and obteaned to that effect, under the pane to be  
callit, persewed and accused as contemners of the directiouns of his  
Majesteis Counsell and to be punished and censured for the same  
accordingle.”

Hearers and  
sayers of messe  
to be fined and  
imprisoned.

“ Forsameekle as by expresse warrand and directioun from the Kings  
Majestie some circuit courts ar to be haldin in the severall shirefdomes  
of this kingdome in the moneth of October now approacheing by some  
of the Senatours of the Colledge of Justice and the Lord Cheefe Justice  
of this kingdome, and whereas the hearing and saying of messe is now  
become verie frequent and commoun within this kingdome, to the great  
offence of God, scandall of the trew religioun and disgrace of his  
Majesteis government; thairfoir the Lords of Secreit Counsell ordains  
and commands that all the saids hearers and sayers of messe sall be  
cited and wairned to the saids courts to abide thair tryell and punish-  
ment for the saids crymes, and that the probatioun to be used aganis  
thame sall be by thair awin oath or by witnessis at the discretioun of  
the judge, according to ane Act of Counsell made to this effect, and that  
the punishment to be inflicted upon thame sall be by fynning and con-  
fynning conforme to ane Act of Parliament haldin at Edinburgh in the  
moneth of December 1567 yeeres; or otherwise according to the Act of  
Counsell.”

Fol. 144, a.

Allowances to  
be made for  
the mainten-  
ance of exiled  
Papists out of  
their own  
rents, and like-  
wise for the  
payment of  
their creditors  
and of the  
stipends of  
ministers.

“ Forsameekle as by ane former Act and ordinance it is ordained that  
the rents and livings of all excommunicat Papists sall be intrometted  
with and uplifted to his Majesteis use, conforme to ane Act of Parliam-  
ent made in the 1609 yeere of God; and whereas it is found expedient  
that thir excommunicat persons sall have some competent allowance  
modified unto thame for thair interteanement upon the provisioun and  
conditioun following; thairfoir the nobilitie, clergie and commissioners  
for the Kirk now present remitts to the Lords of Privie Counsell the

Acta July 1629-  
December  
1630,  
Fol. 144, a.

modification of the allowance to be given to the said persons furth of their rents and livings for their interteanement, provyding alwayes that the saids persons depart furth of his Majesteis dominions and that they find caution and souertie actit in the bookes of Secreit Counsell that during their absence furth of his Majesteis dominions they shall not practise aganis the trew religion presentlie profest and be law established within the kingdome nor yitt aganis the state of the same, and that they shall returne backe and give their appearance before his Majesteis Counsell when ever they shall be lawfullie chargit to that effect under suche panes as his Majesteis Counsell shall appoint; and whereas lykewayes reason and justice craves that the lawfull creditours of thir excommunicat Papists shall be payed of their trew debts out of their estaits and that lykewayes ministers stipends, few dewteis and taxatiouns dew to be payed out of their lands shall be lykewayes satisfied, Thairfoir the saids nobilitie, clergie and commissioners remitts lykewayes to the Lords of Privie Counsell the ordour to be takin for satisfacioun of the saids creditours and for payment of the ministers stipends, few dewteis and taxatiouns out of the first and readiest of the saids rebellis their rents and living, and that the saids ministers stipends, few dewteis and taxatiouns be first payed and preferred to all other payments whatsoever."

Fol. 144, b.

"Forsameekle as albeit the ressett of Jesuits, seminarie and messe preists, hes beene oft prohibite and dischargit be the lawes of this kingdome, yitt the executioun of the saids lawes is and hes beene illudit be the wyffes of persouns repute and esteemed to be sound in religion who pretending misknowledge of the actiouns of their wyffes in thir caissis thinkes to liberat thameselfes of the danger of the said ressett as if they wer not to answeere for their wyffes doings, and under this cullour and pretext Jesuits and messe preists ar hoorded and fostered in diverse houssis of the kingdome and occasioun thairby offered to corrupt the childrein and servants of the hous in thair religion; for remeid whairof it is heirby declared that the husband shall be answerable and comptable to his Majesteis Counsell and Justice of the kingdome that his wyffe, being ane profest Papist or under processe for Poperie, shall not resset, supplee nor intercommoun with Jesuits nor priests, nor that he nor she shall not be served be Papists, and that nane shall be admitted to thair service bot suche as have ane testimoniall frome the minister where they dwell testifeing thame to be sound in religion, under the panes conteanit in the Acts of Parliament made aganis ressetters of Jesuits, seminarie and messe preists."

Husbands to be responsible for their wives not ressetting Papists.

"Forsameekle as the Lords of Secreit Counsell past and exped ane commissioun to some persouns within the diocie of Aberdein for putting of the Acts of Parliament anent the Kirk discipline to executioun, quhilks commissioners hes not as yitt made anie report of thair diligence in the executioun of the said commissioun, Thairfoir the Lords of Secreit

Charge to the Commission of Kirk discipline in Aberdein to make report of their diligence to the Bishop of Aberdein.

Counsell ordains letters to be direct charging the commissioners foresaids Acts July 1629-  
December  
1630.  
Fol. 144, b. to make report of thair diligence in the executioun of the said commissioun to Patrik, Bishop of Aberdein, within fyftene dayes nixt after they be required thairto, or otherwayes that they within the same space report thair said diligence to his Majesteis Counsell, as the saids commissioners will answeere upon the dewtifull discharge of thair commissioun."

No Papist in ward to be set at liberty except on the condition of leaving the country or professing the true religion.

"Forsameekle as diverse persouns excommunicat and rebellis for Poperie hes beene and ar presentlie in waird for that caus and daylie importuns his Majesteis Counsell for thairreleeffe, Thairfoir it is heirby declared and ordained that no excommunicat rebell being presentlie in waird or who heerafter sall be wardit for maters of religioun sall be releved out of the said waird bot upon obedience and conformitie to the trew religioun, or ellis upon thair voluntarie offer of banishment furth of his Majesteis whole dominiouns."

Acts of Parliament anent the education of the children of Catholic noblemen to be enforced.

"Forsameekle as there hes beene diverse Acts made in the tyme of our lait soverane lord of blessed memorie, one thairof in the Parliament haldin at Edinburgh in the moneth of October 1579 yeeres, and another Fol. 145 a. in the Parliament haldin at Edinburgh in the moneth of Junij 1609 yeeres, anent the educatioun of noblemens childrein, quhilks Acts hes beene neglected and hes not received executioun thir diverse yeeres bygane, so as throw the neglect thairof diverse youthes, als weill the sonnes of noblemen as others, hes beene and ar verie farre corrupted in thair religioun; Thairfoir the Lords of Secreit Counsell, clergie and others assisting at this meeting, ordains the saids Acts of Parliament to be putt to executioun in all points conforme to the tennour thairof, and they recommend to the bishops and ministers to make ane trew report to his Majesteis Counsell of the names of suche noblemen and barouns sonnes and daughters whois parents ar suspect in religioun or where they ar bred in suspect places."

The children of certain Papists to be taken from them.

"The whilk day the Bishop of Aberdein gave up the Erle of Errolls twa daughters, the Laird of Dalgateis barnes, and the barnes of Alexander Gordoun of Dunkintie to be persouns under vehement suspicioun to be corrupted in thair religioun by remaining in thair fathers companies."

Earl of Huntly's daughters.

"The whilk day the Bishop of Murrey gave up the Marqueis of Huntlie his daughters to be persouns under the same suspicioun."

Children of Donald Neilson MacLeod of Assint.

"The whilk day the Bishop of Rosse gave up the childrein of Donald Neilson of Assint to be under that same suspicioun."

The children of Lord Gray and Sir John Ogilvie.

"The whilk day the Bishop of Dunkelden gave up the Lord Gray his sone, and Sir John Ogilvie his childrein, to be persouns under the lyke suspicioun."

Children of the Countess of Abercorn.

"The whilk day Mr Johne Hay, commissioner for the diocie of Glasgow, gave up the Countesse of Abercorn and the Lord Sempill thair childrein to be persons under the lyke suspicioun."

Acts July 1629-  
December  
1630.  
Fol. 145, a.

“ Forsameekle as there hes beene diverse Acts of Parliament made be the Kings Majestie his darrest father of eternall memorie anent the religious educatioun of noblemens childein, lykeas the Kings Majestie himselffe hes by diverse letters writtin to his Privie Counsell recom-mendit the same unto thame, and whereas Robert, Erle of Nithisdail, is vehementlie suspected in his religioun and that the remaining of his sone in his companie may prove verie dangerous to the youth and now in his tender yeeres infect and poysoun him with opiniouns whairfra it will be difficill thereafter to reclame him, Thairfoir ordains letters to be direct charging the said Erle of Nithisdail to bring, present and exhibite his said sone before the Lords of Privie Counsell upon the            day of           , to the intent ordour and directioun may be givin for his breiding and educatioun in the trew religioun presentlie profest and be law established within this kingdome, under the pane of rebelloun and putting of him to the horne, with certifica-tioun, &c.”

Charge to the  
Earl of Niths-  
dale, who is a  
suspected  
Papist, to pre-  
sent his son  
before the  
Council.

Fol. 145, b.

“ Forsameekle as there hes beene some Acts of Parliament made be his Majesteis darrest father of blessed memorie whairby persons excom-municat and at the horne for thair religioun and who does not trewlie professe the religioun now established within this kingdome ar secludit frome bearing of anie publict office or charge within the kingdome, as the saids Acts, speciallie ane Act of the Parliament haldin in the moneth of Junij 1609, beiris, notwithstanding whair of Sir Alexander Gordoun of Neatherdene, knight, ane excommunicat Papist and his Majesteis rebell and at the horne for that caus, is preferred be Erle of Sutherland, shireff principall of Sutherland, to be his depute within that shirefdome, lykeas the said Sir Alexander hes most unlaw-fullie aganis the law accepted that office upon him and sits and gives decreits and sentences as if he wer ane lawfull subject and judge, abusing thairby the place of justice, and wronging his majesteis poore subjects, whois decreits and sentences recovered before him ar under danger to be brought in questioun; thairfoir the Lords and others conveened at this meeting ordains letters to be direct charging the said Erle of Sutherland and his tutours and curatours, if he anie hes, to nominat and appoint some discreit and lawfull persoun of sound religioun to be his depute in the said office of shirefship and to debarre and seclude the said Sir Alexander fra all forder using or exercing of that office, within            dayes nixt after the said Erle and his saids tutours and curatours be chargit thairto, under the pane of rebelloun, etc., and if he failyie, the said space being bypast, to denunce him rebell and putt him to the horne; and siclyke to command, charge and inhibite the said Sir Alexander that he on na wayes presume nor take upon hand to use and exerce the said office of shireff depute at anie tyme heerafter, under the pane to be callit and persewed as ane violent usurper of our soverane lords auctoritie and to be punished and censured for the same

Charge to the  
Earl of Suther-  
land to remove  
Sir Alexander  
Gordon of  
Netherdene, a  
known Papist,  
from his office  
of Sheriff-  
depute, and to  
appoint a  
person of the  
true religion in  
his place.

with all rigour; and siclyke to command and charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at all places neidfull that nane of thame presooome nor take upon hand to acknowledge or obey the said Sir Alexander as shireff depute of Sutherland or to give sute and presence before him or to persew or defend in anie actiouns or caussis before him; certifeing thame that failyeis or does in the contrair that not onelie sall all the decreits and sentences to be pronouced be him in thir maters be decerned and declared to have beene and to be frome the begining and in all tyme comming null and of nane avail, bot with that they sall be punished in thair persouns and goods for thair wilfull acknowledging of ane usurper and unlawfull judge.”

Charge to Sir Alexander Gordon, knight, to appear before the Council to answer for his excommunication and rebellion.

“Forsameekle as Sir Alexander Gordoun, knight, being ane excommunicat Papist and denounced rebell and at the horne for that caus and so by the lawes of this kingdome being uncapable of anie publict office or charge within the same, he notwithstanding, in contempt of the law, not onelie continewes under the fearefull sentence of excommunicatioun and lyes still at the processe of horne execute aganis him for that caus bot with that he usurps upon him the office of shireff depute of Sutherland, sitts in judgement and gives decreits and sentences, as if he wer ane lawfull judge, to the high contempt of his Majesteis auctoritie and lawes; Thairfoir the Lords of Secret Counsell ordains letters to be direct charging the said Sir Alexander to compeir before his Majesteis Counsell upon the \_\_\_\_\_ day of \_\_\_\_\_ to answeere upon his excommunicatioun and rebelloun and to underly suche ordour as sall be tane thereanent, with certificatioun to him and he failyie that letters of treason sall be direct aganis him for randerung of his houssis and entering his persoun in waird, and sall be thairafter persewed with all rigour and extremity.”

The names of excommunicat Papists to be proclaimed at the Cross of Edinburgh and affixed to the Tolbooth thereof.

“The Lords of Secret Counsell ordains the names of all the excommunicat Papists givin in at this tyme to be published at the mercat croce of Edinburgh and other places neidfull and ane catalogue and roll of thair names to be affixt upon the Tolbuith of Edinburgh, to the intent the Lords of Sessioun and uthers his Majesteis judges and commissars upon the objectioun of ane partie and inspectioun of the said catalogue may refuse processe to the parteis thairin conteanit.”

The Earl of Caithness and Sir Alexander Gordon.

“The Lords and uthers convenned at this tyme recommends to his Majesteis Advocat the sight and consideratioun of the hornings used aganis the Erle of Caithnes and Sir Alexander Gordoun and to report to his Majesteis Counsell what forder executioun by law may be used thair-upon.”

Anent the Bishop of Caithness.

“The Lords ordains the Bishop of Caithnes, who wes personallie present, to make his addresse with his familie to his awin diocie betuix and Martimes nixt and there to remaine and attend his charge as he will answeere upon the contrarie at his perrell.”

Acta July 1629-  
December  
1630.  
Fol. 145, b.

Fol. 146, a.

Acta July 1629.  
December  
1630.  
Fol. 146, b.

"The Lords ordains the lyke charges to be direct aganis the Erle of Caithnes and all others excommunicat rebellis for thair compeirance before the Counsell as is ordained to be direct aganis Sir Alexander Gordoun of Neatherdene, provyding it be in the lyke caise."

The Earl of  
Caithnes.

"The Lords ordains the Bishops and presbytereis to proced with the censures of the Churche indifferentlie and without exception aganis all and sindrie persons suspect of Poperie of what ranke and qualitie so ever they be under the panes conteanit in the Act of Parliament."

Bishops and  
presbyteries to  
proceed  
against Papists  
of all ranks.

"The Lords ordains that letters of horning sall be direct upon ten dayes aganis all excommunicat persons dwelling on this side of Dee and upon fyftene dayes aganis these benorth for thair compeirance before the Counsell."

Letters of  
horning  
against  
Papists.

"The Lords ordains that no letters be granted against anie minister at the instance of anie excommunicat or rebellious Papist bot upon caution for payment of the ministers expenses incaise he sall succumbe in proving of his complaint."

Anent com-  
plaints raised  
against  
ministers by  
Papists.

"The Lords ordains ane missive to be writtin to the Erle of Murrey, his Majesteis Lieutenant in the North, earnestlie recommending unto him the executioun of the commissiouns past and exped this day aganis Jesuits, seminarie preists, excommunicat and rebellious Papists."

A missive to  
the Earl of  
Murray anent  
Papists.

"The Lords ordains ane missive to be writtin unto his Majestie randerig his Majestie most humble thankes for his most religious and singular care whiche his Majestie caryes towards the propagatioun and advancement of the trew religioun within this kingdome manifested by his letters writtin to his Counsell for that effect, and humbelie intreatting his Majestie to give commissioun to the Erle of Seafort for persute of the Erle of Caithnes, who is ane excommunicat and rebellious Papist and contemnes all ordours and censures of the Kirk, and that his Majestie would deale with the Lord Gordoun that his sonnes be putt to some colledge for thair better breeding in the grounds of trew religioun; as alsua that his Majestie be petitiouned not to dispense with the law in favours of excommunicat rebellis nor to grant unto thame anie forder allowance out of thair estats nor sall be modified unto thame be his Majesteis Counsell. Followes the missive writtin to his Majestie:—

Letter to his  
Majesty anent  
the meeting for  
the suppress-  
ion of Papists.

Most sacred soverane, Your Majesteis godlie and zealous care of the maintenance and propagatioun of the trew religioun and suppressioun of Poperie within this kingdome whair of we have found the confortable effects by the lait meeting appointed by your Majestie for that effect, obliges us in the dew acknowledgement of so great ane blessing to powre out our most fervent prayers unto God for your Majesteis long and happie raigne. The dyet indicted be your Majestie for that purpos wes solemnelie kepted by the clergie and the commissioners frome the dioceis, who, concurring with your Majesteis Counsell by thair best advice anent the ordour to be prosecute for reclaiming of the tractable and repressing of the insolent and refractarie sort of Papists,

Fol. 147, a.



have with unamine consent concludit and sett doun suche Acts and ordinances as we hope being carefullie executed will produce the intendit effect; whair of we have sent up ane copie to your Majesteis Secretarie to be showin to your Majestie at your best opportunitie. And becaus it is probable that your Majestie will be muche importunned by the frequent sutes of incorrigible Papists who, refusing to give obedience to the ordours of the Church, will crave ane mitigatioun of the Act of Parliament ordaining thair whole rents and living to be intronnetted with and uplifted to your Majesteis use, we will humbelie beseeche your Majestie not to hearken to anie suche propositioun bot to remitt to your Majesteis Counsell the modificatioun of the allowance to be givin for thair interteanement furth of thair estaits according to the merite of the caus, since we conceive the executioun of that law to be the most powerfull and conduceable meane for curbing of the insolent and reduceing of thame to the obedience of the law. And in regaird there is no person of auctoritie nor power within the shirefdome of Caithnes to be employed for apprehending the Erle of Caithnes, who is ane excommunicat rebell, it wes thought expedient at the meeting that your Majestie sould be supplicated to grant ane commissioun to the Erle of Seafort for prosecuting the lawes aganis him, that others, by his exemple being terrified may be the more readilie reclaimed to your Majesteis obedience. And forasmuche as it is feared that the childrein of the Lord Gordoun, who ar weill bred, being now under the commandement and in the hous of the Marqueis of Huntlie, thair grandfather, may in thair tender yeeres be corrupted in thair religioun by the travellis and insinuatoun of the Marqueis and others Popishlie affected resorting to that hous and frequenting thair company, we will earnestlie intreate your Majestie to give ordour to the Lord Gordoun that his sonnes may be placed in some one of the Colledges of St. Andrewes there to be educat as the Counsell sall direct. We have received ane roll of the names of these that ar suspect of Poperie, excommunicat or denounced rebellis for the same, and upon your Majesteis perusal of the Acts and ordours sett doun concerning thame, and significatioun of your royall pleasure thereanent, we sall be carefull to caus prosecute the lawes aganis thame with that diligence and indifferencie whiche your Majesteis honnour, the good of the Church and quyet of the estait in suche a caise doeth require. And so praying God to blesse your Majestie with ane long and happie raigne, we rest, &c. Halyrudhous 28 July 1629.

*Subscribitur*, St. Andrewes, Mar, Monteith, Hadinton, Mairshell, Linlithgow, Bishops of Dunkelden, Aberdein, Murrey, Pa. B. of Rosse, Dumblane, Ge. Orcad., Melvill, Carnegie, Jedburgh, Tracquair, Hamiltoun, S<sup>r</sup> Thomas Hoip, S<sup>r</sup> George Elphinston, Scottistarvet. Followes another missive writtin to his Majesteis Secretarie:—Our verie honnourable good lord, At the lait meeting of the Counsell and clergie whiche wes kept by his Majesteis appointment upon the twenty thrid of this instant for ordour taking

Acts July 1629-  
December  
1630.  
Fol. 147, a.

Fol. 147, b.

Letter to his  
Majesty's  
Secretary  
anent the  
same.

Acts July 1629-  
December  
1630.  
Fol. 147, b.

with Papists and reclaiming thame frome thair errorrs to his Majesteis obedience thair wes certane Acts concludit and sett down whairof we have heerewith sent ane copie to your lordship to be showin to his Majestie at some fitt opportunitie; and becaus the executioun of thame doeth muche import his Majesteis service and the good of religioun and that it is lyke enough that the adversareis of the truthe, apprehending thair awin danger, will use thair best credit and endeavoures to divert his Majestie frome allowing of the same, we will intreate your lordship to communicat these Acts to suche counsellours and noblemen there as you know to be best affected to the religioun and in the Counsellis name to intreate thair concurrence with yow to present the same to his Majestie and to sollicite the approbatioun and executioun thair of, whiche we doubt not his Majestie will graciously vouchesafe, notwithstanding anie instance that may be made in the contrair. Quhereanent expecting the signification of his Majesteis pleasure we committ your lordship to God. From Haly-rudhous the 28 day of July 1629. *Subscribitur ut supra.*"

[No record of Sederunt.]

Edinburgh,  
27th July 1629.

"The whilk day in presence of the Lords of Secreit Counsell com-  
peirit personallie M<sup>r</sup> Robert Craig, advocat, as procurator for James  
Murrey, Maister of Worke, and gave in the acquittance and discharge  
underwrittin, desyring the same to be insert and registrat in the bookes  
of Privie Counsell that executioun may pas thereupon in forme as  
effeirs. Quhilk desire the saids Lords finding to be reasonable they have  
thairfoir ordained and be thir presents ordaines the said discharge to be  
insert and registrat in the bookes of Privie Counsell to the effect above  
and underwrittin, of the whilk discharge the tennour followes:—I,  
James Murrey, Maister of his Majesteis Workes, grants me be the  
tennour heirof to have received fra Williame Dick, merchant, burges  
of Edinburgh, three barrellis of poulder weyand with the trees twentie  
aucht stone weight, togidder with threescore bulletts callit shaiker shott,  
and that in satisfacioun of the lyke quantitie of poulder and number of  
bulletts foresaids borrowed be the said Williame Dick fra me out of his  
Majesteis magazene within the Castell of Edinburgh; and discharges the  
said Williame Dick and his airs of the same for ever, and binds and  
obleises me and my airs to warrand this my discharge to be good,  
valide and effectuall unto him at the hands of all persouns having place and  
interesse to querrell the same. And for the mair securitie I am content  
and consents that thir presents be insert and registrat in the bookes of  
Privie Counsell that executioun may pas thairupon in forme as effeirs,  
and for registrating heirof constituts M<sup>r</sup> Robert Craig, advocat, my  
procurator. In witnes whairof I have subscriyved thir presents with my  
hand at Edinburgh the 23 day of July 1627 before these witnesses,

Discharge by  
James Murray,  
Master of  
Works, to  
William Dick,  
burgess of  
Edinburgh, for  
three barrels of  
gunpowder  
and three-  
score bullets.

Fol. 148, a.

Walter Murrey, sone in law to the said James Murrey, and Francis Dick, servitour to the said Williame Dick. *Subscriptur*, James Murray, W. Murray, witnes, Fran. Dick, witnes." Acta July 1629.  
December  
1630.  
Fol. 148, a.

Edinburgh,  
27th July 1629.  
Caution by  
Patrick  
Murray,  
indweller in  
the Canongate,  
for David  
Spalding of  
Ashintullie.

Mr. Robert Craig, advocate, as procurator for the principal and cautioners, registers a bond by Patrick Murrey, indweller in the Cannogait, whereby he becomes cautioner in 500 merks that David Spaldine of Ashintullie will not in future bear hagbutts or pistols, shoot wild fowl or venison, nor destroy green wood or growing trees in any forest; with clauses of relief and registration. The bond, which is written by John Miller, servitor to Robert Kirkwod, writer, is dated at Edinburgh 27th July 1629, witnesses, William Oliphant, son to Laurence Oliphant of Condie, John Pitcarne, servitor to Thomas M<sup>c</sup>Awlay, writer, Robert Forrester and Thomas Forbes, servitors to Quintene Kennedie, writer. (Signed) D. Spaldine—Williame Oliphant, witnes, J. Pitcairne, witnes, R. Forrester, witnes, Thomas Forbes, witnes. Patrik Murrey, the cautioner, cannot write and signs by the help of John Miller and Robert Kirkwod, notaries. Fines, 1614-51.  
Fol. 131, a.  
Fol. 131, b.

Holyrood  
House, 28th  
July 1629.

*Sedcrunt*—Treasurer; St. Andrewes; Monteith, Præses; Hadinton, Privy Seal; Mairshell; Linlithgow; Bishop of Dunkeld; Bishop of Aberdein; Bishop of Rosse; Bishop of Murrey; Bishop of Dumblane; Bishop of the Iles; Bishop of Argyle; Bishop of Orkney; Lord Melvill; Lord Carnegie; Lord Tracquare; Lord Jedburgh; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot. Acta July 1629.  
December  
1630.  
Fol. 148, a.

The conclu-  
sions of the  
meeting anent  
Papists sub-  
scribed.

"The whilk day the Commissiouns, Acts and Letters, whilks wer concludit upon the twentie fyft day of this instant with the missive letters whilks wer ordained to be writtin to the King's Majestie and his Secretarie wer presented to the nobilitie, clergie and Counsell present, read in thair audience, allowed and subscribed be thame."

Commissions  
for the sup-  
pression of  
Jesuits, semin-  
ary and mass  
priests given  
to certain  
specified per-  
sons in special  
districts.

"The whilk day the nobilitie, Counsell and clergie, ordained commissiouns to be past and exped to the persons underwrittin according to the commission whilk wes past and exped upon the 25 day of this instant aganis Jesuits, seminarie and messe preists and rebellious Papists, in all points.—For the shirefdome of Edinburgh, to the Erle of Hadinton, Lord Privie Seale, the Erle of Lauderdale, the Lords Dalkeith and others specified in the commissioun already exped; for the shirefdome of Stirlin, to the Erles of Mar, Monteith and Linlithgow, the Lairds of Keir, Powmais and Carnock, and the proveist and bailleis of Stirlin; for Fyffe, to the Erle of Rothesse, the Lords Weymes, Burlie and Melvill, Sir George Areskine of Innerteill, Sir Alexander Gibsone of Durie, Sir James Learmonth of Balcolmie, Sir Thomas Hoip of Craighall, knight baronnet, Sir John Scot of Scottistarvet, to the Lairds of Newtown, Bogie younger, Dairsie, St. Monans and Balcarrasse, and to the Fol. 148, b.

Acta July 1629-  
December  
1630.  
Fol. 148, b.

provest and bailleis of the burrowes within the said shirefdome; for Galloway, the Vicount of Airds and his eldest sone, the Lairds of Garthland, Barnbarrow and Sorbie, to Hew Gordoun of Grange and Archibald Dumbar of Baldone; for the Yles, M<sup>c</sup>Claine of Dowart, the Lairds of M<sup>c</sup>Kinnon, Coll and Lochbowy, the Tutour of Bute, and M<sup>c</sup>Neill of Barra."

"Anent the supplicatioun presented to the Lords of Secret Counsell be Dame Marion Boyd, Countesse of Abercorne, makand mentioun that where she being this long tyme bygane prisouner within the burgh of Edinburgh, whilk procured manie heavie diseases unto her so as this whole last winter she was almost tyed to her bed, and she finding ane daylie decay and weakenesse in her persoun whilk threattens the perrell of her lyffe, she thairupon tooke purpose humbelie to petition his Majestie that she might have his Majesteis gracious allowance and warrand for her repaire to the Baynes in England about Birsto that there she might use the ordinarie meanes for recoverie of her health and strenth; and his Majestie gratuslie inclynning to her humble petition hes by his letter directed to the saids Lords signified his royall will and pleasure thereanent and his royall allowance of her addresse to the saids Baynes for the better recoverie of her health; and seing now this is the most proper and seasonable tyme of yeere whan she may travell and if her journey be delayed ather to the midds of harvest whan the weather is verie unconstant and unseasonable or to the deid tyme of winter whan there will be no travelling for her, and this being lykeweyes the seasoun of the yeere whairin the Bathe is ordinarilie takin, humbelie desiring thairfoir that according to his Majesteis warrand she may have ane licence past and exped to her in dew and competent forme for her addresse and repaire to the Baynes in maner foresaid, lykeas at mair lenth is conteanit in the said supplicatioun: Quhilk being read, heard and considerit be the saids Lords, and they alsua having heard and considerit his Majesteis missive letter directed unto thame in this earand, and having lykeweyes seene and considerit the petition givin in unto thame be Sir Williame Cunninghame of Caprinton and M<sup>r</sup> Williame Cunninghame, his assigney to the band underwritin, proporting that the lait Erle of Abercorne, father in law to the said Sir Williame, having by his band subscriyvit with his hand obleist him to delyver and make payment to Dame Elizabeth Hamiltoun, his daughter and spous to the said Sir Williame, of the sowme of twentie thowsand merkes and to fulfill all other conditionis specified in the said band, and the same band being putt in the said Dame Marions hands to have been kepted to the behove of the said Dame Elizabeth, her daughter, that she hes deteaned the said band and haldin the petitioners in great turmoyle and trouble, constreaning thame to enter in processe and to recover decretit agains her for delyverie of the said band, and thairfoir humbelie desiring that no licence be granted to the said Dame Marion for her departing out of

License to the  
Countesse of  
Abercorn to  
proceed to  
Bath for her  
health on cer-  
tain specified  
conditions.

Fol. 149, a.

the kingdome whill she delyver the said band conforme to the decreit Acta July 1629-  
foresaid and charges used thairupon; and the saids Lords, being weill December  
advised with the petitionous foresaids and with his Majesteis missive 1630.  
letter abonewrittin, the Lords of Secreit Counsell ordains ane licence to Fol. 149, a.  
be past and exped to the said Dame Marion Boyd for her departing  
and passing furth of this kingdome towards the Baynes foresaid with  
this speciall provision and condition that she act herselffe to returne  
backe to this kingdome when ever she sall be lawfullie chargit to that Fol. 149, b.  
effect, under the pane of forefaltour of her licence and of the allowance  
whilks sall be modified be the Counsell for her interteanement; quhilk  
licence the saids Lords ordains to ly in the hands of the Clerk of  
Counsell till the said Dame Marion delyver to the said Sir Williame  
Cunninghame and his assigney foresaid the band abonewrittin conforme  
to the decreit recovered be thame thereanent and lykewayes till she act  
herselffe that so long as her occasioun sall make her remane within the  
kingdome of England that she sall not repaire to his Majesteis Court,  
and that at her returne to this kingdome she sall compeir before the  
saids Lords to be disposed of as they sall find caus. Followes his  
Majesteis missive for warrand of the Act abonewrittin<sup>1</sup>:—The Lords of  
Secreit Counsell declaires that the licence grantit to the Countesse of Fol. 150, a.  
Abercorne for her departing furth of the kingdome for recoverie of her  
health sall not exclude the Theasurar nor Advocat to persew her as  
accords of the law.”

Declaration  
anent the  
license above-  
mentioned.

Nomination of  
commissioners  
for assisting  
the Bishop of  
the Isles at his  
Synod.

“ Forsameekle as Johne, Bishop of the Isles, hes appointed ane Synode  
to be kepted at Icolmekill in the moneth of August now approcheing  
and to begin God willing upon the                      day of the said moneth, and  
whereas it is necessar that he be accompanied and assisted with some  
speciall persons of freindship and credite in the Isles by whois concur-  
rence and advice he may the better direct and dispatche suche things as  
sall occurre at that meeting; thairfoir, the Lords of Secreit Counsell hes  
nominat and appointed and be the tennour heirof nominats and appoints  
McDowgall of Dunnoldycht,                      Lawmond of that  
Ilk, and Williame Stirlin of Achyle, or anie ane of thame, to be com-  
missioners with the said Bishop at the Synod foresaid and to assist him  
in suche things as sall occurre at that meeting whairin thair advice and  
opinioun sall be necessar for him; commanding heirby the persons fore-  
saids to accompanie the said Bishop to the said Synod and to concurre  
and joyne with him by thair best advice and opinioun in suche things  
as sall be there propounded and handled, as they will answeere to his  
Majestie and his Counsell upon thair obedience.”

Inventories of  
their estates to  
be returned by  
Papists with a  
view to their

“ Forsameekle as there hes beene diverse supplicatiouns givin in to  
the Lords of his Majesteis Privie Counsell by excommunicat persons  
who ar denounced rebellis for maters of religioun humbelie craving ane

<sup>1</sup> This is the same letter as is already engrossed in the Act of 9th July, and printed there;  
*ante*, p. 211.

Acta July 1629-  
December  
1630.  
Fol. 150, a.

allowance to be modified unto thame furth of thair estaits for thair interteanement abroad during thair banishment furth of his Majesteis dominions or remaining in waird within this kingdome; and the saids Lords being carefull to understand the trew worth of the saids persons thair estaits and living to the intent that upon tryell thair of they may modifie unto thame ane proportionable allowance furth of the same; Thairfoir the saids Lords, being assisted with ane number of the clergie, decernis and ordains the said excommunicat rebellis the tyme of the presenting of thair supplicatiouns, to give up thairwith ane inventar of thair goods and rental of thair lands and to find ane responsall persoun to be answerable to the Counsell that the samine is just and trew; with this declaratioun and provisioun alwayes that if more sall be conteanit in the said inventar and rental than will correspond to the worth of the saids rebellis thair estaits, in that caise the whole rent except that pairt thair of whiche sall be modified to the rebell sall perteane to his Majestie during all the dayes of the said rebell his lyfetye; and if anie pairt sall happin to be concealed and omitted furth of thair estaits the saids Lords declaires the pairt and portioun so concealed to be irrecoverable lost and to apperteane to his Majestie, notwithstanding of the saids rebellis thair obedience and conformitie in tyme comming; without prejudice to his Majesteis Thesaurar, Depute Thesaurar, and Advocat, to persew the saids excommunicat rebellis for thair rents and livings as accords of the law, to the whilk this present ordinance sall make no derogatioun."

Fol. 150, b.

"Forsameekle as it is understand to the Lords of Secret Counsell that upon the fyft day of December last Williame Gordoun of Rothemay, Johne Inneis of Crombie, Johne Young and Alexander Inneis, his servants, and Robert Bruce of Inhecorse wer denounced rebellis and putt to the horne be vertew of criminall letters raised at the instance of Robert Crichton of Conland, domestick servitour to James Crichton of Fendraucht, for not finding of caution actit in the Bookes of Adjournall for thair compeirance before his Majesteis Justice to have underlyne the lawes for bearing and wearing of hacquebutts and pistolets, hurting and wounding the said Robert thairwith in maner specified in the said letters; lykeas upon the twentie twa day of May last bypast the saids Williame Gordoun of Rothemay, Robert Bruce of Inhecorse, Arthure Forbes there, Normand Abernethie in Nothroddie, and Andro Craig in Mayard wer denounced rebellis and putt to the horne be vertew of letters raised at the instance of his Majesteis Advocat and of the said Laird of Fendraucht, partie greeved, for not compeirance before his Majesteis Counsell at ane certane day bygane to have answered to ane complaint made be his Majesteis said Advocat and Laird of Fendraucht upon thame tuicheing thair bearing and wearing of hacquebutts and pistolets and persute of the said Laird of Fendraucht in maner conteanit in the said complaint; lykeas upon the last day of Februarie last bypast the said

receiving a proportional allowance for their support during their imprisonment at home or their sojourn in exile.

Charge to the lieges of Aberdeen, Banff, Elgin, Forres, and other places, not to reset or supply William Gordon of Rothiemay, John Innes of Crombie, and others who are now at the horn and are defying the law.

John Inneis of Crombie wes denounced rebell and putt to the horne be vertew of letters raised at the instance of Williame Inneis of Auchindirrane and his spous for not compeirance personallie before his Majesteis Counsell at ane certane day bygane to have answered to the complaint made be thame upon him tuicheing the persute and invasioun of the said Williams spous and hurting and wounding of her in maner specified in the said complaint; and upon the said twentie twa day of May last the said Williame Gordoun of Rothemay, Robert Bruce, Johne Logane, and Williame Abernethie, his servants, wer denounced rebellis and putt to the horne be vertew of the letters raised at the instance of his Majesteis said advocat and the said Laird of Fendraucht and of Henrie Buchan and George Young, his servants, for not compeirance personallie before the saids lords of Privie Counsell at ane certane day bygane to have answered to ane complaint made upon thame tuicheing thair bearing and wearing of hacquebutts and pistolets and comming to the place of Fendraucht and sending in of cartalls and challenges to the said Laird of Fendraucht and for divers others insolenceis committed be thame at lenth specified and conteanit in the said complaint; lykeas upon the said twentie twa day of May last bypast the saids Williame Gordoun of Rothemay, Thomas Gordoun at the Walkemylne of Rothemay, and James Duff there, wer denounced rebellis and putt to the horne be vertew of letters raised at the instance of his Majesteis said Advocat and the said Laird of Fendraucht for not compeirance personallie before his Majesteis Counsell at ane certane day bygane to have answered to ane complaint made upon thame tuicheing thair bearing of hacquebutts and pistolets, ryding throw the said Laird of Fendraucht his growing cornes and haynned grasse, making of provocatiouns and sending of cartalls and challenges to the said Laird of Fendraucht; as the letters of horning respective foresaids, besides ane number of others hornings used and execute aganis the said Williame Gordoun of Rothemay als weil for not payment of diverse great sowmes of money debtfull to the said Laird of Fendraucht be him as for not finding of lawburrowes and others civill caussis specifeit in the said letters, and all execute, indorsat and registrat, showin to the Lords of Privie Counsell, beiris: And becaus they remained, as they doe yitt, at the saids processes of horne unrelaxt, letters wer direct whairwith the saids Williame Gordoun of Rothemay and Johne Inneis of Crombie wer chargit be Williame Craig, Rose herauld, with displayed coate of armes and with sound of trumpet to have randered and delyvered the towre and fortalice of Rothemay and the hous and castell of Crombie to the said herauld, as alsua to have entered thair persons in waird within the castell of Blacknesse within ane certane space after the charge, under the pane of treasoun; quhilks letters and charges givin be vertew thair of they have lykewayes most treasonable dissobeyed and notwithstanding thair of haunts, frequents, and repaires publictly and avowedlie in all pairs of the countrie, haunting

Acta July 1629-  
December  
1630.  
Fol. 150, b.

Fol. 151, a.

Acta July 1629-  
December  
1630.  
Fol. 151, a.

publict mercats and all others publict places and societeis of men as if they wer lawfull subjects, and they ar strenthened and fostered in thair rebellious courses be the recept and supplee quhilk they receive among thair freinds and acquaintance in the countrie by whome they ar als tenderlie ressett and respected as if no suche hornings wer used aganis thame, whairthrow the course of justice is most highlie vilified and contenned, his Majesteis gouvernement disgraced, and exemple givin to others rebellious and evill affected subjects to continew in the lyke rebelloun without remeid be provydit; thairfoir the Lords of Secretit Counsell ordains 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 Aberdein, Bamff, Elgine, Forresse, and all uthers places neidfull, that nane of thame presooome nor take upon hand to ressett, supplee nor intercommoun with the persouns rebellis foresaids, furnishe thame meate, drinke, hous nor harbourie, nor have intelligence with thame be word, writt nor message, during the tyme of thair rebelloun, under the panes conteanit in his Majesteis lawes and Acts of Parliament made aganis the ressetters and suppleers of rebellis, with certificatioun to thame that failyeis that the saids panes sall be execute upon thame without favour. Followes his Majesteis missive for warrand of the Act

Fol. 151, b.

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 complaint hes beene made unto us by James Crichton of Fendrauch that Williame Gordoun, elder, of Rothemay, Johne Gordoun, his sone, and Johne Inneis of Crombie, and thair complices, have in manifest contempt of our auctoritie remained ane long tyme in rebelloun and no ordour takin thairwith, we wonder that suche abuses sould be suffered within the countrie, at least having used your diligence, that yow have not exacted ane accompt of the ordinarie officiar or magistrat to whome that charge doeth belong. Our pleasure is that yow give ordour to the shireff of the shyre where the saids persouns doe live, or to any other having charge frome us, or to anie uther whome yow sall thinke fitt to be employed, for apprehending of thame and presenting of thame to justice, or otherwayes to caus seaze upon thair houses, lands and goods, according to the lawes and practick of that our kingdome. And as we ar confident that yow will use your best meanes according to the autoritie yow have frome us for seing our lawes putt in executioun in repressing this or anie other lyke abuse, so upon advertisement frome yow we will provide for anie suche forder remedie as yow sall require of us; and so we bid yow fareweill. Frome our Court at Whitehall the 13th of Marche 1629.”<sup>1</sup>

Warrant from  
his Majesty for  
the above  
charge.

“The Lords of Secretit Counsell allows the comissioners nominat be the Kings Majestie for halding of circuit courts to proceid to the tryell and

List of crimes  
to be tried in  
the Justice-  
Courts.

<sup>1</sup> This letter is also engrossed in the Council's Register of Royal and other letters, fol. 166, a.



punishment of persons guiltie of suche capitall crymes and breache of Acta July 1629.  
penall statuts as the Lord Cheefe Justice of this kingdome sall select December 1630.

out of the instructions given be the Lords of Privy Counsell to the com- Fol. 152, a.  
missioners who held thair circuit courts the last yeere bygane, and as  
the said Lord Cheefe Justice sall thinke meit and expedient, unto whois  
discretioun in this point the saids Lords remitts the same with als great  
warrant and authoritie as he had the last yeere bygane."

" And tuicheing persouns delated of making, printing and outputting  
of false coyne, wilfull resettters, suppleers and intercommouners with  
rebellis outhr forefaulted for odious crymes or denounced for slaughters  
and makers and composers of false writts and such as ar accessorie  
thairto, that the commissioners proceid thairin according to the instruc-  
tiouns givin to thame the last yeere bygane."

" And tuicheing persouns suspect and delate of the crymes particularly  
underwrittin, viz.,

charmners and consulters with witches and sorcerers ;

committers of incest in *gradu tertio collateralis* ;

committers of adulterie,

maryers of twa wyffes,

committers of dismemberation or mutilatioun ;

hurters aud wounders of persouns upon auld feede and forethought  
fellowie,

false officers of armes usurping the office without admissioun, or users  
thairof after deprivationioun,

committers of pittie thift and pyckerie,

bearers and wearers of hacquebutts and pistolets,

cutters and destroyers of growing trees, plewes, mylnes, and cornes,  
without consent of the maisters and awners thairof,

users of false weights, metts and measures,

breakers of prisson houssis and wairds, being committed for debt  
allanerlie,

deforcers of officers of armes,

slayers of salmound fishe and smolts in forbiddin tyme,

Officers using of extortioun in taking brybes frome assysours or frome  
parteis to make thame byde at home after citatioun,

stealers of pyckes out of stankes or ponds,

breakers of dowcats, orchards, or yairds,

stealers of beeskaips,

stealers of hawkes and hounds, peacokes, dukes, and coneis,

makers and spreaders of infamous libells aganis anie of his Majesteis  
subjects allanerly,

sayers and hearers of messe, resettters of Jesuits, seminarie and  
messe preists, and excommunicat rebellis."

" The Lords of Secreit Counsell ordains the said commissioners of the  
circuit courts to proceid to the tryell and punishment of the persouns

Acta July 1629-  
December  
1630.  
Fol. 152, a.

Fol. 152, b.

guiltie of the crymes abonewrittin or anie of thame by imposing of pecuniall sowmes and fynes upon thame allanerlie, and taking sufficient caution of the persouns convict of charming and consulting with witches and sorcerers and convict of incest, adulterie and mareing of twa wyffes, in maner foresaid, that they sall satisfie the Kirk, and that the incestuous persouns sall separat, and that all the saids persouns sall forbear in tyme coming, and taking caution of the persouns convict of dismemberation or mutilatioun and hurting and wounding of persouns upon auld feid that they sall satisfie the partie; and tuicheing false officers of armes and usurpers of the office without admissioun or after deprivation, that besides the fynning of thame it be speciallie recommendit to the Lyoun to depryve thame; and tuicheing the remanent crymes particularlie abonewrittin that the whole persouns convict thair of beside thair fynning be putt under caution to forbear in tyme comming."

[Sederunt as recorded above except the Bishop of Argyle and the Secretary.]

Holyrood  
House, 28th  
July 1629.

Decreta,  
November  
1627-January  
1630.  
Fol. 237, b.

Petition by Elizabeth Knowes, as follows:—For the past nine weeks she has been detained by their Lordships' direction in the tolbooth of Edinburgh in great misery on account of her religion. She has had to sell all her cloathes to keep herself in ward and now she is lying "sore sicke," and as her husband, a poor man, has nothing to give to the petitioner, himself or his children, they are all like to starve. For her release from ward she is content to find caution to "repaire to the kirk, heare sermons and frequent the companie of ministers," and give full satisfaction to the Kirk within such time as their Lordships may prescribe, or else to undergo perpetual banishment or imprisonment as they shall judge expedient. She therefore craves their command to the provost and bailies of Edinburgh to put her to liberty. The Lords having taken caution from Andrew Mowat, the petitioner's husband, personally present, that she shall perform the conditions she proposes and not reset Jesuits nor seminary preists, and that he will report before Candlemas next a testimonial from the Bishop of Orkney, or the presbytery where she dwells of her conformity, or else that he will compear and produce her before the Lords to be disposed of at their pleasure, under a penalty of 500 merks for failure in any point hereof, direct the provost and bailies of Edinburgh to set the petitioner at liberty.

Petition by  
Elizabeth  
Knowes, a  
prisoner in the  
Tolbooth of  
Edinburgh on  
account of her  
religion.

After the names in the Sederunt is added "togidder with the commissioneris from the presbyteries."

In the nomination of the commissioners to assist the Bishop of Argyle in holding his synod, the name of "M<sup>c</sup>Coull of Lorne" occurs here instead of M<sup>c</sup>Dougal of Dunolly.

Sederunts,  
1627-29.  
Fol. 127, a.  
Fol. 127, b.

Holyrood House, 28th July 1629.  
Letter to his Majesty anent the fishing carried on by the Hollanders among the Isles.  
See *ante*, p. 222.

"Most sacred Sovereane, By the petitioun heerewith enclosed quhilk wes preferred unto us by the commissioners from the free burrowes of this kingdome your Majestie will understand the heavie prejudices whiche they doe susteane, and whair of the effects reacheth to the whole bodie of the estait, by reasoun of the frequent repaire of Hollanders to the North Isles under cullour of the Earle of Seafort his intendit plantatioun in the Lewes, who being favoured of the said Erle, and for his interesse respected of the inhabitants, have in prejudice of the natives engrossed unto thameselfes the whole trade and fishing of these bounds. This being ane mater worthie your Majesteis serious advertance and which concernis your Majestie in honnour and justice to caus obviat and repaire, we have thought good, in regaird the Erle of Seafort is now with your Majestie, aganis quhom the ground of this complaint cheefelie reflects, to recommend the ordourlie redresse thair of to your Majesteis princelie care and determinatioun, humbelie intreatting your Majestie to take suche course for remedying of this abuse in tyme comming as your Majesteis subjects may reape in peace the benefite of the countrie commoditeis, and that strangers be debarred from fishing in your Majesteis waters, according to your royal right and law of nationis observed in the lyke caises; and so, etc. Halyruidhous 28 July 1629. *Subscribitur*, St. Andrewes, Mar, Monteith, Hadinton, Mairshell, Linlithgow, Dunkelden, Pa. B. of Aberdene, Pa. B. of Rosse, Adame, bishop of Dumblane, Carnegie, Sr Thomas Hoip."

Royal Letters, 1623-32. Fol. 169, b.

Holyrood House, 30th July 1629.

*Sederunt*—Treasurer; President; Privy Seal; Mairshell; Wintoun; Linlithgow; Bishop of Ros; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Carnegie; Master of Elphinston; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot.

Acta July 1629. December 1630. Fol. 152, b.

Sir George Ogilvie of Bamff and James Sutherland, tutor of Duffus.  
Declaration of Alexander Hay in Leith.

"The whilk day Sir George Ogilvie of Bamff and James Sutherland, tutour of Duffus, wer committed to the Castell of Edinburgh for thair misbehaviour to others at the Counselhous doore."

"The whilk day Alexander Hay in Leith being demandit for whome he and the compleaners of Leith would insist aganis the burgh of Edinburgh he declared that they would insist for thameselfes for the prejudice they susteanned in thair awin particular and would be informers to his Majesteis Advocat for his Majesteis and his officers interesse."

The dispute between Edinburgh and Leith.  
See *ante*, p. 228.

"The whilk day the Lords of Secretit Counsell upon good and considerable reasouns moving thame hes continewed and continewes all actioun and processe intendit and depending before thame at the instance of certane persouns inhabitants of Leith aganis the proveist, bailleis and Counsell of Edinburgh, for production of thair infettments before the saids Lords, to have bene considerit and tane ordour with as his Majestie hes directed,

Acta July 1629-  
December  
1630.  
Fol. 152, b.

untill the feast and terme of Martimes nixt, induring the whiche tyme the saids Lords ordains the proveist and bailleis of Edinburgh and bailleis of Leith of thair awin consent to forbear the executioun of all penall statuts and bylawes aganis anie of the inhabitants of Leith and not to trouble thame in thair persoun nor goods for transgressing the same, without prejudice always to the saids proveist and bailleis of Edinburgh and bailleis of Leith to doe justice in the meane tyme betuix partie and partie and to try and censure all disordours and troubles that sall fall out in the said toun and to punishe the same accordingle."

Fol. 153, a.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Erle of Rothesse, and Sir Patrik Hepburne of Wauchton, and consented that the three bands givin and subscribed be Archibald, Lord Naper of Merchinston, Thesaurar Depute of this kingdome, to the said Erle of Rothesse and Laird of Wauchton, tuicheing the outrecking of the shippe callit *The Grace of Dysart* whair of David Robertsons was captane, and the shippe callit *The Blessing of Bruntland* whair of Andrew Watsone was captane, and the shippe callit *The Alexander* and sometime callit *The Lamb* and of her pinnace callit \_\_\_\_\_, sometye perteaning to James Binning in St. Monans, whair of David Alexander and James Binning wer captans, and furnishing of the saids shippes with poulder, shott and other necessars, and for the wages, meit and drinke of the captanes and everie ane of the companie of the saids shippes, whilks three bands wer consigned be consent of partie in the hands of the Clerk of Counsell, sall be cancelled and destroyed and have no force, strenth nor executioun aganis the said Lord Naper in tyme comming; lykeas accordingle the saids Lords gave command and directioun to the Clerk of Counsell to cancellat and destroy the saids bands, whilk the said clerk did in the presence of Sir Henrie Wardlaw of Pittrevie, knight, and of M<sup>r</sup> Robert Naper, brother to the said Lord Naper.

Canceling of three bonds subscribed by Archibald, Lord Naper of Merchinston, for the equipment of three ships.

Decreta,  
November  
1627-January  
1630.  
Fol. 238, a.

[Sederunt as recorded above.]

Holyrood  
House, 30th  
July 1629.

The Lords, understanding that Alexander Hamiltoun, prisoner in the tolbooth of Hadintoun for witchcraft, has accused several persons "of good fame, credite and reputioun," as guilty of the same, ordain the provost and bailies of Hadintoun to transport him to Edinburgh, where the provost and bailies are ordained to receive him and ward him in their tolbooth till he be more narrowly examined and tried about the truth of his depositions.

Alexander Hamilton, accused of witchcraft and a prisoner in the Tolbooth of Haddington, to be conveyed to the Tolbooth of Edinburgh.

Fol. 238, b.

The Lords ordain the provosts and bailies of Hadintoun and Edinburgh respectively to be charged upon pain of rebellion to execute the above act within twenty four hours.

Order to the magistrates of Haddington to the above effect.

Complaint by Robert Gordoun in Gartlie as follows:—On June 1627 John Henrie in Quhytloomes and several others assailed him as

Complaint by Robert Gordon in Gartlie

against John Henry in Whiteloomes and others for assault and; illegal warding.

he was riding between the place of Strathbogie and the kirk of Gairtlie, <sup>Decreta, November 1627-January 1630.</sup> pulled him off his horse, took his sword and weapons from him, forcibly carried him as a prisoner to the place of Strathbogie, and delivered him <sup>Fol. 238, b.</sup> to Robert Rynde, gardener there, who at their bidding put him in ward there, and kept him as a prisoner for a month until they forced him in order to regain his liberty to pay to them £60, although he was not in debt to them. Charge having been given to the said John Henrie, who <sup>Fol. 239,</sup> compeared, as also did the pursuer, and probation being referred to the defender's oath of verity, who denied the accusation, the Lords assoilzie him; and they direct the pursuer to pay £8 to each of his witnesses, viz., Patrick Mill in Gairtlie, Robert Allane in Bordelseate, and Adam Dowgat in Tullimemet.

Complaint by the Earl of Haddington against Alexander Home, son to the deceased Sir John Home of Cowdenknowes, for instigating certain persons to cut down the said Earl's trees.

Complaint by Thomas, Erle of Hadintoun, Lord Privy Seal of Scotland, as follows:—Though the cutting and destroying of green wood, policy and planting, has been often forbidden, yet the woods of his lands of Sorrolesfield and Clekmaij, which were furnished plentifully with all sorts of trees, young and old, have been destroyed and cut. On February last “Thomas Stewart in Ersiltoun cutted and away tooke furth of the saids woods ane great ashe tree”; on July last Alexander Leithheid in Coldingknowes byres, Thomas Learmonth called Duke Learmonth in Coldingknowes, and John Kyle, called Bastard, in Ersil- <sup>Fol. 239, b.</sup> toun, took forth thereof “ane great ashe quhilck behoved to be drawin with fourtein oxin togidder with two aike trees,” and on 14th July instant they took “three aike trees”; and on July instant Nicol Cairnecroce, portioner of Ridpeth, cut and took away three “aike trees”; all of which were cut and taken at the instigation of Alexander Home, son of the deceased Sir John Home of Coldingknowes, who daily by himself and others cuts the complainer's trees and disposes of and sells the same for his own profit; as lately he sold four “aike” trees to Thomas Stewart, and other four to John Johnestoun, bailie of East Gordoun. Charge having been given to all these persons above named, and the pursuer compearing, but of the defenders only Alexander Leithheid, and in his case probation being referred to his oath, whereupon he denied the accusation, the Lords assoilzie him; and they ordain <sup>Fol. 240, a.</sup> the remaining defenders to be denounced rebels and escheat.

Complaint by John Leslie and Isobel Seton that they had been summoned by Alexander Guthrie, herald, to deliver a tenement, which they had leased to a Papist.

Complaint by John Leslie and Issobell Seatoun, liferenters of a tenement of land in the Gallowgait of Aberdein as follows:—They had leased their said tenement to Thomas Meinzeis of Balgownie, and after occupying the same for some time “he fell in processe with the kirk concerning his religioun,” and being excommunicated and put to the horn, charges of treason were issued against him for delivering up of the said house to Alexander Guthrie, herald, who has committed the keeping of it to Robert Mercer, messenger. Now, as soon as the complainers knew of the excommunication of the said Thomas Meinzeis, “being loathe that anie excommunicat Papist sould possesse or inhabite

Decreta,  
November  
1627-January  
1630.  
Fol. 240, a.

anie hous of theirs," they before Whitsunday last warned him to remove, and thereupon obtained a decree of removal against him before the bailies of Aberdein on 2nd instant, which they produce; and seeing that the end of the law is accomplished by the removal of the said Thomas Meinzeis, equity and reason both demand that the said house be restored to the complainers. Charge having been given to Patrick, Bishop of Aberdein, Mr. William Guild, and Mr. Alexander Ros, commissioners for the diocese of Aberdein, Alexander Guthrie and Robert Mercer; and the pursuers compearing by Mr. Robert Petrie, their procurator, and the defenders not compearing, the Lords ordain the house to be delivered up to the complainers, who, however, are to make a complete inventory of the whole goods belonging to the said rebel therein and deliver the said goods to the provost and bailies of Aberdein to be forthcoming to his Majesty.

Fol. 240, b.

Complaint by Dame Janet Sutherland, Lady Banff, as follows:—  
 "Sir George Ogilvie of Bamff, knight baronnet, her husband, having without anie respect to her birth, her childrein that she hes borne unto him, and the long tyme that she hes lived with him in that modest and dewtiful cariage and behaviour whilk become ane modest woman to her husband, he hes within this yeere and ane halffe bygane used all indirect practises to have tane the compleaners lyffe and hes caried himselfe so churlishlie and disgracefullie towards her as the lyke hes not beene seene nor heard in the person of ane husband aganis his wyffe. And in speciall he hes sequestrat her frome his table and companie into ane chamber where none of her freinds sould have accesse unto her, allowing nothing unto her and two of thair childrein bot ane gray loaffe and ane choppin of small drinke twice in the day, compelling the compleaner throw that occasioun to steale away frome his hous and companie, and as ane poore begger to seeke her interteanement among her freinds; his purpose and intiencoun being by this spairing dyet whilk he allowed the compleaner of dustie bread and small drink to have starved her to death for hunger. Bot finding that by that meanes he could not come to his intent he than resolved by strong hand to doe his turne, so that in the moneths of Apryle, May and Junij last, and in the severall dayes of the saids moneths, he patt violent hands in the compleaners persoun, trod her under his feete, and gave her manie cruell and deadlie wounds, to the great effusioun of her blood and perrell of her lyffe. And last in the moneth of Junij under cloud of night he intendit at that tyme to have murdreist the compleaner; and for this effect he harled her out of her bed where she wes lying for the tyme, trailled her up and down the hous be the feete, dang and dadded her with his falded neiffes upon the face, mouth and nose, poussed her with his feete and left her lying on the chamber floore as ane deid persoun all overgaine with blood. Manie moe cruell and violent insolenceis hes he committed upon the compleaner without feare of God, reverence of the law, or regarde of that

Fol. 241, a.

Complaint by  
Dame Janet  
Sutherland,  
Lady Banff,  
against her  
husband, Sir  
George Ogilvy  
of Bamff, for  
ill-usage.

naturall dewtie quhilk he aucht to carye to his wyffe, sua that now the compleaner is not able to cohabite with him without the extreme hazard and perrell of her lyffe." Charge having been given to the said Sir George Ogilvie, and he and the pursuer both compearing, and witnesses having been examined on the first and second points of the complaint, viz., his sequestrating her and two children on a spare diet, and the wounding of her in April, May and June last, who failed to substantiate the same; and the point of harling her out of her bed, etc., being referred to the defender's own oath, and being denied by him, the Lords assolzie the defender on all the points of the complaint, but ordain him to find caution to keep the peace in 3000 merks, and James Sutherland, Tutor of Duffus, brother of the pursuer, they also ordain to find similar caution in 2000 merks.

Caution by Sir George Ogilvie of Bamff.

Bond of caution by Sir George Ogilvie of Bamff to keep the peace towards James Sutherland, Tutor of Duffus, his wife, bairns, tenants, servants, &c., under the penalty of 3000 merks. Fol. 242, a.

Caution by James Sutherland, brother of Lady Banff.

Similar bond by James Sutherland, Tutor of Duffus, in 2000 merks with respect to Sir George Ogilvie, and his wife, family, &c.

Caution by Robert Hamilton, servitor to the Marquis of Hamilton.

Bond of caution by Robert Hamiltoun, servitor to James, Marquis of Hamiltoun, in 300 merks not to molest Harbert Cairlill called of the Heuche, Michael, William and Edward Cairlill, his three sons, nor their wives, children, servants, tenants, etc.

Caution by Herbert Carlyle.

Similar caution by the above named Cairlills in 300 merks not to molest the said Robert Hamiltoun nor any of his.

Holyrood House, 30th July 1629.

Commission to Dunbar of Enterkin, Sheriff Depute of Ayr, and others to try Helen M<sup>c</sup>Pher-son and others for witchcraft.

Commission under the Signet to Dumbar of Entrikin, Sheriff depute of Air, the provost and bailies of Air, and James Blair, late provost of the said burgh, or any three of them, the said provost of Air being always one, as justices, to hold courts and try Helen M<sup>c</sup>Fersane, Janet Thomesoun, and Margaret Kennedie, spouse to John Gettie, all in Air, and Margaret Wallace in Mylneholme, who have been long suspected of witchcraft. Signed by Mar, Monteith, Wintoun, Linlithgow, P<sup>r</sup>. B. of Rosse, Dumblane, and the Advocate. Commissions, 1624-30. Fol. 207, a.

Holyrood House, 30th July 1629.

Letter to the Earl of Moray exhorting him to the diligent discharge of his duty as Commissioner against Papists.

"After our verie heartilie commendatiouns to your good lordship. Whereas at ane lait meeting of the nobilitie, Counsell, clergie and commissioners for the kirk it wes thought meit and expedient that your lordship should be burdenned with ane ample commissioun as his Majesteis Lieutenant for the persute and apprehensioun of all Jesuits, seminarie and messe preists, and excommunicat rebellious papists, and all that goes in pilgrimage to chappellis and wellis within the bounds of your lordships office, as by the commissioun quhilk will be showin unto your lordship will appeare; and seing all the proceedings at this tyme hes flowin frome his Majesteis most religious and godlie care of the peace and quyetnes of this kirk, quhilk hes beene thir yeeres bygane farre troubled by the bissie practises and travellis of thir Jesuits, preists and excommunicat papists, it becomes all of us who ar his Majesteis good subjects to con- Royal Letter, 1623-32. Fol. 167, a.

Royal Letters,  
1623-32.  
Fol. 167, a.

tribute our best meanes toward the forderance and prosecutioun of his Majesteis pious and royall directiouns; and thairfor these ar to requeist and desire your good lordship to accept the commissioun upon yow and effauldie, carefullie and dewtifullie to execute the same according to the trust quhilk his Majestie and all his Counsell hes of your lordship; quhairin as yow sall testifie your good dispositioun to the suppressing of thir wicked and bissie heades be whome the Kirk and countrie is so farre troubled, so your lordship will doe unto the Kings Majestie most acceptable service, and so, etc. Halyruidhous, penultimo July 1629. *Subscribitur*, Mar, Monteith, Wintoun, Linlithgow, Wigtoun, Areskine, Pa. B. of Rosse, Arch. Acheson.

Decreta,  
November  
1627-January  
1630.  
Fol. 242, b.

[No record of Sederunt.]

Holyrood  
House, 31st  
July 1629.

The Lords, for the better enabling of John Grant, apparent of Ballindallach, to satisfy the relict and children of the late goodman of Carroun, extend the period of his protection till 12th September next.

John Grant of  
Ballindallach.

Royal Letters,  
1623-32.  
Fol. 168, a.

"Most sacred Soverane, We ar informed by report frome the commissioners of the Middle Shyres that one of the cheeffe caussis whiche doeth procure the increase of thift and disturbance of your Majesteis peace in these pairts proceids frome the hope of impunitie and escape of the offenders, who, after the committing of the stealths and other disorderlie insolenceis on this side, doe flee over the Border into England, quhair they live in a full securitie without challenge or attachement, in regard the commissioners ar not warranted with power for apprehending of thame there; for remeid whair of in tyme comming and to the intent that parteis offending in this kynde fleing the course of justice in the one kingdome may not presume of ane uncontrolled abode in the other, we humbelie beseeke your Majestie to give warrand for renewing of the joynt commissiouns for both kingdomes whair of we have heerewith sent up ane draught unto your Majestie with a roll of the names of suche persouns as we esteeme fittest to be employed for this kingdome: and in regard of the knowin affectiouns whiche Sir Richard Grahame, knight, hes to your Majesteis service and of his worthie dispositioun to the forderance of justice, we have thought good to recommend him as one fitting to be employed in that charge, quhairin his panes may prove verie serviceable for both kingdomes by reasoun of his residence and neare dwelling to the Merche. Whiche remitting to your Majesteis princelie consideratioun, we pray God, etc. Halyruidhous, the last of July 1629. *Subscribitur*, Mar, Monteith, Wintoun, Linlithgow, Wigtoun, Pa. B. of Ross, Ad. B. of Dumblane, A. Erskyne, A. M. Elphinston, Arch. Acheson, S. Thomas Hoip, S. G. Elphinstoun, Scottistarvett.

Holyrood  
House, 31st  
July 1629.

Letter to his  
Majesty desir-  
ing the renewal  
of the joint  
comission for  
the Middle  
Shires on the  
ground that  
Scottish male-  
factors escape  
justice by  
crossing the  
Border.

Fol. 168, b.

*Sederunt*—Treasurer; President; Wintoun; Linlithgow; Wigtoun;



Holyrood  
House, 1st  
August 1629.

Bishop of Rosse; Bishop of Dumblane; Lord Areskine; Master of Elphinstoun; Secretary; Clerk of Register; Advocate; Justice Clerk.

Acta July 1629.  
December  
1630.  
Fol. 153, a.

Warrant from his Majesty constituting John, Bishop of the Isles, Justice and Commissioner in his diocese for the suppression of vice and crime.

“ Forsameekle as there hes bene manie good Acts made be the King's Majestie and his royall progenitour of famous and worthie memorie, all tending to the forderance and advancement of the glorie of God, the ordours and discipline of the Kirk, punishment of vice, and commoun weale of this kingdome, especiallie ane Act made in the dayes of Queene Marie in her fyft Parliament aganis thame that swears abominable oathes, ane Act made in that same Parliament aganis thame that perturbs the Kirk in tyme of Divine service and preaching, another Act made in that same Parliament aganis thame that knowes thameselfes under the processe of cursing, and ane Act made in that same Parliament aganis thame that mareis twa wyffes and twa husbands, ane Act made by his Majesteis darrest father King James the Saxt of blessed memorie in his saxt Parliament anent discharging of mercats and labouring on Sunday, playing and drinking in tyme of sermoun, and aganis wilfull remainers frome thair parish kirk in tyme of sermoun or prayers on the Sabbath day, and ane Act made in that same Parliament ordaining all housholders to have bybles and psalme bookes, and another Act made in that same Parliament for punishing of strong and ydle beggars and releeffe of the poore and impotent, ane Act made by the said King James in his ellevint Parliament anent the punishing of troublers of the kirk and aganis invaders of ministers and aganis excommunicat persouns entering within the kirk, another Act made in that same Parliament aganis the sellers, homebringers and dispersers of erroneus bookes; ane act made by the said King James in his 13 Parliament discharging the halding of mercats and faires on the Sabbath day, another Act made in the same Parliament entituled for the better observing of the Sabbath day, ane Act made be the said King James in his first Parliament anent the filthie vice of fornicatioun, ane Act made be the said King James in his Parliament aganis drunkards, and ane Act made be the said King James in his saxeine Parliament aganis non-communicants; quhilks Acts hes tane no effect nor executioun within the Iles of this kingdome at anie tyme bygane be reasoun that nane wes authorized with warrand and auctoritie to execute the same, whairthrow the violatioun and transgresse of the saids Acts hes bene in ane maner universall and commoun throughout the whole Iles of this kingdome, to the great offence of God, scandall of the Kirk, and contempt of law and justice. And the Lords of Secreit Counsell understanding the good affectioun of the reverend father in God, Johne, Bishop of the Isles, and his earnest and willing dispositioun to reclame the inhabitants of the Isles frome thair former wicked forme of lyffe to the acknowledging of God and to ane more Christiane and godlie behaviour and forme of

Fol. 153, b.

Acta July 1629-  
December  
1630.  
Fol. 154, a.

living; thairfoir the saids Lords according to ane warrand and directioun in writt signed be the King's Majestie and directed unto thame hes made and constitute and be the tennour heirof makes and constituts the said Johne, Bishop of the Isles, our soverane Lords Justice and commissioner in that pairt throughout the whole bounds of his diocie, als weil within the Iles as the continent, to the effect underwrittin, givand, grantand and committand unto him and his balleis, whome the saids Lords gives him power to make and for whome he sall be haldin to answeere, full power and commissioun, expresse bidding and charge, to putt the saids Acts of Parliament to dew and full executioun in all points within the bounds of the said diocie of the Iles, and for this effect court or courts of justiciarie at whatsomever parts or places within the said diocie where he sall thinke meit to sett, beginne, affixe, hald and continew, and to direct his awin precepts, and to warne all and sindrie persons guiltie of the breake and violatioun of the saids Acts to compeir before thame to underly tryell and punishment for the same accordinglie, the persouns disobeying and refusing to compeir to pas, searche, seeke and take wherever they may be apprehendit within the bounds of the said diocie, and to committ thame to waird till the occasioun of thair tryell be presented; with power to thame to use probatioun and witnessis and to caus summound witnessis als oft as neid beis, ilke person under the pane of twentie shillings, unlawes and amerchiaments of the courts to aske, lift and raise, and for the same if neid beis to poynd and distreinzie, and to apply the same in maner and to the effect specified and conteanit in the saids Acts; and generallie all and sindrie uthers things to doe, exerce and use, quhilks for executioun of this commissioun ar requisite and necessar: Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin: Charging heirby all his Majesteis lieges and subjects to reverence, acknowledge and obey, ryse, concurre, fortife and assist the said Bishop in all and everie thing tending to the executioun of this commissioun, and to doe nor attempt nothing to his prejudice, as they and everie ane of thame will answer upon the contrarie at thair highest charge and perrell. Thir presents for the space of ane yeere after the dait heirof to indure. 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, trustie and weilbelovit cousins and counsellours, and trustie and weilbelovit counsellours. Whereas the Ilesmen of that our kingdome being by ancient Acts bound to appeare yeerelie before yow to give ane accompt of thair behaviour and performance of your directiouns, we ar graciouslie pleased that they be injoynded frome tyme to tyme to doe thair dewteis to thair Diocesan Bishop in anie thing which concernes thair respect unto him or for performance of what they owe; our pleasure therefore is that upon thair appearance yow injoyne unto thame such performance as yow may

F.4. 154, b.

thinke fitting in law or equitie not onlie for the good of the Bishop bot also for the quyet and government of these Iles and countrie wherein they live, and for the reformatioun thair of, establishment of the trew religioun, educatioun of the youth and obedience to our lawes therein. And also our pleasure is that yow grant a commissioun to the said Bishop to caus execute our saids lawes within his said diocese, and that yow use all your best endeavoures for provyding of some competent hous whairin to dwell within his said diocese for the better executioun of his commissioun and pastorall charge there. All whiche we will account to be good and acceptable service done unto us. And so we bid yow heartilie farewell. Frome our Court at Whitehall the 21 day of Apryle 1629.

The accounts of William Dick and William Gray relating to the Lübeck ship.

“The Lords of Secret Counsell having heard the accompts givin in be Williame Dick and Williame Gray tuicheing thair intromissioun with the goods of [the] Lubick shippe, they continew the examinatioun and allowance of the articles of thair accompts untill the last Counsell day of November that all parteis interest may be heard, and ordains the Erle Mairshell to be warned to keepe that dyet and to produce a <sup>1</sup> of the whole goods being in the Lubick shippe, and of the particular goods delyvered be him to the saids Williame Dick and Williame Gray.”

Holyrood House, 1st August 1629.

[Sederunt as recorded above.]

Petition by Robert Johnston of Powmylne and others anent the contribution made for the relief of those who had suffered by the great land-slip.

See ante, p. 90.

Petition by Robert Johnestoun of Powmylne, David Rollock of Powes, Thomas Bruce of Woodsyde, and Patrick Bruce of Corsebruike as follows:—Their Lordships “out of pitie and commiseratioun of the great damage and skaith that the saids supplicants susteanned by the overflowing of thair whole lands by that mosse quihlk fearefullie brake upon thame,” granted them a recommendation for a voluntary contribution, to the charitable disposition of the country people, and ordained the commissioners intrusted therewith to report their collection this day. They have not yet been through the half of the kingdom, “and in the pairts where they travelled they gott promises without payment frome sindrie,” and they therefore crave an extension of thair time. This the Lords grant until Candlemas next.

Petition by John Erskine of Balgonie and other creditors of William, Lord Berridale, that he may have protection from hornings for the payment of his debts.

Petition by John Areskine of Balgonie, William Dick, John Sinclare, Ronald Murrey, Walter Hay for Alexander, Master of Forbes, and George Ousteane, merchant burges of Edinburgh, as follows:—William, Lord Berridail is indebted to them in certain great sums, and to remove all difficulty in the way of his satisfying their claims they are willing to supersede any hornings under which he lies at their instance till 31st October next, and crave that he may have a protection accordingly. This the Lords grant until the said 31st of October.

Decreta, November 1627–January 1630. Fol. 242, b.

<sup>1</sup> “Charge” is inserted here in a duplicate entry in Sederunts, fol. 128, a.

Decreta,  
November  
1627-January  
1630.  
Fol. 243, a.

Charge having been given to John Howie in Langbank, and Andrew Andersoun, servitor to John Maters, cordiner in Forfar, at the instance of William Ramsay, messenger, to appear as witnesses in his action against Thomas Gibsoun of Pitpollock for deforcing him while pointing a mare for his part of the taxation for his lands of Langbank, "stryking him on the guardie of his left arme, throwing his thowme with the ranizeis of ane bryddill, provoking him to the combat, and bragging that in despite of the Shireff of Forfar and all that would take his pairt, he sould not gett that meir," and they not compearing, the Lords ordain them to be put to the horn and escheat.

Complaint by  
William Ram-  
say, messenger,  
for the non-  
appearance of  
certain wit-  
nesses whom  
he had called.

Fol. 243, b.

Complaint by John, Earl of Mar, Lord Areskine and Garviauche, collector of the taxation granted in August 1621, and George, Viscount of Duppline, collector of the taxation granted in October 1625, as follows:—Having according to their commission appointed six gentlemen to be of his Majesty's Guard for apprehending such persons as were denounced for not paying their part of these taxations, they directed Alexander Ogilvie and George Dumbar, indwellers in Leith, John Symontoun, indweller in Dumbar, and James Currie, Ormond pursuivant, to apprehend such within Forfarshire, who, having apprehended Robert Kynneir, vicar at Brechin (who is at the horn for not paying to the said Earl of Mar £137 8s. 4d., as the four terms' tax of the vicarage of Brechin, and to the said Viscount of Duppline, the like amount), delivered him into the custody of the provost and bailies of Brechin. Charge having been given to William Lyoun and William Liddell, bailies of Brechin, to produce the said Robert Kinneir to be further taken order with, and the Earl of Mar compearing personally, the Viscount by Adam Keltie, and William Lyoun, also being present, but not producing the said Robert Kinneir, nor giving any good reason for not doing so, notwithstanding that on 31st July last, he had enacted himself before the Lords either to produce him, or pay the said sums, the Lords ordain him to make payment of these to the said Earl and Viscount, but supersede execution on this decree till the 15th instant.

Complaint by  
John, Earl of  
Mar, and others  
against Wil-  
liam Lyon and  
William  
Liddell, bailies  
of Brechin, for  
not producing  
a prisoner  
committed to  
their charge.

Fol. 244, a.

Commissions,  
1624-30.  
Fol. 207, a.

Commission under the Signet to the Sheriff of Hadintoun and his deputes, the provost of Hadintoun, Mr George Butler of Blance, George Hepburne of Alderstoun, the sheriff or his depute always being one, as justices, to hold courts and try John Carfra in , Alison Borthuick, his wife, and Thomas Carfra, his brother, who in , consulted with Margaret Hamiltoun and Bessie Carfra, "persouns burnt for the cryme of witchcraft for murdering umquhill James Hay and Marioun Cranstoun in whois death immediatlie followed thairupoun," and other points of witchcraft and devilish practices. Signed by Monteith, Wintoun, Pa. B. of Rosse, Arch. Acheson, Hamiltoun, S. G. Elphinstoun, and S<sup>r</sup> Johne Scot.

Holyrood  
House, 1st  
August 1629.  
Commission to  
the Sheriff of  
Haddington  
and others to  
try John Car-  
frae and others  
for witchcraft.

Fol. 207, b.

"Another commissioun of the same tennour, dait and subscriptiouns, grantit to Thomas Ker of Cavers, James Pringill, fear of Buckholme, Cavers and

Commission to  
Thomas Ker of  
Cavers and

✓ others to try  
Thomas  
Richardson  
and others for  
witchcraft.

bailie of Melros, Androw Ker of Maisondew, and Johne Halyburtoun of Commissions,  
Murruslaw, the said baillie of Melros being one, for putting of Thomas 1624-30.  
Richartsoun and Helene Scot in Maxtoun, Margaret Patersoun in Lang- Fol. 207, b.  
newtoun, Helene Gastoun in Lassudden and Helene Scot in Melros to  
the tryell of ane assyse for the said cryme of witchcraft."

✓ Commission to  
the Sheriff of  
Berwick and  
others to try  
Helen Huldie  
for witchcraft.

Another commission to the Sheriff of Bervick and his deputes, Sir  
Johne Home of Blacader and Patrick Home of Restoun, or any two of  
them, the sheriff or his depute being one, for the trial of Helen Huldie  
spouse of Alexander Blyth in Coldinghame for witchcraft. Dated and  
signed as above.

✓ Commission to  
the Sheriff of  
Berwick and  
others to try  
Sara Meslet  
and others for  
witchcraft.

Another commission to the said Sheriff of Bervick and his depute, Sir  
Johne Home of Blacader, John Ramsay of Eidingtoun, and  
John Wilkie of Foulden, or any three of them, for the trial of Sara  
Meslet and Easter Moreis in Foulden, and Isabel Cuninghame in Pax-  
tane called "Blewsleaves," for witchcraft. Dated and signed as above. Fol. 208, a.

✓ Commission to  
Maxwell of  
Calderwood  
and others to  
try Margaret  
Hastie and  
others for  
witchcraft.

Another commission to Sir Maxwell of Calderwod, elder, Sir  
James Lokhart of Lee, elder, Archibald Hamiltoun, commissary of Lanark,  
William Weir of Stainbyres, and the Shireff of Lanark and his depute,  
or any three of them, the sheriff, his depute, or the commissary being  
one, for the trial of Margaret Haistie, widow of "Gawin Bannatyne,  
menstrell in Laidlie," Isobel Quhyte, spouse to George Whyte in  
Auchuren, Margaret Fisher in Linmylne of Stanebyres, Agnes Adam in  
Cleghorne, John Greinscheill in Dundraven, and Margaret Strudgeoun  
vagabond, for witchcraft. Dated and signed as above.

✓ Commission to  
Sir Walter  
Stewart of  
Minto and  
others to try  
Margaret  
Spruell for  
witchcraft.

Another commission to Sir Walter Stewart of Minto, bailie depute  
of the Regality of Glasgow, and John Boill of Kelburne, Commissary of  
Glasgow, jointly and severally, for the trial of Margaret Spreull in  
for witchcraft. Dated and signed as above.

Commission to  
James Pringle  
of Buckholm  
and others to  
try Helen  
Luddees for  
witchcraft.

Another commission to James Pringill of Buckholme, Charles Lawder,  
bailie of Lawderdaill, and Mr. Alexander Home of St. Leonards, or any  
two of them, to try Helen Luddees in Craikfurde, for witchcraft. Dated  
and signed as above.

Joint Commis-  
sion for the  
Middle Shires.

"Ane missive to his Majestie for renewing the conjunct commissioun Sederunts,  
for the Middleshyres." 1625-29,  
Fol. 128, a.

*Eodem die, post meridiem.*

President ; Wyntoun ; Bishop of Ros, Bishop of Dunblane ; Secre-  
tary ; Clerk of Register ; Advocate ; Justice Clerk ; Sir John  
Scott.

Holyrood  
House, 6th  
August 1629.  
Letter to the  
Commissioners  
anent the

"After our verie heartilie commendatiouns to your good lordship. Royal Letters  
Whereas it hes pleased the Kings Majestie upon some speciall considera- 1623-32.  
tiouns to send doun warrand and directioun that the high court of Fol. 169, b.  
Parliament of this kingdome, quhilk wes adjourned to the fyft of

Royal Letters, 1623-32. Fol. 169, b. September now approacheing, sall be prorogit and continewed until the first day of *Junij* nixtocome, these ar thairfoir to requeist and desire your good lordship, as one of the commissioners nominat for continewatioun of the Parliament, to make your addresse heere in dew tyme aganis the said fyft of September to the intent yow may be readie that day in the forenoone to joyne with the rest of the commissioners in the continewatioun of the Parliament; quhilk looking assuredlie yow will doe we committ your lordship to God. Frome Halyruidhous the saxt day of August 1629. *Subscribitur*, Mar, Monteith, A. M. Elphinston, Arch. Acheson, Hamiltoun, Sr Thomas Hoip, Scottistarvett.”

postponement  
of the meeting  
of Parliament.

Acts July 1629-  
December  
1630. Fol. 154, b. “ Forsameekle as it is understand to the Lords of Privie Counsell that there is great appearance of trouble lyke to fall out betuix James Sibbald, elder, of Rankeillour, and David Sibbald, his sone, fear of Rankeillour, on the ane part, and James Arnot of Fairnie on the other part, whilk will not faile to produce some inconvenient to the disturbance of his Majesteis peace without remeid be provydit; thairfoir the Lords of Secreit Counsell ordains letters to be direct to command and charge both the saids partes to compeir personallie before the saids Lords upon the fourt day of September nixtocome to underly suche ordour as sall be tane with thame tuicheing the observing of his Majesteis peace under the pane of rebelloun, etc., with certificatioun, etc.; and in the meane tyme to command and charge thame that they nor anie of thame presooome nor take upon hand to invade nor persew, trouble nor molest ane another, bot that they keepe good rule and quyetnes either of thame with others everie ane of thame under the pane of ane thowsand punds; certifeing thame that failyeis and does in the contrair that they sall be decerned to have incurred and to incurre the said pane of ane thowsand punds, and letters and executorialls sall be direct aganis thame for payment thairof to his Majesteis Thesaurar, Deputie Thesaurar and receiveers of his Majesteis rents in his Majesteis name and to his Majesteis use in forme as affeirs.”

Holyrood  
House, 13th  
August 1629.  
Charge to  
James Sibbald,  
elder of Ran-  
keillour, and  
David Sibbald,  
his son, on the  
one part, and to  
James Arnot  
of Fairnie, on  
the other part,  
to appear  
before the  
Council anent  
the dispute  
between them.

Commissions,  
1624-30.  
Fol. 208, a. Commission under the Signet to Sir John Hamiltoun of Prestoun and Robert Hamiltoun and John Hall, bailies of Prestoun, as justices, to hold courts and try Beigs Wallace in Prestoun and Margaret Mathesoun in Prestounpannis, who have been long suspected of witchcraft. Signed by Geo. Cancell., Wintoun, Lauderdaill, Pa. B. of Rosse, and Scottistarvett.

Holyrood  
House, 21st  
August 1629.  
Commission to  
Sir John  
Hamilton of  
Preston and  
others to try  
Beigs Wallace  
and Margaret  
Matheson for  
witchcraft.

Royal Letters,  
1623-32.  
Fol. 172, a. CHARLES R., Right, etc. “Whereas we ar moved concerning two Frenshe shippes and Frenshe goods thairin, quhair of the one is callit St. Peter and the other St. Michaell, whiche (as we ar informed) wer takin since the last pacificatioun by some Scottish shippes and caried unto Leith; and that no breache sould appear on our part, lykeas we expect

Woodstock,  
27th August  
1629.  
Letter from  
his Majesty  
anent two  
French ships

which had  
been seized by  
Scottish ships  
and taken to  
Leith.

performance of the lyke of thame when the estait of anie of our subjects sall require the same, our pleasure is that yow caus try the same, and, if after dew tryell yow find that these ships and goods belong unto the subjects of France, that yow cause thame be redelyvered to thair awners. And for better expeditioun of justice if anie questioun sall be betwixt parteis concerning anie thing that may hinder the dispatche thairof, lett als speedie a course be takin for decyding of the same as can lawfullie be used ; which recommending unto your care we bid yow farewell. Frome our Court at Woodstock, the 27<sup>th</sup> of August 1629.”

Royal Letters,  
1623-32.  
Fol. 172, a.

Windsor, 2nd  
September  
1629.

Letter from  
his Majesty  
anent the  
appointment of  
a new clerk of  
taxatious.

“CHARLES, etc. Understanding of the death of the clerk of our taxatious and how necessarie it is for the good of our service in that kynde that the place be supplied by ane able and sufficient man, but not knowing whether the right of the disposing of that charge be in us or in the person of the Clerk of Register, quhilk he doeth clame by vertew of his office, our pleasure is that yow informe your selfes thairof by suche meanes as yow sall thinke fitt, and if yow find that it belongs unto us, certifie us of the same, bot if it belong unto him we leave him absolutelie to make choice of quhat able persoun he sall thinke fitt to serve us in that charge for whome he will be answerable ; otherwise if our title or the title of anie persoun claiming right thairunto cannot be cleerilie decyded by yow, remitt the same to the ordinarie judge, for we are unwilling to wrong anie of our subjects in anie thing that does depend upon thair offices frome us if our owin right be not good. We bid yow heartilie fareweill. From our Court at Windsore, 2 *Septembris* 1629.”

Fol. 171, b.

Holyrood  
House, 4th  
September  
1629.

*Sederunt*—Chancellor ; Privy Seal ; Wintoun ; Linlithgow ;  
Lauderdaill ; Lorne ; Secretary ; Clerk of Register ; Advocate ;  
Sir John Scot.

Acta July 1629-  
December  
1630.  
Fol. 155, a.

Warrant from  
his Majesty to  
the Lord of  
Lorne to hold  
the Justice-  
Courts of the  
North Isles at  
Inverness.

“Forsameekle as his Majestie having formerlie gifted to his Majesteis trustie counsellour, Archibald, Lord Lorne, his airis maills and assigneyes, the heretable justitiarie within the north and south yles of the kingdome, as his infeftment grantit unto him thairupon proports, aud some questioun having rissin betuix some of the saids North Ilanders and the said Lord of Lorne anent the place of the said justitiarie, whilk being disputed before the Lords of his Majesteis Counsell and they having referred the cleering of the said questioun anent the place to his Majesteis wise consideratioun, his Majestie, be his letter of the date at Winsore the saxtene of July last bypast and presented this day in Counsell, hes signified his gracious pleasure that suche ane warrand be givin to the said Lord of Lorne as sall be drawin up be his Majesteis Advocat for authorizing the said Lord and his deputs to hold his justice courts for the saids North Ilanders at Innernes, notwithstanding

Fol. 155, b.

Acta July 1629-  
December  
1630.  
Fol. 155, b.

that the said burgh of Innernes be outwith the bounds of his grant and infettment, leaving thame to hold courts in anie other place where by vertew of his said grant he may doe the samine; thairfoir the Lords of Secreit Counsell hes givin and be thir presents gives full power and warrand to the said Lord of Lorne and his deputs to hold the saids Justice Courts of the saids North Ilands within the said burgh of Innernes, and declares the Justice Courts to be haldin be thame within the said burgh to be als lawfull as if the samine burgh wer within the bounds of his grant and infettment; and ordains publict intimatioun heiroyf to be made to the saids North Ilanders and to all others having interesse be opin proclamatioun at the mercat croce of Innernes and others places neidfull, with command to the proveist and bailleis of Innernes and all others ministers of his Majesteis lawes to assist and concurre with the said Lord of Lorne and his deputs in executioun of his said commissioun at the said burgh of Innernes, as they will be answerable to his Majestie and the saids Lords upon thair obedience. 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 trusty and weilbelovit counsellours, we greete yow weil. After the sight of your letter having takin into our serious consideratioun that bussines betuix the Lord of Lorne and some of the North Ilanders, we find nothing materiall to stay our intendit course for doing of justice within the bounds of these remote places, conceaving it to be ane great comfort and ease unto our good subjects and ane terrour to malefactours that transgressiouns be punished in the parts where they ar committed. And whereas yow have desyred us, least the course of justice sould be interrupted or receive anie delay, to lett yow the more speedilie know how to carie yourselfes therein, and if we sould be pleased to allow the said Lord to hold Justice Courts at Innernes (it being without the bounds of his commissioun) that we might be pleased to send doun our warrand to that effect, seing we ar weil pleased with the course whiche we have alreadie begunne heirin, and (as yow have desyred) that justice be not longer delayed; our pleasure is that yow caus our Advocat draw up suche ane warrand as sall be requisite for authorizing the said Lord and his deputs to hold justice courts at Innernes, leaving thame to hold court in anie other place where by vertew of his grant frome us he may doe the same, and that yow suffer him not to be any longer interrupted therein, bot that yow give him all suche assistance as is fitt to be granted for that effect. Thus we bid you heartilie fareweill. From our Court at Windsore the 16 day of July 1629.”

Fol. 156, a.

“The whilk day in presence of the Lords of Secreit Counsell com-  
peired personallie Sir Lewes Lawder and accepted upon him the office of shireffship of the shirefdome of Edinburgh; and siclyke compeired personallie Robert Richartson of Pencaitland and accepted upon him the  
Acceptance of  
sheriffships.



office of shireffship of the shirefdome of Hadinton; and siclyke com-  
 peired personallie M<sup>r</sup> Johne Drummond of Woodcokedaill and accepted  
 upon him the office of shireffship of the shirefdome of Linlithgow; and  
 siclyke compeired personallie Coline Campbell, fear of Glenurquhie, and  
 accepted upon him the office of shireffship of the shirefdome of Perth;  
 as alsua compeired personallie Sir James Pringill of Galloscheills and  
 accepted upon him the office of shireffship of the shirefdome of Selkirk;  
 and siclyke compeired personallie Harie Wood of Bonytoun and accepted  
 upon him the office of shireffship of the shirefdome of Forfar, conforme  
 to the tennour of his commissioun; and all the saids persouns gave thair  
 oath to discharge the said office of shireffship faithfullie according to  
 thair knowledge.”

Acta July 1629-  
 December  
 1630.  
 Fol. 156, a.

The Laird of  
 Lag accepts  
 the sheriff-  
 ship of Dum-  
 fries.

“The whilk day in presence of the Lords of Secreit Counsell com-  
 peired personallie Sir Robert Greir of Lag and accepted upon him the  
 office of shireffship of the shirefdome of Dumfries, and gave his oath to  
 discharge the said office faithfullie according to his knowledge.”

Commission to  
 the Lord of  
 Lorne for  
 receiving Wil-  
 liam Semple of  
 Foulwood's  
 oath for dis-  
 charging the  
 office of sheriff  
 of Dumbarton.

“Forsameekle as the Kings Majestie hes made choise of William  
 Sempill of Foulwod to be shireff principall of Dumbartane for this  
 present yeere, and whereas he is visite with infirmitie and sickenesse so  
 as he could not come heere to give his oath for faithfull administratioun  
 of the said office; thairfoir the Lords of Secreit Counsell gives and  
 grants power and commissioun be thir presents to Archibald, Lord of  
 Lorne, to receive the said Laird of Foulwod his oath for dewtfull dis-  
 charge of the said office, and that the said Lord of Lorne report to his  
 Majesteis Counsell with convenient diligence ane formall note of the  
 said Laird of Foulwod his acceptatioun of the said office and giving of  
 his oath accordingle.”

Commission to  
 West Nisbet  
 and Renton to  
 receive Lang-  
 ton's oath for  
 discharging of  
 the office of the  
 sheriffship of  
 Berwick.

“Forsameekle as the Kings Majestie hes made choise of Sir Williame  
 Cokeburne of Langtoun to be shireff principall for Bervick this present  
 yeere, and whereas he is visite with infirmitie and sickenesse, so as he  
 could not come heere to give his oath for faithfull administratioun of the  
 said office; thairfoir the Lords of Secreit Counsell gives and grants full  
 power and commissioun be thir presents to Johne Home of Rentoun and  
 Sir Alexander Nisbitt of Westnisbitt, or anie ane of thame, to receive  
 the said Laird of Langtoun his oath for dewtfull discharge of the said  
 office; and that the saids Lairds of Rentoun and Westnisbitt or anie ane  
 of thame report to his Majesteis Counsell with convenient diligence ane  
 formall note of the said Laird of Langtoun his acceptatioun of the said  
 office and giving of his oath accordingle.”

Fol. 156, b.

Commission for  
 inspecting the  
 writs anent the  
 taxations.

“The Lords of Secreit Counsell nominats and appoints Sir Archibald  
 Achesoun of Glencairn, knight, Secretarie; Sir Johne Hamiltoun of  
 Magdalens, knight, Clerk of Register; Sir Thomas Hope of Craighall,  
 knight baronnet, his Majesteis Advocat; and Sir Johne Scot of Scottis-  
 tarvet, knight, Directour of the Chancellarie; or anie twa or three of  
 thame, to repaire to the dwelling house of umquhill Archibald Pym-

Acta July 1629-  
December  
1630.  
Fol. 156, b.

rose, wrytter and Clerk of his Majesteis taxatiouns, and there to sight the rollis, writts and papers being in his hous, and suche of thame as concernis the collectour of the present taxatioun, to putt in inventar and delyver to the collectour of the said taxatioun, and suche as concernes his Majestie and his lieges, to delyver to the Clerk of Register as he sall appoint."

"The whilk day George, Vicount of Dupline, Lord High Chancellor of Scotland, exhibite unto the Lords of Privie Counsell ane new Great Seale and twa halffes made and graven by his Majesteis directioun, and whilk seale as the Lord Chancellor affirmed his Majestie commanded to be used and appended to all writts of whatsoever nature or qualitie whairunto the said Great Seale is necessar; quhilk seale being seene and considerit be the saids Lord they delyvered the same backe agane to the said Lord Chancellor to be kepted and used be him as his Majesteis Chancellor in all things and to all writts of whatsoever nature and qualitie whairunto the said seale sould be appended; lykeas the saids Lords nominat and appointed Sir Archibald Achesone of Glencarnie, knight, Secretary; Sir Johne Hamiltoun of Magdalens, Clerk of Register; and Sir Johne Scot of Scottistarvet, knight, Directour of the Chancellarie; or anie twa of thame to repaire to his Majesteis cunziehous and there to caus his Majesteis auld Great Seale to be brokin."

Fol. 157, a.

"The Lords ordains suche of thair number as sall happin to be in the toun when George, Marqueis of Huntlie, comes heere to take him actit that he sall remane on this syde of the water callit the North Water and that he sall not goe benorth the said water till the nixt Counsell day, appointed to be upon the thrid day of November nixt to come; and that upon the said thrid day he sall compeir personallie before his Majesteis Counsell and heare his Majesteis pleasure intimat unto him, and that in the meane tyme he sall not ressett, supplee nor intercommon with anie Jesuits, seminarie nor messe preists, nor excommunicat traffiquing Papists, as he will answeere to his Majestie and his Counsell upon the contrarie at his perrell."

"The whilk day the missive letter underwritin signed be the King's Majestie and directed to the Lords of his Majesteis Privie Counsell in favours of the exyled ministers of the Palatinat was presented unto the saids Lords and read in thair audience; of the whilk the tennour followes:—CHARLES R., Right trustie and weilbelovit cousine and counselour, right trusty and weilbelovit cousines and counsellours, right trustie and weil-belovit counsellours, and trusty and weilbelovit counsellours, we greette yow weil. Having heard of the lamentable estait of the poore exyled ministers of the Palatinat, extending (as we ar informed) to the number of sax hundreth persons with thair wyffes and childrein, who falling in the power of thair cruell enemeis, being spoyled of all thair estates, ar exposed unto extreme misereis; in commiseratioun whair of we have beene

A new Great Seal.

The Marquis of Huntly to be bound to remain south of the North Water.

Letter from his Majesty enjoining a collection to be made in all the churches for the benefit of the exiled ministers of the Palatinat.

pleased to give present order that ane generall collectioun be made throughout all the churches within this our kingdome suche as the charitable devotiouns and liberaliteis of all suche persouns as ar that way disposed toward the succouring and releiving of the saids poore exiles will willingly affoord. And we doe heirby recommend thame unto yow that yow will be pleased to give ordour to everie archbishop and bishops in everie docese throughout that our kingdome that ane course may be takin there for collecting that whiche can be had frome suche as ar charitablie disposed to support these distressed people after such maner as sall be found most expedient ; which we recommend unto your care and bid yow farewell. From our Court at Greenewiche the 30 of June 1629.<sup>1</sup> Quhilk letter being read, heard and considerit be the saids Lords and they finding his Majesteis directioun conteannit thairin to be most royall, just, necessar and expedient, thairfoir they ordaine ane missive to be writtin to the Archbishop of St. Andrewes recommending unto him this bussines, and willing him to recommend the same to the rest of the clergie to the intent and purpose mentiouned in his Majesteis said letter.”

Acta July 1629.  
December  
1630.

Fol. 157, a.

Fol. 157, b.

Holyrood  
House, 4th  
September  
1629.  
Charges  
against the  
Procurator-  
Fiscal, Clerk,  
and Officer of  
the Sub-com-  
missioners of  
Inverness.  
[On margin.]  
This act  
omitted the  
fourth of  
September.

“ Forsameekle as the subcommissioners nominat and entrusted with the valuatioun of the lands and teinds within the presbyterie of Innernes having made choise of Johne Cuthbertjohnestoun [*sic*] to be thair procuratour Fiscall, and of Androw Fraser, shireff clerk of Innernes, to be thair clerk, and of Donald Fraser to be thair messenger, and they having caused charge the saids parteis to accept the charge upon thame, they verie undewtifullie have refused the same, so that throw thair default his Majesteis service is lyke to be frustrat and disappointed ; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the persons abonewrittin to compeir personallie before the Lords of Secreit Counsell upon the thrid day of November nixtocome to answer to the premissis and to underly suche ordour as sall be takin thereanent, under the pane of rebelloun, etc., with certificatioun, etc. And it is heirby declared that if the persouns abonewrittin accept upon thame the offices foresaids and carefullie and dewtifullie execute the same, that than the executioun of thir letters sall cease and no forder sall be proceeded thairin.

Fol. 159, a.

[Sederunt as recorded above.]

Holyrood  
House, 4th  
September  
1629.  
Petition by  
Thomas  
Cheyne of  
Raynistoun  
that his goods,  
which had  
been confis-  
cated on the

Petition by Thomas Cheyne of Raynistoun as follows :—Having been excommunicated for nonconformity to “ the trew religioun ” he was at their Lordships’ direction put to the horn, and in virtue thereof Alexander Guthrie, Marchmont Herald, and Robert Mercer, messenger, having seized upon his house, cattle and goods, gave his house in

Decreta,  
November  
1627-January  
1630.

Fol. 244, b.

<sup>1</sup> This letter is also engrossed in the Council’s Register of Royal and other letters, fol. 170, a.

Decreta,  
November  
1627-January  
1630.  
Fol. 244, b.

keeping, by direction of the Bishop of Aberdein, to Alexander Leslie, the said Mercer's son-in-law, although the petitioner had procured the Lairds of Pitcaple and Arnage, and David Edie, burgess of Aberdein, as cautioners to them that the goods in his house and his growing corn would be forthcoming to his Majesty's use. Moreover, they have comprised four horses of his at 10 merks each, though each was worth 50, two mares at 10 merks each, though each was worth £20, two staigs worth £10 each at 5 merks each, six "quoyakes" each worth £5, at 40s. each, 24 hogs worth 30s. each at 10s. the piece, and 2 bolls of beir worth £10 the boll at , some of which goods they keep for their own use, and the rest they have sold to others to the great prejudice of the petitioner. "And whereas now it hes pleased God so to deale with the said supplicant that upon the acknowledgement of his erroneus professioun and publict repentance made for the same, and upon his subscriptioun of the Confessioun of Faith and promise to continue constantlie in the professioun of the trew religioun, he wes dewlie and ordourlie relaxt from the sentence of excommunicatioun pronounced aganis him be M<sup>r</sup> Patrik Guthrie, his ordinarie pastour, at the command and directioun of the presbyterie of Ellone, as his said pastours testificat, togidder with the Bishop of Aberdein his letter shown to the Lords of Privie Counsell beiris; and, seing the said supplicant perswades himselffe that the scope and ayme of the saids Lords thair legall and most equitable course used aganis him is onlie his conversioun and conformitie to the trew religioun, whilk he hes unfainedlie testified," he craves command from their Lordships to the said Alexander Guthrie, Alexander Leslie and Robert Mercer, to restore to him his house of Raynistoun, with all the goods therein, and also the goods they comprised from him which are in their own possession, and the prices of such as they sold, and to deliver to his said cautioners the bonds they gave them as above mentioned. The Lords having seen the act and report of the presbytery of Ellone, "bearing that upon the said Thomas Cheyne his repentance and acknowledgement of his former errours, and upon his oath given to stand constantlie to the trueth of religioun and trew worship as it is receaved within the kirk of Scotland, wes absolved fra the fearefull sentence of excommunicatioun," and a missive from Patrick, Bishop of Aberdein, to the same effect, recommend and remit the ordering of this whole business to the said Bishop, desiring him "to take suche ane equitable and good course therein as may incourage others to foregoe thair former errours and embrace the trew religioun presentlie profest within this kingdome"; also to take caution from the petitioner not to haunt nor converse with Jesuits and priests, and to compear before the Council when lawfully cited; and to see that the expenses of those who have kept the said house be paid and exoneration given them. They also desire the Lords of Counsell and Session to grant to the petitioner relaxation from his said horning.

ground of his  
having been  
put to the horn  
for Papistry,  
may be  
restored to him,  
seeing he has  
conformed to  
the true  
religion.

Fol. 245, a.

Fol. 245, b.

Complaint by Archibald Cunningham and his father, Archibald Cunningham of Kirkland, against Hew Syme and others for damage to their property and for assault.

Complaint by Archibald Cuninghame, younger, son to Archibald Cuninghame of Kirkland, and his said father for his interest, as follows :—In violation of the laws prohibiting the cutting and destroying of green wood, etc., on 28th September last Hew Sym in Stewartoun, and John and Richie Sym in Stairand came to their yards of Kilmawres, and “without respect to the Lords day brake doun the hedges and dykes of the yairds and entered within the same, brake doun ane number of growing trees, tooke the whole fruitcs aff the rest and spoyled and destroyed the whole planting of the saids yairds.” When the said Archibald Cuninghame, younger, came to stop them, they assailed him “with great rungs and whingears” on the head and other parts of his body, to the effusion of his blood, felled him to the ground, and left him lying for dead. He was “so birsed and bruised” that for a long time thereafter he was unable to stir. Charge having been given to the said Hew, John and Richie Sym, and the pursuers compearing but not the defenders, the Lords ordain them to be denounced and escheat.

Decreta,  
November  
1627-January  
1630.  
Fol. 245, b.

Fol. 246, a.

Complaint by Katharine Oswald, spouse to Robert Acheson, that she has been detained eight weeks in the Tolbooth of Edinburgh on a charge of witchcraft without being brought to trial.

Complaint of Katharine Oswald, spouse to Robert Acheson, miller, in Nidrie, as follows :—On sinister information by Mr. Andrew Learmouth, minister at Libbertoun, to their Lordships that the complainer was guilty of witchcraft, they granted a commission to John Wauchop of Nidrie to apprehend and ward her in the tolbooth of Edinburgh, and ordained the depositions in her case to be reported to them on 20th July last. She has been in the said tolbooth for over eight weeks, during which time neither the said minister nor any others have come to question her about the said crime, and thus by her imprisonment not only is “her honest name and credite brought in questioun, but her husbands effaires specialie in this important tyme of harvest ar altogidder neglected.” Charge having been given to the said Mr. Andrew Learmouth and John Wauchop, and the pursuer appearing by her said husband, and Mr. Andrew Learmouth compearing for himself and the other defender, the Lords find that it agrees not with reason and justice that the pursuer be further kept in ward without a lawful trial and fix the 11th September for her trial. And because his Majesty's Justice has excused himself from attendance that day at the trial, because the burial of Lord Colvill, his chief, is fixed for the 11th, the Lords grant commission for the said trial to the Sheriff of Edinburgh and his deputes, and to the provost and bailies of Edinburgh or any two or three of them, and ordain the defenders to deliver a copy of the indictment to the pursuer forty-eight hours before the trial that she may prepare her defences. If they fail to pursue, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer, taking caution from her, acted in the Books of Adjournall, to compear before the Justice and his deputes in the tolbooth of Edinburgh for trial on the above charge on 15 days' warning.

Fol. 246, b.

Decreta,  
November  
1627-January  
1630.  
Fol. 246, b.

Petition by the tacksmen of his Majesty's customs, as follows:—  
 Several merchants in this kingdom have a great stock of wool on hand in addition to the wool of the country yet to sell, of which there is more than sufficient for the country's needs. Moreover, the season for selling wool in this country is now past and the petitioners licence from their Lordships has expired. This wool already bought and now in the merchants' hands will therefore become useless, and they accordingly crave a licence from their Lordships to transport 5000 stone weight of it. The Lords, "being loath that anie quantitie of wooll sall unusefullie and unprofitable remane within the countrie speciallie at this tyme when the seasoun of the yeere for selling thair of within the countrie and for the countreis use is now past, and when there is suche ane skairsetie of moneyes within the countrie, and so great ane necessitie of importa-tioun of the same," and "out of trew consideratioun of the reasouns of state for the weale of the countrie," grant the prayer of the petition for 4000 [*sic*] stone weight of wool, provided the same be exported before 1st November next, when this licence is to expire, and that caution be found for paying to the Treasurer, Treasurer Depute, and Receivers of his Majesty's Rents the money due for the said licence and "for the bulyeoun thair of usuall and accustomed."

Fol. 247, a.

Complaint by Mr. James Bannatyne of Newhall, one of the Senators of the College of Justice, and John Cranstoun of Skaittisbus, one of the Justices of Peace in the constabulary of Hadintoun, as follows:—On information being given to the said Justice of Peace that John, Lord Hay of Yester, was to convocate his kin and friends in arms "for leading of the teind hay of the lands of Yockeburne" belonging to the said Mr. James Bannatyne and of which he and his predecessors have been in possession "past all memorie," he, for preserving the peace, as was his duty, went to the said lands, where he found Mr. Alexander Hay, agent and domestic servant to the said Lord Yester, in his said master's name and by his direction, with about 60 of his Majesty's lieges armed with lances, spears, swords, gauntlets and other weapons, in a tumultuous manner, resolved by force and violence to take away the said hay without the knowledge or consent of the said Mr. James, on whose lands it was mown, and as yet "unrucked." He represented unto the said Mr. Alexander Hay the contempt of law which this unseemly convoca-tion manifested, and then first intreated and afterwards by authority of his office in his Majesty's name commanded him to keep the peace and find caution to that effect; and then he sequestrated the said hay till the ownership thereof should be legally decided, but all in vain; the said Mr. Alexander not only refusing to find caution, but violently taking away both the teind hay of the said lands of Yockeburne, and that of the Mains of Newhall, of which the said Mr. James has been in possession peaceably for the last ten years, and his predecessors "past memorie," threatening any who opposed them with present death.

Fol. 247, b.

Petition by the tacksmen of his Majesty's Customs that they may be allowed to export 5000 stone of wool.

Complaint by Mr. James Bannatyne of Newhall, and John Cranston of Skaittisbus, justice of peace, against John, Lord Hay of Yester, for leading of the teind hay of the lands of Yockeburne in spite of the protest of the said justice.

Charge having been given to the said Lord Yester and Mr. Alexander Hay, and both pursuers and defenders compearing, and probation being referred to witnesses, who failed to substantiate any part of the complaint, the Lords assoilzie the defenders.

Decreta,  
November  
1627-January  
1630.  
Fol. 248, a.

Complaint by Michael Acheson that he is warded in the Tolbooth of Edinburgh by his creditors, and that while warded there he has no means of paying his debts.

Complaint by Michael Acheson, assayer of his Majesty's Cunziehous, as follows:—He has been warded in the tolbooth of Edinburgh by his creditors, viz., James Cairnecroce, maltman, for 50 merks; John Sands, tailor, for 40 merks; Robert Malcolme, merchant, for 48 merks; William Broun, son of the deceased Hew Broun, for 40 merks; William Malloch, baker in the Cannogait, for 50 merks; and Margaret Wood, widow, for 180 merks. He is "ane verie poore man, having nather meanes to pay the debt nor yitt to interteane himselfe in waird, sua that the compleaners detentioun in waird can import nothing unto his creditours nor procure thair satisfioun," but if he were at liberty he would take "some course by his wages in the Cunziehous to give all his creditours satisfioun at competent and reasonable dyets." At present he loses his wages, his Majesty's service is neglected, and he is like to starve. Charge having been given to the said creditors, and to Edward Ferquhar, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the pursuer, and the pursuer compearing personally, and of the defenders only John Sands and Margaret Wood, who declared that the pursuer was neither arrested nor warded at their instance and consented to his liberation, the Lords ordain the provost and bailies of Edinburgh to set him at liberty, because his incarcerators had not compeared and because having a known and necessary service in his Majesty's Cunziehous, he cannot without the disappointing of that service be distracted therefrom.

Fol. 248, b.

Petition by James Acheson for a warrant to publish a treatise on the form and order of military discipline.

Petition by James Acheson as follows;—"He hes writtin and drawin up ane little treatise anent the forme and ordour of militarie discipline quhilk he hes practised thir diverse yeeres bygane within the burgh of Edinburgh to the great contentment of the said burgh and instructioun of the inhabitants thair of in the right use of the handling and exercise of thair armes, and this treatise he intends to send to the presse and to make it publict for the use of the subjects." He therefore craves command and warrant from their Lordships to John Writtoun, printer "to putt the supplicants said treatise to the presse, and to print suche ane number of thame as he sall direct upon his reasonable expenses." The Lords "ordained the said treatise to be offered to the consideratioun of the president of the Counsell of Warre or of such others as the president of the said Counsell sould appoint to revise the same; lykeas Alexander, Erle of Linlithgow, president of the said Counsell, having seene and considerit the said treatise, he by his report under his hand made to the saids Lords hes testified and declared that he thinkes it worthie of the printing; in respect whair of," the

Fol. 249, a.

Decreta,  
November  
1627-January  
1630.  
Fol. 249, a.

Lords grant the warrant to John Wreittoun, printer, craved by the petitioner.

Bond of caution by Francis Ogilvie of Newgrange, in 2000 merks, that James Ogilvie, fiar of Newgrange, his son, will not molest Harie Wod of Bonnytoun, nor his wife, family, tenants, etc.

Caution by Francis Ogilvie of Newgrange for his son James Ogilvie.

Fol. 249, b.

Complaint by Andrew Ker of Yair as follows :—He has a controversy with the provost, bailies and council of Selkirk about the lands of Cribbs, which he claims as property and they as commonty, and the dispute was submitted by both parties to the amicable decision of some of the Lords of Council and Session and some advocates who were deputed by the said Lords to visit the said lands. The arbitrators, however, suffered the submission to desert and did nothing therein, so that the controversy continues “freshe and recent.” In view of possible disturbances on that account the Lords of Privy Council had convened the complainer and the commissioners of the said burgh before them, and the latter being asked if they would consent to a new submission, replied that their instructions were not to consent “because the submissioun concerned ane pairt of thair communitie and commoun lands, and that the samine might be ane preparative to other clanned men in the countrie, thair nighbours, to bring the rest of thair commoun lands in questioun,” whereupon their Lordships reponed both parties in their former state, viz., “the said compleaner to his freedome of pastourage, and the proveist, bailleis, counsell and communitie of Selkirk to thair freedome and priviledge of ryding of thair marches in the lyke forme and maner as they wer before the submissioun,” ordaining them to pursue their claim in a legal way, with a command to the town of Selkirk to behave themselves quietly and peaceably towards the complainer. This was on 20th June 1615, and till lately there has been tolerable quietness, and violence has been forborne, but now the said provost, bailies, council and community, wearied with the said peace, have resolved to renew “the former greeves and displeasures.” On 7th August they met in their tolbooth, when Mr. Patrick Schaw, minister at Selkirk, “who is pastour to both the saids parteis and in regaird thair of sould have beene ane preacher of peace and obedience, he, uncalled, engyred himselfe in that meeting and tooke upon him the speche and directioun of all things that wer propounded and motiouned there, objecting unto the bodie of the toun thair oversight and cowardice in not pastouring thair goods upon the compleaners said lands of the Cribbs, and thairfoir advised thame to conveene the whole bodie of the toun in armes and to goe with thair nolt and goods to the said compleaners lands of Cribbs and to hald and pastour thame thairon in despite of the compleaner, calling thame rogues and beastlie cowards if they did not the same. Quhilks speeches being delyvered be the minister in ane bragging and unseemelie maner the whole meeting applauded thairunto, and than gave present directioun to warne the whole nighbours of the toun to be in readinesse upon

Complaint by Andrew Ker of Yair against the magistrates of Selkirk for violently taking possession of land which belongs to the complainer.

Fol. 250, a.



towke of drum to attend thame." Accordingly on 14th August 300 persons in arms, "with displayed pensellis and ensignes and with towking of drums," attended and awaited upon William Scot, called of Pillirs, and Andrew Ker, bailies, George Anderson, Treasurer, and William Mitchelhill, William Elliot, Thomas Halywell, John Fletcher, and Williame Turnebull, councillors of Selkirk, and came to the said lands with fourteen score or so of nolt, and put and held them upon the said lands of Cribs, "quhilks ar cleerlie distinguished frome the communitie of Selkirk be ane running burne" till the whole grass thereon was eaten and trodden down. Further, when John Crawford, the complainer's servant, offered in a legal way to make civil interruption to their proceedings by putting the goods off his master's lands, John Murray, burgess of Selkirk, at the direction of the said bailies, treasurer and councillors of Selkirk came behind his back, and with "ane great battoun," struck him to the ground, gave him many strokes therewith, "poussed him with thair hands and feete, rave his cloathes, and left him for deid;" and Andrew Murray, the said John's brother, in case he was not dead, drew his whinger and would have killed him therewith, had he not been prevented. The "shoutt being rissin," and the complainer coming to the said bailies etc., and showing them the order of the said Lords of Privy Council, and desiring them to conform thereto, they in further contempt "violentlie hurled and kuist down to the ground all the compleaners dykes bigged upon his said lands." Charge having been given to the said Mr. Patrick Schaw, William Scot and Andrew Ker, bailies, George Anderson, William Mitchelhill and John Murrey, and the pursuer compearing, and the said William Scot compearing for himself and the other defenders, except Mr. Patrick Schaw who was present for himself, and the proof (except that which concerned Mr. Patrick Schaw) being referred to witnesses, who failed to substantiate the charge, and that concerning Mr. Patrick Schaw being referred to his own oath, and he having denied the accusation, the Lords assoilzie the whole defenders.

Decreta,  
November  
1627-January  
1630.  
Fol. 250, a.

Fol. 250, b.

Fol. 251, a.

Petition by  
Gilbert Ker,  
lieutenant to  
Colonel  
Cunningham,  
for the release  
from ward of  
Thomas Cock-  
soun, English-  
man, on the  
ground that  
he had been  
enlisted for  
his Majesty's  
service.

Petition by Gilbert Ker, lieutenant to Colonel Cunninghame, as follows:—He enlisted an Englishman, called Thomas Cocksoun, *alias* Hint, to serve in the wars of Sweden, but John Dowglas in Linteley has arrested and warded him in the tolbooth of Jedburgh as a fugitive for some petty thefts. Now he is not pursued by any party wronged by him, and he is "ane strong able fellow, serviceable for the warres and willing" to serve therein under the petitioner, who therefore craves that the Lords would ordain the provost and bailies of Jedburgh to deliver Cocksoun to him. This the Lords grant because Cocksoun has found caution in 500 merks to compear before his Majesty's Justice on lawful citation, and answer for any crimes committed by him against the said John Dowglas in Linteley.

Decreta,  
November  
1627-January  
1630.  
Fol. 251, b.

Complaint by Paul Young in Fuirdhous of Pittarrow, as follows :—  
On 10th August last Mr. James Wishart of Pittarrow came accompanied by a number of his tenants and servants by way of hamesucken to the complainer's dwelling house in Fuirdhous, and searched for him to take his life, but missing him they "brake up his kists, almereis, and uthers lockefast loomes" in the house, destroyed them for the most part, took away his "whole writts, evidents, letters, meale, malt, bed cloathes and whole abuilyements within his hous, and left him not so muche as ane coate nor sarke bot that quhilk wes upon his backe." He carried away with him "the most part of his moveables being within the hous, not leaving so muche as some few bannocks quhilks the poore mans wyffe had made readie for him and quhilks the said M<sup>r</sup> James tooke to give his dogges; and caused putt on great hinging lockes upon the compleaners hous, thairby debarring him and his familie from entrie; and thairafter sent to the compleaners faulds and others parts in the countrie where he had anie goods, and be his awin hand without decretit or sentence of anie judge caused stampe the compleaners goods with his stampe and marke." Further, on 5th July last the said Mr. James, accompanied as above, came to the complainer's dwelling house, and broke up its doors "with gavillockes, yron forkes and cowtters, tooke furth of the hous ane ginnell, ane kist, twa standing beds, and what ellis he had left untane away the day foresaid." And now on 25th August last James Sparke, John Young, John Mill, Robert Sowter, John Clerk, John Young, James Beatie and M<sup>r</sup> James Irwing, messenger, all men, tenants and servants of the said Mr. James, came at his bidding upon horseback to the complainer, who was on the lands of winning some corn, took the corn from him, chased him a great space, and when they overtook him "cruellie birsed and bruised" him "with aucht great hors tedders, and so demained his whole bodie with bauche and blae straiques as wes very loathsome to see, and than bound the compleaner with thair tedders to ane horse taile, harled him after the hors ane great space, and than caryed him to the said M<sup>r</sup> James, thair maister." Charge having been given to the said Mr. James Wishart, who compeared as also did the pursuer, the Lords remit the first two points of the complaint to the judge ordinary to be dealt with, but assoilzie him with regard to the third, because this point being referred for proof to his oath of verity he denied it. They further ordain him to find caution acted in the Books of Privy Counsell in 500 merks for the indemnity of the pursuer.

Act of Caution by George Barclay in Montboddo in 500 merks for the said Mr. James Wishart to the above effect.

Petition by the Commissioners for the Burghs of this kingdom as follows :—John Scot of Scottistartvet, knight, Director of Chancery, has procured a signature from his Majesty prohibiting any bailie of burgh to give sasine to any persons succeeding as heirs of line, taillie, conquest or

Complaint by Paul Young in Fuirdhous of Pittarrow against Mr. James Wishart of Pittarrow for hamesucken and robbery.

Caution by George Barclay in Montboddo for the above James Wishart of Pittarrow. Petition by the Commissioners

Fol. 252, a.

Fol. 252, b.

of Burghs  
against John  
Scot of Scotts-  
tarvet, who has  
obtained a  
signature from  
his Majesty  
prohibiting  
bailies of  
burghs from  
granting  
sasines as had  
beeu their  
wont.

provision, to any of their predecessors, by "hespe, stappell" or otherwise, till first such persons are served and retoured in Chancery. This "novatioun" is a heavy oppression on the poor inhabitants of the burghs, obliging them to pay £50 or £60 for what "by the lovable custome of hespe and stapple they wer to receive" for 40s. In February 1627 they petitioned against the passing of the said signature, and their Lordships, the said Sir John being present and consenting, ordained that it should not be "exped the registers nor seales till it wer heard, cognosced and allowed in Parliament." But they now hear that Sir John has passed it through the seals and intends to seek letters of publication and execution thereof. They therefore crave that their Lordships would prevent this in terms of their former act. Sir John Scot being present "and demandit what he had to say aganis the same, he answered that he wes not warnid to answer to this petitioun nor knew not the tennour thairof and thairfoir could give no direct answer thairto." The Lords therefore ordain him to be warned to answer next Council day, and meanwhile that the signature be stayed.

Decreta,  
November  
1627-January  
1630.  
Fol. 252, b.

Complaint by  
Francis Sin-  
clair, son of  
James Sinclair  
of Murkill,  
under orders  
for service in  
the wars,  
against  
Michael  
Gibson, tailor,  
for illegal  
warding.

Complaint by Francis Sinclair, second lawful son of James Sinclair, elder of Murkill, as follows:—"He, being tane on and having ane special charge in the warres of Sweden," came to this burgh for commodity of his transport, and on 28th August last while he was sitting in Stevin Boyd's merchant booth, Michael Gibsoun, tailor, burgess of Edinburgh, accompanied with some of the town officers, came to him and charged him to enter into ward, or find lawful caution to him. Surprised at the demand as he "had never to doe in buying or selling with the said Michael Gibsoun," he requested explanations, when he was shown a bond alleged to have been signed by him ten years ago in his minority, as cautioner for his father, for £400. Now of this sum 500 merks have already been paid by his father, who is also responsible for the small residue, and though the complainer has since the date of the bond been frequently in Edinburgh, he has never been thus troubled on that account, but he could no way procure his relief till he had delivered to the said Michael "his coffer whairin his hail abuilyments and cleithing quhilks to his great charges he had provydit for his transport wer," and the said Michael detains this, to the disappointing of the said service and great injury of the complainer. Charge having been given to the said Michael Gibsoun, and the pursuer compearing, and also the defender, who declared his willingness to accept a bond of corroboration by the pursuer for the part of the said debt yet unpaid, the Lords ordain him to deliver up the coffer aforesaid and contents to the pursuer upon his granting him such bond.

Fol. 253, a.

Fol. 253, b.

Petition by  
William Dick,  
merchant  
burgess of  
Edinburgh,  
that he may

Petition by William Dick, merchant burgess of Edinburgh, as follows:—"He has a great quantity of old wheat lying in girnels which he bought at a dear rate, and was ever willing to sell the same to his Majesty's lieges, "yitt wheat being the least saile ryfe and least used

Decreta,  
November  
1627-January  
1630.  
Fol. 253, b.

grayne be the countrie people, no man offers to buy the same from the said supplicant, nor to give him ane reasonable pryce for the same, speciallie seing it hes pleased God to send so hopefull ane harvest and plentie of new wheat." He therefore craves licence from their Lordships to export 80 bolls of the said wheat to his Majesty's confederates, either custom free or upon some reasonable consideration. The Lords grant him licence to export four score chalders of old wheat, providing he first undertake to import twice that quantity of another grain when required by their Lordships so to do, that he pay ordinary custom for the same, and find caution for the bullion thereof.

be permitted to export 80 bolls of wheat to his Majesty's confederates abroad, as he cannot dispose of the said wheat at home.

Commissions,  
1624-30.  
Fol. 209, b.

Commission under the Signet to the provost and bailies of Jedburgh to hold courts and try John M<sup>c</sup>Awlay, sometime in Newburgh, and John Mow and David Turnebull in Jedburgh, fugitives and outlaws for theft and reset of theft, who were lately apprehended and warded in the tolbooth of Jedburgh. Signed by Geo. Cancell., Hadintoun, Wintoun, Linlithgow, Lorne, Arch. Achesoun, Hamiltoun, S<sup>r</sup> Thomas Hoip, and Scottistarvett.

Holyrood House, 4th September 1629.  
Commission to the provost and bailies of Jedburgh to try John Macaulay and others for theft.

[Sederunt as in Acta with the addition of "Tracquair."]

Sederunta,  
1625-29.  
Fol. 128, a.  
Fol. 128, b.

"That the Archbishop of S<sup>t</sup> Androis, the Bishoppis of Ros and Dunblane be writtin for to keepe the nixt Counsell day anent the Marques of Huntlie his affairis."

The Marques of Huntly.

Fol. 129, a.

"Ane missive frome his Majestie concerning the factouris at Campheir and minister of the kirk thair of, the missive ordanit to be delyverit to the provest and baillies of Edinburgh to be advisit thairwith and that point anent the minister recommendit to the Archiebishop of S<sup>t</sup> Androis."

The factors and minister of Campvere.

Acta July 1629-  
December  
1630.  
Fol. 157, b.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Lorne; Secretary; Clerk of Register; Advocate; Sir John Scot.

Edinburgh, 5th September 1629.

"Forsameekle as the Kings Majestie out of his earnest desire to visite this his ancient kingdome having resolved to have repaired heere in persoun in this instant moneth of September for halding of ane Parliament, receaving of his crowne, and sattling and bringing to perfectioun of suche things as sould be found necessarie for the good of this kingdome, yitt in respect of manie great occasiouns interveening in this meane tyme his Majestie cannot convenientlie keepe the appointed dyet for halding of his said Parliament and receaving of his crowne for the peace and securitie of this kingdome, and thairfoir his Majestie hes givin warrand and directioun for prorogatioun of his said Parliament untill the first day of Junij nixtocome with continuatioun of dayes, whilk day his Majestie hes made choise of for the beginning of his said Parliament and hes resolved, God willing, to keepe the said dyet preciselie in persoun; thairfoir the Lords of Secret Coun-

The meeting of Parliament postponed from September 1629 till 1st June 1630.

sell, according to his Majesteis warrand and directioun sent unto thame for this purpose, ordains letters to be direct charging heraulds, purse-vants and officers of armes, to pas to the mercat croce of Edinburgh and others places neidfull and there be opin proclamatioun to make publicatioun and intimatioun of the continewing of the said Parliament untill the said first day of Junij nixtocome with continewatioun of dayes, and to warne all and sindrie prelats, noblemen, commissioners for the small barouns and burrowes, and all others having place, vote, office or service, or attendance in the said Parliament that they and everie ane of thame attend and await upon the same the said first day of Junij nixtocome with continewatioun of dayes, and doe and performe that quhilk to thair places and charges appearteanes. Followes his Majesteis missive for warrand of the Act abonewrittin;—CHARLES R.—Right trusty and right weilbelovit cousine and counsellour, right trusty and weilbelovit cousines and counsellours, trusty and weilbelovit cousines and counsellours, and trusty and weilbelovit counsellours, we greeete yow weill. Whereas we have writtin our princelie directiouns unto our commissioners to prorogat and continew the same untill the first day of June nixtocome whairby we may have some more tyme and leasure to be there in persoun at the said Parliament and to receive our crowne for the peace and securitie of that our native and ancient kingdome, our pleasure thairfoir is and we doe heirby authorize, will and require yow that after the said Parliament sall be so prorogated and continued, as said is, yow cause intimat the said prorogatioun and continuatioun to all our good lieges within our said kingdome by opin proclamatioun at the mercat croce of Edinburgh and others places neidfull, and warne all prelats, noblemen, commissioners for burrowes and barouns, and all others having place, vote or owing attendance in the said supreme court of Parliament, to attend and await upon the same the foresaid day with continuatioun of dayes, and to performe all and sindrie suche other things as to thair places and offices doeth apperteane; and for doing of the premisses these our letters sall be unto yow and everie of yow frome tyme to tyme your sufficient warrand and discharge in that behalffe. And so we bid yow heartilie fareweill. Frome our Court at Windsore the 16 day of July 1629.

At his Majesteis cunziehous within the burgh of Edinburgh the fyft day of September 1629.

“The whilk day in presence of Sir Archibald Achesone, knight, his Majesteis Secretare, Sir Johne Hamiltoun of Magdalens, Clerk of Register, and Sir Johne Scot of Scottistarvet, Directour of our soverane Lords Chancellarie, commissioners nominat be the Lords of Privie Counsell to caus and see his Majesteis auld great seale brokin, compeired personallie Mr. David Sibbald, servitour to George, Vicount of Duppline, Lord High

Letter from his Majesty to the above effect.

The breaking of the old Great Seal.

Acta July 1629.  
December  
1630.  
Fol. 157, b.

Fol. 158, a.

Acts July 1629-  
December  
1630.

Fol. 158, a.

Chancellour of this kingdome, and exhibite before the saids commissioners his Majesteis said great seale in twa halffes, quhilk seale the said commissioners delyvered to George Foulles, maister of his Majesteis cunziehous, who at the command and directioun of the saids commissioners and in their sight and presence caused the said seale and both halffes thair of to be brokin and destroyed, everie ane of the saids commissioners putting thair hand on the hammer and giving the first three straiques thairwith."

Fol. 158, b.

Fol. 159, a.

" Forsameekle 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 of offenders and releiving his Majesteis good subjects frome the insolenceis of suche by whome they have bene formerlie opprest; and whereas the parteis arreisted or cited to thair courts may make some pretext of excuse of thair not repairing thairunto by reasoun of some civill hornings whilks they underly; for removing of whilk excuse the Lords of Secreit Counsell hes declaired and be the tennour of this present Act declares 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 aud attend thairat and to depart thairfra, viz. for the space of twentie foure houres before thair comming to the saids Courts and during the tyme of thair attendance thairat and for the space of twentie foure houres thairafter, and that they sall not be takin, apprehendit, arreisted nor wairdit be vertew of anie civill hornings or captiouns raised thairupon during the space abonewrittin; and ordains letters to be direct to make publicatioun heiroyf at the mercat croces of the heid burrowes of this kingdome and uthers places neidfull, and to discharge all shireffs, stewarts, provests and bailleis within burgh and others officiairs and magistrats to burgh and land, that they nor nane of thame presooome nor take upon hand to take, apprehend, arreist nor waird anie person or persons arreisted or cited to the saids Courts within the space of twentie foure houres after thair comming to the saids Courts, during the tyme of thair attendance, nor for the space of twentie foure houres after thair departing thairfra be vertew of anie civill hornings or captiouns raised thairupoun, discharging thame thair of and of thair offices in that pairt.

Edinburgh, 5th  
September  
1625.

[sic l. 1629.]  
All persons  
cited to the  
Justice-Courts,  
whether at the  
horn or not, to  
be unmolested  
for the space of  
twenty-four  
hours before  
coming to the  
said Courts,  
during the  
period of their  
attendance,  
and for the  
space of  
twenty-four  
hours there-  
after.

Fol. 159, b.

Decreta,  
November  
1627-January  
1630.  
Fol. 254, a.

[Sederunt as recorded above.]

Holyrood  
House, 6th  
September  
1629.

Petition by Mr. James Ord, procurator, commissioner and factor for Phillip Lyoun, "wedow" of the deceased Abel Lyoun, goldsmith, and Thomas Robesoun, citizen and merchant tailor in London, as follows:— Thomas Robesoun intrusted the said Abel Lyoun with some commodities for sale in this kingdome whereby the said Abel might recover himself out of the misery and great debt in which he was involved, and on account of which he had to leave his native country and family, and

Petition by  
Mr. James Ord,  
citizen and  
merchant  
tailor in  
London, anent  
certain goods  
which he had  
entrusted to

Abel Lyon,  
goldsmith,  
now deceased.

Abel "upon some great discontentment and distempered humour" did "by indirect meanes, putt himselfe to death," leaving his said relict and distressed children destitute, as his escheat fell to his Majesty. They, however, humbly petitioned his Majesty that no gift might be granted thereof till his creditors were satisfied and some provision made for the widow and children, to which his Majesty acceded, and sent a letter to that effect to the Lord High Treasurer of this kingdom and the lords of Exchequer, as the same in the hands of the clerks of Exchequer bears. But the right to this escheat was claimed by the lord of the regality of Broughtoun, and till this question was legally decided, their Lordships sequestrated the said escheat goods upon inventory in the house where they then were; and there they have since lain, subject to the injury of of such goods being so kept, whereby great part of them "ar spoyled and wracked." The supplicant is fully empowered by the said Phillip Lyon and Thomas Robesoun to deal with the said goods, and he is prepared to find caution to make the same forthcoming to all having interest, and therefore he craves authority from their Lordships for the taking over of the goods. The Lords ordain the provost and bailies of Edinburgh and the bailie of the regality of Broughtoun, "he being required," or any two or three of them, to inspect and inventory the said goods, sell the same to the best avail, and deliver the proceeds and all other moneys and papers which belonged to the said defunct to the said Mr. James Ord upon his finding caution as above.

Decreta,  
November  
1627- January  
1630.  
Fol. 254, a.

Fol. 254, b.

Complaint by  
George Dins-  
mure, flesher,  
burgess of  
Edinburgh,  
against Wil-  
liam Russell in  
the Scheills of  
Auchingray  
and William  
Russell, his  
son, for assault.

Complaint by George Dinsmure, flesher, burgess of Edinburgh, as follows:—On 1st August last William Russell in the Scheills of Auchingray and William Russell, his son, lay in wait for him about the town end of Dumbartane to kill him, and meeting him about 10 a.m. coming out of the said burgh driving some sheep which he had bought at the "Lambmesse faire there" they assailed him with "swords, bandit staffes and great battouns," giving him many strokes therewith, but specially William Russell, elder, "gave him ane cruell wound on the head with ane great squair battoun barred, and that behind his backe," wherewith "he felde him dead to the ground, where he lay speechelesse be the space of three houres," and they so bruised him that he cannot now pursue his wonted calling. Charge having been given to the said William Russell, elder and younger, and they and the pursuer compearing, and probation being referred to certain witnesses, the Lords find the defenders guilty of hurting and wounding the pursuer, and ordain them to be warded in the tolbooth of Edinburgh till they pay a fine of £40 for this great insolence and also four merks to each of the witnesses for their expenses.

Fol. 255, a.

Fol. 255, b.

Complaint by  
Captain Alex-  
ander Bruce  
against  
Thomas

Complaint by Captain Alexander Bruce, as follows:—James Kincaid, son to Thomas Kincaid of Wareistoun, and Daniel Bonkill, son to Daniel Bunkill, burgess of Edinburgh, having enlisted under his charge for the

Decreta,  
November  
1627-January  
1630.  
Fol. 255, b.

service of the King of Sweden, and both the said fathers having faithfully promised that their sons should be in readiness to embark when the occasion offered, they now undutifully withhold and keep them up, and the complainer had to leave them behind. These persons being charged to compear, and the pursuer compearing by Mr. John Bruce, his brother, and the Laird of Wariestoun being present and producing his said son, and Daniel Bonkill, elder, also compearing, the Lords assoilzie the said James [*sic*] Bonkill and his son, because he produced a discharge by John Livingstoun, Colonel to Sir George Cunninghame, to whom Mr. John Bruce, in name of the said Captain Bruce had delivered the said Daniel Bonkill to be disposed of as his soldier, in which discharge Livingstoun acknowledges the receipt of a certain sum of money paid to him by the said James Bonkill, and discharges the said Daniel of his service as a soldier. Further, the Lords, considering that James Kincaid is but a youth under the charge of his father and unable to dispose of himself at pleasure, ordain the Laird of Wareistoun to supply a sufficient and able person to the pursuer to serve in the said wars in place of his son.

Kincaid of Warriston, and David Bonkill, burges of Edinburgh, for withholding their sons, who had been enlisted by the said Captain.

Fol. 256, a.

Complaint by James Dowglas, one of the macers of Council, as follows:—He delivered to William King, servitor to Thomas Edzer, writer in Edinburgh, in his said master's name, two charters granted by John Libbertoun to him and the contract on which they proceeded in order that a sasine might be drawn up thereupon in his favour. This they did and delivered the sasine for which he paid them, but they refuse to return the charters and contract, William King "pretending that his maister had violentlie struckin up his lettoun and reft the same frome him." The petitioner must produce these writs at the head court of the sheriffdom of Edinburgh at the approaching Michaelmas and the want of them will greatly prejudice him. He is a servant to their Lordships and subject to daily attendance in this service, so that he cannot attend the ordinary pursuit before the Lords of Sessioun. Charge having been given to the said Thomas Edzer and William King, and they and the pursuer compearing, the Lords ordain the defenders to restore the charters to the pursuer and to consign the contract in the hands of the Clerk of Council to be delivered to the pursuer upon his acquittance.

Complaint by James Douglas, one of the macers of Council, against Thomas Edgar, writer in Edinburgh, who refuses to give up two charters to the complainer.

Fol. 256, b.

Complaint by John Dalgleisch, lawful son to the deceased James Dalgleisch, merchant burges of Edinburgh, as follows:—He has sold to John Fleming of Carwod certain of his lands in Orkney, and Fleming alleges that in the disposition thereof there are included several houses belonging to the complainer in the burgh of Edinburgh and certain sums of money due unto him, whereby the complainer is prevented disposing of these houses and debts for relief of his great necessity. Charge having been given to the said John Fleming, he compeared and declared that in the disposition referred to there is

Complaint by John Dalgleisch, son of the deceased James Dalgleisch, merchant burges of Edinburgh, against John Fleming of Carwod for breach of the terms of a transaction between them.



no mention of pursuer's houses and booth in Edinburgh, nor any disposition of these made to him; upon which declaration, the pursuer, also personally present, asked instruments.

Decreta,  
November  
1627-January  
1630.  
Fol. 256, b.  
Commissions,  
1624-30.  
Fol. 208, b.

Holyrood  
House, 5th  
September  
1629.

Commission to  
the Sheriff of  
Edinburgh and  
others to try  
Katherine  
Oswald for  
witchcraft.  
See ante, p. 278.

Commission under the Signet to the Sheriff of Edinburgh and his deputes, and the provost and bailies of the burgh of Edinburgh, or any two or three of them, as justices, to hold courts and try Katherine Oswald, spouse to Robert Achesoun in Nidrie, who has been for several weeks past detained in the tolbooth of Edinburgh as suspected of witchcraft, "that her imprisonment be not perpetuall." Signed by Geo. Cancell, Hadintoun, Wintoun, Linlithgow, Lorne, Arch. Achesoun, Hamiltoun, Sr Thomas Hope, and Scottistarvett.

Commission to  
Sir Patrick  
Home and  
others to try  
David Nisbet  
and others for  
witchcraft.

Commission under the Signet to Sir Patrick Home of Aittoun, John Home of Rentoun, Mr. Alexander Lawder of Gunisgrene, and Sir John Home of Blacader, or any two of them, as justices, to hold courts and try David Nisbitt in Coldinghame, Margaret Baleny in Ayttoun, Agnes Falconer in Eymouth, and Janet Liddell there, who have long been suspected of witchcraft. Signed as above.

Similar com-  
mission.

Another commission to Sir John Prestoun of Airdrie, and Mr Simon Ramsay of Quhythill for the trial of Margaret Small in Pennycuik and Christian Thomesoun, and Isabel Dryburgh there, for witchcraft. Dated and signed as above.

Fol. 209, a.

Similar com-  
mission.

Another commission to the Sheriff of Bervick and his deputes, Sir George Ramsay of Wyliecleuche and John Cranstoun of Thornedykes, the Sheriff or his depute being one, for the trial of Bessie Aitkine, spouse of Edward Watsoun in Swintounhill for witchcraft. Dated and signed as above.

The breaking  
of the Great  
Seal.

Alexander  
Hamilton,  
warlock.

The meeting in the "Cunyeehous" for breaking up of the discarded great seal is said to have been "in the afternoone."

Sederunts,  
1625-29.  
Fol. 129, a.

"A commissioun to his Majesteis Advocat, the Justice deput, or ony one of thame being in the toun, or to the provest and baillies of Edinburgh to examine Alexander Hamiltoun, warlock."

Fol. 129, b.

Next meeting  
of Council.

"The nixt Counsall day appointit to be upoun the thrid of November."

Holyrood  
House, 5th  
September  
1629.

Letter desiring  
certain bishops  
to attend the  
next meeting  
of Council on  
the affairs of  
the Marquis of  
Huntly, and  
likewise anent  
the exiled  
ministers of  
the Palatinate  
and the  
ministers of  
Campvere.

"After our verie heartilie commendatiouns to your good lordship. Whereas there is some directiouns come frome his Majestie concerning the Marqueis of Huntlie quhilks ar appointed to be heard and considerit of upon the nixt Counsell day, appointed to be upon the thrid day of November nixtcome, becaus the present vacand tyme and harvest cannot without the hurt of the subjects admitt ane meeting of the Counsell before that day; and seing your lordships presence at this meeting is verie necessar, these ar thairfoir to requeist and desire your good lordship to keepe the said dyet preciselie, to the intent that by your lordships presence, counsell and advice, his Majesteis directiouns in this pairt may be the better considerit and answered; and so attending your lordships precise keeping of this dyet, quhilk in a mater of this

Royal Letter,  
1623-32.  
Fol. 170, a.

Royal Letters, 1623-32, Fol. 170, a. importance we perswade ourselfes your lordship will not neglect, we committ your lordship to God. Frome Halyruidhous the fyft day of September 1629. We have received twa letters frome his Majestie the one concerning the poore exiled ministers of the Palatinate, and the other concerning the ministers of the Churche at Camphire, as by the copie of the twa letters heerewith sent unto your lordship yow will perceave; these ar thairfoir to recommend unto your lordships care and diligence the satisfioun of his Majesteis royall and princelie directioun in these twa letters, and that yow will write to the remanent of the clergie to doe thairin as his Majestie hes commandit and that with suche expeditioun as the importance and necessitie of the business, especiallie that of the Palatinate, requires. *Subscribitur*, Chancellor, Hadintoun, Wintoun, Linlithgow, Lorne, Arch. Achesoun, Hamiltoun, S<sup>r</sup> Thomas Hope, Scottistarvett."

Fol. 171, b. "CHARLES R., Right trustie and weilbelovit cousine and counseller, we greete yow weill. Whereas the Marqueis of Huntlie and the Lord Gordoun have surrendred unto us thair heretable shirefships of Aberdein and Invernes, and being willing that our service committed to the shireffs charge sould without intermissioun be dewlie performed for the good of our subjects of those parts, our pleasure is that yow in our name and auctoritie authorize, after what lawfull maner yow sall thinke fitt, Sir Robert Gordoun, knight and baronnet, shireff of Invernes, and Irwing of Drun, shireff of Aberdein, to continew in these offices till the tyme accustomed for our designing of shireffes of new; and our further pleasure is that yow continew Sir Coline Campbell, shireff of Forfar, if the persoun alreadie prickt for that shyre be not entred in that charge of shireff, for doing of both whiche these presents sall be your warrand; so we bid yow fareweill. From our Court at Windsore the fyft of September 1629."

Windsor, 5th September 1629.  
Letter from his Majesty anent the shirefships of Aberdein, Invernes, and Forfar.

Acts July 1629-December 1630, Fol. 158, b. "The whilk day in presence of the Lords of Secreit Counsell compeired personallie James Gibsone, advocat, as procurator for George, Marqueis of Huntlie, and gave in the band underwrittin, desyring the same to be insert and registrat in the bookes of Privie Counsell, to have the strenth of ane act and decret of the Lords thairof, with letters and executorialls to pas thairupoun in forme as effeirs; quhilk desyre the saids Lords fand reasounable and thairfoir ordained the same to be insert and registrat in the saids bookes of Privie Counsell to the effect above and after specified; of the quhilk band the tennour followes:—Be it kend till all men be thir present letters us George, Marqueis of Huntlie, to be bound and obleist and be the tennour heiroyf binds and obleissis us that we sall remaine in this side of the water callit the North Water and that we sall not goe benorth the said water till the nixt Counsell day, appointed to be upon the thrid day of November nixtcome, and that upon the said thrid day we sall compeir personallie before his

Edinburgh 8th September 1629.  
Bond by the Marquis of Huntly obliging him to remain south of the North Water, and of other conditions.

Majesteis Counsell to heare his Majesteis pleasure concerning us to be intimat, and that in the meanetye we sall not ressett, supplee nor intercommoun with anie Jesuits, seminarie nor messe preists, nor excommunicat traffiquing Papists, as we will answeere to his Majestie and his Counsell upon the contrarie at our perrell. And heirto we bind and obleis us; and for the mair securitie we ar content and consents that thir presents be insert and registrat in the bookes of Privie Counsell to have the strenth of ane act and decret of the Lords thair of, with letters and executorialls to pas thairupon in forme as effeirs; and for registering heirop constituts James Gibsoun, advocat, &c., our procuratours. In witnes whairof we have subscriyved thir presents with our hand at Halyrudhous the sevint day of September, the yeere of God j<sup>m</sup> vj<sup>c</sup> and twentie nyne yeeres, before thir witnesses, George, Erle of Wintoun, Sir Archibald Achesone of Glencarnie, knight, his Majesteis Secretary, Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, and Sir Johne Scot of Scottistarvet, knight, Directour of his Majesteis Chancellarie. *Subscribitur*, Huntlye, Wintoun, witnes, Arch. Acheson, &c., S. Thomas Hope, witness, S<sup>r</sup> J. Scottistarvett, witnes." Acta July 1629.  
December  
1630.  
Fol. 158, b.

Holyrood  
House, 18th  
September  
1629.

*Sederunt*—Chancellor; St. Andrewes; Privy Seal; Wintoun; Linlithgow; Wigtoun; Bishop of Dunkeld; Bishop of Rosse; Bishop of Dumblane; Secretary; Clerk of Register; Advocate; Sir John Scot. Fol. 159, b.

Commission for  
receiving Sir  
Robert  
Gordon's oath  
touching the  
sheriffship of  
Inverness.

"Forsameekle as it hes pleased the King's Majestie to make choise of Sir Robert Gordoun, knight, to be shireff principall for the shirefdome of Innernes for the yeere to come, and whereas he is now at Court and can not compeir before his Majesteis Counsell to accept the office upon him and to give his oath for faithfull administratioun thair of; thairfoir the Lords of Secreit Counsell gives and grants commissioun be thir presents to Sir Williame Alexander, knight, his Majesteis Secretarie, or to suche others of the Privie Counsell of this kingdome as ar at Court, to receive the said Sir Robert his oath for his faithfull discharge of the said office and to make ane perfyte report thair of in writt and to returne the same to the saids Lords with convenient diligence, to the intent that all dispatches and maters concerning the shireff of the said shirefdome may be directed to the said Sir Robert and his deputs."

Commission for  
receiving the  
young Laird of  
Drum's oath  
touching the  
sheriffship of  
Aberdeen.

"Forsameekle as it hes pleased the King's Majestie to make choise of Irwing, fear of Drum, to be shireff principall for the shirefdome of Aberdein for the yeere to come, and whereas he cannot compeir at this tyme before his Majesteis Counsell to accept the office upon him and to give his oath for faithfull administratioun thair of; thairfoir the Lords of Secreit Counsell gives and grants commissioun be thir presents to Patrik, Bishop of Aberdein, and David, Lord Carnegie, or anie of thame, to receive the said Irwing his oath for the faithfull discharge

Acta July 1629-  
December  
1630.

Fol. 159, b.

of the said office, and to make ane perfyte report thairof in writt and to returne the same to the saids Lords with convenient diligence, to the intent that all dispatches and maters concerning the shireff of the said shirefdome may be directed to the said Irwing and his deputs."

Fol. 160, a.

"Forsameekle as the twentie twa day of September instant is appointed to Katharine Oswald, spous to Robert Achesoun in Nidrie, for her compeirance before the shireff principall of the shirefdome of Edinburgh and his deputs and the proveist and bailleis of the burgh of Edinburgh, or anie twa or three of thame, justices and commissioners nominat be the Lords of Privie Counsell, to underly the lawes for the cryme of witchecraft objected aganis her; and the saids Lords being carefull that the said tryell sall be exactlie and dewlie done and that the saids justices be assisted be good advice and counsell in suche questionable doubts as sall occurre in that tryell; thairfoir the saids Lords hes nominat and appointed M<sup>r</sup> Lewes Stewart, M<sup>r</sup> Rodger Mowat, M<sup>r</sup> Johne Sandelands, and M<sup>r</sup> Alexander Persoun, or anie twa of thame, to be assessours unto the justices foresaids, and to assist thame be thair best advice, counsell and opinioun, in all suche questiouns, alleadgeances and doubts as sall occurre in that tryell; and if the saids assessours or anie twa of thame, as said is, compeir not, as said is, to assist the said tryell, in that caise ordains the saids justices or anie twa or three of thame to proceed in the tryell foresaid conforme to the tennour of thair commissioun."

Nomination of assessours to assist at the trial of Katharine Oswald for witchcraft. See ante, p. 290.

"Forsameekle as the Kings Majestie having now after good advice and deliberatioun pronouced and givin furth his royall decret, sentence and determinatioun in the maters referred and submitted unto his Majestie be the generall submissiouns made by the archbishops and bishops, lords of erections, patrons of kirks and benefices, titulars of teinds and heretours of the lands out of quhilks teinds ar payed, and be the burrowes and others his Majesteis subjects particularie exprest in the saids submissiouns, as in the foure severall decreits following pronouced be his Majestie in these maters at lenth is conteanit; and his Majestie finding it necessar and expedient for the good of his subjects that publicatioun and intimatioun sould be made of the saids decreits, to the intent that his Majesteis subjects being acquainted with the tennour and substance of the same they may be better prepared and resolved to obtemper and obey the same, his Majestie thairfoir recommendit to the Lords of Privie Counsell the publicatioun of the saids decreits; quhilks decreits being exhibite unto the saids Lords and read in thair audience upon the aughtene day of September instant, and they in all dewtiful obedience acquiescing to his Majesteis royall directioun anent the publicatioun of the saids decreits; thairfoir the saids Lords ordains letters to be direct charging the Lyoun King at Armes and his brethrein heralds to pas to the mercat croce of Edinburgh and to the remanent mercat croces of the heid burrowes of this kingdome, and there be opin

Proclamation of his Majesty's four decreits anent the teinds, &c.

proclamatioun to make publicatioun and intimatioun of his Majesteis <sup>Acta July 1629.</sup> saids decreits to all and sindrie his Majesteis lieges and subjects, <sup>December</sup> whairthrow nane pretend ignorance of the same. Followes the <sup>1630.</sup> tennour of the decreits :— <sup>Fol. 160, b.</sup>

His Majesteis Determinatioun upon the First Generall Submissiouns.

Letter from his Majesty anent the composition for feu-fermes, feu-mails, teinds, &c.

“ CHARLES R. Charles, be the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, to all and sindrie our subjects whome it effeirs. Forsameekle as by the generall submissions made unto us by all and sindrie persons having or pretending right to whatsomever erections and temporaliteis of benefices, superiorities and few dewteis of the samine, or to the kirks and teyndis great and small, personages and vicarages, or to the patronages of kirks perteaning to erections, or to anie teyndis whiche they or anie of thame have of other mens lands, be quhatsomever right or title, and als by the heretours and possessours of lands by and within the saids kirks and benefices erected for thameselfes and in name of all others who wer desyrous to have the right and title of the teinds of thair awin lands at a competent rate and pryce, conforme to our gracious proclamatiouns made to that effect, the saids persouns subscryvers of the saids generall submissiouns did submitt thameselfes to us and ar bound to stand and abyde at our determination and decret anent what compositioun and satisfacioun sall be made and givin by us to thame or anie of thame for the few fermes, few mails and other constant rent of the superioriteis of whatsomever lands, baroneis, mylnes, woods, fishings, toures, fortalices, mannour places, and thair pertinents, perteaning to whatsomever erections and temporaliteis of benefices, of whatsomever title, name or designatioun the samine be of, resigned and surrendred be thame in our hands; and als did freelie and absolutelie submitt unto us all and sindrie teinds that they or anie of thame have of other mens lands, be whatsomever right and title they possesse and injoy the samine, and how they may be denuded thairof in our favours *omni habili modo quo de jure*; and als submitted unto us to appoint the quantitie and rate of the saids teinds and what pryce sall be givin unto thame for the samine, and what securiteis could be made thereanent, they alwayes being liberat of the burdein of the ministers stipend *pro rata*; as in the saids generall submissiouns conteaning diverse others heids and articles, and bearing full power to us to pronounce our <sup>Fol. 161, b.</sup> determination in the premisses, and als to prorogat the tyme of the giving furth of our said determinatioun betuix and the first day of August than nixtocome and now bygane, to whatsomever day or dayes thairafter, at mair lenth is conteanit. And we having callit up to us ane number of our nobilitie, Privie Counsell, and others able, expert, and weill affected, to give thair advice to us in ane mater of so great importance, in the moneths of Apryle and Maij 1628 yeeres, with whome we had diverse meetings and conferences, and heard and considerit the reasouns and arguments of all parteis having interesse;

Composition for feu-fermes, feu-mails, and the constant rent of superiorities.

Acta July 1629-  
December  
1630.  
Fol. 161, a.

with thair opiniouns and judgments thereanent and in respect of the consequence of the bussines, we tooke the samine to our farther consideration, and in the meane tyme prorogat our determinatioun to be givin upon the saids submissionns upon the last day of December 1629, betuix and the whiche tyme we declared that we would give furth our royall determinatioun in the maters submitted to us be the saids generall submissionns. And now we, being weill and rypelie advised thairin, and tendering the weale and plantatioun of the kirks, with the peace and quyetnes of that our ancient kingdome, pronounces our sentence and determinatioun as follows :—In the first, as to the compositioun to be givin by us for the few maillis, few fermes, and other constant rent of the saids superioriteis, we find and decerne the sowme of ane thowsand merkes Scottish money to be ane competent and reasonable satisfioun to be payed for ilk chalder of few fermes victuall overhead, and for ilk hundreth merkes money of few maillis, and for ilke hundreth merkes worth of all other constant rent of the saids superioriteis (not consisting in victuall or money and not being naiked service of vassellis) the samine being valued and redacted in moneyes by our commissioners after specified, deduceing alwayes aff the saids few fermes, few maillis, and other constant rent foresaids, the blenche dewteis conteanit in the infetments of erectiouns made to the said submittars or thair authours, for the whiche we finde that we aucht nor sould give no satisfioun, in respect the samine perteanes to us as our proper rent be thair saids infetments of erectiouns ; and becaus it is not constant what is the trew rentall and quantitie of the saids few fermes, few maillis, and other constant rent of the saids superioriteis, and what pairt thairof perteanis to everie particular persoun and what is free, deduceing the saids blenshe dewteis, without the whiche wer tryed and knowin there can be no payment made unto thame of the said compositioun and satisfioun, Thairfoir we ordaine the saids lords of erectiouns, and all others having right to anie pairt of the saids few fermes, few maillis, and other constant rent foresaid of the saids superioriteis, to give in the just rentall of the saids few fermes, few maillis, and other constant rent of the saids superioriteis, and what pairt thairof perteanes to everie particular persoun heretable in lyfe-rent or otherwayes, and what pairt thairof is presentlie payed or hes bene payed to thame or anie uther haveand or pretendand right thairto, of the yeeres preceeding the deceasse of our umquhill darrest father of eternall memorie, and sensyne, and what is free thairof, deduceing the saids blenche dewteis, before our commissioners nominat or to be nominat be us to that effect, at suche dayes and tymes as they sall be required thairto, and to subscrivve the saids rentallis with thair hands, and thairin to be bound to warrand the saids rentallis to be the just rentalls thairof fra thair awin deid, and that the samine hes bene payed thir sevin yeeres immediatlie bygane, at the least payable by lawfull fewes sett before the Act of Annexatioun, and that the samine

Fol. 161, b.

is not burdenned with no pensiou nor lyverent or other right flowing frome thame thair authours or predecessours since the dait of thair erectionns, whiche may prejudge our present intromission thairwith ; whiche being done, and the saids rentalls tryed, allowed and approvin by our saids commissioners, decernis and ordains our Thesaurar, Thesaurar depute, and receivers of our rents, present and to come, to make good and thankfull payment to thame and everie ane of thame according to the saids rentallis to be tryed by our saids commissioners of the said sowme of ane thowsand merkes for ilke chalder of few fermes, and for ilke hundreth merkes of few maillis, and for ilke hundreth merkes worth of all other constant rent foresaid of the saids superioriteis, being valued and redacted in moneyes be our saids commissioners, deduceing the saids blenshe dewteis as said is, and that within the space of ane moneth thairafter ; with this speciall provisioun and declaratioun that incaise our said Thesaurar principall, Thesaurar depute, and receivers, failyie in payment, that than and in that caise the saids lords of erectioun and others persouns foresaids haveand right to the saids few fermes, few maills, and other constant rent of the saids superioriteis sall have good right to meddle and intromett with the saids few fermes, few maillis, and other constant rent foresaid, of all yeeres and termes thairafter ay and whill the saids sowmes be reallie payed and satisfied to thame, and als with this provisioun that if it sall happin anie of the saids lords of erectioun or others haveand or pretendand right to the saids few fermes, few maills, and other constant rent foresaid, to failyie in compeiring before the saids commissioners and giving up of the trew rentalls thairof in maner abonedesigned at the dyets and tymes to be assigned unto thame, that than and in that caise it sall be lawfull to us and our thesaurars and receivers to intromett with the saids few fermes, few maillis, and other constant rent foresaid of the saids superioriteis, they alwayes being actit and bound before our saids commissioners appointed or to be appointed be us to pay to the persouns sua failyeing the said pryce and compositioun of ane thowsand merkes for ilke chalder or hundreth merkes of the saids few fermis, few maillis and other constant rent foresaid, and that within the space of ane moneth after they sall give up ane just and trew rental in maner and with warrandice abone-exprest, and that the samine sall be tryed and found be our saids commissioners to be just and lawfull ; and als with this provisioun that if the failyers sall purge thameselfes be lawfull and reasonable causes before our saids commissioners of thair not upgiving of thair rentallis, that in that caise our saids commissioners sall have power to appoint to thame whois failyie sall be so purged annuel-rent at ten of the hundreth fra the tyme of our Thesaurars entrie to thair saids few maills to the tyme of the payment of the said compositioun, whiche is appointed to be made at the upgiving of thair saids rentalls in maner foresaid. And becaus in trying of the rentalls of the saids few

Acta July  
December  
1630.  
Fol. 161, b.

Fol. 162, a.

Acta July 1629-  
December  
1630.  
Fol. 162, a.

fermes, few maills and other constant rent foresaid, there may occurre questioun betuix twa or mae persouns and parteis clameand right to the saids few fermes, few maills and other constant rent foresaid, in haill or in pairt be infeftments, pensiouns, lyverents and other rights standing in thair persouns, in the whiche cause justice and equitie craves that ilke persoun sall receive ane portioun of the said satisfioun according to the qualitie of thair right, whether the samine be lyverent, fee, pensioun, annuelrent or other right whatsomever; thairfoir we ordaine our saids commissioners to take tryell of the saids severall rights and accordingle to appoint the saids sowmes ordained to be payed be our saids Thesaurars and receivers for compositioun and satisfioun as said is to be payed or divydit amongs thame according to the qualitie of thair rights, and we will and declare that the difference or dispute to be made amongs the said parteis haveand or pretendand right to the saids few fermes, few maills, and other constant rent foresaid, after the trew rental thairof be once tryed as said is, sall be no hinderance nor impediment to our said Thesaurar and Thesaurar depute to medle and intromet with the saids few fermes, few maillis, and other constant rent of the saids superioriteis, they alwayes payand or consigneand the saids sowmes decerned be us, as said is, in presence of the saids commissioners to be furthcummand to all the saids parteis who pretend interesse thairto, according as our saids commissioners sall appoint. And further we declare that our entrie to the saids few fermes, few maills, and other constant rent foresaid, of the saids superioriteis, sall be and begin at the terme of Witsonday or Martimes nixt and immediatlie following the payment or consignatioun to be made by our Thesaurar principall or depute in our name to ilke persoun upgiver of his rental of the sowmes of money dew to be payed, conforme to this our decret and determinatioun, and at the terme nixt and immediatlie following the faille to be committed by these who sall not give up thair rental in maner foresaid, our said Thesaurar and Thesaurar depute being alwayes actit for payment unto thame after they sall give up thair rentals in maner foresaid; and als declares if anie of the saids few fermes, few maills, and other constant rent foresaid be payable at other termes nor the saids ordinarie termes of Witsonday and Martimes that our entrie sall be reuled and divydit according to the respect of the saids ordinarie termes of Witsonday and Martimes in maner abonexpress, sua that if payment or consignatioun sall be made be us at Witsonday than the whole yeere and crop sall be dew to us, and if the samine sall happin to be at Martimes, than the halffe allanerlie sall be dew to us; and the lyke course to be observed where the failie sall be committed in not upgiving the rentals in maner before express. Next, whereas the saids persons submitters have submitted to us all and

Fol. 162, b.

sindrie the teinds that they or anie of thame have of other mens lands be whatsomever right or title they possesse or enjoy the same and how they may be denuded thairof in our favours, and als hes submitted unto us

Composition  
for the teinds.



the rait and quantitie of teinds, pryce of the samine, and maner of securitie to be made thereanent, we find that it is necessar and expedient for the publict weale and peace of this our ancient kingdome and for the better provyding of kirks and ministers stipends and for the establishing of schooles and others pious uses, that ilke heretour have and enjoy his awin teinds, and thairfoir to the effect full and perfyte securitie may be made to everie heretour of his awin teinds, we decerne and ordaine the saids submitters and everie ane of thame and thair airis to denude thameselffes of the right of other mens teinds in our favours be all lawfull maner as may stand be the lawes of our kingdome and that of the crop 1629 and yeerelie thairafter in all tyme comming; and to that effect we decerne the saids submittars and thair foresaids to exhibite thair rights, infestments, tacks and other securiteis whatsomever, whairby they brooked the saids teinds of other mens lands to our Advocat, or Clerkes of our saids commissiouns, at suche dyets and tymes as they sall be required, to the effect he upon the sight thairof may forme suche lawfull and valide securiteis in our favours as may stand be law. Whiche securiteis we decerne the saids submitters to subscryve, provyding they be no further obleist in warrandice thairof bot frome thair awin deids and frome the facts and deids of thair predecessours to whome they ar airis, excepting thairfra suche facts and deids as is made and perfyted be anie of the submitters and thair foresaids in favours of the present possessours, tacksmen, and others haveand right frome thame of the samine teinds; whairupon they and everie ane of thame sall be obleist to condescend at the tyme of the exhibitioun of thair rights to our said Advocat or to the Clerks of our saids commissiouns. And as to the rate and quantitie of teyndis, we ratifie and approve the course and ordour takin by our speciall command and directioun for valuatoun of the hail teinds of the kingdome sua farre as sall be justlie and lawfullie done according to the tennour of our commissiouns, and ordaine the commissioners and subcommissioners alreadie appointed or to be appointed to that effect to expedie the samine with all convenient diligence; and finds and declares that the rate and quantitie of all teyndis of the kingdome is and sall be the fyft part of the constant rent whilk ilke land payes in stocke and teynd where the samine ar valued joyntlie; and where the teinds are valued apart and severallie, finds that the yeerelie rait and quantitie thairof is and sall be suche as the samine is and sall be estimat to be the saids commissioners or subcommissioners, deduceing alwayes the fyft pairt thairof, whiche we out of our royall and fatherlie care for the weale of our said kingdome ordaine to be deduced aff the saids teinds severallie valued as said is for the ease and confort of our subjects; reserving alwayes libertie unto suche as sall be enormelie hurt and greaved in the valuatious foresaids ather conjunctlie or severallie made, to appeale to us or to our Parliament, to the effect we may take suche ordour thairin

Acta July 1629.  
December  
1630.  
Fol. 162, b.

Fol. 163, a.

Acta July 1629-  
December  
1630.  
Fol. 163, a.

as may rectifie all abuses and disordours committed or to be committed in the saids valuatiouns. And as to the pryce of teyndes, we find the pryce of ilke hundreth merkes of teinds consisting in money to be valued and estimat to nyne yeeres purchase, and where the saids teinds consists in victuall or others bodeis of goods, becaus there is great difference of the qualitie of victuall and of the other bodeis of teinds both in speces and kynds and in worth and goodnes according to the diverse places in the countrie where the samine growes and ar bred, thairfoir we decerne and ordaine tryell to be takin by our commissioners appointed or to be appointed by us of the pryce, worth and estimatioun of ilke chalder of victuall and of all others bodeis of goods whairin the teinds consists in kyndes and goodnes as the samine commounlie rules in ilke part of the countrie, and this being tryed and condescended upon and the pryces thairof being redacted in moneyes, we find the just and reasonable pryce thairof to be estimat to nyne yeeres purchase, and we declare this nyne yeeres purchase to be the just pryce of the heretable right of teinds, where the seller hes the heretable right thairof, bot where his right is not heretable bot temporall and consists in leasses and tacks or some other temporall right whairof there ar manie or few yeeres to rinne, we declare the pryce in this caise to be reullid proportionallie according to the number of the tacks and qualitie of the rights; and becaus manie heretours of lands hes tacks long or short of thair awin teinds or some other right thairof standing in thair persons, in the whiche caise it is not reasonable that the heretours sould pay the full pryce to the persoun haveand right to thair teinds, thairfoir we referre this point also to our commissioners appointed or to be appointed to determine and sett down the proportion of the pryce according to the yeeres of the tacks to rin, and qualitie of the rights standing in the persoun of these who hes title to the saids teinds after the outtryning of the heretours tacks and rights of the samine. It is alwayes declared that the saids heretours who sall buy thair owne teinds sall be obleist to pay for no more of the samine bot suche as sall rest by and attour the ministers stipends and others pious uses, whiche be the tennour of the generall commissioun ar ordained to be first provyded, and als that these who sall not buy thair awin teinds and ar to be subject in payment of the rait of thair teind abonespecified sall be no further obleist in payment thairof to the saids titulars bot with deductioun of suche part and portion thairof as is and sall be provydit to the maintenance of the saids ministers and others pious uses foresaid exprest in the said generall commissioun, whiche we will and ordaine to be deduced according to the tennour of the said commissioun and acts thairof made or to be made thairin, or anie other commissioun to be appointed heerafter by us in favours of the ministers and others pious uses thairin mentiouned: and declares the saids titulars to be free and liberat of the ministers stipends *pro rata*;

Fol. 163, b.

and decerns the saids heretours to freethe and releve the saids titulars at the hands of the ministers and others haveand right of that pairt of their saids teinds whiche sall be assigned and appointed to be payed to the saids ministers and to the others pious uses foresaids, and als to releve the saids titulars at our hands anent the payment of our annuitie, and to make yeerlie payment of the foresaids burdeins for releeffe of the saids titulars *pro rata*; and suche lyke we decerne, where we or anie other have right to teinds, after inspectioun of thair evidents and dew consideratioun of thair rights by our selfes, or by suche commissioners as we sall appoint, that accordinglie in regard of the rights that we or they sall be found to have, and for making up of ane perfyte right to the heretours, suche ane pairt of the pryce or payable rent sall be ordained to be payed and applyed to our or thair use. And becaus we have ane speciall and particular interesse in the teinds of erected benefices, and that reasoun, justice and conscience craves that ane pairt of the pryce thairrof, or where pryce is not payed ane pairt of the yeerlie dewtie, sould be applyed to our use; and becaus all erectiouns are not of one nature, but some of thame deserves more consideratioun and respect nor others, according to the trew causes, merites and services for the whiche the same wes grantit, thairfoir we remitt the tryell thairrof to our saids commissioners to determine what proportioun of pryce or rent sall be defeased and allowed to us of the saids teinds of erectiouns, according to the validitie and merite of ilke persons rights after the production of the samine to our Advocat. And becaus by ane express claus in the saids submissiouns it is speciallie declared by us that we would take to our princelie consideratioun the lawfull tacks and rights of teinds of erected benefices and of all laick patronages made and sett to the present possessours or thair authors be lawfull abbots, laick patrons, and others titulars of benefices lawfullie sett before the daits of the saids erectiouns and for the spaces and yeeres of the saids tacks, rights and patronages as yitt to rin, to the effect that they might have full and plenarie satisfactioun for the saids tacks, rights and patronages according as we sould find the validitie thairrof, as is usuall in the lyke caises, with the burdein alwayes of our annuitie mentiouned in the saids generall securiteis and submissiouns; and to the effect we might be informed of thair saids tacks and rights before the giving furth of our determinatioun in the premisses it wes and is ordained and provydit that suche of the saids lords of erectioun and others persons foresaids as have suche tacks or rights made and sett unto thame, thair predecessours and authors before the saids erectiouns, sould exhibite and produce the samine to our Advocat at suche dyets and tymes as sould be appointed be us or our Chancellour at our command and directioun before the giving furth of our determinatioun in the premisses. Lykeas also it is speciallie provydit that the saids generall submissiouns sould be no ways prejudiciall to whatsomever actioun of warrandice competent to the saids persons sub-

Acta July 1629.  
December  
1630.  
Fol. 163, b.

Fol. 164, a.

Acta July 1629-  
December  
1630.  
Fol. 164, a.

mittars or anie of thame aganis thair authors fra whome they coft or acqyred thair rights of the saids teinds (whiche fallis within the compas of the saids submissiouns) for sowmes of money bot that ather the said actiouns of warrandice sall be reserved to thame conforme to the tennour of thair rights made to thame thairupon, or otherwayes that the satisfioun to be decerned in thair favours sall be answerable to thair warrandice and no wayes inferiour thairto, the saids persons and sua manie of thame who have thair actiouns of warrandice reserved unto thame in maner foresaid exhibiting thair saids rights bearing the warrandice foresaid to our Advocat at suche dyets and tymes as sould be appointed and prescryved to thame by us or our Chancellour at our command and directioun before the giving furth of our determinatioun in the premisses, as in the saids generall submissiouns at mair lenth is conteanit. And forsameekle as we according to the provisious conteanit in the saids submissiouns be our letter of the dait the last day of Junij 1628 gave speciall warrand to our commissioners for production of the saids tacks, leasses, and others foresaids, w[h]o be thair act and ordinance of the dait the aucht day of August, and be publict proclamatioun past thairupon ordained that all the saids persons haveand interesse sould compeir before thame upon the first day of November 1628 yeeres bringand and produceand with thame all thair leasses and tacks of other mens teinds sett to thame or their authors before thair erectiouns togidder with all thair rights and securiteis of the foresaids teinds bearing absolute warrandice or warrandice of thair awin moneyes in case of evictioun to the effect the samine might be seene and considerit by our Advocat, with certificatioun to thame that failyied that they sould not be heard to clame anie satisfioun for the same thairafter, and some few allanerlie of the saids persouns having interesse hes givin in thair tacks and rights bearing warrandice, as said is, sua that be rigour of law we might give out our determinatioun without respect to the saids rights not produced to our said Advocat conforme to the provisions conteanit in the saids submissiouns ; yitt we out of our royall clemencie and goodnes decernis and ordains full and plenarie satisfioun to be made not onelie to these who hes alreadie produced and whois productionis ar extant in the register of the said generall commissioun, bot also to all others persons submitters who hes lawfull tacks sett to thame, thair predecessours or authors of the saids teinds of erected benefices whiche fallis within the compas of the saids submissiouns for the rights of the saids teinds during the spaces conteanit in the saids [tacks], and that without anie defalcation or diminutioun of the pryce thairof in respect of our particular right and interesse bot according to the full avaiill of the yeeres to rin conteanit in the saids tacks, they alwayes exhibiting and produceing to our said Advocat for the tyme or clerkes of our commissiouns foresaids thair saids leasses and tacks betuix this and the last day of May nixtcome and no otherwayes ;

Fol. 164, b.

and becaus after productioun thairof everie persoun will not have alyke yeeres and spaces to rin in thair saids tacks, thairfoir we referre to our saids commissioners to sett doun the just worth and valuation of the saids tacks sett before the saids erectiouns according to the nomber and spaces of the samine whiche is yitt to rin, and to modifie the said pryce to ilke persoun accordinglie. And siclyke we decerne and ordaine that the saids persons submittars nor nane of thame sall be anie wayes prejudged be thair saids submissiouns of thair actionns of warrandice competent to thame aganis thair authors frome whome they coft or acyured thair rights of the saids teinds whiche fallis within the compas of the saids submissiouns, bot declairis the foresaids actionns of warrandice to be free and reserved to thame allowing alwayes in the first end thairof so muche as they ar to receave by vertew of this our determinatioun in the first end of thair said warrandice, and if anie of thame sall happin to be prejudged be or throw occasioun of thair subscribing of the saids submissiouns of thair saids actionns of warrandice and to be debarred thairfra in hail or in pairt be occasioun thairof, in that cause we decerne that whatsomever be law they might oteane aganis thair saids authours be thair actionn of warrandice for warranding of thair rights of the saids teinds whiche fallis within the compas of the saids general submissiouns and fra the whiche they ar or sall be debarred be and throw the saids submissiouns or this our determinatioun following thairupon, that the samine sall be refoundit to thame be our said Thesaurar principall, Thesaurar depute, and receavers foresaids, they alwayes exhibitand and produceand to our said Advocat or clerkes of our commissiouns foresaids thair saids rights bearing warrandice in maner foresaid betuix and the last day of May nixtocome and no otherwayes. And we find and declare that this generall course and ordour that everie heretour sall bruike and possesse his owne teinds sall have beginning in this instant crop and yeere of God 1629, the saids heretours being alwayes readie to fulfill and performe thair pairt of this our determinatioun. And to the effect that the saids titulars may receave full and compleit satisfactioun of the pryce of the saids teinds so farre as is dew to thame by this our determinatioun fra the saids heretours who sall buy thair teinds, as said is, or where they sall not buy, that the saids titulars may be secured in the yeerlie rait and quantitie of the saids teinds to be payed to thame of the said crop 1629 and yeerlie thairafter; we referre the consideratioun of the termes of payment of the saids pryces and als of the termes of payment of the said payable rent of the said crop 1629 and yeerlie thairafter, togidder with the maner and forme of securitie to be givin thairanent be the said heretours to the titulars, unto our saids commissioners to whome we give full power to sett doun suche ample securiteis as may stand be law both for our securitie and for securitie of the saids titulars in the premisses, which forme of securitie to be ordained be thame we

Acta July 1629.  
December  
1630.  
Fol. 164, b.

Fol. 165, a.

Fol. 165, b.

Acts July 1629-  
December  
1630.  
Fol. 165, b.

decerne the saids heretours to observe and fulfill in all points after the forme and tennour thair of. Lykeas also we referre to the consideratioun of our saids commissioners what maner of securitie sall be made be us to everie heretour of the teinds of his awin lands to the effect they may brooke the samine heretable and perpetuallie for ever according to the meaning of this our determinatioun. And we decerne the saids hail persons submittars, thair airis and successours, to obtemper, fulfill and obey this our determinatioun in the hail heids and articles thair of, they receaving lawfull and perfyte securiteis conforme to the tennour of our commissioun and hail heids thair of particularlie and generallie mentioned in the saids generall submissiouns, and als receaving reall payment of that whiche we have ordained be this our determinatioun before they denude thameselfes ather of right or possession of the saids few maills and teinds, and that in maner particularlie exprest in this our determinatioun, as is abonespecified. And finallie we ordaine this our determinatioun with the whole submissiouns whairupon the samine proceds to be registrat in the bookes of our Counsell and Sessioun to have the strenth and force of ane decreit of the Lords thair of, with executioun to pas thairupon in forme as effeirs, and the horning to pas upon ane simple charge of ten dayes allanerlie; and to that effect makes and constituts

our Advocat our procuratour to compeir for us and consent to the registrating hei of in maner foresaid. In witnes whair of we have signed these presents with our hand at Windsore the second day of September 1629 before thir witnessis, William, Erle of Monteith, President of our Counsell and High Justice of Scotland, Sir Williame Alexander of Menstrie, knight, our Secretare, Sir Coline Campbell of Lundie, knight baronnet, Sir James Lokhart, younger, of Ley, knight, and M<sup>r</sup>. Williame Elphingston, ane of our cupbearers."

"CHARLES R. Charles, be the grace of God, King of Great Britane, France and Irland, Defender of the Faith, to all and sindrie our subjects whome it effeirs. Forsameekle as we being fullie resolved to have ane universall ordour established within that our kingdome of Scotland anent the mater of teind and that everie heretour sall have and bruike his awin teinds, of whatsomever nature the saids teinds be of, and to whatsomever benefice the samine perteanis, at ane competent rate and pryce; and understanding that diverse of our subjects had differred to subscribe the first generall submissiouns anent the saids teinds upon pretence that the archbishops, bishops, persouns, vicars and others of the clergie had not subscribed the saids generall submissiouns, quhilk impediment wes thereafter removed by ane severall submissioun subscribed be the saids bishops and clergie unto us; Thairfoir we be our letter and warrand direct unto the Commissioners for teinds of the dait the 28 day of October last by-past did signifie our will and pleasure that all titulars of teinds perteaning to whatsomever kirks or benefices and als all heretours of lands the

Compositior  
for the teinds.

Fol. 166, a.

teinds whair of perteanis to the saids benefices and kirks, sould subscriyve ane generall submissioun unto us, referring to us the pryce, rait and quantitie of whatsomever teinds of other mens lands; quhilk letter being read and considerit be the saids Commissioners of teinds they be thair act of the dait the thrid day of December last bypast did in all humilitie acknowledge our gracious and fatherlie care for the good of our said ancient kingdome and allowed and approved the said letter and interpouned thair autoritie thairto; comforme to the quhilk thare wer certane submissiouns drawin up whairby all persouns, subscriyvears of the saids submissiouns having or pretending right be whatsomever title, tacks, or other maner of right, to whatsomever teinds of other mens lands perteaning to whatsomever bishoprick, abbacie, pryourie, personage, vicarage, colledge, kirks, prebendarie, chapelanrie or other benefice whatsomever, and siclyke the heretours and possessours of whatsomever lands lying within the saids benefices, and who ar desyrous to have the teinds of thair awin lands perteaning to the saids benefices at ane competent rait and pryce, submitted and be the tennour of the saids submissiouns did submitt unto us all and sindrie teinds that they or anie of thame had of uther mens lands by whatsomever right or title they possessed or injoyed the samine, and how they might be denuded thair of *omni habili modo quo de jure*; and als did submitt unto us to appoint the quantitie and rait of teinds, and what pryce sall be givin for the samine, and what securitie sall be made of the teinds of other mens lands to the heretours and possessours thair of in suche forme as might stand be law; and wer content and consented that we sould give out our pleasure and determinatioun anent the premisses referred to us in maner foresaid betuix the day and dait of the saids submissiouns and the last day of December 1629 yeeres; as the saids submissiouns subscriyved be the particular persons, titulars and heretours, of the several daits thair of in thameselfes more fullie proports. And we being weill and rypelie advised anent the premisses and finding it necessar and expedient for the publict weale and peace of that our ancient kingdome, and for the better provyding of kirks and ministers stipends, and for establishing of schooles and others pious uses, that ilke heretour sall have and injoy his awin teinds, and thairfoir to the effect full and perfyte securitie may be made to everie heretour of his awin teinds, we decerne and ordaine the saids submittars and everie ane of thame and thair airis to denude thameselfes of the right of other mens teinds be all lawfull maner as may stand be the lawes of our kingdome and that of the crop 1629 yeeres and yeerelie thairafter in all tyme comming, and to make and subscriyve good, valide and lawfull securiteis to ilke heretour of his awin teinds be the sight of our Advocat present and being for the tyme, provyding they be no further obleist in warrantice thair of bot frome thair awin deids and frome the facts and deids of thair predecessours, to whome they ar aires, exceptand thairfra suche

Acta July 1629.  
December  
1630.  
Fol. 166, a.

Fol. 166, b.

Acta July 1629-  
December  
1630.  
Fol. 166, b.

facts and deids as is made and perfyted be anie of the submittars and thair foresaids in favours of the present possessours, tacksmen and others having right fröme thame of the samine teinds. And as to the rate and quantitie of teinds we ratifie and approve the course and ordour takin be our speciall command and directioun for valuatioun of the hail teinds of the kingdome so farre as sall be justlie and lawfullie done according to the tennour of our commissiouns, and ordains the commissioners and subcommissioners alreadie appointed or to be appointed to that effect to expedie the samine with all convenient diligence, and finds and declares that the rate and quantitie of all teinds of the kingdome is and sall be the fyft pairt of the constant rent quhilk ilke land payes in stocke and teind, where the samine ar valued joyntlie; and where the teinds ar valued apairt and severallie, finds that the rait and quantitie thairof is and sall be suche as the samine sall be valued and estimat to, be the saids commissioners or subcommissioners, deduceing alwayes the fyft pairt thairof, whiche we out of our royall and fatherlie care for the weale of our said kingdome ordaine to be deduced aff the saids teinds severallie valued as saids is, for the ease and confort of our subjects. Reserving alwayes libertie to suche as sall be enormellie hurt and greaved in the valuatiouns foresaids ather conjunctlie or severallie, to appeale to us or to our Parliament to the effect we may take suche ordour thairin as may rectifie all abuses and disordours committed or to be committed in the saids valuatiouns. And as to the pryce of teinds we finde the pryce of ilke hundreth merkes of teinds consisting in money to be valued and estimat to nyne yeeres purchase; and where the saids teinds consists in victuall or others bodeis of goodes, becaus there is great difference of the qualitie of victuall, and of the other bodeis of teinds both in speces and kynds and in worth and goodnes according to the diverse places in the countrie where the samine growes and ar bred; thairfoir we decerne and ordaine tryell to be takin be our commissioners appointed or to be appointed be us of the pryce, worth and estimatioun of ilke chalder of victuall and of all others bodeis of goods whairin the teinds consists in kynds and goodnes, as the samine commonlie rules in ilke pairt of the countrie; and this being tryed and condescended upon and the pryces thairof redacted to moneyes, we finde the just and reasonable pryce thairof to be estimat to nyne yeeres purchase, and we declare this nyne yeeres purchase to be the just pryce of the heretable right of teinds where the seller hes the heretable right thairof, bot where his right is not heretable bot temporall, and consists in leasses and tacks or some other temporall right whairof there ar manie or few yeeres to rin, we declare the pryce in this caise to be reuled proportionallie according to the number of the tacks and qualitie of the rights. And becaus manie heretours of lands hes tackes long or short of thair awin teinds or some other right thairof standing in thair persoun, in the quhilk caise it is not reasonable that the heretour sould pay the

Fol. 167, a.



full pryce to the persons having right to thair teinds; thairfoir we referre this point also to our commissioners appointed or to be appointed to determine and sett down the proportioun of the pryce of teinds according to the yeeres of the tacks to rin and qualitie of the rights standing in the persoun of the saids heretours, and according to the qualitie of the rights standing in the person of those who hes title to the saids teinds after the outtryning of the heretours tacks and rights of the samine. It is alwayes declared that the saids heretours who sall buy thair owne teinds sall be obleist to pay for no more of the samine bot suche as sall rest by and attour the ministers stipends and others pious uses whilks by the tennour of the generall commissioun ar ordained to be first provyded, and als that these who sall not buy thair awin teinds and ar to be subject in payment of the rait of thair teinds abonespecified sall be no farther obleist in payment thairof to the saids titulars bot with deductioun of suche pairt and portioun thairof as is restand by and attour the saids ministers stipends and pious uses foresaids. And siclyke we decerne where we or anie other of the saids titulars have right to teinds of other mens lands, after inspectioun of the rights and dew consideratioun thairof be our commissioners appointed or to be appointed to that effect, that accordinglie in regard of the rights whilks we or they sall be found to have, suche ane part of the pryce and payable rent sall be ordained to be payed and applyed to our or thair uses; and we find and declare that this generall course and ordour that everie heretour sall bruik and possesse his awin teinds sall have beginning in this instant crop and yeere of God 1629 yeeres, the saids heretours being alwayes readie to fulfill and performe thair pairts of this our determinatioun. And to the effect that the saids titulars may receive full and compleit satisfioun of the pryce of the saids teinds so farre as is dew to thame be this our determinatioun fra the saids heretours who sall buy thair teinds as said is, or where they sall not buy, that the saids titulars may be secured in the yeerelie rait and quantitie of the saids teinds to be paid to thame of the said crop 1629 and yeerelie thairafter. We referre the consideratioun of the termes of payment of the saids pryces and als of the termes of payment of the said payable rent of the said crop 1629 yeeres and yeerelie thairafter, togidder with the maner and forme of securitie to be givin thereanent be the saids heretours to the saids titulars unto our saids commissioners appointed or to be appointed, to whome we give full power to sett downe suche ample securiteis as may stand be law both for our securitie and for securitie of the saids titulars in the premisses, whiche forme of securitie to be ordained be thame we decerne the saids heretours to observe and fulfill in all points after the forme and tennour thairof. And we decerne the saids hail persouns submitters thair airis and successours to obtemper, fulfill and obey this our determinatioun in the hail heids and articles thairof, they receaving lawfull and perfyte securiteis conforme to the

Acta July 1629.  
December  
1630.  
Fol. 167, a.

Fol. 167, b.

Acta July 1629-  
December  
1630.  
Fol. 167, b.

tennour of our commissioun and hail heids thair of particularlie and generallie mentioned in the saids generall submissiouns, and als receaving reall payment of that whilk we have ordained be this our determinatioun before they denude thameselffes ather of right or possessioun of the saids teinds and that in maner particularlie exprest in this our determinatioun as is abonespecified. And finallie we ordaine this our determinatioun with the hail submissiouns whairupon the samine proceids to be registrat in the bookes of our Counsell and Sessioun to have the strenth and force of ane decreit of the Lords thair of with executioun to pas thairupon in forme as effeirs, and the horning to pas upon ane simple charge of ten dayes allanerlie; and to that effect makes and constituts  
 , our Advocat, our procurator to compeir for us; and consent to the registrating heirof in maner foresaid. In witness whair of we have signed thir presents with our hands at Windsore, the secund day of September the yeere of God 1629 yeeres, before thir witnesses, Williame, Erle of Monteith, President of our Counsell and High Justice of Scotland, Sir William Alexander of Menstrie, knight, our Secretare, Sir Coline Campbell of Lundie, knight baronnet, Sir James Lokhart, younger, of Ley, knight, M<sup>r</sup> William Elphingstoun, ane of our cupbearers, and M<sup>r</sup> Johne Maxwell, minister at Edinburgh.”

His Majesteis Determination upon the Submissions made be the Bishops.

Fol. 168, a.

“CHARLES R. Charles, be the grace of God King of Great Britane, France and Ireland, Defender of the Faith, to all and sindrie our subjects whom it effeirs. Forsameekle as the archbishops, bishops, and remanent clergie within our kingdome of Scotland, subscriveyars of the band and submissioun after specified, considering that we out of our royall care, fatherlie and tender affectioun to the publict good of all our subjects of that our kingdome for freeing thame of the extremitie and damage whilk may ensew to thame by leading of thair teinds, did intend to take suche course as hereafter everie heretour may possesse and enjoy the teinds of his awin lands for payment of ane reasonable rait and dewtie for the samine; and the saids archbishops, bishops and clergie foresaid, acknowledging thameselffes to be bound in dewtie to advance that our royall designe, and being willing that all suche heretours as ar subject to the payment of anie teinds to thame or anie of thame sall have thair awin teinds being desyrous thair of for payment to thame and thair successours of suche ane reasonable rait and constant yeerelie rent as we sould determine to be the *quota* and rait of teinds within the rest of our said kingdome, so as the dewteis and rait in silver and bollis payed at the present to thame or to the ministers serving at thair particular kirks be not in anie sort hurt nor

Valuation of  
the teinds  
pertaining to  
the bishoprics.

diminished ; and also considering the great benefite whilk the said course intendit by us may import to thair successours, who ar thairby to have ane certane and constant yeerelie rent whilk may not be altered by anie titulars to the prejudice of thair successours, thairfoir the saids archbishops, bishops and remanent clergie foresaid, be thair band and submission subscribed with thair hands of the dait at the yeere of God 1628 yeeres, hes bound and obleist thame and thair successours to grant to everie heretour of the severall lands whair of the teinds doe apperteane to thame or anie of thame (being desyrous of the samine) suche sufficient securitie thair of as may stand with the lawes of the said kingdome, and for suche ane resonable rait or rent, or rental bollis, as we sall determine to be the *quota* and rait of teinds, submitting thame selfes thairanent to our royall decret and sentence to be pronounced at or before the last day of December in the yeere of God 1629 yeeres ; and anent what lawfull securitie in maner foresaid sall be made or givin by thame or anie of thame to the saids heretours of thair awin teinds belonging to thair bishopricks or benefices for payment to be made be the saids heretours unto thame and thair successours of the said *quota* and rait or constant rent and rental to be sett doun be us for the saids teinds out of the saids lands subject to the payment thair of yeerelie in suche maner and at such termes as we sall be pleased to appoint ; and anent the making, setting doun and establishing of the said *quota* or raite of the saids teinds, rent or rental bollis payable yeerelie for the samine to thame and thair successours, and anent what securitie the saids heritours sall make for the trew, sure, tymous and thankfull payment to thame and thair successours of the said yeerelie rent and rental bollis at suche tymes and termes of payment as we sall thinke fitt to be conteained in the securiteis of the saids teinds ; and anent the annuitie heerafter payable by the saids heretours for increase of our rents, providing that they and everie ane of thame peaceablie enjoy the fruicts and rents of thair severall benefices as they wer possesset be thame at the tyme of thair submission, and that suche rents as sould thairafter belong and accresce to thame or anie of thame or thair successours by our said decret anent the said *quota* to be payed be the saids heretours for the remanent of the saids teinds whiche wer not in thair present possessioun sould be sett, secured and made sure to thame and thair successours, leaving the saids heretours of the lands out of the quhilks the teinds ar dew unto thame to submitt thameselfes unto our decret and determinatioun anent the annuitie and others premisses quhilks concerne thame, to be pronounced before the said last day of December 1629 yeeres ; with power to us to give furth our sentence, pleasure and determinatioun anent the premissis betuix the dait heirof and the said last day of December 1629 yeeres, as in the said band and submission of the dait foresaid at mair lenth is conteanit. And we having at great lenth considered and advised what is most fitt to be done in the

Acta July 1629-  
December  
1630.  
Fol. 168, a.

Fol. 168, b.

Acta July 1629-  
December  
1630.  
Fol. 168, b.

premisses submitted unto us both for the weale of the saids bishops and thair successours and for establishing ane constant victuall rent unto thame after the expyryng of the present tacks whairwith the samine ar burdenned, and for better plantatioun of the kirks perteaning to thame, and als for the peace and quyetnes of our said kingdome that no persoun have the leading of anie other mans teinds bot the heretours of the lands allanerlie, pronounces our sentence and determinatioun thairin as followes.—In the first, we find the *quota* or rait of all teinds perteaning to the saids bishopricks and uthers benefices foresaids quhilks fallis within the compas of the said submissioun to be the fyft pairt of that whilk ilke land payes of constant rent in stocke and teind, where the samine are joyntlie valued conforme to the course and ordour takin or to be takin for valuatioun of the samine, and where the teyndis ar valued severallie and apairt, finds that the rait and quantitie thair of is and sall be suche as the samine sall be valued unto be our commissioners appointed or to be appointed to that effect, deduceing always the fyft pairt thair of to make the samine equal to constant rent *communibus annis*; and finds and declaires that if in the valuatiouns of the saids teinds ather joyntlie to be made with the lands or severallie there be anie sensible hurt, greevance or prejudice committed in excesse or diminution, whilk sall require to be rectified be us, that it sall be lawfull to the parteis greeved to appeale to us or to our Parliament to the effect we may see ordour putt thairto as effeirs; and decernis and ordains the saids submitters and thair successours to grant to everie heretour of the severall lands whair of the teinds apperteanes to the saids submitters or anie of thame (being desyrous of the same) and to thair heyres and successours, heretours of the saids lands, suche sufficient securiteis thair of as may stand with the lawes of our said kingdome for payment of the said rait and rent determined be us as said is and that of the crop and yeere of God 1629 yeeres and yeerelie thereafter; the saids heretours alwayes who sall desyre to have the right of thair saids teinds in maner foresaid, thair airis and successours, making and subscribing suche lawfull securiteis to the saids submitters and thair successours for payment of the said *quota* and rate yeerelie betuix Yule and Candlemes after the crop, with deductioun alwayes of our annuitie furth of the excesse of the bollis and rent arysing to the saids submitters and thair successours after the expyryng of the present tacks in maner after specified and that in suche lawfull and perfyte maner as may stand be the lawes of our kingdome and sall be devised be our Advocat, to whome we referre both the maner of right and securitie to be made be the saids submitters to the saids heretours of the saids teinds, and als of the securitie to be made be the saids heretours to the saids submitters and thair successours for sure payment of the rent and dewtie abonespecifeit, togidder with our annuitie dew unto us for incesse of our rent to be payed be the saids

Fol. 169, a.

heretours and thair successours to us and our successours for suche pairt of the said rent and bollis as sall accresce to the saids submittars be the valuations foresaid after the expyryng of the present tacks of the teinds of thair saids lands perteaning to thair saids bishopricks and benefices ; quhilk annuitie sall be allowed and defeased to the saids heritours aff the first end of the said rent quhilk sall accresce to the saids submittars and thair successours as said is, but prejudice alwayes to the saidis submittars and thair successours as said is, and to the ministers provydit to the severall kirks under thame, to bruike and possesse the fructs and rents of thair saids severall benefices whair of payment wes made to thame the tyme of the making of the said submission, and that without all burdein of our said annuitie ; and we find and declare that it sall not be lawfull to the saids submittars and thair successours to be provydit to the saids bishopricks and benefices to sett anie tacks long or short or to make anie other dispositioun of the same teinds perteaning to the saids bishopricks and benefices after the expyryng of the present tacks thair of bot allanerlie for payment of the said rait, rent and *quota* now determined be us, whilk sall remane whole, inteir and unhurt in quantitie or qualitie, and so transmitted to the successours for ever without anie change, alteratioun, diminutioun, conversioun in money, or other prejudice whatsomever, reserving to us our annuitie of that whilk sall accresce after the expyryng of the present tacks in maner foresaid. And we ordaine this our determinatioun with the said submission whair upon the samine proceids to be registrat in the bookes of our Counsell and Sessioun to have the strenth and force of ane decreit of the Lords thair of, with executioun to pas thair upon in forme as effeirs, and the horning to be upon ane simple charge of ten days allanerlie ; and to that effect makes and constituts

our Advocat our procurator, to compeir for us and to consent to the registrating heirof in maner foresaid. In witnes whair of we have signed thir presents with our hands at Windsore, the secund day of September, the yeere of God 1629 yeeres, before thir witnessis, Williame, Erle of Monteith, President of our Counsell and High Justice of Scotland, Sir Williame Alexander of Menstrie, knight, our Secretarie, Sir Coline Campbell of Lundie, knight, baronnet, Sir James Lokhart, younger, of Ley, knight, and M<sup>r</sup> Williame Elphinston, ane of our cupbearers."

His Majesteis Determination upon the Submission made be the Royall Burrowes.

Valuation of the teinds pertaining to the Royal Burghs.

" CHARLES R. Charles, by the grace of God King of Great Britane, France and Ireland, Defender of the Faith, to all and sindrie our subjects whome it effeirs. Forsameekle as the commissioners of our free royall burrowes within our kingdome of Scotland having full power and

Acta July 1629-  
December  
1630.

Fol. 169, a.

Fol. 169, b.

Acta July 1629-  
December  
1630.  
Fol. 169, b.

commissioun frome thair severall burghes, considering that we out of our royall care, fatherlie and tender affectioun to the publict good of all our subjects of our native and ancient kingdome of Scotland for freithing thame of the extremitie and damage may ensew to thame be leading of thair teinds, intendit to take suche course as thereafter ilke man might possesse and enjoy the teinds of the lands perteaning to him in propertie, and they acknowledging thameselffes to be bound in dewtie to the advancement of all our royall designes, tending to so publict ane good, thairfoir they be thair band and submissioun of the dait at Perth, the secund day of July the yeere of God 1628 yeeres, band and obleist thame and ilke ane of thame, subscryvers of the said submissioun, and thair successours, for and in name of the saids burghes, to grant unto ilke heretour of the severall lands whair of the teinds did unto thame apperteane (after the expyring of the present tacks alreadie grantit be thame to the present tacksmen) suche rights and securiteis for perpetuall injoying of thair awin teinds, and for payment of suche raits and teind rentall bollis of victuall as we in our royall judgement sould decerne, submitting thameselffes, ilke ane of thame for thair awin pairts, thereanent to our royall decretit and sentence, and what sould be the trew rait, estimatioun and quantitie of the said teinds, and what securitie sould be made to thame be the saids heretours for yeerlie payment to be made to thame, ilke ane for thair awin part, of the saids teind bollis of victuall of suche sort as sall grow upon the samine lands yeerlie as sall be decerned be us betuix Yuile and Candlemes, for payment whair of the samine lands sall be lyable and bound in securitie of the samine; and wer content and consented, ilke ane for thair awin parts, that we sould give furth our pleasure and determinatioun anent the premissis referred to us in maner foresaid betuix the dait of the said submissioun and the last day of December in the yeere of God 1629 yeeres, as in thair said submissioun of the dait foresaid, conteaning others diverse provisious, at mair lenth is conteanit. And we being weill and rypelie advised anent the premissis and finding it necessar and expedient for the publict weale and peace of that our ancient kingdome that ilke heretour have and enjoy his awin teinds, pronounces our sentence and determinatioun thairin as followes.—In the first, we decerne and ordaine the saids burrowes royall, proveist, bailleis and counsell of the same, and thair successours, whois commissioners hes subscryved the said submissioun, to grant unto ilke heretour of the severall lands whair of the teinds does apperteane to thame, thair airis and successours (after the expyring of the present tacks alreadie grantit be thame to the present tacksmen) suche rights and securiteis for perpetuall injoying of thair awin teinds for payment of the rates and rentall bollis aftermentioned in suche ample forme as may stand be the lawes of the kingdome, the saids heretours alwayes and thair foresaids making and subscryving to the saids royall burrowes and thair successours suche

Fol. 170, a.

lawfull securiteis for payment of the *quota* and rate of teinds after-<sup>Acta July 1629-</sup> specified yeerlie betuix Yuile and Candlemes, for payment whair of the <sup>December</sup> samine lands sall be lyable and bound in securitie of the samine, and <sup>1630.</sup> that in suche forme and maner as sall be devised be the sight of our Advocat for the tyme, to whome we referre the maner and forme of the securiteis to be made be the saids royall burrowes to the saids heretours of thair awin teinds and be the saids heretours to the saids royall burrowes of the rate and *quota* of teind afterspecified; and as to the rate and quantitie of teinds wee find the *quota* and rate of all teinds perteaning to the saids royall burrowes to be the fyft pairt of that whilk ilke land payes of constant rent in stocke and teind where the samine are joyntlie valued conforme to the course and ordour takin or to be takin for the valuatioun of the same; and where the teinds ar valued severallie and apairt finds that the rait and quantitie thair of is and sall be suche as the same sall be valued unto be our commissioners appointed or to be appointed to that effect, deduceing alwayes the fyft pairt thair of to make the samine equall to constant rent *communibus annis*; and finds and declares that if in the valuatiouns of the saids teinds ather joyntlie to be made with the lands or severallie <sup>Fol. 170, b.</sup> there be anie sensible hurt, greevance or prejudice committed in excesse or diminutioun quhilk sall require to be rectified be us, that it sall be lawfull to the parteis greeved to appeale to us or to our Parliament to the effect we may see ordour putt thairto as effeiris; and decernis this course and ordour that everie heritour sall have his awin teinds to have the beginning in the crop and yeare of God 1629 yeeres, the tacks sett to the present tacksmen being expyred or otherwayes lawfullie established in the persoun of the heretours be the saids tacksmen who hes right thairto. Attour, forsamekle as be the said band and submissioun the foresaids commissioners, ilke ane of thame for thair awin parts, hes bound and obleist thair saids burrowes and thair successours that incaise it sall be found that the rents of the tithes, great and small, victuall or silver dewteis of the same voted for sustentatioun of the ministers, rectour and regents of thair colledges, maisters of thair schooles, and poore of the hospitalls of thair severall burghes payed to thame sall exceed the yeerlie sowmes of money expended be thame for the foresaids pious uses and thair interteanement in the stipends of the saids ministers, rectour and regents of thair colledges, maisters of thair schooles, and of thair poore in the saids hospitallis, than and in that caise to pay yeerlie to us and our collectours, ilke ane of thame for thair awin pairts, furth of the superplus and excresce of the saids dewteis remaining by and attoure the payment of the saids stipends dew to the saids ministers, rectour and regents of thair severall colledges, maisters of thair schooles and interteanement of thair poore in thair hospitalls, our annuitie dew to us in maner exprest in the said submissioun; thairfoir we ordaine our commissioners appointed or to be

Acts July 1629-  
December  
1630.  
Fol. 170, b.

appointed be us to take tryell of the trew estait of the rents and tithes pertaineing to ilke burgh, and of tbe burdein whilk they have for interteanement of thair ministrie and poore and of the rectour and regents of colledges where the samine ar and to consider if there be anie superplus and excesse by and attoure the burdeins foresaids furth of the whilks our said annuitie aucht to be payed, and according thairto decernis the saids burrowes and thair successours to make payment to us and our collectours of our annuitie whilk is dew unto us furth of the said superplus and excesse if anie sall be found as said is. And we ordaine this our determinatioun with the said submissioun whairupon the samine proceids to be registrat in the bookes of our Counsell and and Sessioun to have the strenth and force of ane decreit of the Lords thair of, with executioun to pas thairupon in forme as effeirs, and the horning to pas upon ane simple charge of ten dayes allanerlie; and to that effect makes and constituts our Advocat, our procurator to compeir for us, and consent to the registrating heirof in maner foresaid. In witnes whair of we have signed thir presents with our hands at Windsore, the secund day of September the yeere of God 1629 yeeres, before thir witnessis, William, Erle of Monteith, President of our Counsell and Lord High Justice of Scotland, Sir Williame Alexander of Menstrie, knight, our Secretare, Sir Coline Campbell of Lundie, knight baronnet, Sir James Lokhart, younger, of Ley, knight, M<sup>r</sup> William Elphingstoun, ane of our cupbearers, and M<sup>r</sup> Johne Maxwell, minister at Edinburgh."

Fol. 171, a.

"The Lords appoints the nixt Counsell day to be upon the thrid day of November nixt."

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 257, a.

Petition by George, Earl of Crawford, colonel of two regiments under the service of the King of Sweden, as follows:—He has levied within this kingdom 300 men for his own company, and has them in readiness to embark, but several masters and skippers of ships, to whom he has offered reasonable conditions for transporting them, refuse to do so, and he and his men are like to be kept here all the winter in an unprofitable condition, unless some remedy be provided. The Lords therefore recommend and request the Lord Admiral to take such a course with the masters, owners and skippers of ships as will cause them transport the Earl and his men.

Petition by the tacksmen of his Majesty's customs, as follows:—The licence lately granted by their Lordships for the exportation of 4000 stone of wool has been carried into effect by the merchants, and there is still a very large quantity of "tarred wooll" lying unprofitably in the country which will get no sale here, and so will prove detrimental both to his Majesty's customs and bullion. They therefore crave that the

Holyrood  
House, 18th  
September  
1629.

Petition by  
George, Earl  
of Crawford,  
that the  
Council take  
order for the  
transporting  
of a company  
he has raised  
for the King  
of Sweden.

Petition by the  
tacksmen of  
his Majesty's  
customs that  
certain mer-  
chants may  
have licence to  
export 4000  
bolls of wool.  
See ante, p. 279.



merchants owning the above may have licence to export other four thousand stone. The Lords, considering that thereby money will be imported, of which there is great scarcity, grant permission to the owners of this wool to export 3000 stone, first finding caution for his Majesty's bullion, and for payment of the licence silver, and that the wool be transported before 1st January next.

Decreta,  
November  
1627-January  
1630.  
Fol. 257, b.

Petition by  
William Dick  
for a warrant  
to export a  
certain  
quantity of  
wool.

Petition by William Dick, merchant burghess of Edinburgh, as follows:—In ignorance of there being a restraint on the exportation of wool he bought 1200 stone or thereby which is lying in his lofts "halffe packed and unpacked," and having offered his Majesty's customars the customs due for the same they refuse to accept these without their Lordships' warrant. This he craves in order that he may export the same. The Lords grant the licence on the same terms as above.

Similar  
petition by  
Robert  
Salmund,  
merchant  
burghess of  
Edinburgh.

Similar petition by Robert Samound, merchant burghess of Edinburgh, in respect of 300 stone of wool which has been long lying on his hands, and of which, though he frequently presented it to market, he can get no sale "seing the countrie is filled and pestered with wooll in greater abundance and quantitie nor necessarilie serves for the countreis use." This wool will therefore perish if it lie longer in his hands. The Lords grant him licence as craved to export the same on the like conditions as above.

Fol. 258, a.

Complaint by  
Alexander  
Hamilton in  
Leith against  
William  
Hamilton and  
others for  
assault on  
certain persons  
who were  
leading the  
complainer's  
teinds.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Alexander Hamiltoun in Leith, as follows:—Though the wearing of hagbuts and pistols is straitly prohibited by law, and the said Alexander has heritable right to all the teinds of the parish of Swintoun, which he has led peaceably for the past three years, yet on September instant when he sent William Mortimer, indweller in Edinburgh, Alexander Hamiltoun, brother to the goodman of Colcot, and others, his servants, to the lands of Swintoun, to give timely teinding to the tenants in his usual way, and when they were leading the same to the appointed barn yards, William Hamiltoun in Kelso, John Smith, his servant, Ralph Heart in Quhitsome, William Ramsay in Newtoun, and Robert Johnestoun in Langrig, tenants to William Hamiltoun of Quhytlaw, with convocation of the lieges, armed with "swords, bandit staffes," hagbuts, pistols, and other weapons, at the instigation of the said William Hamiltoun of Quhytlaw, pursued them, assailed and wounded them with their swords and staves, gored and slew some of the oxen which were drawing the teind, and intend by "opin deid, bangsterie and oppressioun" to debar the complainer from his said teinds. Charge having been given to the said William Hamiltoun, William Ramsay, John Smith, Ralph Heart and Robert Johnestoun, and the pursuer compearing, but none of the defenders, the Lords ordain them to be put to the horn and escheat.

Fol. 258, b.

Anent the  
Justice Courts.

"Anent the proposition maid to the Lordis of Secreit Counsell touching the forme of procedour in the circuite courtis and fra quhat tyme the crymes and brek of penall statutis to be persewit thairin salbe

Sederunts,  
1625-29.  
Fol. 129, b.

Sederunts,  
1625-29,  
Fol. 129, a.

drawne, the Lordis of Secreit Counsall ordains all the crymes and brek of penall statutis to be persewit in thir courtis to be restrictit to the last of August 1628, and that thair salbe no proceeding in the saidis courtis for ony crymes or brek of penall statutis preceding that day, and that the transporte of linning cloathe salbe forborne and on [na] wayes medlet with in the saidis courtis, and ordains missives to be direct to the commissionaris for the circuite courtis to this effect."

"The quhilk day the Laird of Lundie acceptit upoun him the shire-ship of Forfar and gair his oathe." Sheriffship of Forfar.

"Ane letter to be writtin to the Laird of Bonnytoun who formarie wes prickit for that office." The Laird of Bonnyton.

"A letter to his Majestie humblie craveing that the conjunct commissioun for the Middleshyris may be renewit." The Conjunct Commission of the Middle Shires.

"A letter frome his Majestie concerning Weir, prisounair in the tolbuith of Edinburgh for incest." A prisoner in the Tolbooth.

"Ane Act ordaining the ressavear of the fynes and compositionis of the inhabitantis within the regalitie of Glasgu, quho salbe convict or come in will for ony crymes in thir circuite courtis, to retene the same in his handis till it be cleirit quhat pairt and portioun thair of pertenis to the Duke of Lennox, baillie of the regalitie of Glasgu." The Regality of Glasgow.

"A letter frome his Majestie concerning tua Fransh shippis whilk wes delyverit to the Lord Admirall." The two French ships.

Royal Letters,  
1623-32,  
Fol. 171, a.

"After our verie heartilie commendatiouns. Quhairas upon information made to the Kings Majestie that yow hed the charge and burdein of the shireffship in the yeere 1628, and his Majestie being loath to trouble yow with that office for this yeere bot to reserve yow to ane more convenient tyme quhen your awin affaires will give yow better occasioun to attend, thairfor his Majestie hes beene pleased to continew the Laird of Lundie in that charge for the yeere to come; quhairwith we have heirby thought meit to acquaint yow and thairwithall to assure yow that this change hes not proceedit upon the dislyke his Majestie hes of your service bot onelie to releve yow of that burdein for this yeere that yow may be the more readie at other occasiouns to attend the same; and so committing yow to Gods protection, we rest. Halyruidhous 18 *Septembris* 1629. *Subscibitur*, Chancellor, St. Andrewes, Wintoun, Linlithgow, Wigtoun, B. Rosse, S<sup>r</sup> A. Achesoun, Hamilton, S<sup>r</sup> Thomas Hope." Holyrood House, 18th September 1629. Letter to the Laird of Bonnyton anent the Sheriffship of Forfar.

Fol. 172, a.

"After our verie heartilie commendatiouns to your good lordships. Having upon the generall regrait of the subjects and feares apprehendit be thame anent the executioun of thir commissiouns for the circuit courts takin to our consideratioun what is fittest to be done thairin for his Majesteis honnour and the weale of the countrie, quhilk we persuade ourselfes is the cheefe and onlie end quhilk his Majestie hes before [his] eyes in all this bussines, and this pairt being at lenth debated at the Counsell table, and the inconvenients depending thairin Holyrood House, 18th September 1629. The Justice Courts not to try crimes or breaches of the penal statutes committed before the 31st of

August 1628,  
and not to  
censure the  
export of linen  
cloth.

being maturelie digested, it wes in end concluded and ordained that the Royal Letters, 1629-32, Fol. 172, a.  
crymes and breake of penall statuts to be censured in thir courts sould  
be restricted to the last day of August in the yeere of God 1628 yeeres,  
and that no crymes nor breake of penall statuts preceeding that day  
sould be meddled with in these courts. And whereas lykewise it hes  
beene compleanned that the exportatioun of linning cloath wes to be  
censured in these courts, and that point being maturelie advised at  
the Counsell table, it wes found that the exportatioun of linning cloath  
wes allowed be the Booke of Raits and ane competent custome sett  
thairupon, and the trade found to be verie profitable and usefull for the  
countrie in respect of the great number of poore people who lives by  
making of linning cloath and hes no other meanes to mainteane thair  
famileis; and thairfoir it wes thought meit that the censuring of that  
article sould be forborne and left off at this tyme. Whair of we have  
heirby thought meit to give notice unto your good lordships and to  
requeist your lordships that no crymes nor breake of penall statuts  
preceeding the said last day of August 1628 sall be medled with in  
these courts, and siclyke that the transporting of linning cloath and Fol. 172, b.  
censuring thair of sall be altogidder forborne untuiched or handled at the  
saisd courts; quhairin looking that your lordships, out of your respect  
to his Majesteis honnour and the weale of the countrie, will testifie your  
obedience in ane point of so great importance and so neerelie importing  
the countreis good, we committ your lordships to God. Frome Haly-  
ruidhous the aughtene day of September 1629. *Subscribitur*, Chancellor,  
St. Andrewes, Wintoun, Linlithgow, Wigtoun, Pa B. of Ros, Arch.  
Achesoun, Hamiltoun, Sr Thomas Hope."

Theobalds,  
24th October  
1629.

Letter from  
his Majesty  
anent the  
Castle of  
Dunivaig.

"CHARLES R., Right, etc. Whereas we ar informed that the Castell Fol. 182, a.  
of Dinyveg in Ila, whiche formerlie wes a recept to the rebellis of the  
Clan Donnald, will rather be a shelter for suche malefactours and  
contemners of our authoritie (as wes found in the tyme of our lait deere  
father to the great charge and trouble of the countrie) then anie way  
prove stedable for our service in these parts, the repairing and keeping  
thair of being likelie to be both troublesome and chargeable unto us, yitt  
being loath to give anie order ather tuicheing the repairing or demolishing  
of the same without dew advice, our pleasure is that yow consider of  
this purpose and thereafter that yow take suche a course thairin as yow  
sall thinke most fitt for the good and quyet of these parts, and for what  
yow sall doe thairin to this effect these presents sall be a sufficient  
warrand to yow. So we bid yow heartilie farewell. Frome our Court at  
Theobalds the 24 of October 1629."

Holyrood  
House, 3rd  
November  
1629.

*Sederunt*—Chancellor; St. Andrewes; Privy Seal; Wintoun; Air; Acta July 1629-  
December  
1630.  
Lord Gordoun; Melvill; Carnegie; Clerk Register; Advocate; Fol. 171, a.  
Sir John Scot.

Acta July 1629-  
December  
1630.  
Fol. 171, a.

“ The whilk day in presence of the Lords of Secret Counsell compeired personallie Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat, and produced and exhibite before the saids Lords ane procuratorie of resignatioun made and subscriyved be George, Marqueis of Huntlie, lait shireff of Aberdein, and be George, Lord Gordoun, lait shireff of Innernes, whairby they made and constitut M<sup>r</sup> William Elphinstoun, cupbearer to his Majestie, thair procuratour for resigning in his Majesteis hand the offices of shireffship of Aberdein and Innernes, as the said procuratorie, bearing dait at Greenewiche the thrid day of Junij beares ; and siclyke he produced before the saids Lords ane instrument of resignatioun under the subscriptioun of James Philp, notar, proporting that the said M<sup>r</sup> Williame Elphinstoun, procurator foresaid, be vertew of the procuratorie of resignatioun abonewrittin past to the personall presence of our soverane Lord at his Majesteis Court at Bagshote in England upon the fyftene day of August, 1629, and with all submissive and humble reverence resigned in his Majesteis hands *ad perpetuam remanentiam* the offices of shireffship of Innernes and Aberdein, as the said instrument more fullie beirs. Lykeas the saids George, Marqueis of Huntlie, and George, Lord Gordoun, compeirand personallie before the Lords of Secret Counsell this present day, consented judiciallie to the registratioun of the said procuratorie of resignatioun and of the instrument of resignatioun following thairupon in the bookes of Secret Counsell, with all the provisions and exceptiouns conteanit thairintill ; quhairupon the saids Lords ordained and ordains the said procuratorie of resignatioun and instrument of resignatioun following thairon to be registred in the saids bookes and to be delyvered to Sir Johne Hamiltoun of Magdalens, Clerk of his Majesteis Registers, to be registrat be him in the bookes of Counsell and Sessioun, and to remane with him for the warrand thairof.

Fol. 171, b.

Followes the tennour of the Procuratorie of Resignatioun abonewrittin :—  
Be it kend till all men be thir present letters me George, Lord Gordoun, with advice and consent of George, Marqueis of Huntlie, Erle of Enzie, Lord Gordoun, etc., my father, and als me the said George, Marques of Huntlie, for myselffe, with consent of the said George, Lord Gordoun, my sonne, and we both with one consent and assent, for diverse good causes and consideratiouns moving us, to have made, constitute and ordained, lykeas we be the tennour heirof makes, constituts and ordains M<sup>r</sup> Williame Elphinstoun, cupbearer to his Majestie, our verie lawfull, undoubted and irrevocable procurator, factor, earand bearer and speciall messenger to the effect underwrittin, giving, granting and committing unto him our verie full, free, plane power, speciall mandament, expresse bidding and charge, for us and in our names to compeir before our soverane Lord or his Highnesse successours or before his or thair commissioners having his or thair power and commission to receive resignatiouns in his or thair names, at whatsomever day or dayes, place or places convenient, and there with all humilitie and condigne reverence as becomes

Resignation by  
the Marquis of  
Huntly and  
his son, George,  
Lord Gordon,  
of the hereditary  
Sheriffships of  
Inverness and  
Aberdeen.

to resigne, surrender, dimitt, upgive and overgive all and hail the office of shirefship within the shirefdome of Aberdein, and all and hail the office of shirefship within the shirefdome of Innernes, with all fees, dewteis, casualiteis, liberteis, immunitis and righteous pertinents thair of whatsomever perteaning and belonging to the said offices and either of thame, in the hands of our said soverane Lord or his Highnes successours or his or thair commissioners having thair power and commissioun as said is *ad perpetuam remanentiam*, to the effect that our right of propertie of the office abonewrittin being consolidat in the person of his Majestie and his Highnesse successours with thair right of superioritie of the samine, both the saids offices of shirefship with the whole fees, dewteis, casualiteis, priviledges, liberteis, immunitis and pertinents whatsomever thairto belonging, may remane and abyde with our said soverane Lord and his Hienes successours, to be peaceablie bruiked, joyseed and possess be thame as thair awin propertie and proper heritage at thair pleasure in tyme comming, togidder with all right, title, interesse and clame of right whilk we or either of us, our airs or successours had, have or anie-ways may have and clame in and to the saids offices or either of thame, or to the priviledges, casualiteis and pertinents thair of abonewrittin in tyme comming for now and ever; acts, instruments and documents neidfull thairupon to take, aske, lift and raise, as neid beis, and generallie all and sindrie uthers things in the premissis to doe, use and exerce that to the office of procuratorie in suche caise of the law and consuetude of the realme of Scotland necessarilie ar known to apperteane, siclyke and als freele and in all respects as we or either of us might doe our selfes if we wer personallie present; promitting to hold firme and stable all and whatsomever things our said procuratour in the premissis lawfullie does or leades to be done. And we, the saids George, Marqueis of Huntlie, and George, Lord Gordoun, be the tennour heirof faithfullie binds and obleissis us, our airis, executors and assigneyes to warrand this our resignatioun and the said two shirefships unto our said soverane Lord and his Hienes airs and successours for ever against all deidlie as law will, excepting onelie the small shirefdomes of Caithnes, Sutherland, and Stranavar out of the said warrandice, and provyding alwise that the said warrandice be no further extended than unto twa thowsand and fyve hundreth pundis sterline for everie one of the saids two shirefships whiche sall happin to be evicted frome our said soverane Lord, whiche is the trew sowme and compositioun whiche his Majestie hath agreed to pay for the same and for whiche his Hienes hes givin ane Precept directed to his Thesaurar, Depute Thesaurar, and receavers of his rents for payment of the sowme of fyve thowsand pundis sterline for the saids two heretable shirefships. And for the more securitie we ar content and consents thir presents be insert and registrat in the bookes of Sessioun within the kingdome of Scotland thairin to remane *ad futuram rei memoriam*; and for registrating heirof con-

Acta July 1629.  
December  
1630.  
Fol. 171, b.

Fol. 172, a.

Acta July 1629-  
December  
1630.  
Fol. 172, a.

stitute

our procurators, *promitteñ de rata.*

In witnes whair of we have both subscryved thir presents with our hands (writtin be George Hopkins, servitour to Sir Archibald Achesone, knight, one of his Majesteis Secretareis for the said kingdome of Scotland) at Greenewiche, the thrid day of June the yeere of God ane thousand sax hundreth twentie nyne yeeres, before thir witnessis, William, Erle of Monteith, Lord President of his Majesteis Counsell of Scotland, Patrik, Bishop of Rosse, Sir William Alexander of Menstrie, knight, principall Secretarie to his Majestie for the said kingdome, and Sir Archibald Achesone of Clancarny, knight, Secretarie to his Majestie for the said kingdome. *Subscribitur*, Huntlye, Gordoune, Monteith, witnes, Pa. B. of Ross, witnes, W. Alexander, witnessse, Arch. Acheson, witnes. Followes the tennour of the Instrument of Resignatioun foresaid:—At his Majesteis Courte at Bagshote in England the fiftene day of August the yeere of God j<sup>m</sup>vj<sup>c</sup>xxix yeeres. The whilk day in presence of me, notar publict, and witnessis underwrittin compeired M<sup>r</sup> Williame Elphingstoun, cupbearer to his Majestie, as procurator for the right honourable George, Marquis of Huntlie, and George, Lord Gordoun, his sonne, be vertew of ane procuratorie of resignatioun made and subscryved be thame with one consent, being of the dait at Greenewiche the thrid day of June the yeere of God j<sup>m</sup>vj<sup>c</sup>xxix yeeres, and past to the personall presence of our soverane lord, Charles, by the grace of God King of Great Britane, France and Ireland, Defender of the Faith, &c., and there upon his knees be staffe and bastoun as use is with all humilitie and reverence resigned in his Majesteis hands *ad perpetuam remanentiam* all and hail the office of shirefship within the shirefdome of Aberdein, and all and hail the office of shirefship within the shirefdome of Innes according to the intent and reservatioun particularlie mentioned in the said procuratorie of resignatioun, with all fees, dewteis, casualiteis, liberteis, immunitis and pertinents thair of whatsoever togidder with all right, title, interest and clame of right which they the saids Marquis of Huntlie and the Lord Gordoun or either of thame, thair airis or successours had, have or anie wise may have or clame in and to the saids offices or either of thame or to the priviledges, casualiteis and pertinents thair of abonewrittin to the intent that both the saids offices of shirefship with thair hail fees dewteis, priviledges and pertinents aforesaid may remaine and abyde with our said soverane Lord and his Hienesse successours, to be free, peaceable and absolutelie bruiked, injoyed, possessed and disposed of by thame at thair pleasure in all tyme comming; whiche resignatioun proceeding upon the said procuratorie (mentioning that the said Marquis of Huntlie and the Lord Gordoun ar to warrand the said resignatioun and the saids two shirefships unto our said soverane Lord and his successours for ever aganis all deadlie as law will, excepting the small shirefdomes of Caithnes, Sutherland and Strathnaver, out of that

Fol. 172, b

warrantice, and that the same be no further extended than unto two thousand and fyve hundreth pundis sterline for everie one of the saids shirefships whilks sall happin to be evicted frome our said soverane lord, whiche is the trew sowme and compositioun whiche his Majestie doeth agree to pay for the same) his Majestie than accepted; whairupon the said Mr. Williame, as procurator foresaid, did take instruments in the hands of me, the said notar publict. This wes done in the presence chamber of the said Court about two houres in the afternoone before Sir Williame Alexander, Secretarie to his Majestie for Scotland, Sir Frederick Hamiltoun, gentleman of his Majesteis privie chamber, Sir Robert M'Clellane of Bombie, knight, Mr. Walter Whytefoord, person of Moffat, Henrie Alexander, sone to the said Sir Williame Alexander, witnesses required and desyred thairto. Et ego, Jacobus Philp, clericus Sancti Andree diocesis, autoritate regali notarius publicus ac per Dominos Consilii et Sessionis secundum tenorem acti Parliamenti admissus et examinatus, quia præmissis omnibus dum sic, ut præmittetur, agerentur, dicerentur et fierent una cum prænominatis testibus, præsens personaliter interfui, eaque omnia et singula sic fieri, dici, vidi, scivi et audivi ac horum omnium notam cepi, ideoque hoc præsens publicum instrumentum, manu mea fideliter scriptum, exinde confeci et in hanc publicam instrumenti formam redegei signoque nomine, cognomine et subscriptione meis solitis et consuetis signavi et subscripsi, in fidem, robur et testimonium veritatis omnium et singulorum præmissorum, rogatus et requisitus. James Philp." Acta July 1629.  
December  
1630.  
Fol. 172, b.

His Majesty's  
approbation of  
the Acts  
underwritten.

"Forsameekle as diverse complaints having beene made unto the Kings Majestie both be his Counsell and clergie of this kingdome anent the great increase and growth of Poperie and insolenceis of persons popishlie disposed, his Majestie wes pleased, out of his religious, princelie and fatherlie care whiche he hes ever had of the floorishing of the Gospell and trew religioun, the good of the Church and peace of this his ancient kingdome, to appoint ane meiting to be kepted at Halyrudhous in the moneth of July last by his Majesteis Counsell, the archbishops and bishops and suche commissioners of thair dioceis as they sould thinke fittest, for resolving upon suche solide and good courses to be prosecute aganis the adversars of religioun, as sould be thought meit for reclayming the tractable and obedient and for censuring and oppressing the stubburne and refractarie sort; whiche meeting being accordinglie verie solemnlie kepted and diverse good acts and ordinances being made and sett down for the furtherance and advancement of that good caus, whilk his Majestie so earnestlie affects, and the same acts being presented to his royall consideratioun, it has pleased his Majestie after dew perusall thairof to give his royall approbatioun and allowance thairunto in the forme and tennour as they ar heere conceaved and sett down in ordour; and thairfoir the Lords of Secretit Counsell according to his Majesteis expresse warrand and directioun in writt sent unto Fol. 173, a.

Acta July 1629-  
December  
1630.  
Fol. 173, a.

thame in this mater ordains publicatioun to be made of the saids Acts be opin proclamatioun at the mercat croce of the heid burrowes of this kingdome and others places neidfull, whairthrow nane pretend ignorance of the same. Of the whilks Acts the tennour followes. Forsameekle as altho all Jesuits, seminarie and messe priests and excommunicat traffiquing papists, ar found and declared by diverse Acts of Parliament and Secreit Counsell to be most pernicious pests in this commoun weale and avowed enemies to Gods truthe and all Christiane governement, and that thairfoir they wer by diverse Acts and proclamatiouns made and published heeretofore expresselie commanded and charged to have departed furth of this kingdome within ane certane space, now of a long tyme bygane, under the pane of deid, yitt partlie upon occasioun of the confort and countenance whilk they find amongs numbers of his Majesteis subjects of good qualitie, being Popishlie affected, and partlie be the neglect and oversight of these to whois charge the executioun of the saids Acts and apprehensioun and punishing of the saids persons apperteanned, thir jesuits, seminarie and messe priests hes tane the boldnesse and encouragement fra tyme to tyme to repaire to this kingdome, where they bussie thameselfes to corrupt and pervert the simple and ignorant people both in thair religioun and alledgeance, and some of thir Jesuits and messe preists, being craftie and politick heads and traffiquers in maters of state, they bend thair whole endeavoures by surmising and forging of lees and dispersing of brutes and rumours of forrane projects and resolutiouns among his Majesteis subjects of better sort to distract thame in opiniouns and affectiouns and interteane factiouns and seditioun in the state to the trouble and disturbance of his Majesteis peace; for preventing of whois treasonable courses and preserving of his Majesteis good subjects frome the snares and dangers whairin thir wicked, politick and bussie headed people will not faile to involve thame to thair utter wracke and undoing, the Lords of Secreit Counsell, being assisted with a number of the clergie and commissioners frome the severall dioceis of the kingdome whome his Majestie (out of his most religious and pious dispositioun towards the propagatioun and advancing of the religioun and suppressing of thir pernicious and wicked pests by whome the religioun and peace of the kirk and countrie is so mightilie disturbed) ordained to be conveened, hes givin and grantit, and be the tennour heirop gives and grants, full power and commissioun, expresse bidding and charge to the persouns particularlie underwrittin within the bounds following; they ar to say, to James, Erle of Murrey, his Majesteis Lieutenant for the North parts of this kingdome within the whole bounds of his lieutenentrie, and to Johne, Bishop of Cathnes, Johne Sinclair of Rattir, William Inneis of Sandsyde, and David Sinclare of Din conjunctlie and severallie within the bounds of Caithnes; and to Coline, Erle of Seafort, Donald, Lord of Rae, Sir Robert Gordoun, knight baronnet, Johne Gordoun of Embo,

Commission  
against Jesuits,  
seminarie and  
mass priests,  
and others.

Fol. 173, b.

Murrey of



Spainziedaill, James Sutherland, Tutour of Duffus, Suther-<sup>Acta July 1629-</sup>  
land of Clyne, Johne M<sup>c</sup>Ky of Dyllirait, and Angus M<sup>c</sup>Ky of 1630.  
Boghous, conjunctlie and severallie within the bounds of Sutherland; <sup>December</sup>  
and to the said Coline, Erle of Seafort, Archibald, Lord of Lorne, <sup>Fol. 173, b.</sup>  
Johne, Bishop of the Yles, Sir Donnald M<sup>c</sup>Donnald of Slait, Johne  
M<sup>c</sup>Cloud of Hereis, Hectour M<sup>c</sup>Claine of Dowart, Johne Campbell, ap-  
pearand of Caddell, Sir Lauchlâne M<sup>c</sup>Kinnon of Strathordaill,  
M<sup>c</sup>Claine of Coill, M<sup>c</sup>Claine of Lochbuy, Lauchlane M<sup>c</sup>Claine of  
Morverne, Stewart, Tutour of Bute, and M<sup>c</sup>Neill of Barra,  
conjunctlie and severallie within the bounds of the diocie of the Iles;  
and to the said Coline, Erle of Seafort, Simon, Lord Fraser of Lovat,  
Patrik, Bishop of Rosse, Johne Urquhart, shireff of Cromartie,  
Rosse of Pitcalnie, Johne Gordoun of Buckie, and M<sup>r</sup> Angus M<sup>c</sup>Intoshe,  
minister at Kingussie, and to the provest and balleis of Innernes, con-  
junctlie and severallie within the bounds of the diocie of Rosse; and to Sir  
Johne Grant of Freuchie, James Brodie of that Ilk, Dumbar of Grange,  
Robert Inneis of Balvenie, Rosse, Baron of Kilrawack,  
Leslie of Finressie, and Patrik Grant of Easter Elcheis, and to the  
provest and balleis of Elgine, Forresse, Narne and Bamf, conjunctlie  
and severallie within the bounds of the shirefdomes of Elgine, Forresse, <sup>Fol. 174, a.</sup>  
Narne and Bamf; and to James, Lord Desfurde, Alexander, Maister of  
Forbes, Alexander Irwing of Drum, Sir Alexander Gordoun of Cluny,  
James Crichtoun of Fendraucht, Burnet of Leyes, Johne Forbes  
of Leslie, Sir James Gordoun, appearand of Lesmore, Androw Fraser of  
Muckalls, Williame Forbes of Tolquhoun, Thomas Fraser of Streachin,  
and Abircrombie of Birkinbog, and to the provest and balleis  
of the burgh of Aberdein, conjunctlie and severallie within the bounds  
of the shirefdome of Aberdein; and to Johne, Erle of Kingorne, David,  
Lord Carnegie, Sir Johne Scrimgeour of Duddop, constable of Dundie,  
Lindsey of Edyell, Harie Wod of Bonytoun, Grahame of  
Fintrie, Sir Coline Campbell of Lundie, Halyburton of Pitcur,  
Thomas Fotheringhame of Powrie, Crichtoun of Ruthvens, Alex-  
ander Areskine of Din, Carnegie of Dinnechin, and to the  
provest and balleis of Dundie, Forfar, Brechin, and Monrose, conjunctlie  
and severallie within the bounds of the shirefdome of Forfar; and to  
George, Vicount of Duppline, Lord High Chancellor of this kingdome,  
Williame, Erle of Monteith, President of his Majesteis Counsell, Johne,  
Erle of Atholl, James, Lord of Cowper, Mungo, Maister of Stormont,  
Coline Campbell, appearand of Glenurquhie, Sir James Campbell of  
Lawers, Ogilvie of Inchemartine, Moncreif of that ilke, Sir  
William Stewart of Garnetullie Blair of Batheyock, Mercer  
of Aldie, Campbell of Crownane, M<sup>r</sup> James Stewart of Ladywell,  
commissar of Dunkelden, Rattray of Craighall, and to the provest  
and balleis of the burgh of Perth, conjunctlie and severallie within the  
bounds of the shirefdome of Perth and stewartreis of Stratherne and

Acta July 1629. December 1630. Fol. 174, a.

Monteith; and to Johne, Erle of Mar, Lord High Thesaurar of this kingdome, the said Williame, Erle of Monteith, Alexander, Erle of Linlithgow, Sir Archibald Stirline of Keir, Murrey of Powmais, Drummond of Carnock, and to the provest and balleis of Stirline, conjunctlie and severallie within the bounds of the shirefdome of Stirline; and to Johne, Erle of Rothesse, Johne, Lord Wemes, Lord Burlie, Robert, Lord Melvill, Sir Thomas Hope of Craighall, knight baronnet, Sir Johne Scot of Scottistarvett, Sir George Areskine of Innerteill, Sir Alexander Gibsone of Durie, Sir James Learmonth of Balcolmie, Leslie of Newtown, James Wemes, appearand of Bogie, Spotiswod of Dairsie, Lindsey of Balcarrasse, and Sandelands of S<sup>t</sup> Monnans, and to the provest and balleis of the burrowes and touns within the shirefdome of Fyfe, conjunctlie and severallie within the whole bounds of the said shirefdome; and to Thomas, Erle of Hadinton, Lord Privie Seale, Johne, Erle of Lauderdaill, James, Lord Dalkeith, Thomas, Lord Binning, Johne, Lord Hay of Yester, Johne, Lord Torphichin, Johne, Lord Cranstoun, Lord Ramsay, Sir Patrik Hepburne of Wauchton, Sir George Dundas of that ilk, Sir Johne Hamiltoun of Preston, Mr. Patrik Hepburne of Smeton, Sir James Richartsonne of Smeton, Sir James M<sup>c</sup>Gill of Cranston, Sir Johne Dalmahoy of that ilke, Sir George Forrester of Corstorphine, Sir John Sinclare, appearand of Hirdneston, and Sinclare, appearand of Rosling, and to the provest and balleis of the burrowes of Edinburgh and Hadinton, conjunctlie and severallie within the bounds of the shirefdome of Edinburgh and constabularie of Hadinton; and to Alexander, Erle of Galloway, Williame, Vicount of Drumlanrig, the shireffs of Dumfreis and Wigtoun, Hew, Vicount of Airds, his eldest sonne, Johne Gordoun of Lochinvar, Sir Johne Charters of Amisfeld, Sir Robert Greir of Lag, James Johnestoun of that ilke, Sir John M<sup>c</sup>Dowgall of Garthland, Vaus of Barnbarroch, Ahannay of Sorbie, Hew Gordoun of Grange, and Archibald Dumbar of Baldune, and to the provest and balleis of Dumfreis and Kirkcudbright, conjunctlie and severallie within the bounds of the shirefdome of Dumfreis and stewartreis of Kirkcudbright and Annerdaill; and to Williame, Lord Kilmares, James, Lord Rosse, Sir George Elphinston of Blythiswod, Justice Clerk, Sir Williame Cuninghame of Caprinton, Sir Walter Stewart of Minto, Ludovick Howston of that Ilke, Williame Sempill of Foulwod, Stewart of Castelmilk, Archibald Stewart of Blakhall, Mure, appearand of Rowallan, John Birsebane of Bishoptoun, Crawford of Kilbirnie, Porterfeld of Doucher, Malcolme Crawford of Newtown and Boill of Kelburne, and to the provost and balleis of Air, Irwing and Renfrew, conjunctlie and severallie within the bounds of the shirefdomes of Air and Renfrew; to pas, searche, seeke and take all and sindrie Jesuits, seminarie and messe preists, and excommunicat traffiquing rebellious papists, wherever they may be apprehendit, and whois names sall be

Fol. 174, b.

givin unto thame be the bishop of the diocie, moderator of the presby-  
 terie, or anie one of the ministers of the presbyterie, or whois names sall  
 be sent unto thame be his Majesteis Counsell, or of whome they have  
 certane knowledge thameselffes, and to putt, hold and deteane thame in  
 sure firmance and captivitie ay and whill ordour and directioun sall be  
 givin for thair punishment as accords; with power lykeweyes to the  
 saids commissioners, conjunctlie and severallie, to have ane special care  
 and regarde within thair severall bounds and offices that the supersti-  
 tious going in pilgrimages to chappellis and wells, whilk is become so  
 frequent in this kingdome to the great offence of God, scandall of the  
 Kirk, and disgrace of his Majesteis government, be restrained; and for  
 this effect that they caus diligent attendance be givin at all suche pairts  
 and places where this idolatrous superstition is used, and to take and  
 apprehend all suche persouns of whatsoever ranke and qualitie whome  
 they sall deprehend going in pilgrimage to chappellis and wellis or whome  
 they sall know thameselffes to be guiltie of that cryme, and to committ  
 thame to waird and to deteane them thairin till ordour and directioun  
 be given for their tryell and punishment conforme to his Majesteis lawes  
 and Acts of Parliament; and if it sall happin the saids Jesuits, seminarie  
 and messe preists, and excommunicat traffiquing and rebellious papists or  
 anie of thame for eshewing of apprehensiou to flee to strenths or  
 houssis, with power to the saids commissioners, conjunctlie and  
 severallie, to doe according as is prescryved by his Majesteis lawes in  
 the caise of rebellious; and generallie with power to the saids commis-  
 sioners, conjunctlie and severallie, to doe, exerce and use all and sindrie  
 uthers things whilks for apprehensiou of the saids Jesuits, seminarie  
 and messe preists, excommunicat rebellious Papists, and persons super-  
 stitiouslie going in pilgrimages and wellis by law and consuetude of this  
 realme may lawfullie be done; firme and stable halding and for to hald  
 all and whatsoever things sall be lawfullie done heerin: And ordains  
 letters to be direct charging officers of armes to pas to the mercat croces  
 of the heid burrowes of the shirefdomes particularlie abonewrittin and  
 there be opin proclamatioun to make publicatioun heirof and to command  
 and charge all and sindrie his Majesteis lieges and subjects to reverence,  
 acknowledge and obey, ryse, concurre, fortifie and assist the saids com-  
 missioners, conjunctlie and severallie, in all and everie thing tending to  
 the executioun of this commissioun, and for this effect to conveene and  
 meete with thame at suche dayes, tymes and places as they sall be  
 advertised be thair missive letters or otherwayes, and that effauldlie and  
 trewlie they concurre and joyne with thame in the executioun of this  
 commissioun, and to doe nor attempt nothing whilk may impede or  
 hinder the same or linger and delay the executioun thereof, as they  
 and everie ane of thame will testifie thair affectioun and good dispositioun  
 to the trew religioun and punishing the adversareis thairof and under the  
 pane to be repute, haldin, esteemed and persewed as favourers, suppleers

Acta July 1629  
December  
1630.

Fol. 174, b.

Fol. 175, a.

Acta July 1629-  
December  
1630.  
f. 175, a.

and showers of countenance and assistance to the saids Jesuits, seminarie and messe preists, and excommunicat rebellious papists, and to be punished for the same accordinglie; and to command and charge the saids commissioners to accept this commissioun in and upon thame and faithfullie, carefullie and dewtifullie to execute the same, and to be readie at all tymes as they sall be required or advertised of the being of the saids Jesuits, seminarie and messe preists, and excommunicat rebellious Papists in anie part or place within the bounds allotted unto thame to ryse and goe forward for persute and apprehensioun of thame, as they will approve thameselffes worthie of the trust reposed in thame and will answere upon the contrarie at thair perrell."

Fo'. 175, b.

" Forsameekle as altho the ressett, supplee, and intercommoning with Jesuits, seminarie and messe preists, who by diverse Acts of Parliament wer found and declared to be profest and avowed enemeis to all Christiane governements, hes beene verie straitlie prohibite and dischargit by manie good Acts of Parliament, Conventioun and Secretit Counsell, under certane panes mentiouned and conteanit thairin, notwithstanding it is of truthe that the ressett, supplee and conforting of thir wicked and unhappie people is of lait become to be verie frequent and commoun in this kingdome, partlie upon occasioun of the bypast connivence and oversight givin to persouns offending in that kynde and partlie becaus particular commissiouns hes not beene grantit for trying and censuring of the saids ressetts; and the Lords of Secretit Counsell finding that the said ressett is the cheefe and speciall caus whairby thir Jesuits and messe preists ar encouraged to repaire to this kingdome and to take the libertie to corrupt his Majesteis subjects both in thair religioun and alledgeance, whereas if thir ressetts and starting holes wer denyed unto thame the countrie would not be so farre infected and poysouned with thair treasounable projects and insinuations; thairfoir the Lords of Secretit Counsell, according to ane Act of Parliament made in the moneth of Junij 1609 yeeres, ordains and commands all and sindrie archbishops, bishops and presbytereis within this kingdome, and with that gives and grants unto thame full power and commissioun to call and conveene before thame all and sindrie persouns, ressetters of Jesuits, seminarie and messe preists and excommunicat rebellis for Poperie and all hearers and sayers of messe, at suche dayes and tymes as they sall appoint, and for this effect to fence and hold courts and to create officers and members of court neidfull, and the persoun or persouns guiltie of the crymes abonewrittin or anie of thame to call and accuse, and to deduce and leade probation thairupoun and to take cognitioun and tryell of the same outhur by oath of partie or by witnesses; and incaise anie persoun, ressetter, being lawfullie summoned to compeir and answere upon the said ressett will notwithstanding wilfullie absent himselfe and shunne his tryell and so take the cryme upon him, that in that caise they hold him as confest; provyding alwayes that the name of the partie ressett be speciallie condescended

Charge to  
archbishops,  
bishops, and  
presbyteries to  
call before  
them and  
examine all  
ressetters of  
Papists.

upon and the ressett to have beene within the space of ane yeere; and the said tryell or probatioun being tane, that they report the same to his Majesteis Privie Counsell or Advocat to the intent the persouns guiltie may be callit to thair answer and accordinglie punished: with power lykewayes to the saids archbishops, bishops and presbytereis everie ane within thair awin bounds and office to call and conveye before thame all and sindrie persouns who aganis the tennour of the Act of Parliament made in the 1609 yeere of God refuses to communicat, and to take tryell and cognitioun of thair refusall, and if upon dew tryell it sall be found that they are non-communicants that they decerne thame in the particular fynes and panes mentiouned and prescryved in the said Act of Parliament, and that they report the processe of thair proceedings aganis the saids non-communicants to the Lords of his Majesteis Privie Counsell to the intent that the saids Lords upon consideratioun of the processe may direct letters for uplifting of the said fynes to his Majesteis use and that they may modifie the panes to be imposed upon burgesses, seing the same ar left be the Parliament to the modificatioun of the saids Lords; and recommends to the saids archbishops, bishops and presbytereis to have ane speciall care to putt this commissoun to executioun.”

No person under process for Popery to resort to the Court with petitions without license from the Council.

“ Forsameekle as diverse persouns under processe for Poperie verie frequentlie resort to his Majesteis Court and importuns his Majestie with thair petitionis, thairfor the Lords of Secreit Counsell prohibits and discharges all persons whatsoever, being under processe for Poperie, to resort or repaire to his Majesteis court without licence had and obtaned from the saids Lords to that effect, unlesse his Majestie by ane expresse warrand send for thame, under the pane to be callit, persewed, accused and punished as contemners of the directiouns of his Majesteis Counsell.”

Warrant to the judges of the circuit courts to proceed against sayers and hearers of messe.

“ Forsameekle as by expresse warrand and directioun from the Kings Majestie some circuit courts ar to be haldin in the severall shirefdomes of this kingdome in the moneth of October now approacheing by some of the Senatours of the Colledge of Justice and the Lord Cheefe Justice of this kingdome, and whereas the hearing and saying of messe is now become verie frequent and commoun within this kingdome to the great offence of God, scandall of the trew religioun and disgrace of his Majesteis government; thairfor the Lords of Secreit Counsell ordains and commands that the saids hearers and sayers of messe sall be cited and warned to the saids courts to abyde thair tryell and punishment for the saids crymes, and that the probatioun to be used aganis thame sall be by thair awin oath or by witnessis at the discretioun of the judge, according to ane Act of Counsell made to this effect, and that the punishment to be inflicted upon thame sall be by fying and confynning, conforme to ane Act of Parliament haldin at Edinburgh in the moneth

Acta July 1629.  
December  
1630.  
Fol. 175, b.

Fol. 176, a.

Acta July 1629- of December 1567 yeeres<sup>1</sup> or otherwayes according to the Act of  
 December  
 1630.  
 Counsell."

Act. 176, a. " Forsameekle as diverse petitionns have benee givin in to his Majestie and his Counsell be excommunicat persons for Poperie and who ar denounced rebellis for that caus humbelie craving ane competent allowance to be modified unto thame furth of thair estaits and living for thair interteanement abroad during thair banishment furth of his Majesteis dominions or during thair remaining in waird within this kingdome; and his Majestie having considered of thair petitionns and being carefull to reclame thame frome thair errours to the truthe, his Majestie out of his gracious bountie and clemencie toward thame and upon hope of thair tymelie reclaiming hes ordained and be this present Act, with advice of the Lords of his Privie Counsell, ordains that the rents and goods of all Papists who will not conforme thameselfes to the trew profest religioun sall be divyded in three pairts, whair of two sall whollie belong to his Majestie and sall be intrometted with and uplifted to his Majesteis use, and the thrid part his Majestie does freelie bestow upon the saids persouns, notwithstanding that by the lawes of this kingdome thair whole rents and goods doe absolutelie belong unto his Majestie. And the Lords of Secretit Counsell being carefull to understand the trew worth of the saids persouns thair estaits, living and goods, to the intent the twa pairts thair of foresaid may be intrometted with and uplifted to his Majesteis use; thairfoir the saids Lords decerns and ordains all and sindrie persouns, Papists who will not conforme thameselfes to the profest trew religioun, to give up to the saids Lords ane inventar of thair goods and rental of thair lands, with this speciall declaratioun and provisioun alwayes that they find ane responsall persoun to be answerable to the saids Lords that the inventar and rental so to be givin up and exhibite be thame ar just and trew, and if anie pairt thair of sall happin to be concealed or omitted that the portioun so concealed sall be irrecoverable lost to the persoun concealer during his non-conformitie; whairin notwithstanding, his Majesteis royall pleasure is suche as immediatelie upon thair conforming to the profest religioun, discipline and ordours of the Church, that they sall enjoy thair hail rents and goods frome the dait of thair said conversion in all tyme thairafter."

Act. 176, b. " Forsameekle as albeit the resett of Jesuits, seminarie and messe preists, hes benee oft prohibite and dischargit be the lawes of this kingdome, yitt the executioun of the saids lawes is and hes benee illudit be the wyffes of persouns repute and esteemed to be sound in religioun, who pretending misknowledge of the actiouns of thair wyffes in thir causes

<sup>1</sup> According to the Act of December, 1567, no person should "say messe nor yit heir messe nor be present thairat under the pane of confiscatioun of all thair gudes movable and unmovable and punessing of thair bodeis at the discretioun of the magistrat within quahis jurisdictioun sic personis happynis to be apprehendit for the first falt, banissing the realme for the secund, justifying to the deid for the thrid falt."—Act of Parl. of Scot., III., 36.

The property of Papists who will not conform to the true religion to be divided into three parts, of which two are to be appropriated by his Majesty, and the third to be assigned to the said Papists.

Husbands to be responsible for their wives resetting Papists.

thinkes to liberat thameselffes frome the danger of the said resett as if they wer not to answeere for thair wyffes doings, and under this coulour and pretext Jesuits and messe preists ar hoorded and fostered in diverse houssis of the kingdome and occasioun thairby offered to corrupt the childrein and servants of the saids houssis in thair religioun ; for remeid whair of it is heirby declared and ordained that the husband sall be answerable to his Majesteis Counsell and Justice of this kingdome that his wyffe being, ane profest Papist under processe for the same, sall not resett, supplee nor intercommoun with Jesuits nor preists, that he nor she sall not be served with Papists and that nane sall be admitted to thair service bot suche as have ane testimoniall frome the minister where they dwell that they ar sound in religioun, under the panes conteanit in the acts made aganis the resetters of Jesuits, seminarie and messe preists ; provyding alwayes that if she doe anie thing to the contrarie heir of the husband sall acquaint his Majesteis Counsell thairwith, whairin if he failyie he sall he lyable to the said censure.”

Acta July 1629.  
December  
1630.  
Fol. 176, b.

Fol. 177, a.

Papists in ward to be released only on condition of their conformity or of their leaving the country.

“ Forsamekle as diverse persons excommunicat and rebellis for Poperie hes beene and ar presentlie in waird for that caus and daylie importune his Majesteis Counsell for thair releefe, thairfoir it is heirby declared and ordained that no excommunicat rebellious Papist presentlie in waird or who heerafter sall be wairdit for his religioun sall be releevd out of waird, bot upon conformitie or ellis upon thair voluntarie offer of banishment out of his Majesteis dominions, unlesse his Majestie give his expresse warrand in the contrair.”

The Acts of Parliament of 1579 and 1609 anent the education of the children of Papists to be put in force.

“ Forsamekle as there hes beene diverse Acts of Parliament made in the tyme of our lait soverane Lord of blessed memorie, one thairof in the Parliament haldin at Edinburgh in the moneth of October 1579 yeeres, and the other in the Parliament haldin at Edinburgh in the moneth of Junij 1609 anent the educatioun of childrein, quhilks Acts hes beene neglected and hes not receaved executioun thir diverse yeeres bygane, so as throw neglect thairof diverse youthes, als weill the sonnes of noblemen as others, hes beene verie farre corrupted in thair religioun ; thairfoir the Lords of Secreit Counsell, the clergie and others assisting at this meeting, ordains the saids Acts of Parliament to be putt to dew executioun in all points conforme to the tennour thairof, and they recommend to the bishops and ministers to make ane report to his Majesteis Counsell of all suche noblemen and barouns childrein whois parents ar suspect in religioun and where they ar bred in suspect places.”

Charge to the Earl of Nithsdale, who is suspected in his religion, to present his son before the Council that order may be taken for his

“ Forsameekle as there hes beene diverse Acts of Parliament made be the Kings Majestie his darrest father of eternall memorie anent the religious educatioun of noblemens childrein, lykeas the Kings Majestie himselffe hes by diverse letters writtin to his Privie Counsell recommendit the same unto thame, and whereas Robert, Erle of Nithisdail, is vehementlie suspected in his religioun and that the remaining of his

Acta July 1629-  
December  
1630.  
Fol. 177, a.

some in his companie may prove verie dangerous to the youth and now education in  
in his tender yeeres infect and poyssoun him with opiniouns whairfra it the true  
will be difficill thereafter to reclame him ; thairfoir ordains letters to be religion.  
direct charging the said Erle of Nithisdail to bring, present and exhibite  
his said sone before the Lords of Privie Counsell upon the day of  
to the intent ordour and directioun may be givin for his breeding  
and educatioun in the trew religioun presentlie profest and be law  
established within this kingdome, under the pane of rebelloun and  
putting of him to the horne ; with certificatioun, etc."

Fol. 177, b.

" Forsameekle as there hes beene some Acts of Parliament made be Charge to the  
his Majesteis darrest father of blessed memorie whairby persons excom- Earl of Suther-  
municat and at the horne for Poperie and who does not trewlie professe land, Sheriff-  
the religioun now established within this kingdome ar secluded frome principal of  
bearing of anie publict office or charge within the same, as the saids Sutherland, to  
Acts, especiallie ane Act of the Parliament haldin in the moneth of remove Sir  
Junij 1609 yeeres beiris ; notwithstanding whair of it is of truthe that Alexander  
Sir Alexander Gordoun of Neatherden, ane excommunicat Papist and his Gordon of  
Majesteis rebell and at the horne for that caus, is preferred be Netherden  
Erle of Sutherland, shireff principall of Sutherland, to be his depute of from the office  
of Sheriff-  
depute on the  
ground that he  
is a proved  
Papist.  
that shirefdome, lykeas the said Sir Alexander hes most unlawfullie  
aganis the law accepted that office upon him and sitts and gives decreits  
and sentences as if he wer ane lawfull subject and judge, abusing  
thairby the place of justice and wronging his Majesteis poore subjects  
whois decreits and sentences recovered before him ar reduceable and ar  
lyke to be brought in questioun ; thairfoir the Lords of Secreit Counsell,  
with advice of the clergie and others conveened at this meeting, ordains  
letters to be direct charging the said Erle of Sutherland and his tutours  
and curatours, if he anie hes, to nominat and appoint some discreet and  
lawfull persoun of sound religioun to be his depute in the said office of  
shirefship and to debarre and seclude the said Sir Alexander from all  
forder using and exercing of that office within fyftene dayes nixt after the  
said Erle, his tutours and curatours beis chargit thairto, under the pane  
of rebelloun and putting of thame to the horne ; and if they failyie  
thairin, the said space being bypast, to denunce thame rebellis and putt  
thame to the horne ; and siclyke to command, charge and inhibite the  
said Sir Alexander that he in na wayes presooome nor take upon hand to  
exerce the said office of shireff depute at anie tyme heerafter under the  
pane to be callit, persewed and punished as ane usurper of our soverane  
Lords auctoritie ; and siclyke to command, charge and inhibite all and  
sindrie his Majesteis lieges and subjects be opin proclamatioun at all  
places neidfull that nane of thame presooome nor take upon hand to  
acknowledge or obey the said Sir Alexander as shireff depute of  
Sutherland or to give sute and presence before him or to persew or  
defend in anie actions or causes before him, certifeing thame that  
failyeis or does in the contrair that not onelie sall all the decreits and



sentences to be pronounced be him in these maters be decerned and declared to have beene and to be frome the beginning and in all tyme comming null, bot with that they sall be punished as wilfull acknowledge of ane unlawfull judge.” Acta July 1629.  
December  
1630.  
Fol. 177, b.

Charge to the Earl of Caithness and Sir Alexander Gordon, Papists at the horn, to present themselves before the Council.

“Forsameekle as George, Erle of Caithnes, and Sir Alexander Gordoun, knight, being both excommunicat Papists and denounced rebellis and at the horne for that caus, they not onelie continue under the fearefull sentence of excommunicatioun bot most contempnandlie lyes still at the horne, contemning thairby both his Majesteis auctoritie and the ordours and censures of the Kirk, to the encouragement of others to doe the lyke, thairfoir the Lords of Secret Counsell ordains letters to be direct charging the saids Erle of Caithnes and Sir Alexander Gordoun to compeir personallie before the saids Lords at ane certane day to be insert in the saids letters to answeere upon thair excommunicatioun and rebelloun and to underly suche ordour as sall be takin thereanent; with certificatioun to thame and they failyie that letters of treasoun sall be direct aganis thame for randerung of thair houssis and entering of thair persouns in waired, and that they sall thereafter be persewed with all extremitie and rigour.” Fol. 173, a.

The names of excommunicated Papists to be affixed to the Tolbooth of Edinburgh.

“The Lords of Secret Counsell ordains the names of all the excommunicat Papists givin in at this tyme in ane catalogue and roll to be affixt upon the Tolbuith of Edinburgh to the intent the Lords of Sessioun and others his Majesteis Judges and commissars upon the objectioun of a partie and inspectioun of the catalogue may refuse processe to the partie thairin conteanit.”

The Earl of Murray and Jesuits.

“The Lords ordains ane missive to be writtin to the Erle of Murrey recommending unto him the executioun of the commissiouns aganis Jesuits, seminarie and messe priests and excommunicat rebellis, within the bounds of his commissioun.”

Edinburgh merchants entrusted with the estate of the Earl of Caithness and his son, Lord Berridale, to produce the said persons before the Council.

“Forsameekle as the Lords of Secret Counsell ar surelie informed that some merchants of Edinburgh ar entrusted and possest with the estait and living of George, Erle of Caithnes, and William, Lord Berridail, his sone, with reservatioun of ane certane proportioun and pairt thairof allowed unto the said Erle and his sone for thair awin interteanement whilk they peaceable uplift at thair pleasure; and whereas they ar rebellis and at the horne at the instance of diverse his Majesteis good subjects and continewes in thair rebelloun as if they wer not subject to King, law nor justice, thairfoir the saids Lords declares and ordains that if the saids merchants who ar entrusted and possest with the estait and living of the saids Erle of Caithnes and Lord Berridail will not undertake to make thame conpeir before the saids Lords betuix and the first day of Marche nixtcome, that than ane commissioun sall be givin to the Erle of Seafort or anie uther whome his Majestie sall thinke fitt for persute of the said Erle of Caithnes and his said sone.”

Acta July 1629-  
December  
1630.  
Fol. 178, a.

"The Lords ordains and commands George, Lord Gordoun, that with all convenient and expedite diligence he send his sonnes with ane tutour, approvin by the Archbishop of St. Andrewes and his ordinar to be sound in religioun, to St. Andrewes or Cambridge, as it sall best please the said Lord, to the intent he may be there bred and brought up in the trew religioun."

George, Lord  
Gordon, and  
his sons.

"The Lords ordains all the bishops and presbytereis within this kingdome to proceid aganis all rankes and conditiouns of persouns suspect of Poperie with the censures of the Churche without exceptioun, under the panes conteanit in the Acts of Parliament."

A direction to  
bishops and  
presbyteries  
aganst persons  
suspected of  
Popery.

Fol. 178, b.

"The Lords ordains that all summounds and letters of horning to direct aganis excommunicat persouns dwelling on this syde of Dee for thair compeirance before the saids Lords sall be execute upon ten dayes warning, and aganis these benorth Dee upon fyftene dayes warning."

Anent citations  
and charges to  
be used aganis  
excommuni-  
cated Papists.

"The Lords of Secreit Counsell ordains that no letters be grantit aganis anie ministers at the instance of anie excommunicat or rebellious Papist bot upon cautiou for payment of the ministers expenses incaise he succumbe in proving of his complaint."

Anent charges  
to be directed  
aganst  
ministers at  
the instance of  
excommuni-  
cated Papists.

"The Lords of Secreit Counsell ordains and commands that all bishops nonresidents with thair famileis in thair awin dioceis sall repaire to thair saids dioceis with all convenient diligence and there remaine and attend thair charge, as they will answeare upon the contrarie at thair perrell. Followes his Majesteis missive for warrand of the Acts 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 greit yow weil. Having perused your letter with the articles yow sent us we heartilie thanke yow for your care in doing that whiche we had so earnestlie recom-mendit unto yow concerning Papists, and we will have a speciall care to see that whiche yow have thereby determined putt in executioun in so farre as it may tend to the advancement of the gospell and the good of that our ancient kingdome, and to that effect have heerewith enclosed returned yow a copie of these articles as we have approved thame, whiche after yow have reviewed of new we require yow to caus publishe in suche maner as yow sall thinke fitt, keeping the substance thairof, for we ar confident that the Prelats in that our kingdome will use all ordinarie meanes for thair conversioun, and will with moderate prudence and dis-cretioun proceid with everie one of thame according to thair qualitie, dispositioun and desert; but in this we doe remitt ourselfes unto our saids Prelats, requyring yow to give unto thame your best helpe in so farre as can be warranted by law for strenthening of thame whensoever the same sall be required; whiche we seriouslie recommend to your care and bid yow farewell. Givin at our Court at Theobalds the 21 of September 1629."

Act ordaining  
all bishops to  
reside in their  
diocesses.

Letter from  
his Majesty  
anent the  
outlawry of  
the Marquis  
of Huntly.

“ The whilk day in presence of the Lords of Secreit Counsell compeired Acta July 1629-  
December  
1630.  
personallie George, Marqueis of Huntlie, and exhibite unto the saids Lords Fol. 178, b.  
the missive letter underwrittin, 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 Fol. 179, a.  
and weilbelovit counsellours, we greete yow weil. Whereas yow wrote  
unto us of the neglect and contempt of our right trustie and weilbelovit  
cousine and counsellour, the Marqueis of Huntlie, in his charge, and of his  
rebellioun and leaving the kingdome without our licence or your know-  
ledge, for whiche we did for a long tyme restraine him frome comming  
to our Court and a long tyme frome our persoun untill in all humilitie  
acknowledging his offences he did promise to returne to yow satisfac-  
tioun ; and forasmuche as he and his sone, the Lord Gordoun, have  
resigned unto us the shireships of Innernes and Aberdeene *ad perpetuam  
remanentiam* so that they can not anie more be charged to apprehend  
rebellis and excommunicat Papists as shireffs of these shyres, and that  
the said Marqueis hath protested unto us that he wes not able to apprehend  
these persons in so short a tyme as wes prescryved unto him  
by his charge, and that he did not pas by yow in contempt  
or neglect bot of feare to offend yow if he sould have come  
at yow (being than at the horne), whairwith we being satisfied, our  
pleasure is that how soone soever the said Marqueis sall appeare before  
yow and submissivelie in your presence make the lyke declaratioun and  
acknowledgement for his neglects or contempts as here he hath done  
unto us, that then yow immediatelic give ordour for relaxing him fra the  
horne and for passing unto him or anie uther whome he sall nominat  
the gift of his awin escheit to his awin use without compositioun, or that  
yow give way to anie other speedie and lawfull course for annulling of  
the said horning ; whiche remitting unto your care we bid yow heartilie  
farewell. Frome our Court at Oatelands the 8 of August 1629. After  
the exhibitioun of the quhilk letter, the said Marqueis being removed and  
the said letter opened and read in audience of the saids Lords, and the  
said Marqueis being callit in agane he with all dew respect declared that  
his passing by his Majesteis Counsell and going to Court without licence  
proceedit not frome anie neglect of his dewtie to the Counsell bot out  
of feare he had to offend, he being his Majesteis rebell and at the horne ;  
and whereas offence may be tane aganis him for that caus he acknow-  
ledged his oversight and craved the Counsell pardon for the same ; and  
tuicheing his not exhibitioun of the persouns with whome he wes bur-  
dened he excused himselfe as not being able to doe the same within  
the terme prefixt ; quhilk declaratioun made be the said Marqueis  
being heard and considerit be the Lords and they weill advised  
thairwith, they rested satisfied with the same and they superseidit  
the granting of relaxatioun to the said Marqueis till they be forder Fol. 179, b.  
advised.”

Acta July 1629-  
December  
1630.  
Fol. 179, b.

“The quhilk day in presence of the Lords of Secreit Counsell com-<sup>Auent the same.</sup> peired personallie George, Marqueis of Huntlie, for obedience and satisfacioun of the band givin be him whairby he obleist himselfe to compeir personallie this day before the saids Lords and protested that he had satisfied that part of his said band tuicheing his compeirance before the saids Lords and that he might be fred, exonered and releevd thairof, quhilk protestatioun the saids Lords admitted.”

“The whilk day George, Marqueis of Huntlie, compeirand personallie before the Lords of Secreit Counsell, he humbelie petitioned thame that he might have licence to repaire to his awin houses in the north and to remaine there some certane space for settling of his effaires, taking compt of his chamberlans and factours, and for making provisioun of moneyes to defray ane pairt of his debts; quhilk petition being heard and considerit be the Lords and they advised thairwith, and considering the necessitie of the said Marqueis his repairing to the north for the causes abonewrittin, thairfoir the Lords of Secreit Counsell gives and grants licence to the said Marqueis of Huntlie to repaire to his awin houses in the north and to remane there for doing of his lawfull effaires without danger, notwithstanding of the command and directioun givin to him for the contrair; because the said Marqueis being personallie present promiseit, actit and obleist him to returne and to compeir personallie before the saids Lords upon the aucht day of December nixto come.”

<sup>License to the Marquis to repair to his houses in the North.</sup>

“The whilk day Robert Crichtoun exhibite unto the Lords of Privie Counsell ane missive under his Majesteis hand tuicheing the office of maisserie before the Lords of Counsell and Sessioun and preferring of him to the first place that sall fall at his Majesteis gift, by death, deprivation, dimissioun or otherwayes; quhilk being read in audience of the saids Lords and they conceaving the maters recommendit thairin and satisfacioun of his Majesteis royall pleasure thereanent to be proper to the Lords of Sessioun, thairfoir they ordaine the missive to be delyvered to the Lords of Sessioun to be considerit of be thame and tane ordour with as apperteanes. Followes the tennour of the missive abone mentioned:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greete yow weil. Whereas we wer pleased to grant the office of maisserie before the Lords of our Counsell and Sessioun whiche did vaik in our hands by death of Robert Chambers, unto Robert Crichtoun, whairof notwithstanding (as we ar credible informed) he hes beene disappointed, contrarie to our royall intentioun, now least others sould ather unseasonable importune us to have that office or least the said Robert Crichtoun sould be further prejudged of what we intended for him, our pleasure is that yow take notice of our royall intentioun heerin and if anie suche place doeth fall at our gift by death, dimissioun, deprivation or otherwayes, that yow hearken unto none

<sup>Letter from his Majesty recommending Robert Crichtoun to the first vacancy in the office of macer.</sup>

Fol. 180, a.

that would be suters unto us for the same, seing (according to our said Acta July 1629.  
first intention) we have resolved to grant the same unto him; and to December  
this effect that both yow make ane Act of Counsell and Sederunt, and 1630.  
for your so doing these presents sall be your warrand. Frome our Court Fol. 180, a.  
at Bagshote the 15 of August 1629."

Comission to  
the Sheriff,  
Provost, and  
Bailies of  
Haddington  
against persons  
suspected of  
witchcraft.

" Forsameekle as Alexander Hamiltoun, warlocke, now prisouner in  
the Tolbuith of Edinburgh, having delated Katharine Kirkcoun, Alesoun  
Carrick, Bessie Hepburne, and Margaret Mitchell in Hadintoun, Bessie  
Duncane in Walkerland, Katharine Lawder in Stobstane, Bessie Lawder  
in Nunland, Sinclare in Burnehead, and Margaret Alexander in  
Pickiltillane, to be persouns guiltie of witchcraft, and they by warrand  
and directioun frome his Majesteis Counsell being brought to the burgh  
of Edinburgh and confronted with the said Alexander Hamiltoun in  
presence of the provest and bailleis of Edinburgh, he constantlie avowed  
upon thame all his former depositions made aganis thame, as his  
depositions, tane thairupon be the saids provest and bailleis at the  
command and directioun of his Majesteis Counsell, beiris; and whereas  
it is necessar for the forder discoverie and tryell of this mater that  
there be ane more strict examinatioun tane thairin and that the saids  
persouns be of new confronted with the said Alexander, thairfoir the  
Lords of Secretit Counsell hes givin and grantit, and be the tennour  
heirof gives and grants, full power, warrand and commissioun, expresse  
bidding and charge to the shireff of Hadintoun and his deputs and to  
the provest and bailleis of Hadintoun, everie ane within thair awin  
bounds, to pas, searche, seeke and take the persouns particularlie abone-  
writtin where ever they may be apprehendit, and to bring, present and  
enter thame within the Tolbuith of Edinburgh upon their awin  
expenses, thairin to remaine until they be of new confronted with the  
said Alexander Hamiltoun and otherwayes tryed and examined be his  
Majesteis Advocate and Justice Depute, whome the saids Lords hes  
nominat and appointed to take the said tryell; charging heirby the  
shireff of Hadintoun and his deputs and the provest and bailleis of  
Hadintoun to accept this commissioun upon thame and tynouslie and  
with all convenient expeditioun to putt the same to executioun, and for  
this effect to apprehend the persouns foresaids and to bring thame heere Fol. 180, b.  
to thair warde upon thair awin charges in maner foresaid, as they will  
answere to the saids Lords upon thair obedience; charging alsua the  
provest and bailleis of Edinburgh to receive the saids persouns into  
thair Tolbuith and to keepe and deteane thame thairin upon thair awin  
expenses untill they be confronted and examined in maner foresaid, as  
they will answere upon thair obedience."

[Sederunt as recorded above.]

Holyrood  
House, 3rd  
November  
1629.

Complaint by Mr. William Cranstoun, servitor to Sir William Grahame Decreta,  
November  
1627-January  
1630.  
Fol. 259, a.

Decreta,  
November  
1627-January  
1630,  
Fol. 259, a.

of Brako, and the said Sir William and Dame Margaret Cockeburne, his spouse, for their interest, as follows:—The said Dame Margaret is liferentrix of all the lands of Horsely, *cum decimis inclusis*, and has been in possession thereof since the death of Home of Rentoun, her husband. In September last “she caused collect the cornes growing upon the saids lands togidder with the teinds thair of, being includit, as said is,” and as usual, she stacked them in her barn yards of Horsely. Thereupon John Home of Rentoun, her son, alleging that he had right to the teinds by virtue of his Majesty’s decreet between the heritors and titulars, though all lands “*cum decimis inclusis*” were specially excepted out of the submissions made to his Majesty anent the teinds and of the valuations of the same, came on September last, accompanied by John Thomsoun in Rentoun, Alexander Sparke, Alexander Broun, David Hall, and Patrick Sibber in Rentoun, Robert Broun, servitor to the Laird of Rentoun, Harie Carmichael of Edrem, and others of his tenants and servants, to her said barnyard, “kuist the whole cornes quhilks wer stacked thairin and caryed the teind thair of away with him, and thereafter went to the ground of the saids lands of Horsley and there teinded the cornes quhilks wer unled, and caused his carts ryde throw some of the cornes whilks wer not shorne and thairby spoyled and destroyed ane great pairt thair of.” The complainer having then sent the said Mr. William Cranstoun to the said Laird of Rentoun to make civil interruption to his proceedings, and he having very modestly desired him to desist, the said Laird of Rentoun “first verie opprobriouslie upbraidit the young man, and than verie despitefullie gave him sindrie straike athort the face with ane wand.” Then his said servants pursued him for his life with swords, staves and great kents, and “the said Laird lighted aff his horse, threatning to putt ane sword throw the said Mr. Williame, and thereafter kuist him to the ground upon his backe, gott upon his bellie with his knees, cutted his belt and violentlie reft his sword frome him.” Charge having been given to the said Laird of Rentoun, Robert Broun, John Thomesone, Alexander Stark [*sic*], Alexander Broun, David Hall, Patrick Sibber and Harie Carmichael, and the pursuers compearing, and also the Laird of Rentoun, but none [*sic*] of the other defenders, the Lords assoilzie the said Laird and Robert Broun, because they, being personally present and probation being referred to their oath of verity, denied the charge. The Lords ordain the remaining defenders to be denounced rebels and escheat.

Complaint by  
Mr. William  
Cranston,  
servitor to Sir  
William  
Graham of  
Braco, the said  
Sir William  
and his spouse,  
Dame Mar-  
garet Cock-  
burn, against  
John Home of  
Rentoun, her  
son, for seizing  
her teinds, and  
for assault on  
the said  
William  
Cranston.

Fol. 259, b.

“Ane missive frome his Majesty approveing a number of the articlis sett down concerning Papists and the same accordinglie ordainit to be publikt and thairafter to be prentit.”

Missive from  
his Majesty  
anent Papists.

“The quhilk day compeirit personalie the provest and baillies of Edinburgh and declairit that they wer preparit and reddie to answer to the complenaris of Leethe in ony thing thay could lay to thair charge conforme to the Act of continewatioun maid to that effect.”

of Edinburgh and  
Leith.

Sederunt,  
1625-29,  
Fol. 130, b.

John Oliphant  
to produce the  
submissions in  
his hands.

"The Lordis ordanis Mr Johne Oliphant to produce befor the saidis Sederunt, 1625-29. Fol. 181, a.  
Lordis this day aught dayis the wholl submissionis maid to his Majestie whilkis ar in his handis."

Alexander  
Maitland,  
messenger.

"The Lordis excuissis the absence and not compeirance of Alexander Maitland, messinger, in respect of his seiknes verifeid be a testimoniall, and assignis unto him the first Counsall day after the Yoole vacance for his compeirance befor the saidis Lordis to ansuer upoun his omissionis and commissionis in the executioun of his office, and ordanis the caution formarle found be him for his compeirance to stand to that day, quhairof intimatioun wes maid to James Drummond of Millanab, who produceit the testimoniall, to the intent he may acquent the said Alexander Maitland thairwith."

James Drum-  
mond of  
Millnab,  
cautioner for  
the above.

"The quhilk day James Drummond of Millanab, compeirand personalie befor the Lordis, actit himself as cautioner for Johne Maitland, messinger, that the said Johne sall compeir befor the Counsell the first Counsell day after Yoole vacance to answer upoun the abuses committit be him in the executioun of his office, under the pane of thrie hundreth merkis." Fol. 181, b.

John Ballard,  
messengor.

"The quhilk day Johnne Ballard, messinger, compeirand personalie befor the Lordis of Secreit Counsell, actit, band and oblist himself that he sall behave him self duetifullie and honestlie in the executioun of his office, under the pane of fyve hundreth merkis."

Reproof to  
Alexander  
Cunningham,  
messenger.

"The quhilk day Alexander Cunynghame, messinger, compeirand personalie befor the Lordis of Secreit Counsell, and his depositioun quhairby he hes confest the componing with partyis and summounding of numbers to the circuite courtis who were not contenit in the Porteous roll, being hard and considerit be the Lordis, thay fand that the said Alexander hes faulted in the executioun of his office and thairfoir thay ordanit him, lyke as accordinglie he actit him selfe that he sall carye and behave him self honestlie and faithfullie in his service in tyme coming, under the pane of fyve hundreth merkis."

The Commis-  
sioners for the  
Surrenders.

"The meeting of the Commissionaris for the Surrendaris continewed to the aught of Januair, and ordanis publicatioun to be maid heirof, and the subcommissionaris to be charged to gif in thair reportis that day and upoun the tent of Februar."

Alexander  
Gordon of  
Dunkintie.

"The Lordis prorogatis the protectioun grantit to Alexander Gordoun of Dunkintie till the xij of this instant at night."

Holyrood  
House, 4th  
November  
1629.

The dispute  
between Alex-  
ander Gordon  
of Dunkintie  
and Dr. Arthur  
Johnston.

[No record of Sederunt.]

Alexander Gordoun of Dunkintie and Dr. Arthur Johnstoun,<sup>1</sup> compar-  
ing personally before Sir John Hamiltoun of Magdalens, Clerk of his  
Majesty's Register, and Sir John Scot of Scottistarvet, Director of the

Decreta  
November  
1627-January  
1630.  
Fol. 259, b.

<sup>1</sup> The Dr. Arthur Johnston here mentioned was the famous scholar and rival of George Buchanan in the writing of Latin verse. He had recently been appointed physician to Charles.

Decreta,  
November  
1627—January  
1630.  
Fol. 260, a.

Chancery, both of his Majesty's Privy Council, submitted and referred the difference between them concerning the rental of the lands of New Leslie, pertaining heritably to the said Alexander Gordoun, and wadset by him to Dr. Johnstone, and all their other differences to the arbitration of the said Lords, and obliged themselves to obey their decree. (Signed) A. Gordoune of Dwenkynty; Art. Jonston; Hamiltoun, acceptis; J Scottistarvet, acceptis; M. A. Rosse, witness; M. G. Prymrois, witness.

*Sederunt*—Chancellor; Privy Seal; Wintoun; Bishop of Dunkeld; Bishop of Dumblane; Melvill; Clerk of Register; Advocate. Holyrood House, 6th November 1629.

Complaint by Dame Margaret Hamiltoun, relict of Sir James Kincaid of that ilk, James Kincaid, her son, and John Kincaid of Auchinreoch, as follows:—They have a certain place in the kirk of Campsie where they and their predecessors have been in peaceable use and possession past all memory to bury their dead, and none in the parish ever made any hindrance till now that John Hamiltoun of Baldowie, who is not a parishioner of Campsie, "at the least hes no constant nor settled dwelling in that parish, and so in effect is ane stranger there," has proposed "to big ane loft in the said kirk" for the use of some few tenants that he has within the said parish, "and no place within the kirk could content him bot that place where the compleaners hes thair buriallis." He agreed accordingly with James Blair and Stevinsoun, his servant, wrights, to set up his loft, and they accompanied by John Hamiltoun, servitor to the said Laird of Baldowie, and others, came on to the said kirk "and to that part thair of whair Christiane Leslie, lait Ladie Kincaid, wes buried, and where the Lairds of Kincaid and predecessors of the said Johne Kincaid wer ordinarilie buried thir diverse yeeres bygane; and there the persouns foresaids in contempt of the law with spais, shoos, mattockes and others instruments brought with thame for the purpose, delved the ground of the said buriall place and digged the same untill they come to the coffine of the said Christiane Leslie, whois corps wer [*sic*] greene and not as yitt corrupted nor putrifid, and with thair saids instruments most barbarouslie and unchristianelie they cutted the said coffine and inhumanelie maigled the legges, feit and others members of the said Christians deid corps whilk wes wrapped in ane seire-cloath, and sett down the stoupes of thair loft upon the said deid corps where they yitt stand, and they sett the sole of the loft so laich as none can convenientlie goe in and out under the same to heare the word." Charge having been given to the said John Hamiltoun of Baldowie, John Hamiltoun and James Blair, and the pursuers and defenders compearing, the latter pleaded that no process should be granted to the pursuers, because the matter being brought under the notice of James, Archbishop of Glasgow, he with consent

Fol. 260, b.



of parties deputed John Birsebane of Bishoptoun, Mr. Alexander Rowat, minister at Calder, and Mr. Robert Wilkie, minister at Glasgow, to go to the kirk of Campsie, and with concurrence of the minister and parishioners thereof to investigate the said complaint and report their judgment to him. Which they having done to the effect "that the seate and loft foresaid wes buildit and sett up in that same place where it wes ordained to be sett be the sessioun of the kirk of Campsie, and that the east stoupe thair of wes without the lenth of the saids buriall places, and so would not be ane hinder nor impediment to the saids persewers to burie thair dead thairin"; and the said Archbishop having at the earnest request of both parties gone personally on 1st September and satisfied himself as above, and that the loft offered no impediment to the pursuers "in hearing the word preached nor seing the minister," he then granted his decret and sentence dated 15th September last, ordaining the said loft to stand conform to the ordinance of the session of Campsie. In this decree, though the said "east stoup" is not within the limits of the said burial place, the Archbishop ordained the said John Hamiltoun of Pardowie "to fixe ane geist betweene the twa side wallis of the kirk of Campsie abone the ground thair of so farre east as possiblie he may frome the saids buriall places, and to take out of the ground of the kirk the said east stoupe whair upon the said persewers speciallie compleanned of, and to sett and fixe the said east stoupe upon the said geast, that with the greater ease the saids persewers might have accesse to thair buriall places." He also required him "to have the trap and staire of the said loft louse and not fixed," and "to have ane doore and entrie to the said loft throught the north side wall of the said kirk if he can have the libertie of the patron and parochiners of the kirk thairto." The Lords after inspecting the said decret, seeing the "acts of the sessioun" and hearing parties, assoilzie the defenders, ordaining, however, the said John Hamiltoun to conform himself to the said decret, and to use all diligence to procure an entrance as said is to his loft through the north side of the wall of the kirk. They further ordain James Kincaid of that Ilk, John Hamiltoun of Pardowie [sic], and John Kincaid of Auchinreoch to find caution each in 2000 merks to keep the peace towards one another, and not to leave Edinburgh until they do so, upon pain of horning.

Petition by Sir John Ogilvie of Craig, knight, as follows:—When, after long imprisonment in the Castle of Edinburgh, he petitioned their Lordships "in respect of his heavie diseases" to change his ward to the town, so that he might have easier access to means of cure and support, they were pleased to forward the same with their own letter to his Majesty, on whose favourable answer he was ordained to be confined to the burgh of Edinburgh in free ward. He has now been nearly a year in this imprisonment "to the appearand ruine of his aged bodie, whiche is muche altered, and his estait muche harmed" therethrough, and

Petition by Sir John Ogilvie of Craig, knight, that on account of health and the loss of his goods he may have free ward in the Castle of Edinburgh and be relieved from the two keepers who are in charge of him.

Decreta,  
November  
1627-January  
1630.  
Fol. 260, b.

Fol. 261, a.

Fol. 261 b.

Decreta,  
November  
1627-January  
1630.  
Fol. 261, b.

"seing the saids Lords out of thair awin goodnesse had suche regarde to the supplicants distresse," he humbly intreats them, "seing his diseases and debts ar so increased, to have consideratioun thair of and to grant unto him enlargement frome this incommodious imprissonment, and that he may be confynned within the town of Edinburgh in free waird the tyme of this cold winter, whairby his diseases may be recovered and that he may take order with his estait whiche with his bodie is mightelie overthrowin by this incommodious imprissonment and by his exorbitant charges heir; or otherwayes to give order and directioun during his imprissonment heir that he may be free of bestowing of interteanement and charges upon the twa men keepers appointed to attend him, whois interteanement hes beene verie chargeable unto him the tyme bygane, considdering that he hes other necessar servants of his awin who does alwayes await upon his service; and in place of these keepers he will find sufficient caution presentlie to the saids Lords to keepe his waird within the said castell of Edinburgh sure untill the tyme the saids Lords take farder deliberatioun anent him." The Lords ordain the petitioner to be kept in free ward within the said Castle and to be relieved of the entertainment of the said keepers, as he has found caution in 3000 merks not to escape. And they earnestlie recommend to the constable and keepers of the Castle to have a special care that no jesuits, papists or suspect persons resort to the petitioner while in the Castle.

Fol. 262, a.

Petition by Sir David Home of Wedderburn, as follows:—"He has ane vehement and earnest desyre to exoner himselfe of the great burden of debt that he underlyes, and to give unto his creditors all the satisfioun quhilk possible lyes in his power." He has accordingly resolved to dispone a large part of his estate, but he cannot treat with purchasers without coming to Edinburgh about the writs and for legal advice and assistance. As nobody will be prejudiced by his coming, and he "hes nothing before his eyes bot the weale of his creditours," he craves their Lordships' protection for some days, and this the Lords grant till 26th November instant.

Petition by Sir David Home of Wedderburn that he may have protection to come to Edinburgh to pay his debts.

Commissions,  
1624-30.  
Fol. 209, b.

Commission under the Signet to Sir Robert Fairlie of Braid, Mr. John Cant of St Geillgrange and Mr. William Naper of Wrichtishouses, or any two of them, as justices, to hold courts and try Annie Purdie in Newhall, who has long been suspected of witchcraft. Signed by the Chancellour, Hadingtoun, Wintoun, Melvill, Hamiltoun and St Thomas Hope.

Holyrood House, 6th November 1629.

Commission to Sir Robert Fairlie of Braid and others to try Annie Purdie for witchcraft. Similar commission.

Fol. 210, a.

Another commission to Sir George Forrester of Corstorphine and \_\_\_\_\_, for the trial of Agnes Rannick and Susanna Skaitstone in Clerkingtoun for witchcraft. Dated and signed as above.

Another commissioun to John Cranstoun of Thornedykes, Gilbert Lawder of Quhitsled, Mr. Alexander Home of St Leonards, Charles Lawder, bailie depute of Lauderdaill, and William Murrey and Charles Lawder, bailies of Lawder, to try Barbara Wod, spouse to James Lawder,

Similar commission.

burgess of Lawder, Janet Allane, spouse to John Bannatyne, burgess there, and Marion Tailzefer in Nenthorne, for witchcraft. Dated and signed as above. Commissions 1624-30. Fol. 210, a.

Similar commission.

Another commission to the Sheriff of Dumfreis and his deputes, and the provost and bailies of Dumfreis, or any three of them, to try Geillie Robsoun in Garlof for witchcraft. Dated and signed as above.

Similar commission.

Another commission to Sir John Hamiltoun of Prestoun and Robert Hamiltoun and John Hall, bailies of Prestoun, for the trial of Marion Porteous, daughter of the deceased James Porteous *alias* named Playfair, for witchcraft. Dated and signed as above.

Commission to the provost and bailies of Dumfries to try Janet Park for infanticide.

Commission under the Signet to the provost and bailies of Dumfries, as justices, to hold courts and try Janet Park in Dumfries, and her mother, who on last murdered a young infant borne by the said Janet Park in adultery to , and which they then buried in a midden. They have been apprehended and warded in the tolbooth of Dumfries. Signed as above.

Commission to the Earl Marischal and others to apprehend James Keith of Craig, who has broken ward from the Castle of Dunnottar.

Commission under the Signet to the Earl of Mairshell, Sir William Keith of Ludquhairne, Nathaniel Keith of Cocklaw, Alexander Keith of Pittindrum, Robert Keith of Quhitrig, Alexander Lindsey of Barrasse, John Barclay of Johnstoun, James Wishart of Arduthie and George Patoun of Ferraquhie, jointly and severally, to convocate the lieges in arms, and search for, apprehend and put in ward in the castle of Dunnottar James Keith of Craig, who having been apprehended by virtue of letters of caption by William, Earl of Mershell, sheriff principal of Kincardineshire, and warded in the Castle of Dunnottar, he on the 18th October last, being Sunday, "craftelie perswaded all his keepers except one Johne Hamptoun to goe that day to the sermoun, quhilk they accordingly did, and the said Johne, having according to his usual maner prepared some meate to the said James Keith, and having opened the doore of the prisoun to give the same to the said James, he in the meane tyme fiercelie sett upoun the said Johne, being ane old weakelie persoun, gave him three or four great straike on the head with ane whinger and ane great straike on the right arme and brake his left arme in twa peeces and left the poore mau for dead, and than he tooke up the keyes of the Castell, the whole people being at the kirk, and so escaped and brake waird." He thinks thereby to involve the said Earl in payment of the whole debts for which he was incarcerated, exceeding £20,000. Having been recommitted to the castle, he is to be kept there till he pay his said debts and is punished for the above assault on his keeper. Signed by the same Lords, with the addition of Ad. B. of Dumblane. Fol. 210, b. Fol. 211, a.

The general commission of teinds.

"The Lordis declairis that the continewatioun of the general commissioun sall not be extendit to particular committeis, specialie of suche as ar grantit for tryall of the valuatiouns of the heretours quhair the worth of the teynd is referrit by the titular to the oath of veritie of the heretour." <sup>1</sup>

<sup>1</sup> Here ends this volume of the Register of Sederunts.

Acta July 1629-  
December  
1630.  
Fol. 180, b.

*Sederunt*—Chancellor; Hadintoun, Privy Seal; Wintoun; Bishop of Dumblane; Lord Melvill; Clerk of Register; Advocate.

Holyrood  
House, 10th  
November  
1629. ●

“ Forsameekle as the aucht day of Januarie nixtcome and the tent day of Februarie nixt thairafter following is appointed to the subcommissioners throughout the severall presbytereis of this kingdome for reporting to the great commissioun of thair diligence and proceedings in the executioun of the charge and trust concredite unto thame anent the valuatioun of the stocke and teind of the lands within the saids presbytereis, as the Act made to this effect beiris; and the Lords of Secreit Counsell being loath to draw the noblemen, clergie and others commissioners of the great commissioun to ane unnecessar attendance thairupoun till the first dyet appointed for making of the saids reports, thairfoir the saids Lords hes appointed and appoints the nixt meeting of the great commission to be upon the said aucht day of Januar nixt, but prejudice in the meane tyme to these whome the great commissioun hes intrusted with the hearing and discussing of suche titulars who be the Acts of the commission hes undertane to referre the avail and quantitie of thair teinds to the oath of veritie of the heretours thameselfes to proceed and doe thairin according to the warrand grantit unto thame and to conveene and meit to that effect so oft as the occasioun sall present; thairfoir ordains letters to be direct to pas and make publicatioun heirof be opin proclamatioun at all places neidfull whairthrow nane pretend ignorance of the same; and to command and charge the subcommissioners of the severall presbytereis of this kingdome to compeir before the great commissioun upon the dayes particularie abonewrittin formerlie appointed unto thame for making of thair saids reports, that is to say the subcommissioners of the presbyteries of Edinburgh, Linlithgow, Dalkeith, Hadintoun, Dumbar, Ersiltoun, Melrose, Jedburgh, Kelso, Dunce, Chirnesyde, Peebles, Lanerk, Hamiltoun, Glasgow, Dumfreis, Pentpont, Lochmaben, Annand, Kirkcudbright, Wigtoun, Paisley, Irwing, Air, Bute, Argyle, Stirlin, Dumbartane, Dumblane, Perth, Dunkelden, Muthill, Dumfermelin, Kirkaldie, and Cowper of Fyfe, in St. Andrewes upon the said aucht day of Januar nixtcome, and the subcommissioners of the presbyteries of Dundie, Arbrothe, Megill, Bervie, Brechin, Aberdene, Ellem, Deir, Aufurde, Strabogie, Garioch, Kincardin oneill, Dunbennan, Turreff, Innerrawin, Fordyce, Elgine, Forresse, Innernes, Channonrie, Tayne, Sutherland and Caithnes, upon the tent day of Februarie, and to bring and produce with thame ane formall and perfyte report in writt of thair diligence and proceedings in the prosecutioun of the charge foresaid concredite unto thame, under the pane of rebelloun, etc.” with certificatioun, etc.

Proclamation  
specifying the  
times and  
places of meet-  
ing between  
the sub-com-  
missioners of  
teinds and the  
great commis-  
sion.

Fol. 181, a.

“ The whilk day the Lords of Secreit Counsell ordains and commands anent the delivery of the submissions by Mr Johne Oliphant, who wes personallie present, to deliver to Sir Mr. John Oliphant to Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, the

Thomas Hope, whole submissionns made to his Majestie be the lords of erectiounns, Acta July 1629.  
 his Majesty's patrons of kirks, titulars of the teinds, and heretours of lands out of December  
 Advocate. whilkis teinds ar payed, conteanit in ane ticket and note of receipt 1630.  
 subscribed be the said M<sup>r</sup> Johne at his receipt of the saids subcommis- Fol. 181, a.  
 sionns frome James Philp, servitour to Sir William Alexander, principall  
 Secretarie to his Majestie, the said Sir Thomas at the receipt thairof  
 fröme the said M<sup>r</sup> Johne delyvering to him his awin ticket to be  
 cancelled and destroyed; and the Lords ordains Sir Henrie Wardlaw,  
 one of his Majesteis receavers, to pay to the said M<sup>r</sup> Johne his bygane  
 fees, and als recommends to the Lords of Exchecker to caus heare the  
 said M<sup>r</sup> Johne his accompts and his charges waired and bestowed be  
 him in his Majesteis particular effaires, and after the fitting of the  
 compts to give ordour for his payment and satisfioun thairof."

[Sederunt as recorded above.]

Holyrood  
 House, 10th  
 November  
 1629.

Complaint by  
 Mary Hamil-  
 ton, Lady  
 Buttirdane,  
 against  
 Uchtred  
 M'Dougal, her  
 second  
 husband, for  
 appropriating  
 her dowry and  
 for violence  
 used towards  
 herself and  
 her children.

Complaint by Marie Hamiltoun, Lady Buttirdane, as follows:—"She,  
 being weill provydit and left be umquhill M<sup>r</sup> Robert Cockburne, her  
 husband, to ane yeerelie rent of three thousand merkes beside the pro-  
 visiou quhilk he had made to thair childrein, and she having during the  
 tyme of her wedowheid by her vertew and industrie acqyred ane  
 reasonable sowme of money, she wes unhappilie induced to ane mariage  
 with Uthrid M<sup>c</sup>Dowgall of Mondurke, who falselie pretending ane out-  
 ward shew of religioun, and of ane pious and godlie dispositioun, and  
 making manie faire promises of ane Christiane and respective behaviour  
 and dewtie to the compleaner and her childrein, he thairby abused her  
 simplicitie and to her utter wracke and undoing she wes moved to  
 accept him for her husband. And upon hope and esperance that the  
 sinceritie of his heart wes answerable to his outward shew and profes-  
 sion, the compleaner not onelie possest him with her whole estait and  
 rent, bot upon the morne after thair mariage she gave him in readie  
 moneyes three thowsand merkes, and thereafter she defrayed the whole  
 charges of thair mariage and of the said Laird of Mondurkes bryddell  
 cloths, and to this houre did never see ane pennie of ought that  
 belonged unto him. Bot shortlie after that he was possest with the  
 compleaners estait, and that she had defrayed the charges of his mariage  
 and bryddell cloathes as said is, and had filled his hand with the three  
 thousand merkes foresaid, he than began to vent his hypocrisie, quhilk  
 formerlie he had subtellie and craftelie concealed and borne up, and in  
 everie thing quhilk concerned the compleaner, her childrein, thair estait,  
 living and hous, he directlie opposed himselfe thairunto, running ane  
 contrare course to all the compleaners resolutiounns and whole endeavours,  
 tending to the wracke and ruine of the compleaner and her fatherlesse  
 childrein, urging her to lift the hail moneyes provydit to thame be thair  
 father and to fill his hands thairwith; and with that he hes verie straitlie

Decreta,  
 November  
 1627-January  
 1630.  
 Fol. 262, b.

Decreta,  
November  
1627-January  
1630.  
Fol. 262, b.

urged her to destroy ane assignatioun made be her to Rachael Cocke-burne, her youngest daughter, to the waird and mariage of her soune, quhilk she bought with her awin money. Quhilk particulars, being so farre aganis the compleaners conscience and the dewtie quhilk she ought to the memorie of her lait husband, she cannot consent nor agree thair-unto. And for this onelie caus the said Laird of Mondurke hes now entered in most violent and unnaturall courses aganis the compleaner. He hes depryved her of all government of her awin hous, and frome all credite within the same, the charge whair of he hes committed to one Agnes Ker, his servant, with ane speciall and strait directioun that she sall misknow the compleaner everie wey and not allow her so muche bread and drinke as to susteane her naturall lyffe. So that shortlie after her mariage she wes redacted to that pinching necessitie and miserie as she wes forced to borrow moneyes sometymes frome Mr. Johne Ker and sometymes frome her brother to buy foode to interteane her naturall lyffe; and when they wer overburdened with her and could not len her farther she was constrained to borrow moneyes frome the sessioun of the kirk for maintenance of her and her childrein; and he in the meane tyme raid to Galloway weill furnished with the compleaners rents, lavishlie spending at his pleasure and leaving her and her childrein destitute of all meanes and at the point of starving, protesting and avowing with manie execrable oathes to make her ane cripple and to lay her up be the wallis, and that he sould keepe that hussie abone her head in despyte of her and all her kin. And the forder to procure her greefe and displeasure he tooke frome her her whole abuilyements and cleithing that thereby he might hold her frome the kirk and participatioun of the sacraments, quhilk is the greatest greefe of all quhairwith he hes afflicted the compleaner. He hes at diverse tymes most shamefullie and inhumanelie putt hands in her persoun and struckin her with his hands and feit to the effusioun of her blood and perrell of her lyffe, and hes used the lyke violence aganis her childrein; and now at last he hes shott thame all naiked out at the yetts after manie sore straiques givin unto thame, not giving thame so muche as thair simple apparrell, so as the compleaners poore childrein wer forced to goe in begging barefooted athort the countrie, and she herselffe being shott to her yetts wes forced to go on foote frome freind to freind to seeke support and releefe, and in her necessitie she wes constrained for interteaning her naturall lyffe to borrow frome Robert Newlands ane hundreth punds, and is now reduced to that miserie that she hes no cloathes to putt on her backe nor can gett nothing of her awin estait and living to interteane her naturall lyffe. Manie moe violent and unnaturall outrages hes the said Laird of Mondurke committed aganis the compleaner quhilk she sall sufficientlie verifie and prove" before their Lordships. Charge having been given to the said Laird of Mondurk, and he and the pursuer both compearing, and witnesses being

Fol. 263, a.

Fol. 263, b.

produced and examined, the Lords found so much of the complaint proved that it is "verie necessar and expedient" there be a separation for twelve months, and they ordain the defender to pay her the sum of 800 merks, one half at the approaching Martinmas and the other at Whitsunday thereafter for her aliment, and to deliver to her "her abuyements and cleithing"; and both to appear before their Lordships on the first Council day of November next for further direction herein.

Decreta,  
November  
1627-January  
1630.  
Fol. 263, b.

Complaint by Bessie Thomson, spouse to Alexander Watson, messenger in Aberdeen, and others, against George Wilson in Aberdeen, for hamesucken and assault.

Complaint by Bessie Thomesoun, spouse to Alexander Watsoun, messenger in Aberdein, the said Alexander for his interest, and Jean Falconer, their servant, as follows:—On October last George Wilsoun, son to Abraham Wilsoun in Aberdein, came by way of hamesucken under cloud and silence of night to their dwelling house in Aberdein, entered the same, and "lyke ane mad man ranne up and doun the hous, brake the wheeles, stooles, furmes and uther furniture and plenishing within the hous, and abused the whole wort of twa bollis malt, and the said Jeane Falconner, preassing to stay him, he than in a furious maner patt violent hands in her persoun, slang her to the ground, and with his hands and feit verie barbarouslie punsed her to the effusioun of her blood; and the said Bessie Thomesoun, hearing ane great din within the hous and comming to see what the mater meant, the said George Wilsoun as she drew neere to him fiercelie ranne upon her, tooke her be the waist and slang her with her whole weight to the ground, threw about her right arme and brake the same at the checkell bone, whairthrow not onelie hes she remained under the cure of chirurgians as she does yitt to her great hurt and prejudice, bot she is lyke appeirandlie to losse all power of her said right arme for ever." Charge having been given to the said George Wilsoun, and also to George Broun, John Laisk, Thomas Dempster, Andrew Aquharche, William Chrystie, Walter Donaldsoun, and David Donald, all in Aberdein, as witnesses, and the said Alexander Watsoun appearing for the pursuers, but neither defender nor witnesses compearing, the Lords ordain them to be put to the horn and escheat.

Fol. 264, a.

Holyrood House, 12th November 1629.

*Sederunt*—Chancellor; Privy Seal; Wintoun; Melvill; Clerk of Register; Advocate.

Acta July 1629.  
December 1630.  
Fol. 181, a.

Anent a missive produced by the town of Edinburgh.

"The whilk day the provest and bailleis of Edinburgh compeirand personallie before the Lords of Privie Counsell, they produced ane missive letter direct from his Majestie to the Lords concerning the differences betuix the said burgh and the compleaners of Leith. The Lords continewes the answering and advisement of the said letter till Tuisday nixt that a more frequent number of the Counsell be conveened; of the whilk continewatioun the provest and bailleis of Edinburgh, being personallie present, and Johne Kells, James Johnestoun, William Phin and William Mathesone, for thameselffes and in name of the remanent compleaners of Leith, ar warned *apud acta*."

Acta July 1629-  
December  
1630.

Fol. 181, a.

Fol. 181, b.

“The Lords of Secreit Counsell gives warrand and commissioun be Commission to  
thir presents to the bishop of Dumblane, to his Majesteis Advocat, and the Bishop of  
to the Justice Depute, or anie twa of thame, to examine Johne Hog and others to try  
Margaret Nicolsone, his spous, upon thair guiltines of the cryme of John Hog and  
witchecraft, with power to confront thame with others who can give Margaret  
best evidence, and after tryell to committ thame to warde or otherways Nicolson for  
to suffer thame to depart home upon caution to answer before his witchcraft.  
Majesteis Counsell when they sall be lawfullie charged to that effect.”

“Forsameekle as the Lords of Secreit Counsell ar surelie informed that Charge to  
Margaret Maxwell, spous to Nicoll Thomesone, and Jean Thomesone, her Margaret  
daughter, spous to umquhill Edward Hamiltoun in Dumfries, procured the Maxwell,  
destruction and death of the said umquhill Edward by the devilish and spouse of  
detestable practise of witchecraft, lykeas there is manie pregnant pre- Nicol Thom-  
sumptiouns and suspicious both of thair knowledge and practise of that son, and Jean  
unhappie and devilish trade, quhilk being a mater most offensive unto Thomson, her  
God, scandalous to religioun, and most dangerous to his Majesteis good daughter, to  
subjects if they sall be suffered to goe on without controlment in thair appear before  
sorcereis and wicked practises and if cognitioun and examinatioun be the Council to  
not tane thairin for cleering of the truthe and purging of the countrie answer to the  
of thair scandalous practises; thairfoir the saids Lords ordains letters to charge of  
be direct charging the saids Margaret Maxwell and Jeane Thomesone to causing the  
compeir personallie before the saids Lords upon the death of  
to the intent ordour and directioun may be givin for thair examinatioun Edward  
as accords, under the pane of rebelloun, &c., with certification, &c.” Hamilton,  
husband of the  
said Jean  
Thomson.

“Forsameekle as Doctour Peter Bruce, Principall of Sanct Leonards Charge to Dr.  
Collidge, being by the voices of the electours chosin and declaired to be Peter Bruce,  
Rectour of the universitie of St. Andrewes for a yeere, he upon some Principal of  
interveneing occasiouns refused to accept the charge upon him sua that the University  
the said universitie hes beene destitute of thair cheefe magistrat since of St Andrews,  
that tyme, whairupon manie inconveniencies hes fallin out and greater to accept the  
ar likelie to ensew to the disturbance of the peace of the said universitie office of  
without remeid be provydit, thairfoir the Lords of Secreit Counsell Rector of the  
ordains letters to be direct charging the said Doctour Peter Bruce to said Univer-  
accept the said office and charge of Rectour, and to attend and execute sity, to which  
the same accordinglie within three dayes nixt after he be chargit thairto, he has been  
under the pane of rebelloun and putting of him to the horne, or ellis elected and  
that he compeir personallie before the Lords of Secreit Counsell upon which he has  
the day of and show a reasonable caus why the same sould not hitherto  
be done; with certificatioun to him and he failyie letters sall be direct refused.  
charging him *simpliciter* to the effect foresaid.”

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 264, b.

Complaint by Alexander Gilchryst, locksmith in Torbreckie, as follows:  
—Thomas Broun, locksmith, burgess of Edinburgh, late deacon of the

Holyrood  
House, 12th  
November  
1629.  
Complaint by  
Alexander



Gilchryst,  
locksmith in  
Torbreckie,  
against  
Thomas Broun,  
late deacon of  
the hammer-  
men, for  
destroying  
certain of his  
goods, which,  
however, are  
proved to have  
been of  
unsound work-  
manship.

hammermen, having without any warrant or authority of Act of Parlia-  
ment or statute of burgh, come to the market of Edinburgh and on  
several occasions within the last two years forcibly taken from the  
complainer seven locks and seven keys, he cited him before their Lord-  
ships, and they ordained him and his associates to desist from troubling  
the complainer while selling his wares and merchandise in open market  
on market days, and to restore to him the goods taken. This they have  
not done; but the said Thomas Broun, with some of his associates, came  
on Monday the 2nd instant to the open market, there being a free  
public fair proclaimed wherein all strangers are free, and without any  
authority "putt all the compleaners lockes asunder, and brake and  
spoyled the same and als bereft him of twa yrne cruikes and certane  
others his goods," and he daily disturbs him when at the said market.  
Charge having been given to the said Thomas Broun, and both pursuer  
and defender compearing on 10th November, the latter declared "that the  
lockes and other geir b[r]ought be the said Alexander Gilchryst to the  
mercatt of Edinburgh wes verie false and insufficient worke and wes not  
worthie to be putt in worke, seing the lockes might be easilie shott and  
opened with ane yrne; and that if suche lockes wer suffered and allowed  
to be sauld, none of his Majesteis lieges who buyes the same could be  
assured of anie of thair commoditeis and goods within the houses or  
loomes locked with these lockes." To satisfy themselves of the truth of  
this the Lords ordained William Rid, bailie of Edinburgh, who was  
present, to submit the lockes taken from the complainer by the defender  
to the judgment of four indifferent men, sworn to deal truly therewith,  
and the pursuer having named Gavin Pollock, smith in the Water of  
Leith, and John Rid, smith in the Cannogait, and the said bailie having  
promised to make choice of the other two, the Lords ordained the  
bailie to report this day. Parties being called and the defender com-  
pearing with the deacon and some others of the hammermen of Edin-  
burgh, and the pursuer not compearing, the said William Rid, who was  
also present, reported that the hammermen had named Thomas Broun,  
elder, master smith to his Majesty, and William Duncane, smith, for the  
said trial, and all four smiths being sworn, and having "narrowlie sighted  
and tryed the sax lockes tane be the saids hammermen fra the said  
Alexander Gilchryst, they all in one voice upon thair solemne oath and  
conscience declared and testified that the saids whole sax lockes and a  
littill pair of cruikes tane fra the said Alexander Gilchryst wer  
insufficient worke and not worthie to serve his Majesteis lieges," an  
instrument being made thereon by David Gibsoun, notary. The Lords  
accordingly ordain the bailies of Edinburgh to cause these locks to be  
broken, so that none of the lieges be abused therewith in future; as also  
"to take tryell if the said Alexander sall at anie tyme heerafter present  
anie disloyall and insufficient worke" to their markets, and after trial of  
the same to destroy such work, and imprison Gilchrist till their Lordships  
determine his punishment.

Decreta,  
November  
1627-January  
1630.  
Fol. 264, b.

Fol. 265, a.

Fol. 265, b.

Complaint by Robert Mercer, messenger, as follows :—On 15th October last William Gordon of Knockaspeck, finding him in the tolbooth of Aberdein acting as one of the officers of the circuit courts then being held there, desired him to go before the commissioners of the said courts, which when he had done, Gordon craved of them that they would commit the complainer to ward for not paying his Majesty's taxations with which he had intromitted. The complainer replied that as his Majesty's free liege he could not be thus warded, there being no decree nor sentence against him, and that he was ready to account for his said intromissions, when it would be found he was little or nothing addebted to the said sheriff depute. The commissioners therefore refused the request, whereupon the sheriff depute at his own hand without further process caused commit him to ward in the tolbooth of Aberdein, and refuses to release him though he has offered to find caution for payment of whatever of the said taxations may be due by him. Charge having been given to Gordon to compear and produce the complainer, pursuer compeared by Patrick Rankein, servitor to Mr. James Baird, advocate, who produced a bond by William Seatoun, elder of Disblair, dated at Aberdein, 7th November instant, as cautioner for the compearance before their Lordships of the said Robert Mercer whenever lawfully charged by William Gordoun, fiar of Knockaspeck, sheriff depute of Aberdein, and to pay whatever he may be found liable in. The defender compeared by John Gordoun of Buckie, his procurator, who stated that the pursuer being intrusted by the sheriff principal of Aberdein and his said depute with the collection of a part of the taxation of the shire of Aberdein, and having uplifted a great part thereof, he refused to account for it, and was therefore committed to ward. The Lords, in respect of the foresaid bond, ordain the provost and bailies of Aberdein to liberate the pursuer on finding new caution to them by bond containing a clause of registration in the books of Secret Councill that he will compear before their Lordships on 10th December next, and in the mean time attend and pass with the said William Gordoun, late sheriff depute, as often as required and assist him in the discovery and inbringing of the rest of the taxation of the said shire under the penalty of paying the whole of the taxation alleged to have been uplifted by him, extending to over £3000. This bond is to be transmitted to their Lordships by the said 10th of December so that execution may pass upon it if it be violated.

“ Ane missive to his Majestie in favouris of M<sup>r</sup> Nathannaell Uddart anent the Grenland fisheing.” Nathaniel Uddart.

“ After our verie heartilie commendatiouns to your good lordship. We ar informed of some trouble fallin out of lait betuix Johne Stewart of Innerkinnachin and his brother, on the ane pairt, and Angus M<sup>c</sup>Doull V<sup>c</sup>Inneis V<sup>c</sup>Eane and Donald M<sup>c</sup>Doull V<sup>c</sup>Inneis Yair, his brother, with their complices, on the other pairt, quho having accidentedlie [*sic*] rancountered in the Month of Atholl and thir Glencoe men having with them eight

Complaint by Robert Mercer, messenger, against William Gordon of Knockaspeck, for illegal warding.

Holyrood House, 12th November 1629.

Letter to Lord Lorne anent a quarrel in Glencoe.

Secreta,  
November  
27. January  
630.  
fol. 265, b.

Fol. 266, a.

Fol. 266, b.

Sederunts,  
November  
1629. January  
1635.  
Fol. 1, b.

Royal Letters,  
1629-32.  
Fol. 172, b.

stollin hors and meirs with some houshold stuffe and plenishing and being demandit be the said Johne Stewart in a peaceable maner quho they wer and frome whence they come they wer answered be thir lymmers with sharpe weapouns and cruellie persewed of thair lyffes; and, the gentlemen standing to thair just and necessar defence, it happened that the said Donnald wes deservedlie killed and the said Angus tane prisouner, who after his taking seized upon and drew furth the said Johne his awin durke and gave him ten bloodie wounds thairwith on his bodie; and not content thairwith the said Angus his freinds ar so incensed for the miscariage and event of this bussines as they have resolved upon ane violent and cruell revenge and to prosecute his Majesteis lawbyding subjects with fyre and sword, to the breake of his Majesteis peace and disturbance of that pairt of the countrie; and quhereas thir Glencoe men ar your lordships men and followers and suche as your lordship must answer for be the lawes of the countrie, they being under your obedience and commandement, it wes thairfoir resolved at the Counsell table that this mater sould be recommendit unto your lordship as the onelie persoun quho is answerable by law, and quho besides is armed with power and force to reteane thir people under his Majesteis obedience and to restreane and suppress all thair insolent and violent resolutiouns; and thairfoir these ar to requeist and desire your good lordship to have ane speciall care of this bussines that thir gentlemen be protected frome wrong, and his Majesteis peace and the quyet of the countrie secured; quhairin nothing doubting of your lordships diligence and care we committ your lordship to God. Frome Halyruidhous the twelffe day of November 1629. *Subscritur*, Geo. Cancell., Hadintoun, Melvill, Ad. B. of Dumblane, Hamiltoun, S<sup>r</sup> Thomas Hope.”

Holyrood House, 12th November 1629.  
Letter to the Archbishop of St. Andrews anent the refusal of Dr. Peter Bruce to accept the rectorship of the University of St. Andrews. See ante, p. 345.

“After our verie heartilie commendatiouns to your good lordship. Complaint being made unto us be the maisters and regents of the Universitie of St. Andrewes that Doctour Peter Bruce, being by the voices of all the electours chosin and declared to be Rectour of that Universitie for ane yeere, he hes refused to accept the charge upon him, disappoining thairby the Universitie of thair cheefe magistrat, quhairupoun manie inconveniences hes fallin out and greater lyke to ensew to the disturbance of the publict peace of the said Universitie. This mater and the consequences thairof being heard and debated at the Counsell table and your lordships interesse in this bussines as Chancellor of the Universitie being considered, it wes thought meit that thir enclosed letters sould be directed aganis the said Doctour Peter Bruce and that the executioun thairof sould be remitted to your lordships directioun to be execute as your lordship sould find the necessitie of the caus to require; and thairfoir these ar to requeist and desire your good lordship to consider of this mater, and as your lordship sall find the necessitie to require that your lordship will be pleased to caus execute thir letters to ane certane day,

Royal Letters,  
1623-32.  
Fol. 172, b.

Fol. 173, a.

**Royal Letters,** and in caise of the said Doctour his dissobedience that yow returne the letters with thair executiouns to the intent further processe may be granted thairupon ; and so with the remembrance of our best affectiouns, committing your lordship to the protectioun of God, we rest. Haly-rudhous, 12 Novembris 1629. *Subscribitur,* Geo. Cancell., Hadintoun, Melvill, S<sup>r</sup> Thomas Hope.”

**Acta July 1629-  
December  
1630.**  
Fol. 181, b.

*Sederunt*—Chancellor ; Privy Seal ; Wintoun ; Linlithgow ; Seafort ; Holyrood House, 17th November 1629.  
Melvill ; Bishop of Dumblane ; Master of Elphinstoun ; Clerk of Register ; Advocate ; Sir John Scot.

Fol. 182, a.

“ The whilk day in presence of the Lords of Secreit Counsell compeired personallie David Aikinheid, provest, with the bailleis and some of the counsell of Edinburgh, and they being demanded upon the first point and member of his Majesteis letter directed to the saids Lords and produced be thame upon the twelffe of this instant tuicheing the wrongs and contempts done be the inhabitants of Leith aganis the magistrats of Edinburgh and Leith, and if they had anie complaint to give in aganis the saids inhabitants of Leith for that purpose, they declared that when the occasioun presented they sould acquaint the saids Lords with thair complaints, and that they sould follow out the same accordinglie ; quhilk answere being heard and considerit be the saids Lords they rested satisfied thairwith ; and tuicheing the remanent members of the letter, to witt, tuicheing the repressing of all forder commotiouns, contempts and disordours of the saids inhabitants of Leith and preventing of the lyke in tyme comming and ratifeing the laughfull proceedings of the magistrats of Edinburgh in censuring of the saids disordours, the Lords will obey his Majesteis command upon the complaint of parteis, the toun of Edinburgh condescending in particular upon the wrongs done be the toun of Leith and censured be thame in a legall and ordourlie maner.”

“ The whilk day in presence of the Lords of Secreit Counsell compeired 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 missive letter underwrittin signed be the Kings majestie and directed unto the saids Lords, and desyred the same letter to be insert and registrat in the bookes of Secreit Counsell, and that ane Act of Counsell sould be made thairupon conforme to his Majesteis directioun mentiouned in the said letter ; quhilk desire being heard and considerit be the saids Lords and they having lykewayes read, heard and considerit the missive letter foresaid and being thairwith weill advised, the saids Lords hes ordained and ordains the said letter to be inacted and registrat in the saids bookes of Secreit Counsell *ad futuram rei memoriam* ; of the quhilk letter the tennour followes :—CHARLES R. Right trustie and right weilbelovit cousine and counsellours, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greeete

Anent a dispute between Leith and Edinburgh.

Letter from his Majesty anent the dispute between Edinburgh and Leith.

yow weill. Whereas we ar informed of diverse contempts and dis-  
 ordours committed by some of the inhabitants of Leith aganis the magis-  
 trats of our burgh of Edinburgh, our pleasure is that yow try the estate  
 thair of, and if yow find that these commotiouns have proceedit upon anie  
 seditious humour without anie just caus of offence givin thame that you  
 repress the same as is most meit for reforming thair of and preventing  
 the lyke heerafter, assisting our said burgh by your authoritie in seing  
 this or anie other contempt offered unto thame dewlie punished, and  
 ratifeing what they have done or heerafter sall lawfullie doe for censur-  
 ing and punishing of anie offenders, that our royall auctoritie in thair  
 executing our service be not contemned nor seditious persouns suffered to  
 committ suche abuses heerafter; and for avoiding anie further unneces-  
 sarie questiouns that may arise betweene our said burgh and the saids  
 inhabitants our further pleasure is that yow grant no summounds whiche  
 may concerne thame at the instance of anie persoun who hath not ane  
 particular interest; and where there is anie questioun aganis our said  
 burgh whiche alreadie hath bene tryed by yow, we will that no further  
 proceeding be had thairin, bot what hath bene alreadie decreed by yow  
 may stand. And as tuicheing that petition exhibited unto us in name of  
 the inhabitants of Leith referred by us unto yow, becaus the tryell thair-  
 of dependeth upon the infetments of our said burgh and upon produc-  
 tioun of the same and of others thair rights, whiche is to be decyded by  
 our Colledge of Justice as the competent judge, we will yow to remit  
 the same and tryell thair of with all others civill actionis intended or to  
 be intended before you aganis thame ather tuicheing the productioun of  
 thair rights or the interpretatioun thair of to our said Colledge of Justice,  
 and that yow make ane Act of Counsell thair upon; all whiche  
 recommending to your care we bid yow fareweill. Frome our honnour  
 at Hampton Court the 17 day of October 1629.”

Acta July 1629.  
 December  
 1630.  
 Fol. 182, a.

Fol. 182, b.

[Sederunt as recorded above.]

Holyrood  
 House, 17th  
 November  
 1629.

Complaint by  
 John Auld,  
 portioner of  
 Balmichael,  
 against Wil-  
 liam Young in  
 Summerhouse  
 and others for  
 maltreating his  
 cattle and  
 taking posses-  
 sion of his  
 lands.

Complaint by John Auld, portioner of Balmitchel, as follows:—Though  
 the “hogging and gorryng of oxin” is strictly prohibited by law, yet on  
 October last William Young in Summerhouse, James Young, his  
 brother, and James Young, his servant, armed with swords, lances,  
 bandit staves and other weapons came to the lands of Balmitchell while  
 the complainer and his servants were ploughing, pursued and wounded  
 them to the effusion of blood, and forced them to flee for safety of their  
 lives. When, shortly afterwards, the complainer and his servants  
 resumed their tilling, the said persons, hearing thereof, made a fresh  
 assault, and forced them again to leave their plough and the horses and  
 oxen therein, whereupon they “hogged and gorred the oxin, cruellie  
 cutted their rig backes and gave them diverse wounds in others parts  
 of their bodeis, and cutted the rumpill frome one of the hors.” They

Decreta,  
 November  
 1627–January  
 1630.  
 Fol. 266, b.

also cut the plough. Further, the said persons with convocation of the lieges in arms to the number of twenty-five came on October last to the said lands, where the said William Young's lands and the complainer's "ly rinrig throw other, and there at his awin hand without forme or order of law mett and divydit the saids lands and hes takin in ane great portioun of the compleaners lands fra the quhilk he intends be plane deid, bangsterie and oppressioun, to debarre and seclude him and to appropriat the same to himselfe." Charge having been given to the persons named, and the pursuer compearing, and also William Young for himself and his brother, who was excused under a testimonial from Mr. John Dryisdail, minister of Slamannan, bearing that the said James Young had been heavily diseased for a month past and was unable to travel; and the said James Young, called the piper, not compearing, witnesses were heard, who failed to prove anything against William Young, but verified the wounding and hurting of the oxen against James Young the piper. The Lords therefore assoilzie William Young, and ordain the said James Young the piper to be charged to enter in ward in the tolbooth of Edinburgh within six days on pain of rebellion. They further ordain William Young and John Auld to find lawsurety in the books of Secret Council to each other under the penalty of 500 merks.

Decreta,  
November  
1627-January  
1630.

Fol. 267, a.

Commissions,  
1624-30.  
Fol. 211, a.

Fines, 1614-31.  
Fol. 131, b.

Fol. 132, a.

Commission under the Signet to Mr. Robert Cas, apparent of Fordell, Holyrood House, 17th November 1629.  
Mr. Patrick Edmiston of Schanke and John Monteith of Harviestoun, November 1629.  
or any two of them, Mr. Robert Cas being one, as justices, to hold Commission to Mr. Robert Cas and others to try Thomas Watson in Esperstoun for witchcraft.  
courts and try Thomas Watsoun in Esperstoun, who has been long suspected of witchcraft. Signed by Geo. Cancell, Hadintoun, Wintoun, Linlithgow, Seafort, Melvill, Hamiltoun, and Scottistarvett.  
Complaint by Sir Thomas Hope of Craighall, King's Advocate, Holyrood House, 17th November 1629.  
Andrew Johnestoun, younger of Lokerbie, George Johnestoun, his brother, William Beatie, his servant, William Beatie, younger, in Lokerbie, and Archibald Johnestoun in Blackefurde, as follows:—Though the wearing of hagbuts and pistols and convocation of the lieges in arms are strictly prohibited, yet Edward Maxwell, brother to Lord Hereis, John Broun of Molens, James Jardane, Andrew M<sup>c</sup>Gowne, Mark Gledstains, John and Thomas Irwings, John Johnestoun, James Rae, Robert Chirrie, Robert M<sup>c</sup>Clellane, James Foster and William Thomesoun, servants to the Master of Hereis, all armed with jacks, steelbonnets, platesleeves, lances, spears, staves, swords, whingers, the forbidden hagbuts and pistols, and other weapons, came on 21st September last at the instigation of the Master of Hereis to the lands of belonging to the Earl of Annerdail, where the said Andrew, George, Archibald and William Johnestoun, and William Beatie were, and hurt them with swords and whingers on their heads, legs and other places, and discharging their hagbuts and pistols "shott the said Archibald Johnestoun thairwith twise throw the left arme, and shott the said William Johnestoun in at the knee, and the said George Johnestoun in

Holyrood House, 17th November 1629.  
Commission to Mr. Robert Cas and others to try Thomas Watson in Esperstoun for witchcraft.  
Holyrood House, 17th November 1629.  
Complaint by Andrew Johnestoun, younger of Lokerbie, and others against Edward Maxwell, brother of Lord Herries, and others, for assault.

at the left side where the bullet stacke in his ribs, and mutilat him with ane sword on the left thumb, and shott the said Androw Johnestoun alongs the ribs with ane pistolet and woundit him on the right arme, and chaist the said William Beatie a great way off persewing him with drawin swords and bedit pistólls, so that he wes forced to take him to the water of Annand for saulfetie of his lyffe where they kept him untill he wes almost drowned." Charge having been given to the persons named, and the pursuers compearing, and also the defenders, together with the Master of Hereis who desired to be tried and cleared of that point of the complaint which concerned him, and probation being referred to witnesses, the Lords find the said Edward Maxwell, John Broun of Molens, James Jardane and Andrew M<sup>c</sup>Gowne guilty of wearing pistols the time libelled, and that John Broun and Andrew M<sup>c</sup>Gowne shot their pistols among the pursuers, for which they commit John Broun, James Jardane, and Andrew M<sup>c</sup>Gowne to ward in the tolbooth of Edinburgh till their Lordships release them, and further ordain John Broun to pay £40, and Edward Maxwell, James Jardane and Andrew M<sup>c</sup>Gowne, each 40 merks to the Treasurer, Depute Treasurer and Receiver of his Majesty's rents as a fine, and not to leave Edinburgh till the same be paid upon their peril. The Lords assoilzie the Master of Hereis and the remanent defenders, because probation in the case of Robert Chirrie being referred to the pursuer's witnesses, these proved nothing against him, and in the case of the others probation being referred to the defenders' oaths of verity they denied the charge, the Master of Hereis declaring on his oath that he gave no direction to the defenders to invade the pursuers or harm them, and that he had no intention nor purpose against the pursuers save only the execution of a precept of pointing he had recovered against them in a legal and orderly way. Further the Lords ordain the Master of Hereis, John Broun, James Jardane and Andrew M<sup>c</sup>Gowne, on the one part, and Andrew Johnstoune, younger of Lockerbie, George Johnestoun, his brother, William Johnestoun in Lockerbie, Archibald Johnestoun in Blackefurde, Hercules Johnestoun, son to William Johnestoun in Ginmenby, and Cuthbert Johnestoun, son to the said Archibald, on the other part, to find law surety to each other, the Master of Hereis in 3000 merks, and each of the others in 1000 merks, and none of them to leave Edinburgh till this be done. They also ordain letters to be directed for putting Mark Gledstains to the horn.

Holyrood  
House, 19th  
November  
1629.

*Sederunt*—Chancellor; Privy Seal, Linlithgow; Wintoun; Sea-  
fort; Dumblane; Melvill; Clerk Register; Advocate; Sir  
John Scot.

Acta July 1629.  
December  
1630.  
Fol. 182, b.

Letter from his Majesty anent Archibald Tod, personallie Alexander, Erle of Linlithgow, and gave in the missive letter

Acta July 1629-  
December  
1630.  
Fol. 182, b.

underwrittin signed be the Kings Majestie and directed to the saids water-baillie in Leith, who is accused of insolent conduct towards the Earl of Linlithgow, High Admiral. See Index to Vol. II. (Second series.)  
Lords desyring the same to be insert and registrat in the bookes of Secreit Counsell thairin to remane *ad futuram rei memoriam*, quhilk desyre the saids Lords finding reasonable they have thairfoir ordained and ordains the said missive to be insert and registrat in the saids bookes of Secreit Counsell; of the whilk missive the tennour followes :—

CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Whereas we ar credible informed that yow have found Archibald Tod, late water baillie of Leith, culpable of undewtifull and churlish behaviour towards our right trustie and weilbelovit cousine and counsellour, the Erle of Linlithgow, our Admirall of that our kingdome, for whiche yow did justlie committ him to our Castell of Edinborrow, and being also informed how prejudiciall the said Archibald Tod his said misbehaviour hath proved unto us by his being the caus of the hurt or wracke of one of our shippes whiche our said Admirall in performance of the dewtie of his place caused bring neere unto the bulwarke of Leith to be repaired untill he wes in presence of ane great multitude in opin midday stubbornelie and contumeliouslie impedit by the said Archibald Tod, after he wes by our said Admirall commanded and required in our name to give way to the inbringing of our said shippe, the refusall quhairof we conceave and take to be ane contempt done unto our selffe and a slighting of our royall authoritie; our pleasure thairfore is, and we doe heirby will and require yow to take the saids offences into your serious consideratioun and as yow have found or upon dew examinatioun sall finde his cariage and guiltines thairin or his contempt of our authoritie, or the said Erle his informatioun to be trew, to severelie punishe and fyne him according to the merits of his offences, to the exemple and deterring of others frome incurring and committing the lyke contempts and offences heerafter; and we sall esteeme the same as good and acceptable service done unto us; and so we bid yow heartilie farewell. Frome our Court at Greenewiche the 11 day of May 1629.”

“ Forsameekle as the Lords of Secreit Counsell ar informed that there is great infectioun of the contagious sicknesse of the pest within the countreis of Orkney and Zetland and within the toun of Burdeaux and parts thairabout, where the subjects of this kingdome hes ane frequent addresse and resort, and it is to be feared that the intercourse of trade and interchange of commoditeis betuix the saids countreis sall draw with it dangerous effects and consequences to the hurt of this kingdome if suche ordinarie meanes be not used as by Gods assistance may stay and hinder that contagious infectioun to take anie spreading heir, thairfoir the saids Lords ordains letters to be direct charging the provests and bailleis of all the burrowes and touns on both sides of the rivers of

Vessels from Orkney, Shetland, and Bordeaux to be examined, as the pest prevails in these places.

Fol. 183, a.



Forth and Tay and of all other touns and burrowes upon the sea coast within this kingdome that they and everie ane of thame, within thair severall bounds and offices, have a special care and that they advert and caus diligent attendance be givin when anie shippes or barks sall happin to arryve frome Burdeaux, Orkney and Zetland, towards thair touns or ports, and that they suffer nane of the companie and equippage of the saids shippes and barks to come on land nor nane of the goods being thairin to be lost [loosed] till they abyde convenient tryell, and that it be found and seene that they ar free and cleane of the said infectioun, as the saids provests and bailleis will testifie thair affectioun to the weale and preservatioun of thair bounds, and will answere upon the contrarie at thair perrell.”

Acta July 1629  
December  
1630.  
Fol. 183, a.

Charge to all  
beggars from  
Ireland to  
quit the  
country four-  
teen days after  
the proclama-  
tion has been  
made.

“Forsameekle as the Lords of Secreit Counsell ar informed that great numbers of strong and sturdie Yrish beggars ar sent frome Ireland in severall companeis towards this kingdome and they goe in troupes throw the countrie, and not contenting thameselffes with the benevolence and charitie of the people whilk is frelie offered unto thame they extort almous, and where they perceave they can be maisters they committ sindrie insolenceis upon his Majesteis good subjects who ar not able to withstand thame, and with that the native poore of the countrie ar prejudged of thair almous by the scafferie and oppressioun of thir sturdie beggars, who ar ane heavie and unsupportable burdein to the countrie; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids strong and sturdie Yrish beggars be opin proclamatoun at all places neidfull that they and everie ane of thame depart furth of this kingdome within fourtene dayes nixt after the publicatioun heirof at the mercat croces of the shyres where they make thair abode, and that they on no wayes presooome to returne backe to this kingdome under the pane of death; and siclyke to command all landislords upon whois ground and within whois bounds thir Yrish beggars remaines to take and apprehend thame and to caus embarke and transport thame furth of this kingdome; anent the doing whairfoir thir presents sall be unto the saids landislords ane sufficient warrand and commissioun, as the saids landislords will answere upon thair obedience.”

Fol. 183, b.

Holyrood  
House, 19th  
November  
1629.

Letter to his  
Majesty anent  
a complaint by  
Mr. Nathaniel  
Udward  
against the  
Greenland  
Company of  
London.

“Most sacred Soverane, By the inclosed petitioun preferred unto us by Mr. Nathaniel Udward your Majestie will understand that notwithstanding your Majesteis letters patents under the great seale of this kingdome givand libertie to the said Mr. Nathaniel [Udward] and his partners to fishe within the seas and territoireis of Greinland and to make and provyde oyle there for the service of this kingdome and interteanement of the soapworkes quhilks at his great charges he hes erected within the same, they have beene forcible debarred frome fishing in these waters by the Greinland Companie of Londoun, who, vilipending your Majesteis royall warrand, have this same yeere seized upon thair chellops, medled with all the provisioun being thairin,

Royal Letters,  
1623-32.  
Fol. 173, b.

Royal Letters,  
1623-32.  
Fol. 173, b.

and have takin thair men prisouners and used thame with all rigour, sua that the shippes quhilks wer reiked furth for that voyage at ane verie great charge ar now returned empty, to the heavie losse and discouragement of the undertakers; whiche being a mater concerning the supplicant not so mucche in his privat interesse as it doeth the publict of this estate in the liberteis thair of, whiche, as we would be sorie they sould be infringed by any, so we thinke strange that anie oppositioun sould be made to your Majesteis subjects of this kingdome in the peaceable exercise of that priviledge whiche other natiouns doe promiscuouslie injoy without controlment. We have for that respect and for the further enhabling of the supplicant to interteane his soape workes quhilks he hes worthilie followed out, humbelie to recommend him and his petitioun to your Majesteis favorable consideratioun, intreatting your Majestie to be graciouslie pleased to ordour this bussines by the advice of ane equall number of your Privie Counsell of both kingdomes resident there as the liberteis of this kingdome may be keeped unviolat, the wronges and prejudices susteanned by the supplicant and his pairtners may be cognosced and repaired, and suche ane course resolved upon in tyme comming as your Majesteis patent may be made effectuell unto thame; quhairin, resting assured of your Majesteis princelie care and tender regarde of the weele of this your Majesteis native and ancient kingdome, we pray God, etc. Halrudhous, 19 *Novembris* 1629. *Subscribitur*, Dupline, Hadinton, Wintoun, Linlithgow, Seafort, Ad. B. of Dumblane, Melvill, S<sup>r</sup> J. Hamiltoun, S<sup>r</sup> Thomas Hope, Scottistarvet.

Followes the tennour of the petitioun abonewrittin:—My Lords of Secret Counsell, unto your lordships humbelie meanes and showes, I, your servitour, Mr. Nathaniel Udward, that quhair the Kings Majestie out of his princelie and worthie regarde of the weele of this his native and ancient kingdome and encouragement of the undertakers of suche profitable workes as hath not beene formerlie practised within the same hes beene graciouslie pleased for my further enhabling to mainteane my soape workes, whiche at my heavie charges I have erected and followed out, to grant unto me, my partners, deputeis and factours in my name, by his letters patents under the great seale induring the space of twentieane yeeres, full libertie and priviledge of fishing within the seas and territoireis of Greinland, ylands adjoining thairto, and creikes and ports within the same, and that for the service and use of this kingdome and provisioun of oyles for interteanement of my saids workes, without whiche they ar not able to subsist, be vertew and according to the warrand whair of I and my foresaids have made diverse chargeable outreickes with twa great shippes weill furnished and appointed for that voyage, hoping that we, who ar his Majesteis subjects, sould not have beene debarred that libertie whiche other natiouns doe promiscuouslie injoy without controlment; notwithstanding it is of truthe that after manie wronges,

The complaint  
of Mr.  
Nathaniel  
Udward.

Fol. 174, a.

insolenceis and oppressiouns committed upon us by the Greinland Com-  
 panie of Londoun, quhairwith we have patientlie comported, ever expect-  
 ing a forbearance in tyme comming, they have this same yeere, in con-  
 tempt of his Majesteis letters royall, debarred us forcible frume fishing  
 in these waters, seized upon our challops, meddled with all our provisoun  
 being thairintill, and have takin, imprissouned and intreated our men  
 with all rigour and extremitie, quhairby our voyage hes provin voyde,  
 and I and my foresaids ar cleerelie interessed (as sall appeare) foure  
 thowsand pundis sterline to our irreparable losse and undoing; whiche  
 being a mater concerning no lesse the generall of the estate than us in  
 our particular that the liberteis of the natioun sould be preserved and  
 kepted unviolat, I humbelie beseche your lordships to recommend me and  
 this my petitioun to his gracious Majesteis consideratioun, and to intreat  
 his Majestie to be graciouslie pleased so to ordour this bussines by the  
 advice of an equall number of his Privie Counsell in both kingdomes as  
 the liberteis of this kingdome may be mainteanned, the wrongs and  
 losses susteanned by me and my partners may be cognosced and repaired,  
 and suche ane sattled course takin in tyme comming as his Majesteis  
 patent may be effectuell unto us and we mainteanned in the peaceable  
 exercise thairof without trouble or controlment. And your lordships  
 answer.

Royal Letters  
 1623-32.  
 Fol. 174, a.

Holyrood  
 House, 24th  
 November  
 1629.

*Sederunt*—Privy Seal; Wintoun; Linlithgow; Seafort; Air; Acta July 1629-  
 Bishop of Dumblane; Clerk of Register; Advocate; Sir John December  
 Scot. 1630.  
 Fol. 183, b.

Letter from  
 his Majesty  
 guarding the  
 rights of the  
 Earl of Rox-  
 burgh in the  
 case of the  
 escheat of  
 Abel Lyon.

“The whilk day the missive letter underwritin signed be the King’s  
 Majestie and directed unto the Lords of Privie Counsell was presented  
 unto thame and read in thair audience, of the whilk missive the tennour  
 followes :—CHARLES R. Right trustie and right weilbelovit cousine and  
 counsellour, right trustie and weilbelovit cousines and counsellours, and  
 trustie and weilbelovit counsellours, we greete yow weill. Whereas it  
 pleased us in commiseratioun of the distressed estait of the wedow of one  
 Abel Lyon and her childrein to give ordour that no gift of escheit con-  
 cerning him sould pas till his creditours wer payed and the wedow and  
 childrein in some sort releved of thair present necessiteis, without  
 knowing that it wes in the power of our right trustie and weilbelovit  
 cousine and counsellour, the Erle of Roxburgh, to dispose of that escheit  
 as falling within the jurisdiction of the regalitie of Broughtoun  
 belonging unto him; and whereas he hath promised unto us to take  
 ane course with thame according to conscience and equitie, thairfoir least  
 anie interruptioun or wrong sould be done unto him in his right of that  
 regalitie be whatsoever persoun or persouns under pretext of our name,  
 our pleasure is that according to his said right yow leave the said gift to  
 be absolutelie disposed of by him, and if anie course be alreadie takin

Fol. 184, a.

Acta July 1629.  
December  
1630.  
Fol. 184, a.

tuicheing the disposing and sequestring of the goods of that escheit that the same be recalled by yow, remitting him to proceed in that earand according to his said right and the lawes and practick of that our kingdome provyded in the lyke caises; and that yow require our Advocat to desist frome anie compeiring in our behalffe in that earand till our further pleasure be knowne, bot that he concurre with the said Erle thairin in so farre as may be agreeable to justice and our saids lawes. So we bid yow heartilie fareweill. Frome our Court at Whitehall the 29 of October 1629. Quhilk letter being heard and considerit be the saids Lords and they acknowledging his Majesteis gracious respect showin to the said Erle of Roxburgh in the maintenance and preservatioun of his rights and priviledges of the baronie of Broughtoun, thairfoir the saids Lords according to the directioun of his Majesteis said letter ordaines ane copie thairof to be delyvered to the Lords of his Majesteis Exchecker to the intent that no gift of the said Abel Lyons escheit may pas in prejudice of the said Erle of Roxburgh his right, bot that the same may be absolutelie disposed of by him according to his said right. And the saids Lords requires Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, to concurre with the said Erle in the prosecutioun of this bussines according to the course of law and justice."

"The whilk day Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome, declaired to the Lords of Privie Counsell that he, according to ane warrand and directioun in writt sent unto him frome the Kings Majestie had delyvered to George, Erle of Crawford, these persons apprehendit in this kingdome and by ane jurie found guiltie of the stealing of ane catche [ketch] out of England, to the intent they might serve in the warres of Sweden under the said Erle his charge; lykeas the said Erle exhibite unto the saids Lords his Majesteis letter foresaid sent unto him for the warrand of his delyverie of the saids persons to the said Erle of Crawford, and he craved the saids Lords their approbatioun and allowance of the delyverie of the saids persons according to the directioun of his Majesteis letter. And the saids Lords having heard, seene and considerit the missive letter foresaid sent unto him and being weill advised thairwith, the Lords of Secreit Counsell allowes of the proceedings of the said Erle of Linlithgow, Admirall, in the delyverie of the persons foresaid to the said Erle of Crawford to be transported to the warres of Sweden and they recommend to the Lords of his Majesteis Exchecker the expediting of ane remissioun to the saids persons whenever the same sall be requyred, according as his Majestie hes directed be his letter; of the whilk letter the tennour followes:—CHARLES R. Right trusty and weilbelovit cousine and counsellour, we greete yow weill. Understanding by your letter that these persons apprehended there for stealing a catche frome hence ar by a jurie found guiltie of that cryme, and that the Erle of Crawford hath dealt with yow to have thame under his charge for the warres of

Letter from his Majesty directing that certain English pirates should be sent to serve in the wars in Sweden.

Fol. 184, b.

Sweden, seing by your letter it appears to have bene thair first fault in Acta July 1629-  
December  
1630. that kynde, we inclyne rather to mercie than to have thame to suffer Fol. 184, b. death for the same, and thairfoir our pleasure is that yow give notice of our pleasure heerin unto our Privie Counsell and that a pardon fitt to be granted unto thame be sent unto us for our royall signature; otherwayes if anie shorter way can be found for thair releeffe we are well pleased and doe heirby authorize that the same sall be takin, they going under the charge of the said Erle if he doe goe at this tyme; and for so doing these presents sall be ane sufficient warrand. So we bid yow fareweill. From our honour at Hamptoun Court the 29 of September 1629."

Letters containing charges against the Commissioners of Circuit Courts to be delivered only to the Council.

"The Lords of Secreit Counsell for restrayning the unquyet and clamorous complaints of particular parteis aganis the commissioners of the circuit courts ordains that no letters sall be direct aganis thame bot be delyverance in Counsell, and with provisioun that the partie compleaner, if it be found that he is a calumniator, sall be punished in his persoun and goods at the discretioun of the Counsell."

Caution by George Sinclair, burgess, for Patrick Christie, messenger.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie George Sinclair, wright and burges of Edinburgh, and become actit and obleist as cautioner and sovertie for Patrik Crystie, messenger, that he sall compeir personallie before his Majesteis Counsell the first Counsell day of Februarie nixt and answere upon the abuses and wrongs committed be him in the service of the circuit courts, whairin he was employed, under the pane of three hundreth merkes."

John Hepburn, messenger.

"The whilk day Johne Hepburne, messenger, compeirand personallie before the Lords of Secreit Counsell for obedience of the Act whairby he was boundin to that effect, the judges of the circuit courts declared that they wer satisfied with the punishment he had alreadie susteanned and would not insist forder aganis him."

Holyrood House, 24th November 1629. Commission to the Sheriff of Ayr and others to try Agnes Campbell for witchcraft. Similar commission.

Commission under the Signet to the Sheriff of Air and his deputes, Commissioners,  
1624-30.  
Fol. 211, b. and the provost and bailies of Air, or any three of them, the said provost being one, as justices, to hold courts and try Agnes Campbell, spouse to Robert Campbell, burgess of Air, who has long been suspected of witchcraft. Signed by Hadintoun, Wintoun, Linlithgow, Dumblane, Hamiltoun, the Advocate, and Scottistarvett.

Another commission to Sir John Home of Blacader, John Home of Rentoun, and Mr. Alexander Lawder of Gunsgrene, or any two of them, for trying Marion Sandersoun in Coldinghame for witchcraft. Signed as above.

Holyrood House, 26th November 1629.

*Sederunt*—Privy Seal; Wintoun; Linlithgow; Seafort; Air; Acta July 1629-  
December  
1630.  
Fol. 185, a. Bishop of Dumblane; Melvill; Clerk of Register; Advocate; Sir John Scot.

Release of John Hog and his spouse from

"The Lords of Secreit Counsell freethes and releeves Johne Hog and Margaret Nicolsons, his spous, of thair restraint and confynement with-

Acta July 1629-  
December  
1630.  
Fol. 185, a.

in the burgh of Edinburgh, and gives libertie unto thame to depart home their restraint  
for doing of thair lawfull effaires, they finding caution actit in the within the  
Bookes of Adjournall for thair compeirance before the Justice to underly burgh of  
the law for the alledgit cryme of witchecraft, either of thame under the Edinburgh.  
pane of ane thowsand merkes."

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 267, b.

Petition by Sir David Home of Wedderburn, as follows :—During the Holyrood  
House, 26th  
November  
1629.  
Continuance of  
protection to  
Sir David  
Home of  
Wedderburn.

period of protection granted to him by their Lordships he has used "his  
best instance" with his creditors, and but for the expiry of the time  
they should probably have agreed. For this purpose he asks a further  
protection. The Lords grant him this until 20th January next.

Petition by James Wright, "Scotishman now resident in Pole," as  
follows :—Fifteen years ago he was forced to leave the country through  
not being able to meet certain cautionries he had undertaken, and since  
then he has "verie painefullie travelled in the trade of merchandice  
whairin it hes pleased God so to blesse his labours that he hes now  
atteanned unto some reasonable and honest meanes." His only desire  
is to dispose of his means in this his native country and satisfy his  
creditors, but dare not repair hither for that purpose without their Lord-  
ships protection, and craves accordingly. The Lords grant him leave to  
come to Scotland and to be under their protection for six weeks after  
his return.

Fol. 268, a.

Complaint by  
John, Lord  
Erskine,  
against cer-  
tain persons  
who have  
opposed his  
new process of  
tanning.

Complaint by John, Lord Erskine, as follows :—At great expense he  
brought into this kingdom a number of strangers, being skilled and  
expert men in the tanning of leather, to instruct the tanners and  
barkers of leather "how they sall reforme thair potts, and dresse and  
handle thair ledder the tyme that the same lyes in thair potts." Though  
a great number of the best and most skilful tanners of this kingdom  
have willingly embraced this reformation in terms of the directions set  
down by the Council, their own experience having taught them how hurt-  
full and prejudicial their former ignorance and universal abuse in that trade  
was, and how beneficial this reformation would prove both to them in  
private and to the common weal, yet "some of the most ignorant in that  
trade, as namelie," David Laing, John Adame, Stevin Alexander, David  
Greeneleyes, William Greeneleyes, elder, William Greeneleyes, younger,  
John Craig, elder, John Craig younger, John Carswell, and Robert  
Patersoun, all in Paisley, John Thomesoun at the Mill of Cairt, James  
Ritchie in Calderhauche, William Bredin in Foirhillis, Robert Adie at  
the Brigend of Calder, William Eastoun in Mathernock, John Eastoun,  
his son there, William Kelso in Inverkip, John Howstoun in Flattertoun,  
Thomas Young in Rampherlie, William Lyll in Neather Craigenes, John  
Mosman in Renfrew, George Hall and Robert Braden there, John Parke  
in Meikle Foulwod, Robert Speir there, Robert Gemmell in Walkinschaw,

Fol. 268, b.

John Hamiltoun in Duchall, John Greiff, elder and younger in Kil-  
 mablimen, John and Alexander Tinklers there, and John Andersoun in  
 Inverkip, "preferring thair awin ignorance and the abuses interteanned  
 be thame to all good order, policie and government, and to all informa-  
 tioun and instructioun, and they being unworthie of the paines and  
 travellis tane for thair weale in this earand without anie charges at all  
 to thameselffes" have resolved to oppose the reformation and "will not  
 suffer thair hydes to ly in the pottis during the space prescryved unto  
 thame bot takes thame out and presents thame to mercat raw," In this  
 they are guilty of abusing the lieges, and by their disobedience, of  
 encouraging and stirring up others to the like contempt and overthrow  
 of the labour taken herein by their Lordships. Charge having been  
 given to the persons named, and the pursuer appearing by Alexander  
 Hay, his servant, but the defenders not compearing, the Lords ordain  
 them to be put to the horn and escheat.

Decreta,  
 November  
 1627-January  
 1630.  
 Fol. 288, b.

Fol. 269, a

Holyrood  
 House, 26th  
 November  
 1629.

Commission to  
 the Master of  
 Stormont and  
 others to try  
 certain persons  
 for horse-  
 stealing.

Commission under the Signet to Sir Mungo Murrey, Master of Stor-  
 mont, bailie principal of Atholl, as donator to the non-entry of the Earl-  
 dom of Atholl, and Mr. William Murrey of Auchtertyre and Neill Stewart  
 of Boespick, his bailies depute, as justices, to hold courts and try (1) Angus  
 McConnell McGillespick V<sup>c</sup>Innes in Glencoe who on October last  
 was apprehended "with ane fang of aucht hors and meirs with some  
 household geir" which he and his accomplices had stolen and were  
 carrying through the Mouth of Atholl; and (2) Donald Grant, a com-  
 mon and notorious thief, who was apprehended on with a  
 fang of stolen horses. Both are now in ward in the Blair of Atholl,  
 Signed by Hadintoun, Wintoun, Linlithgow, Seafort, Aire, Ad. B. of  
 Dumblane, and Melvill.

Commissions,  
 1624-30.  
 Fol. 212, a

The *Minute Book of Processes* gives the following memoranda collec-  
 tively for the month of November 1629:

Minute Book,  
 1604-31.  
 Fol. 86, b.

Act: Thomas Stewart of Appin that Alaster M<sup>c</sup>Ean Abrich of Glenco  
 sould be harmles, etc., and that he sould find cautioun for that effect.

Act: The toun of Aberdeane anent the payment of their extraor-  
 deanarie taxatioun.

Suplicatioun: John Storrok for his liberatioun furth of the  
 Tolbuith.

Ryott: Mr. James Fowllartoun against Sir James Clelland.

Suspensioun: John Turring against Captaine James Blair, etc.

Complent, Ryott and Oppressioun: Alexander Lokhart of Cleghorne  
 and his spous against his sone.

Prorogatioun of ane protection for Sir David Hoome of Wedderburne.

Protectioun for Patrick Carkettell of Markle.

Suplicatioun for John Starroch against Ewphane M<sup>c</sup>Dowell for delyver-  
 ing of certane writts.

Sederunts,  
November  
1629-January  
1635.

Privy Seal; Murray; Lynlithgu; Air; Bishop of Dunblane; Holyrood House, 1st December 1629.  
Melvill; Clerk of Register; Advocate; Sir John Scott.

Fol. 3, a.  
Acta July 1629-  
December  
1630.  
Fol. 185, a.

*Sederunt*—Privy Seal; Linlithgow; Galloway; Air; Bishop of Holyrood House, 3rd December 1629.  
Dumblane; Melvill; Clerk of Register; Advocate; Sir John Scot.

“The whilk day the letter underwrittin directed to the Lords of his Majesty's Privie Counsell wes presented to the saids Lords and read in thair audience, of the whilk letter the tennour followes:—CHARLES R. Right trusty and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas we formerlie gave ordour that by sound of trumpet the communioun sould be administred in our chappell royall in July last that all of our Privie Counsell, Colledge of Justice, and members thairof, and others mentiouned in our letter writtin to that effect, might be warned to communicat, and that suche of thame as would not sould also be required to forbear the execution of thair severall charges in our service untill they brought ane certificat of thair receaving the communioun frome the Deane of that Chappell, bot now understanding that some Popishlie affected have neglected this course, we out of our care and affectioun to the maintenance of the professed religioun ar heirby pleased to will and require yow that according to our former pleasure heerin yow remove frome our Counsell table all suche who ar disobedient in that kynde. We bid yow fareweill. Frome our Court at Whitehall, the 6 of November 1629. Quhilk letter being read, heard and considerit be the saids Lords, and they in all submissive obedience acquiescing to his Majesty's royall directioun mentiouned in the said letter, they, conforme thairto, ordaine that all suche who ar dissobedient in the mater foressaid sall be removed frome the Counsell table.

Fol. 185, b,

“Forsameekle as for the better discoverie of the truthe of these depositions alledgit made be Alexander Hamiltoun, warlocke, tuicheing the Ladie Manderstoun her pretendit guiltines of practising her husbands death by witchcraft, it is thought meit and expedient that Patrik Abernethie, notar in Duncce, and Williame Mowat, servitour to James Mowat, sould be brought and examined what they know anent the saids depositions, and how and by whome that mater hes beene caryed, and thairfoir ordains letters to be direct charging the saids Patrik Abernethie and Williame Mowat to compeir before the saids Lords upon the tent day of December instant to declare the veritie in suche things as sall be inqyred of thame concerning the premissis, under the pane of rebelioun, etc., with certificatioun, etc.

“Forsameekle as Bessie Hepburne, Katharine Kirktown, Alesoun Carrick, and Margaret Mitchell in Hadintoun, Bessie Duncane in Commission to the Presbytery of Haddington to try Bessie



Hepburn and  
others for  
witchcraft.

Walkerland, Katharine Lauder in Stobstane, Bessie Lawder in Nunland, Agnes Sinclare in Burneheid, and Margaret Alexander in Pickiltillane, hes beene delate to be guiltie of the detestable and odious cryme of witchcraft be Alexander Hamiltoun, warlocke, prisouner in the Tolbuith of Edinburgh, with whome they have beene confronted upon diverse depositions made be him aganis thame whilk he hes constantlie avowed upon thame; and whereas it will be verie chargeable to the persouns foresaids and impossible to some of thame be reasoun of thair meane estaits to attend thair tryell and examinatioun in this burgh, and that the leading of witnessis aganis thame may prove grevous to the persouns to be used in that mater; thairfoir the Lords of Secreit Counsell for the more easie and cleere discoverie of the persouns foresaids thair guiltines of the said cryme of witchcraft have givin and grantit, and be the tennour heirop gives and grants full power, warrand and commission, expresse bidding and charge, to the moderator and brethrein of the presbyterie of Hadintoun, where the saids persouns dwellis, or to anie twa of thame to call and conveene before thame the saids persouns and everie ane of thame at suche tymes as they sall thinke expedient, and to try and examine thame upon the depositions of the said Alexander Hamiltoun made aganis thame and upon suche others points as sall be depouned aganis thame be anie of his Majesteis lieges and to confront each of thame with others and to leade witnessis aganis thame and to report the depositions to be tane be thame aganis the persouns abonewrittin to the Lords of his Majesteis Privie Counsell."

Direction to  
the Master of  
his Majesty's  
wardrobe.

"The Lords of Secreit Counsell ordains and commands the Maister of his Majesteis Wardrope and uthers whome it doeth concerne to delyver to James Fentoun, keeper depute of his Majesteis Palace of Halyrudhous, twa lanterns, sax candlestickes, sax chamber pottis, ane fyre schuill, and ane paire of tongs, for the use and service of his Majesteis Counsell; anent the delyverie whair of the extract of this Act with the said James his ticket upon the receipt thair of sall be unto the said Maister of the Wardrop and uthers foresaids ane sufficient warrand."

Holyrood  
House, 3rd  
December  
1629.

Petition by  
William  
Livingstone  
of Kilsyth  
that Sir James  
Forrester of  
Carden may be  
permitted to  
appear before  
the Council  
anent the  
affairs of the  
said William  
Livingstone.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 269, a.

Petition by William Livingstoun of Kilsyth as follows:—On 1618 Sir James Forrester of Carden was entered judicially before the Lords of Session by the deceased John Areskine of Myretoun to have been warded in the tolbooth of Edinburgh until he should pay the said John 3000 merks he owed him, the heirs and widow of the said John alleging that Sir William Livingstoun of Kilsyth, the petitioner's grandfather, was bound to enter him to the above effect on 14th November, 1618, if he did not then satisfy the said John Areskine that there was no necessity of his being warded or appearing before the said Lords.

Decreta,  
November  
1627-January  
1630.  
Fol. 269, a.

These heirs now allege that his grandfather did not fulfil his bond, and they have summoned him as his grandfather's heir to pay the foresaid sum and byrun interest. The said Laird of Carden is now a prisoner in the Castle of Sterline, and if he could compear before the Lords of Session it would greatly clear this matter, and he prays the Council to ordain the Captain and constable of the said Castle to deliver the said Laird of Carden to the petitioner for this purpose. The Lords, willing to further the petitioner in his cause and finding the desire reasonable, order the said Sir James Forrester to be placed in the hands of the petitioner within 24 hours after requisition, the petitioner having enacted himself to place the said Laird of Carden in ward in the tolbooth of Edinburgh within 48 hours after he receives him, or else return him to the Castle of Stirling under the penalty of paying all the sums for which Forrester has been arreisted and warded, and suche other punishment as their Lordships may think fit to inflict upon him.

Fol. 269, b.

Commissions,  
1624-30.  
Fol. 212, a.

Commission under the Signet to Sir Walter Stewart of Minto, knight, bailie of the regality of Glasgow, and his deputes, as justices, to hold courts and try Jean Miller, Grissell Boill and Janet Miller in Glasgow, who have been long suspected of witchcraft. Signed by Hadintoun, Linlithgow, Galloway, Aire and Hamiltoun.

Holyrood  
House, 3rd  
December  
1629.  
Commission to  
Sir Walter  
Stewart of  
Minto and  
others to try  
Jean Miller  
and others for  
witchcraft.  
Similar  
commission.

Fol. 212, b.

Similar commission to Sir Robert Fairlie of Braid and Mr. Simon Ramsay of Quhythill, for the trial of Janet Bishop and Margaret Cuthbertsoun in Pennycuik, for witchcraft. Signed by the same Lords and also by Dumblane, Melvill and Sr Thomas Hope.

Acta July 1629-  
December  
1630.  
Fol. 186, a.

*Sederunt*—Privy Seal; Murrey; Wintoun; Linlithgow; Galloway; Seafort; Air; Bishop of Dumblane; Melvill; Carnegie; Clerk of Register; Advocate; Sir John Scot.

Holyrood  
House, 8th  
December  
1629.

"The whilk day the commissioners for the dioceis of Aberdene and Murrey gave in certane greevances with thair overtures for repressing of Poperie within the bounds of the saids dioceis, quhilks being seene and considerit be the Lords, they ordaine the saids commissioners to attend till Thurisday and to give in that day thair petitioun in the same termes whairin they would have it to be drawin up to his Majestie."

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie George, Marqueis of Huntlie, for obedience of the Act whairby he was obleist to that effect, and he being urged be the saids Lords with the exhibitoun of certane excommunicat rebellis for Poperie dwelling upon his lands he excused himselfe alledging that by his Majesteis letter he wes releevd of that charge, in respect of his surrender of the office of shireffship of Aberdene; quhilk excuse being heard and considerit be the saids Lords and they weill advised thairwith, the Lords of Secreit Counsell finds that as landslord he aucht to be answerable for exhibitoun of all excommunicat rebellis dwelling upon his lands,

The Marquis  
of Huntly  
declared to be  
responsible, in  
his capacity as  
landlord, for all  
Papists on his  
lands.

and thairfoir ordains letters to be direct charging him to that effect, as Acta July 1629-December 1630. Fol. 186, a. alsua ordains him to remove frome his companie all suche suspect persons as, being required by the Bishop, or by ordour frome the Presbyterie to heare conference, to repaire to the Church and to communicate, sall refuse to doe the same; as alsua ordains him to be charged to compeir before the saids Lords to heare his daughters to be sequestrat for thair better breiding and instructioun in the grounds of trew religioun; and ordains him to remaine still heere and not to depart till he be fred be the saids Lords."

"The Lords continewes the answering of the Marqueis of Huntleis petition for his relaxatioun fra the horne till Thurisday nixt."

Resignation of the sheriffship of Lanark by the Marquis of Hamilton, and of the bailliey of Kyle and regality of Newton by the Laird of Craigiewallace.

"The whilk day in presence of the Lords of Secreit Counsell compeired personally Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, and produced before the saids Lords ane procuratorie of resignatioun made and subscribed be James, Marqueis of Hamiltoun, late shireff principall of Lanerk, and ane other procuratorie of resignatioun made and subscribed be the Laird of Craigiewallace, Fol. 186, b. lait baillie principall of the baillerie of Kyle and regalitie of Newtoun, whairby they made and constitute M<sup>r</sup> Williame Elphinstoun, cupbearer to his Majestie, thair procuratour, for resigning in his Majesteis hands the offices of shirefship and baillerie foresaid, as the said procuratoreis beiris; and siclyke his Majesteis said Advocat produced twa Instruments of Resignatioun respective takin thairupoun under the hand of James Philpe, notar, and desyred the samine procuratoreis and instruments to be registrat in the bookes of Secreit Counsell thairin to remane *ad futuram remanentiam*; quhilk desyre the saids Lords found reasounable in regarde of the importance of the earand concerning his Majestie so neerelie in his regall right, and thairfoir ordained the same to be registrat in the saids bookes and ordains the principall warrands to be delyvered to the Clerk of Register to be keeped be him and to be registrat in the bookes of Counsell and Sessioun according to the claus of registratioun conteanit thairin. Followes the tennour of the Marqueis of Hamiltoun his procuratorie of resignatioun abonewrittin and instrument tane thairupon:—Be it kend till all men be thir present letters me James, Marques of Hamiltoun, Erle of Arran and Cambridge, Lord Avendale, etc., for diverse good causes and considerations moving me to have made, constitute and ordained, lykeas I be the tennour heirof make, constitute and ordaine M<sup>r</sup> Williame Elphinstoun, cupbearer to his Majestie, my verie lawfull, undoubted and irrevocable procuratour, factour, earand bearer and speciall messinger, to the effect underwrittin, giving, granting and committing unto him my verie full, free, plane power, speciall mandament, expresse bidding and charge, for me and in my name to compeir before our soverane Lord or his Hienesse successours or before his or thair commissioners having his or thair power and commissioun to receive resignatiouns in his or thair

Acta July 1629-  
December  
1630.  
Fol. 186, b.

names at whatsoever day or dayes, place or places convenient, and there with all humilitie and condigne reverence as becometh to resigne, surrender and dimitt, upgive and overgive all and haill the office of shireffship within the shirefdome of Lanerk with all fees, dewteis, casualiteis, liberteis, immunitis and righteous pertinents thair of whatsoever perteaning and belonging to the said office in the hands of our soverane Lord and his Hienes successours and his or thair commissioners having his or thair power and commissioun as said is *ad perpetuam remanentiam*, to the effect that my right of propertie of the said office being consolidate in the person of his Majestie and his Hienes successours with thair right of superioritie of the same, the said office of shireffship with the haill fees, dewteis, casualiteis, priviledges, liberteis, immunitis and pertinents whatsoever thairto belonging may remane and abyde with our said soverane Lord and his Hienes successours to be peaceablie bruiked, joyesed and possessed be thame as thair awin propertie and proper heritage at thair pleasure in all tyme comming, togidder with all right, title, interesse and clame of right which I, my airs or successours had, have, or anie wayes may have or clame in and to the said office or to the priviledges, casualiteis and pertinents thair of abonewrittin in tyme comming for now and ever; acts, instruments and documents neidfull thair upon to aske, uplift and raise as neid beis, and generallie all and sindrie uthers things in the premissis to doe, use and exerce that to the office of procuratorie in suche caise of the law and consuetude of the realme of Scotland necessarilie ar knowne to apperteane, siclyke and als freelie in all respects as I might doe myselffe if I wer personallie present; promitting to hold firme and stable all and whatsoever things my said procurator in the premissis lawfullie does or leades to be done; and I the said James, Marqueis of Hamiltoun, be the tennour heirof faithfullie binds and obliges me, my airis, executors and assigneyes to warrand this my resignatioun and the said shireffship of Lanerk unto our said soverane Lord and his Hienes airis and successours for ever aganis all deidlie as law will; and for the more securitie I am content and consents that thir presents be insert and registrat in the bookes of Counsell and Sessioun of the said kingdome thairin to remaine *ad futuram rei memoriam*; and for registrating heirof constituts

Fol. 187, a.

my procurators *promitten. de rata*. In witnes whairof I have subscribed thir presents with my hand (being writtin be James Philpe, notar publict at Court) at Whitehall, the secund day of November the yeere of God j<sup>m</sup>vj<sup>c</sup>xxix yeeres before these witnessis, the Erle of Monteith, President of the Privie Counsell of Scotland, the Erle of Roxburgh, the Lord Tracquare, Sir Williame Alexander, Secretarie to his Majestie for Scotland, and David Ramsay, gentleman of his Majesteis privie chamber. *Subscribitur*, J. Hamilton; Monteith, witnes; Roxburgh, witnes; Traquare, witnes; W. Alexander, witnesse; D. Ramsay, witnes. At his Majesteis Court of Whitehall in England the ellevinth day of

November the yeere of God one thowsand vj<sup>c</sup>xxix yeeres. The whiche day in presence of me notar publict and witnessis underwrittin compeired Mr<sup>r</sup> Williame Elphinstone, cupbearer to his Majestie, as procurator for the right honourable James, Marques of Hamiltoun, be vertew of ane procuratorie of resignatioun made and subscriyved be him being of the dait at Whitehall, the secund day of November, the yeere of God foresaid, and past to the personall presence of our soverane Lord Charles, by the grace of God, King of Great Britane, France and Ireland, Defender of the Faith, etc., and there upon his knees be staffe and bastoun as use is and with all humilitie and reverence resigned in his Majesteis hands *ad perpetuam remanentiam* all and haill the office of shirefship within the shirefdome of Lanerk with all fees, dewteis, casualiteis, liberteis, immuniteis and pertinents thair of whatsoever, togidder with all right, interesse, title and clame of right which he, the said Marqueis of Hamiltoun, his airis or successours had, have or anie wayes may have or acclame in and to the said office of shirefship, or to the priviledges, casualiteis and pertinents thair of abonewrittin, to the intent the said office of shirefship with the haill fees, dewteis, casualiteis, priviledges and pertinents thair of aforesaid may remane and abyde with our said soverane Lord and his Hienes successours to be freelie, peaceable and absolutelie bruiked, enjoyed, possest and disposed of be thame at thair pleasure in all tyme comming; whiche resignatioun proceeding upon the said procuratorie his Majestie than accepted, whairupon the said Mr. William as procurator foresaid did take instruments in the hands of me, the said notar publict. This wes done in the privie chamber of his Majesteis said Court about twelffe a cloake in the forenoone before Patrik, Erle of Tullibardin, Sir Williame Alexander, principall Secretarie to his Majestie for Scotland, Mr<sup>r</sup> Johne Hay, commoun clerk of Edinburgh, Sir James Auchterlony and James Haitlie, his Majesteis servants, witnessis required and desired heirto. Et ego vero Jacobus Philp, clericus Sancti Andreae, diocesis autoritate regali notarius publicus ac per Dominos Consilii et Sessionis secundum tenorem acti Parliamenti examinatus et admissus, qui praemissis omnibus et singulis dum sic, ut praemittitur, agerentur, dicerentur et fierent una cum praenominatis testibus praesens personaliter interfui, Eaque omnia et singula sic fieri, dici, vidi, scivi et audivi ac horum omnium notam cepi; ideoque hoc praesens publicum instrumentum manu mea fideliter scriptum exinde confeci et in hanc publicam instrumenti formam redegei, signoque nomine cognomine et subscriptione meis solitis et consuetis signavi et subscripsi, in fidem, robur et testimonium omnium et singulorum praemissorum, rogatus et requisitus. James Philp. Followes the tennour of the Laird of Craigiewallace his procuratorie of resignatioun and instrument tane thairupon:—Be it kend till all men be thir present letters me, Hew Wallace of Craigiewallace, for diverse good caussis and consideratiouns moving me to have made, con-

Acta July 1629.  
December  
1630.

Fol. 187, a.

Fol. 187,

Acta July 1629-  
December  
1630.  
Fol. 187, b.

stitute and ordained, lykeas I be the tennour heirop make, constitute and ordaine M<sup>r</sup> Williame Elphinstoun, cup bearer to his Majestie, my very lawfull, undoubted and irrevocable procuratour, factour, earand bearer and speciall messenger to the effect underwrittin, giving, granting and committing unto him my verie full, free, plane power, speciall mandament, expresse bidding and charge for me and in my name to conpeir before our soverane Lord or his Hienes successours or before his or thair commissioners having his or thair power and commissioun to receive resignatiouns in his or thair names at whatsoever day or dayes, place or places convenient, and there with all humilitie and condigne reverence as becometh to resigne, surrender, submitt, upgive and overgive all and hail the offices of the baillerie of Kyle and regalitie of Newtoun with all fees, dewteis, casualiteis, liberteis, immuniteis and righteous pertinents whatsoever perteaning and belonging to the saids offices in the hands of our soverane Lord or his Hienes successours or his or thair commissioners having thair power and commissioun, as said is, *ad perpetuam remanentiam*, to the effect that my right of proprietie of the saids offices being consolidate in the persoun of his Majestie and his Hienes successours with thair right of superioritie of the same, the saids offices of baillerie and regalitie with the hail fees, dewteis, casualiteis, priviledges, liberteis, immuniteis and pertinents whatsoever thairto belonging within the shirefdome of Air may remane and abyde with our said soverane Lord and his Hienes successours to be peaceable bruiked, joyseed and possessed be thame as thair awin proprietie and proper heritage at thair pleasure in all tyme comming, togidder with all right, title, interest and clame of right whiche I my airis or successours had, have or anie wayes may have or clame in and to the saids offices within the said shirefdome of Air or to the priviledges, casualiteis and pertinents thair of abonewrittin in tyme comming for now and ever acts, instruments and documents; neidfull thairupon to aske, uplift and raise, if neid beis, and generallie all and sindrie uthers things in the premissis to doe, use and exerce that to the office of procuratorie in suche caises of the law and consuetude of the realme of Scotland necessarilie ar knowne to apperteane, siclyke and als freelie in all respects as I might doe myselffe if I wer personallie present, promitten [*sic*] to holde firme and stable all and whatsoever things my said procuratour in the premissis lawfullie does or leades to be done. And I the said Hew Wallace of Craigiewallace be the tennour heirop faithfullie binds and obliges me, my airis, executours and assigneyes to warrand this my resignatioun and the said baillerie of Kyle and regalitie of Newtoun within the said shirefdome of Air unto our said soverane Lord and his Hienes airis and successours for ever aganis all deidlie, as law will; and for the more securitie I am content and consents that these presents be insert and registrat in the bookes of Counsell and Sessioun in the said kingdome, thairin to remaine *ad*

Fol. 188, a.

*futuram rei memoriæ* and for registrating heirof constituts

Acta July 1629  
December  
1630.  
Fol. 188, a.

my procuratours, *promitten de rata*, etc.; In witnes whair of I have subscriyved these presents with my hand (being writtin be Johne Philp, servitour to Sir Williame Alexander, principall Secretarie for Scotland) at Whitehall the ellevint day of November the yeere of God j<sup>m</sup>vj<sup>c</sup>xxix yeeres, before these witnessis, the Erle of Tullibardin, the said Sir Williame Alexander, and Sir Archibald Achesone, Secretareis to his Majestie for Scotland, and David Foullertoun, ane of the receavers of his Majesteis rents for the said kingdome of Scotland, *Subscribitur*, Hew Wallace of Cragy; Tullibardin, witnes; W. Alexander, witnessse; Arch. Acheson, witnes; Da. Fullerton, witnes. At his Majesteis Court of Whitehall in England the twelffe day of November the yeere of God j<sup>m</sup>vj<sup>c</sup> twentie ane nyne yeeres:—the quhilk day in presence of me notar publict and witnessis underwrittin compeired M<sup>r</sup> Williame Elphinstoun, cupbearer to his Majestie, as procuratour for Hew Wallace of Cragiewallace, be vertew of the procuratorie of resignatioun made and subscriyved be him being of the dait at Whitehall the ellevinth day of November the yeere of God foresaid, and past to the personall presence of our soverane Lord Charles, by the grace of God, King of Great Britane, France and Ireland, Defender of the Faith, etc., and there upon his knees be staffe and bastoun, as use is, with all humilitie and reverence resigned in his Majesteis hands *ad perpetuam remanentiam*, all and hail the offices of the baillerie of Kyle and regalitie of Newtoun lying within the shirefdome of Air, with all fees, dewteis, casualiteis, liberteis, immunitis and pertinents thair of whatsoever, togidder with all right, title, interest and clame of right whiche he, the said Hew Wallace, his airis or successours had, have, or anie wayes may have or clame in and to the saids offices of the baillerie of Kyle and regalitie of Newtoun, or to the casualiteis, priviledges and pertinents thair of abonewrittin; to the intent the said office of baillerie of Kyle and regalitie of Newtoun with the hail fees, dewteis, casualiteis, priviledges and pertinents aforesaid may remane and abyde with our said soverane Lord and his Hienes successours to be freelie, peaceable and absolutelie bruiked, injoyed, possessed and disposed of by thame at thair pleasure in all tyme comming; whiche resignatioun proceeding upon the said procuratorie his Majestie than accepted; whairupoun the saids M<sup>r</sup> Williame, as procuratour foresaid, did take instruments in the hands of me the said notar publict. This wes done in the  
betweene the presence and privie chambers of the said Court betuix ellevin and twelffe a clocke in the forenoone before Johne, Erle of Carrick, the Vicount of Dorchester, Secretarie to his Majestie for England, Sir Alexander Home, gentleman of his Majesteis privie chamber, M<sup>r</sup> Johne Mairshell, residing at Court, and M<sup>r</sup> Henrie Drummond, servitour to the right honourable Williame, Erle of Monteith, President of the Privie Counsell of Scotland, witnessis required and desyred heirto. Et ego vero Jacobus Philp, clericus Sanct-

Acta July 1629-  
December  
1630.  
Fol. 188, b.

Andree diocesis, autoritate regali notarius publicus ac per Dominos Consilii et Sessionis secundum tenorem acti Parliamenti examinatus et admissus, quia premissis omnibus et singulis dum sic, ut premittitur, agerentur et dicerentur et fierent, una cum prenominate testibus presens personaliter interfui, eaque omnia et singula sic fieri, dici, vidi, scivi et audivi ac horum omnium notam cepi, ideoque hoc presens publicum instrumentum manu mea fideliter scriptum exinde confeci et in hanc publicam instrumenti formam redegi signoque nomine, cognomine et subscriptione meis solitis et consuetis signavi et subscripsi, in fidem, robur et testimonium omnium et singulorum premissorum rogatus et requisitus. James Philp."

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 269, b.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and the commissioners of Aberdein and Murray, as follows:—Though "the hearing and saying of messe and ressetting of Jesuits, excommunicat and traffiquing Papists," is strictly prohibited, Dr William Leslie, "ane profest and avowed traffiquing papist, upon the 27 day of Marche 1627 yeeres, being Pasche day, and upon the 25 day of December before, being Yuile day, and upon Witsonday, New Yeeres day, Sanctis day, and diverse other dayes thereafter in the yeeres of God 1628 and 1629 publictly and avowedly resorted and repaired to the places of Strabogie, Bogiegeicht, Aboyne, Cannakyle, Gairtlie, Lessindrum, Craig of Auchindore, and to the houses of Williame Laing, Thomas Meinzeis, umquhill Mr Thomas Meinzeis, Alexander Andersoun, Walter Robertsoun, Mr Williame Lumsden, and Hercules Guthrie, indwellers in Aberdein, at least to one or other of the saids houses, where he heard diverse messes and other Popish exercises made by Jesuits, seminarie and messe preists; lykeas he continuallie when occasioun offers assists the saids Jesuits, seminarie and messe preists in thair mariages, baptismentes and others thair damnable exercises, convoyes thame athort the countrie frome place to place with forbiddin weapouns, furnishes thame with all sort of necessars comfortable, and forders and promotes so farre as in him lyes thair damnable and pernicious practises." Charge having been given to the said Dr Leslie, and the Advocate, with Mr William Guild and Mr William Davidsoun, commissioners for the diocese of Aberdein, and Mr Gawin Dunbar, commissioner for the diocese of Murray, compearing and also the defender, and the probation having been referred to the defenders oath of verity, who denied the complaint, the Lords assoilzie him. And in respect that he has no certain place of residence and that the Church is about to pursue him for Popery the Lords required the defender to name a domicile where charges might be executed against him, whereupon he named the Marquis of Huntly's house in Elgin. The Lords, allowing of this, ordain all charges to be execute against him there, and

Holyrood  
House, 8th  
December  
1629.

Complaint by  
the King's  
Advocate and  
the Commis-  
sioners of  
Aberdeen and  
Moray against  
Dr. William  
Leslie for  
saying and  
hearing mass  
and ressetting  
Jesuits.

Fol. 270, a.

Fol. 270, b.



also at the market cross of the burgh of Elgin, a copy being delivered to the provost or one of the bailies in the defender's name, but this without prejudice to the ordinary form of charge against the defender if he should happen to be personally apprehended.

Decreta,  
November  
1627-January  
1630.  
Fol. 270, b.

Petition by  
Sir James  
Forrester of  
Carden that he  
be not warded  
in the Tolbooth  
of Edinburgh,  
but merely be  
brought before  
the Council.  
See ante, p. 362.

Petition by Sir James Forrester of Carden, as follows:—Their Lordships have directed their warrant to the captain, constable and keepers of the Castle of Stirling, to deliver him to the Laird of Kilsyth to be transported to ward in the tolbooth of Edinburgh, and he is not able to entertain himself in that ward, while the "infirmite and weaknesse of his bodie is suche" as that warding will endanger his life. He therefore craves that the said warrant be restricted merely to the transporting and exhibiting of him before the Lords of Session. The Lords, "having a regarde to the said Sir James Forrester his distrest estait and indispositioun of his bodie, in both which he would undoubtedlie suffer if he wer made prisouner in the tolbuith of Edinburgh," and seeing it cannot prejudice his creditors, grant the prayer of the petition, and discharge the bond given by the Laird of Kilsyth in the matter, but ordain him immediately after the exhibition of the petitioner before the Lords of Session to report his proceedings to the Council so that warrant may be given for the transporting and re-entering of the petitioner in the Castle of Stirling where he is to remain till he be orderly released.

Fol. 271, a.

The Commis-  
sioners for the  
dioceses of  
Aberdeen and  
Moray.

Charges to be  
directed  
against certain  
sheriffs.

Robert  
Mercer,  
messenger.

"The Lordis ordains the commissionaris for the dioceyis of Abirdene and Murray to attend till Thurisday and to gif in that day the petitioun in the same termes quhairin thay wald haif it."

Sederunts,  
November  
1629-January  
1635.  
Fol. 3, b.  
Fol. 4, a.

"That chargeis be direct aganis the shireffis who convenit not the free barons for making choise of commissionaris to the Parliament to convene thame of new and to mak thair electioun."

"The quhilk day M<sup>r</sup> Thomas Davidsoun, Commissar Clerk of Abirdeene, M<sup>r</sup> Thomas Mersair and Alexander Rid actit and oblist thame, conjunctlie and severalie, to exhibite Robert Mersair, messinger, befor his Majesteis Counsell upoun Thurisday nixt to answer upoun his intromissioun with his Majesteis taxationis under the pane of v<sup>m</sup> lib."

Holyrood  
House, 8th  
December  
1629.

Letter to his  
Majesty anent  
a duty of two  
shillings  
imposed on  
every horse by  
the customers  
of Ireland.

"Most sacred Soverane, There wes a petitioun preferred to the Counsell by the barouns and gentlemen of the West Countrie compleaning of ane heavie and rigorous extortiou used aganis thame of lait by the officers and customers of Ireland who without anie warrand frome your Majestie or allowance of the Counsell there have at thair awin hand imposed and raised the sowme of twa shillings sterling aff everie hors whiche anie gentleman transports for his proper service, whair of they earnestlie craved your Majestie to be certified, this being ane publict greevance; and we finding no justifiable warrand nor preceeding exemple that ather gentlemen who ar not traders or others whois goods ar not merchantable wer ever burdenned with the payment of anie custome for the same, we have humbelie presoomed to acquaint your

Royal Letters,  
1623-32.  
Fol. 176, b.

Royal Letters,  
1623-32.  
Fol. 176, b.

Majestie thairwith, to the intent your Majestie, upon consideratioun of the abuse, may be graciouslie pleased to recommend the tryell and ordourlie redresse thair of to your Majesteis Counsell of Ireland, of whois respective care for remedying of the present and preventing of the lyke in tyme comming we ar fullie perswaded. And so, etc. Halyrudhous, 8 Decembris 1629. *Subscribitur*, Hadintoun, Murrey, Wintoun, Linlithgow, Dunkelden, Ad. B. of Dumblane, Melvill, Carnegy, Hamiltoun, S<sup>r</sup> Thomas Hope, Scottistarvet, etc."

Fol. 198, b.

"CHARLES R., Right trustie and right welbeloved cousin and counsellour, right trustie and welbeloved cousins and counsellours, and right trustie and welbeloved counsellours, we greet yow well.

Whitehall, 8th  
December  
1629.

Fol. 199, a.

Whereas we ar informed that the tennentis of Skaitmure, having required Sir David Levingstoun of Dunipace to lead out of those landis the tithes belonging unto him, which he accordinglie having givin ordour to doe the same wes violentlie taken away by ane Alexander Moore of Skaithmoore, who, to the grit contempt of our authoritie and lawes and contrairie to our late decree for ordering matteris of tithes, had raised to that purpose about sixtie men in armes. The insolent and barbarous maner of thair proceedingis heerin, the dangerous example it may give to otheris to committ the like, and the losse the partie interested may sustaine therby, have justlie moved us to require that a due tryall be takin by yow for examining of what is heerin alleadged, and if yow find it trew, that yow so proceed touching the same that by the example of your censuring and punishing therof others our guid subjectis may be free from the like oppressiou hereafter. So we bid yow fairwell. From our Court at Whythall the eight of December 1629."

Letter from  
his Majesty  
anent the  
tithes of  
Skaithmure.

Fol. 174, a.

"After oure verie hairtly commendatiouns. We ar informed by the Viscount of Air that the xxi day of December instant being assigned by you unto him for his compeirance before you in the mater of the valuatiouns, that he is chargit to compeir that same day before the subcommissionars for the valuatiouns within the presbyterie of St. Johnstoun: and quhairas it is impossible for him to keepe bothe the saids dyets, these ar therefore to will and require you to continew and forbear all proceiding aganis his lordship in ony thing concerning him in the said valuatiouns till suche a competent tyme as he may convenientlie attend and that you caus adverteis him of the dyet to be assigned be you to him for that effect; quhairin nothing doubting of youre reddie obedience, we committ you to God. From Halyrudhous, the nynt day of December 1629. *Sic subscribitur*, Hadintoun, Wyntoun, Linlithgow, Dumblane, Carnegy, S<sup>r</sup> Thomas Hoip, Scottistarvett."

Holyrood  
House, 9th  
December  
1629.

Letter to the  
sub-commissionars  
of the  
presbyterie of  
Ayr.

Holyrood  
House, 10th  
December  
1629.

*Sederunt*—Privy Seal ; Murrey ; Wintoun ; Linlithgow ; Galloway ; Acta July 1629  
Seafort ; Lauderdaill ; Bishop of Dunkeld ; Bishop of Dumblane December  
Lord Gordoun ; Lord Melvill ; Lord Carnegie ; Clerk of Register 1630.  
Advocate ; Sir John Scot. Fol. 189, a.

Petition by the Marquis of Huntly for relaxation from his horning. "The Lords of Secret Counsell having heard and considerit the petition givin in be George, Marqueis of Huntlie, craving ane relaxatioun fra the horning used and execute aganis him for his not compeirance and exhibitioun before the saids Lords of certane persouns, his men, tennents and servants, excommunicat and at the horne for Poperie, the Lords continewes the answering of his petition till the sevint of Januar nixt, and in the meane tyme they recommend to the said Marqueis to have a speciall care and use his best diligence for taking and exhibiting the saids excommunicat rebellis the day foresaid, and ordains the commissioners of the dioceis of Aberdene and Murrey to attend that day."

Petition of the commissioners of Aberdeen and Moray with a missive from the Council ordained to be sent to his Majesty.

Letter from the Council to his Majesty accompanying the petition of the commissioners of Aberdeen and Moray.

"The whilk day the commissioners for the dioceis of Aberdene and Murrey gave in to the Lords of Privie Counsell thair petition, quhilk they humbelie desyred to be sent up to his Majestie in suche forme as the saids Lords sall prescryve, keeping the substance thair of ; quhilk petition being heard and considerit be the Lords, they ordained ane letter to be drawin up and sent to his Majestie with the petition foresaid, whilk wes accordinglie done of the tennour following :—Most sacred Soverane, Upon occasioun of your Majesteis letter direct to the Counsell in favours of the Marqueis of Huntlie for relaxing him frome the horne to whiche he wes denounced for not exhibitioun of certane excommunicat rebellis whairwith he wes charged, and that in regarde of the surrender made by him of the office of shirefship in your Majesteis hands, the commissioners frome the dioceis of Murrey and Aberdene being informed thair of they compeired before us and with reasoun contentit in presence of the Marques that, however in course of justice he might pleade ane liberatioun frome being burdenned as shireff with the taking and exhibitioun of rebellis, yitt he wes still lyable as landslord for the entrie of suche as dwelt upon his bounds the tyme of the charge, whilk he could never declyne, it being ane point of service incumbent to the meannest subjects by the lawes of the kingdome and easilie prestable by him in regarde of his place and power ; the consideratioun whair of moved us to continew that mater till the sevint of Januar and we have recommendit to the Marqueis to use his best diligence in the meane tyme towards the exhibitioun of suche excommunicat rebellis for whome be the lawes of the kingdome he is obliged to answeare. And in regarde of the Marqueis his dimitting of the shirefship and of the licentious libertie takin thairupon be the papists in the north to contemne all authoritie both civill and ecclesiastick, it wes earnestlie craved be the saids commissioners that we would humbelie supplicat your Majestie to be graciouslie pleased to make choise of the Erle of Monteith and to

Acta July 1629-  
December  
1630.  
Fol. 189, b.

authorize him with ample commissioun for taking of the saids rebellis in the north, seazing upon thair houssis and intrometting with thair rents to his awin behove for maintenance of his officiairs without farther charge to your Majestie. Thairafter the commissioners gave in the inclosed petitioun showing the hurtfull effects quhilks your Majesteis lait favour and princelie indulgence grantit unto the Marqueis of Huntlie and his ladie hes produced in the north, whiche, howsoever it may appeare to be personall and thairfoir the more favourable and lesse dangerous, yitt in the consequence thairof it would prove exemplarie for others to sollicite your Majestie for the lyke immunitie, the hope and expectatioun whairof is so firmelie apprehendit by the papists that the obdured sort ar confirmed thairby in thair obstinacie, and the more plyable, who wer in way of gayning and obedience, have resiled frome thair former offers and cannot be reclaimed, quhairby the course of reformatioun, quhilk upon the first publishing of your Majesteis pious resolutioun wes happlie begun and going on, is now interrupted, to the greeffe of all trew professours and scandall of religioun, whiche suffers lykewayes by the secreit practises of profest papists resorting to Court and remaining as agents there under cullour of the Queens Majesteis service, quiche the commissioners instanced in the persoun of one, Doctour Leslie, a most sedulous traffiquing papist laitlie admitted physician to her Majestie, the better to shelter himselfe frome obedience to the law, whairof they humbelie craved that we would make remonstrance to your Majestie; whiche thair reasonable desire in a mater so neerelie concerning the establishment of religioun and peace of the countrie we could not in dewtie refuse. And thairfoir we have humbelie presoomed to represent thair petitioun to your Majesteis pious and wise consideratioun, to the intent your Majestie, after perusall of the same, may signifie your gracious pleasure thereanent, whiche we intreat may be returned (if your Majesteis more important effaires may permitt) betuix and the sevint day of Januar whilk is the dyet assigned to the Marques for his compeirance before us. And so praying God to blesse your Majestie with a long and happie raigne, we rest, etc. Frome Halyrudhous, 15 *Decembris*, 1629. *Subscribitur*, Dupline, Hadinton, Morrey, Linlithgow, Galloway, Air, Carnegie, Ad. B. of Dumblane, Melvill, S<sup>r</sup> Thomas Hope.

The Humble Supplication of the Commissioners of the Diocesis of Aberdeen and Murrey to the Lords of his Majesteis most honourable Privie Counsell, to be considerit be thame and represented to his sacred Hienes:—

It is humbelie meanned and heavilie to be regrated to his most sacred Majestie and your most honourable wisdomes that altho by his Majesteis directioun and approbatioun there wer wholesome lawes, charges and constitutiouns givin furth of late for repressing the hudge grouth and

Petition from the commissioners of the diocesses of Aberdeen and Moray to his

Majesty representing that the late immunity granted to the Marquis of Huntly has been a great encouragement to Papistry.

insufferable insolenceis of papists in the north whiche wes come to so great ane hight and extremitie that it wes thought remedillesse, and yitt upon the publishing of his Majesteis pleasure for repressing thairof according to the ordour sett down be your honnourable wisdomes the same tooke so good effect and the course of reformatioun and purging the land thairof wes so happilie going on that the most obdured and obstinat sort wer lurking and lying calme and the more plyable wer daylie putting up thair offers of conformitie, as by thair handwritts thairon exhibite before your honnours wes cleerelie manifested, untill of lait a surmize of a pretended letter of favour and immunitie grantit to the Marqueis of Huntlie and his ladie being spread in the countrie occasiouned (to the great greeffe of all the weele affected) suche a crossing and marring of that happie worke of reformatioun that these excommunicat rebellis who lurked afore did thereafter, and yitt does, both in publict burghes, mercats and all publict meittings, more peartlie and avowedlie shew thameselffes in companeis and convocatiouns, armed with forbiddin weapouns, than ever they did before, most insolentlie and in contempt of all authoritie; and these of the more plyable sort, who wer in the way of gayning and obedience, resiled frome thair former offers and course of intended conformitie, whereas in the contrare it might have beene trewlie promised, God willing (if the course begun had gone soundlie fordward without anie interrupting and intervening occasioun whilk scandalizeth the best and hardenneth the worst affected), that within short space these north parts had beene purged of avowed poperie; whairin seing his Majesteis care and godlie zeale hes beene frome tyme to tyme so cleerelie manifested to have the same effectuat, we have beene the more emboldenned, in our Churches name, in all humilitie and reverence, the more cleerelie to discover the letts of the same.

And altho it would seeme that upon a personall forbearance onelie to these two noble persouns so great evill could not ensew, yitt considering that they ar eminent and in so publict view under whois shadow by imitatioun onelie manie shrewde thameselffes, and that evils ar not so weill perceaved in thair beginning, and that the evill affected also take occasiouns readilie upon the meannest grounds to build thair presumptiouns, and that this will draw importunat sutes and fashing not onelie upon his sacred Majestie by alyke professours, bot the danger also of the subversioun, peece and peece, of the trew religioun; and this immunitie of the said Marqueis and his ladie will be both ane occasioun of retrait to all others who ar alyke affected for thair obfirming in thair erroneus opiniouns and ane meane also to keepe still secretlie seduucing preists and Jesuits within the bowellis of his Hienes kingdome to the danger both of the religioun and state, to both whiche they carie alyke inimitie. Thairfoir out of that zeale and fidelitie that becomes Gods servants, in His name and for His caus, we humbelie and earnestlie, for ourselfes and in

Acta July 1629.  
December  
1630.  
Fol. 189, b.  
Fol. 190, a.

Acta July 1629-  
December  
1630.  
Fol. 190, a.

Fol. 190, b.

the Churches behalffe who have entrusted it to us, begs and submissivelie supplicats the recalling of this immunitie to the said Marqueis, whiche his lordship could never obteane of his Majesteis royall father of blessed memorie, who, knowing the pryde and insolenceis of that sort, never bestowed anie suche warrand of immunitie in tyme comming bot kepted thame still under the awe and danger of the lawes, and incaise of thair quyet and peaceable behaviour thought it too muche to give thame anie oversight for byganes.

Whereas in lyke manner the Marqueis of Huntlie (as your honnours knowes) according to the wholesome lawes and constant practise of this ancient kingdome is bound and wes charged, not as shireff bot as maister and landslord onelie, to exhibite before your lordships of his Hienes Counsell suche excommunicat rebellis as wer his servants and tennents allanerlie, and that he hes no wayes performed that service, bot seekes by all meanes contrarie to the lawes to be free of that dewtie, whiche is alyke incumbent upon all suche subjects, under pretence of ane surrender of the office of shirefship, in whiche respect he is no wayes urged; thairfoir humbelie supplicats (for obviating of misinformatioun or mistaking) that the trew cause of this mater may be represented by your honnours to his sacred Majestie that no preparative may pas in the said Marqueis persoun aganis the equitie of the lawes and practick of this kingdome, seing especiallie, as wes qualified before your honnours, the habitatioun of some of these rebellis ar in his lordships strongest castellis and houses both in burgh and countrie, out of whiche they can hardlie be had or dispossesed bot by his lordships authoritie.

The lyke sollicitude to be loyall and faithfull makes us lykewayes to represent to his sacred Majestie and your honourable wisdomes that not onelie is the hopes of our northerne papists fostered and they in thair obstinacie more and more obfirmid by occasioun of the foresaid immunitie, but also by the frequent resort of professed papists to Court and thair remaining there as agents for these of thair profession, whair of we have ane particular instance amongs manie of one, Doctour Leslie, pretended physician, a most pernicious seducer and sedulous traffiquing papist, who hes long agoe bene putt and yitt is under Church censur, bot now bragginglie pretends himselfe, notwithstanding thair of, to be admitted to the Queens service, abusing so her sacred Hienes to make her a patronesse (as it wer) to fugitives frome Church discipline and obedience; and beside the imbringing of so bad a preparative, he to be a sedulous agent and intelligentiar for our papists at Court, in whiche assurance alreadie thair myndes ar firmelie sattled, and he hes givin prooffe: Humbelie thairfoir supplicating that the evill heirof both present and probablie lyke to en sew may be so tymelie adverted by his Majesteis and your honnours prudence as suche wicked instruments may be debarred from his royall persoun and Court, and the recourse of suche for the lyke promotioun and bad sequels thair of may be heerafter

impeded, and so more and more his Majesteis loyall and weele affected subjects thair hearts may be overjoyed with the perceptioun of his Hienes pious dispositioun and constant fruicts of his godlie governement, whiche we beseeke the Lord that it may be happie and long continued over us. William Guild, commissioner, Will. Davidsons, commissioner.”

Excommunicated rebels and their ressetters in Aberdeen.

“The whilk day the commissioners for the presbytereis of Aberdein and Murrey gave in to the Lords of Privie Counsell ane roll of the excommunicat rebellis within the bounds of the saids dioceis aganis whome the saids Lords ordains letters of treasoun to be direct for randerung of thair houssis and entering of thair persouns in warde; as alsua the saids commissioners gave in a roll of the names of suche persouns who intercommoun with the saids excommunicat rebellis, aganis whome the saids Lords ordains letters to be direct charging thame to compeir before his Majesteis Counsell to answeire upon thair said intercommouning.”

Charge to James Crichton of Fendraith and William Gordon of Rothemay to appear before the Council, and meanwhile to keep the peace.

“Forsameekle as the Lords of Secreit Counsell ar informed that there is great appearance of trouble lyke to fall out betuix James Crichtoun of Fendraith, on the one pairt, and Williame Gordoun of Rothemay, Johne Gordoun, his sone, John Inneis of Crombie, and Thomas Meldrum of Iden, on the other pairt, whilk will not faile to produce some great inconveniences to the disturbance and breake of his Majesteis peace without remeid be provydit, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging both the saids persouns to compeir personallie before the saids Lords upon the day of to heare and see suche ordour tane with thame tuicheing the observation of his Majesteis peace as the saids Lords sall thinke expedient, under the pane of rebellioun, etc., with certification, etc.; and in the meanetyme to command and charge both the saids parteis that they nor nane of thame preesome nor take upon hand to invade, persew, trouble or molest one another for whatsomever deid, caus or occasioun otherwayes nor be ordour of law and justice, and that they keepe good order and quyetnes in the countrie, under the panes following, viz., the said Laird of Fendraith under the pane of fyve thowsand pundis, and the said Laird of Rothemay under the pane of fyve thowsand merks, and the saids Johne Inneis of Crombie, Johne Gordoun, younger of Rothemay, and Thomas Meldrum of Iden, everie ane of thame under the pane of twa thowsand merkes; with certificatioun to thame that failyeis or does in the contrair, letters and executorialis sall be direct aganis thame for payment of the sowmes of money respective abonewrittin to his Majesteis Thesaurar, Deputie Thesaurar, and receavers of his Majesteis Rents in his Majesteis name and to his Majesteis use.”

[Sederunt as recorded above with the addition of “Air.”]

Holyrood House, 10th December 1629.

Petition by William Livingstoun of Kilsyth, as follows;—On 3d

Decreta, November 1627–January 1630. Fol. 271, a.

Acta July 1629. December 1630. Fol. 190, b.

Fol. 191, a.

3d

Decreta,  
November  
1627-January  
1630.  
Fol. 271, a.

December he, as principal, and Sir George Forrester of Corstorphine, knight, and John Livingstoun of Hayning, as cautioners, became bound on receiving from the captain, constable and keepers of the Castle of Stirline, Sir James Forrester of Carden for exhibition before the Lords of Session in obedience to the act by Sir William Livingstone, the petitioner's grandfather, to place the said Sir James in safe custody in the tolbooth of Edinburgh or re-enter him in the Castle of Stirline. Now he has received the said Sir James, brought him safely to the burgh of Edinburgh and exhibited him before the Lords of Session, and thereafter committed him to ward in the tolbooth of Edinburgh in order to liberate himself from the action raised against him as heir to his deceased grandfather before the Lords of Session, by the relict and children of the deceased John Areskine of Myretoun, and he therefore craves to be relieved of the said act of caution. The Lords grant relief as craved, but only *pro tanto* without prejudice of the lawful defences of the said relict and children whom the matter properly concerns, against the entry of the said Sir James in the tolbooth of Edinburgh.

Petition by William Livingston of Kilsyth to be liberated from his caution for Sir James Forrester of Carden.

Fol. 271, b.

Petition by Sir James Forrester of Carden, as follows :—Though their Lordships granted warrant that when William Livingstoun of Kilsyth had produced him before the Lords of Session, he should then transport him to the Castle of Stirline again, he has been warded in the tolbooth of Edinburgh where he has no means to entertain himself and his health is likely to be endangered by this restraint; he therefore craves that their Lordships would ordain the provost and bailies of Edinburgh to deliver him to the said William Livingstoun of Kilsyth to be transported back to the Castle of Stirline, notwithstanding of any arreistments against him since his incarceration, and that within three hours upon pain of horning; also that they would ordain the said William Livingstoun to receive and carry him back to Stirline and deliver him to the captain, constable and keepers of the Castle there, in terms of the said William Livingstoun's act of caution, and under the penalties therein contained; and finally to ordain the said captain, constable and keepers of Stirline Castle, to receive and keep him until he has satisfied the hornings for which he was imprisoned, and that within 12 hours on pain of horning. The Lords grant the petition as craved.

Petition by Sir James Forrester of Carden that he may be removed from the Tolbooth of Edinburgh to the Castle of Stirling.

Fol. 272, a.

Petition by John Earl of Cassillis, as follows :—Sir Patrick Agnew of Lochnaw, sheriff of Galloway, knowing that the subcommissioners of the presbytery of Air had appointed the 21st instant for concluding the valuations of that presbytery, and that the petitioner must attend there, the matter being so important that he cannot neglect it without great prejudice, has notwithstanding charged him to compear before their Lordships on the 17th instant to answer to some complaint, thinking to cause him "slip the one day or the other" to his great inconvenience. For, if he miss the diet before the presbytery his parties are "so peremptoir and strict as they will make use of the least advantage that

Petition by John, Earl of Cassillis, that his day of appearing before the Council at the instance of Sir Patrick Agnew of Lochnaw may be postponed.

Fol. 272, b.



occurres "; and if he neglect the other it will be imputed as contempt and disobedience, "whilk imputatioun he will studie everie way to eschew." He therefore craves that their Lordships will continue his case "till some competent day in the Yuile vacance," and that he may have letters intimating this to the said sheriff so that he and his witnesses may not travel unnecessarily to keep the first diet. The Lords grant the petition as craved, postponing the case until 14th January next.

Decreta,  
November  
1627-January  
1630.  
Fol. 272, b.

Complaint by William Stevenson and Alison Pringle, his spouse, against the presbytery of Duns, who have placed them in the Tolbooth on a suspicion of witchcraft, but refuse to bring them to trial.

Complaint by William Stevensoun in Hirsell and Alesoun Pringill, his spouse, as follows:—About ten weeks since they were apprehended by the bailies of Dunce and warded in their tolbooth upon the sinister information of the presbytery of Chirnesyde that they were guilty of witchcraft. To establish their innocence they have dealt with the said presbytery either to put them to trial or to set them free on caution to compear before the Justice and his deputes when charged, but this is refused. Charge having been given to Mr. Alexander Smith, moderator of the said presbytery, and the pursuers compearing by Richard Stevinsoun, their son, and the said moderator not compearing, the Lords ordain the bailies of Dunce to be charged to liberate the complainers within 24 hours, caution having been found in the Books of Adjournal for their compearance before the Justice and his deputes for trial on lawful citation under the penalty of 300 merks, and also to compear before the said presbytery or others commissioned by the Council for their examination when called thereto, each under the penalty of £100.

Fol. 273, a.

Lady Manderston and Alexander Hamilton, warlock.  
See ante, p. 361.

"For the better discoverie of the truthe of these depositiouns alledgit made be Alexander Hamiltoun, warlocke, tuiching the Ladie Manderstoun, her pretendit practising her husbands death by witchcraft," it was thought expedient that Patrick Abernethie, notary in Dunce, and William Mowat, servitor to James Mowat, should be examined upon these depositions "and how and by whome the mater hes beene caryed." Charge having been given to them accordingly to compear this day, and they not compearing, the Lords ordain them to be put to the horn and escheat.

Fol. 273, b.

[Sederunt as recorded above with the addition of "Air."]

Sederunts,  
November  
1629-January  
1635.  
Fol. 4, a.

Marquis of Huntly.

To the Act of Council in reference to the Marquis of Huntly there is here added at the end—"And that the Marques remayne still heir and remove not in the meanetye."

The Aberdeen Commissioners.

In the Act appointing the petition of the Aberdeen Commissioners to be sent to the King the terms here are—"They ordanit the same to be remonstrat and recommendit to his Majestie."

Fol. 5, b.

Dr. Leslie.

"The Lordis ordanis that in the citationis to be used aganis Doctour Leslie ane copie salbe delyverit to the provest or one of the baillies of

Sederunts,  
November  
1629-January  
1635.  
Fol. 5, b.

Elgine for the tyme, and this ordour to be without prejudice quhen he can be personalie apprehendit."

"The quhilk day the exhibitoun of Robert Mersair beifor the Counsell is continewit with consent to Twisday nixt and the cautionaris actit of new for presenting of him under the pane of v<sup>m</sup> lib."

Robert  
Mercer.

Royal Letters,  
1628-32.  
Fol. 174, b.

"After our verie heartilie commendatiouns. We ar informed by the Erle of Kingorne that the fyteene of this instant is appointed by yow unto him for his compeirance before yow in the mater of the valuatiouns of his lands within your bounds, and that he is charged to compeir that same day before the commissioners heere at Edinburgh anent the valuatioun of certane his lands quhairof the Duke of Lennox is titular of the teinds; and quhairas it is impossible for him to keepe both the saids dyets, and in respect he hes sindrie actiouns at law quhilks requires his personall attendance in this burgh, these ar thairfoir to will and require yow to forbear and continew all proceeding aganis the said Erle in the valuatioun of anie of his lands within your bounds untill suche tyme as he may convenientlie attend, and that yow give him lawfull and tymous advertisement of the dyet to be assigned be yow to him; whairin not doubting of your readie obedience, we committ yow to God. Frome Halyrudhous, the tent day of December 1629. *Subscribitur*, Hadintoun, Wintoun, Linlithgow, Dunkelden, Dumblane, Melvill, Carnegy, Hamiltoun.

Holyrood  
House, 10th  
December  
1629.

Letter to the  
sub-commissioners of the  
Presbytery of  
Kirkcaldy  
anent the Earl  
of Kinghorn  
and the valuation  
of his  
lands.

Acta July 1629-  
December  
1630.  
Fol. 191, a.

*Sederunt*—Chancellor; Privy Seal; Murrey; Linlithgow; Gallo-  
way; Air; Lord Gordoun; Bishop of Dumblane; Melvill;  
Carnegie; Advocate; Sir John Scot.

Holyrood  
House, 15th  
December  
1629.

Fol. 191, b.

"Anent the supplicatioun presented to the Lords of Secreit Counsell be the commissioners for the diocie of Aberdein makand mentioun that in regarde it hes pleased the saids Lords to the glorie of God and confort of all weill affected subjects for purging the land of Poperie to grant sindrie letters aganis excommunicat rebellis, thair persouns, houses and rents, as alsua decreits ar recovered aganis thame before the Sessioun, and letters of horning, poynding and arrestment raised thairupoun at the instance of his Majesteis Thesaurar and Deputie Thesaurar and execute be heraulds and officiars, quhilks heraulds and officiars hes received some bands frome the friends of these excommunicat rebellis who had maynses in thair awin labouring in this last crop 1629, and whois crop wes valued upon the ground be persouns selected for that purpose before the cornes come to the hooke, that they sould be comptable and answerable for the saids cornes according as they wer severallie valued, the executioun of quhilks bands hes bene neglected and slighted this long tyme bygane, to the great hinder of his Majesteis service and encouraging of these excommunicat rebellis to continew in thair obstinacie and dissobediencie; humbelie desyryng thairfoir the saids Lords that they

Commission to  
the Bishop of  
Aberdeen  
anent the  
officers and  
heraulds, intro-  
mitters with  
the rents of  
excommuni-  
cated Papists.

would grant commissioun to the Bishop of Aberdene in maner and to the effect following, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considerit be the saids Lords and they weill advised thairwith, and finding the desyre of the said supplicatioun reasonable, thairfoir the Lords of Secreit Counsell hes givin and grantit, and be the tennour heirof gives and grants commissioun to Patrik, Bishop of Aberdene, to call and conveene the heraulds and officiars imployed in this service before him at suche tyme and place as he sall appoint and to urge thame with productioun of the saids bands and delyverie of the same to him, and to take a compt of thame of thair diligence done anent the executioun of the saids bands and of the decreits and letters concerning the saids excommunicats thair rents, and where no diligence is done, to caus the same be tymouslie and ordourlie done, and to caus the saids heraulds and officiars to be satisfied for thair panes out of the first and readiest payment that sall arise upon the executioun of the saids bands or upon the goods of the saids excommunicat persouns quhilks sall be lawfullie poynded. Lykeas the saids Lords hes modified and be the tennour heirof modifeis to the saids heraulds and officiars for everie dayes service the sowme of threttie shillings money, to be payed to thame after that the said Bishop hes tryed thair diligence and honest and dewtifull cariage in this service. And ordains the said Bishop to make a report of his proceedings in this bussines and of the bands quhilks sall be recovered be him and of the goods that sall be lawfullie poynded to the saids Lords with convenient diligence after the service foresaid is putt to a point.

Charge to the provosts of certain burghs on the east coast to appear before the Council for neglecting to examine ships coming from countries infected with the plague.

“ Forsameekle as albeit there wes ane proclamatioun formerlie made and published charging the provests and bailleis of all the burrowes and touns on both sides of the rivers of Forth and Tay and of all other touns and burrowes upon the sea coast within this kingdome that they and everie ane of thame within thair severall bounds and offices sould have had ane speciall care and caused diligent attendance to be givin when anie shippes or barkes sould arryve toward thair touns or ports frome anie place beyond sea suspect to be infected with the contagious sicknesse of the pest and not to have suffered anie of the companie or equippage of the saids shippes or barkes to have come on land nor nane of the goods being thairin to have beene lost untill they had abiddin convenient tryell, and that it had beene found and seene that they ar cleane and free of the said infectioun ; notwithstanding whairof the Lords of Secreit Counsell ar surelie informed that the magistrats and bailleis of some of the saids burrowes and touns have beene most remisse and negligent in the executioun and carefull advertance to that whiche wes givin thame in charge, and have suffered the companie of some shippes arryving in thair bounds frome suspect places to come on land, to the hazard and indangering of the countrie with that contagioun ; for redresse whairof and preventing the lyke in tyme comming the Lords of

Acta July 1629.  
December  
1630.  
Fol. 191, b.

Fol. 192, a.

Acta July 1629-  
December  
1630.  
Fol. 192, a.

Secret Counsell ordains letters to be direct charging the bailleis of Bruntilland, Kingorne, Kirkaldie, Dysert, Elie, Pittinweme, Anstruther and Craill, to compeir before the saids Lords upon the twentie twa of this instant to answeire upon thair bypast neglect in not attending upon suspect shippes and barkes arryving at thair ports, and to underly suche ordour as sall be prescrvyed to thame thereanent in tyme comming; and in the meane tyme to command and charge the bailleis respective abone-writtin that they have ane speciall care of suspect shippes arryving in thair bounds, and that the companie and equippage of the saids shippes conteane and keepe thameselffes aboard till they abyde the ordinarie tyme of tryell accustomed in the lyke caises, and if anie of the companie hes or sall heerafter come to land without warrand frome the saids bailleis, with power to thame to committ all suche persouns to warde and to punishe thame thairfoir according to the merite of thair fault; and if anie shippes sall happin to arryve in anie of thair bounds whiche ar notourlie knowne or aganis whome there is cleere evidences that they ar infected with the contagioun of the pest, with power to the saids bailleis and magistrats in his Majesteis name to command and charge the maister and companie of the saids shippes whilks ar infected as said is to conteane thameselffes aboard and not to presooome nor take upon hand to come to land nor to lose anie of thair goods till they receive speciall warrand and allowance to that effect, under the pane of death; whairin if they failyie, that the saids bailleis and magistrats respective within thair awin bounds take and apprehend all suche persouns that sall thus contraveene and come to land and to caus committ thame to some sure and commodious place till ordour be givin frome the Counsell concerning thair punishment as accords; and that the saids provest and bailleis compeir personallie to the effect foresaid under the pane of rebelioun, &c; with certificatioun, &c."

Fol. 192, b.

" Forsameekle as the Kings Majestie being informed that there hes beene some devilish practises of witchecraft used by certane persouns aganis Sir George Home of Manderstoun, his Majestie<sup>2</sup> hes beene pleased by his letter direct to the Lords of Secret Counsell to signifie his will and pleasure for a protectioun to be grantit to the said Sir George to the intent he may repaire in publict for the better cleering of the truthe of that bussines; thairfoir the Lords of Secret Counsell according to the directioun of his Majesteis said letter, whilk wes this day exhibite before thame, hes givin and grantit, and be the tennour heirof gives and grants libertie and warrand to the said Sir George Home for his saulffe repaire in the countrie without danger of the law for the purpose and to the effect abonewrittin untill the twentie day of Januarie nixt, discharging in the meane tyme all shireffs, stewarts, bailleis of regaliteis, and their deputs, provests and bailleis within burgh, and all others his Majesteis Judges, officers, and magistrats, to burgh and land, and als all officers of armes, of all taking, apprehending, warding or arresting of the said Sir George

Letter from his Majesty desiring protection to be granted to Sir George Home of Manderston that he may be enabled to clear up the practising of witchcraft against him.

Home of Manderstoun, be vertew of anie hornings, captiouns or arreist-ments direct thairupoun, discharging thame thairof and of thair offices in that pairt untill the said twentie day of Januarie nixt. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R., Right trustie and weilbelovit cousine and counsellour, right trusty and weilbelovit cousines and counsellours, and right trusty and weilbelovit counsellours, we greete yow weil. Whereas Sir George Home, knight, the better to free himselfe of the devilish practises of witchecraft used (as we ar informed) aganis his person and estate, and of suche calumneis whairby he hes beene traduced by thame hath caused petition us to have our protection for repairing in publict till his innocencie and thair guiltines may appeare, the foulnesse of the cryme alledged and the estate of the gentleman distressed in so wicked a maner hath justlie moved us to commiserat the same; thairfoir if anie grounds for manifesting that abuse sall appeare unto yow, our pleasure is that yow grant him our protection for suche tyme as yow sall thinke fit for cleering of what is alledged, during whiche tyme it is promised unto us in his name that he will use his best meanes to give his creditours satisfioun; and for your so doing these presents sall be your warrand. So we bid yow fareweill. Frome our Court at Theobalds the 16 of September 1629.”

Acta July 1622.  
December  
1630.  
Fol. 192, b.

Direction to  
the bailies of  
Leith anent  
suspected  
ships.

“The Lords of Secreit Counsell ordains and commands the bailleis of Leith, who wer personallie present, to have a care of all shippes arryving in thair bounds frome parts suspect of the contagious infectioun of the pest and not to suffer the shippes to come within the harbourie nor anie of the companie to come on land, bot that they remane and keepe thair shippes and handle thair goods upon the docke some certane space for the better tryell of thair estate, and if they be free of the said infectioun.”

Fol. 193, a.

Direction to  
the bailies of  
Leith anent  
John Leigh-  
ton's ship.

“The Lords of Secreit Counsell understanding be the report of the bailleis of Leith that suche of Johne Lichtons shippe who upon suspicioun of the plague wer sequestrat and putt be thameselfes ar now free of all kynde of suspicioun of that sickenesse, thairfoir the saids Lords allowes the bailleis of Leith to putt the saids persons to libertie, so as they may pas where they please, and to give thame testimoniallis that they ar free and cleane of that infectioun, whairthrow they be not troubled be others upon that ground of suspicioun.”

Act in favour  
of Robert  
Mercer.

“The Lords of Secreit Counsell modifeis and allowes to Robert Mercer, messinger, the sowme of aucht penneis Scottish money for everie pund of the taxatioun ordinarie and extraordinarie for the whilk he hes [been] charged and reported payment, and that for the last twa termes of the ordinarie taxatioun and foure termes of the extraordinarie taxatioun grantit in October 1625.”

Decreta,  
November  
1627—January  
1630.  
Fol. 273, b.

[Sederunt as recorded above.]

Holyrood  
House, 15th  
December  
1629.

Petition by Agnes Campbell, spouse to Robert Campbell, burges of Air, and by the said Robert for his interest as follows:—Their Lordships have granted a commission to the Sheriff of Air and his deutes, and to the provost and bailies of Air, or any three of them, the said provost being one, to try the said Agnes for witchcraft, and the said commissioners have appointed the 22d instant for the trial. She is most willing to stand her trial, but “equitie and conscience craves that she have ane copie of the dittay to be used aganis her and ane lawfull tyme to be advised thairwith and for consulting and advising with advocats and men of judgement” as to her defence, seeing the matter concerns her life and estate, yet the said provost and bailies keep her in such strict ward that none can have access to her, and they will not give either to herself or any in her name inspection of her indictment, nor time to advise thereon. They therefore crave continuation of the trial for these purposes. The Lords ordain a copy of the indictment to be given to her 48 hours before her trial for the purposes above stated, and forbid the commissioners to proceed therein without doing so.

Petition by  
Agnes Camp-  
bell, spouse to  
Robert  
Campbell,  
burgess in Ayr,  
who is now in  
the Tolbooth  
of that burgh  
on a charge of  
witchcraft,  
that her dittay  
be given to her  
in time to  
prepare her  
defence.

Fol. 274, a.

“Ordanis the ordour formarlly prescryved anent suspect shippes to be looked oute and reported upoun Thurisday and the baillies of Leethe to attend that day.”

Plague-ships.

“That missives be direct to Dundee, Monros and S<sup>t</sup> Androis to advert and haif a cair of suspect shippes aryveing in thair boundis.”

The same.

“The quhilk day Robert Mersair compeirand personalie befor the Counsell for obedience of the Act wherby he wes bund to that effect, and the lait shiref-depute of Abirdene being lykewayes personalie present and haveing burdynnit Robert Mersair with ane accompt of his intro-missioun with the moneyes of the taxatioun ordinair and extraordinair, the Lords continewis that mater till Thurisday. The formar cautionaris being present actit thameselfes for the said Robert his compeirance that day under the pane of fyve thousand pundis.”

Robert  
Morcer.

Fol. 6, b.

“The Lordis ordanis Williame Mowatt, who compeirit this day, to remayne in the toun and to attend upoun the Advocat, Sir Johnne Scott, and Justice Depute, whenever he salbe callit, to be examined be thame upoun suche thingis as by ordour frome the Counsell salbe demandit of him.”

William  
Mowat.

Acta July 1629-  
December  
1630.  
Fol. 193, a.

*Sederunt*—Chancellor ; Privy Seal ; Linlithgow ; Wintoun ; Perth ; Galloway ; Bishop of Dumblane ; Lord Gordoun ; Lord Melvill ; Lord Carnegie ; Lord Jedburgh ; Clerk of Register ; Advocate ; Sir John Scot.

Holyrood  
House, 17th  
December  
1629.

“The whilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords of his Privie Counsell, wes presented

Letter from  
his Majesty  
desiring the

Council to  
summon one  
Ramsay, who is  
accused of  
purloining a  
charter-chest  
belonging to  
Sir James  
Ramsay.

to the saids Lords and read in thair audience, of the whilk letter the Acta July 1629.  
tennour followes :—CHARLES R. Right trustie and right weilbelovit December  
cousine and counsellour, right trusty and weilbelovit cousines and coun- 1630.  
sellours, and right trustie and weilbelovit counsellours, we greete yow Fol. 193, a.  
weill. Whereas complaint hes beene made unto us be Sir James  
Ramsay, our servant, that one Ramsay, the base sone of umqu-  
hill Michael Ramsay, about the instant tyme before his fathers,  
did without anie warrand or just caus take away a chest  
whairin his fathers writts and moneyes wer; the foulness of  
the alledgit fact, and the dangerous exemple it may give to  
others to committ the lyke, with the losse the partie justlie interested  
may thairby susteane, being sufficient enducements to us to hearken to  
suche a complaint, our speciall pleasure is that with all convenient dili-  
gence yow caus the said Ramsay and anie other who upoun apparaunt  
grounds ar suspected to have had ane hand in that fact to compeir  
before you, and after dew tryell, if the same be found trew, that yow caus  
proceid to doe justice thairin according to our lawes provyded in these  
caises; but if yow find the fact to deserve present death of the trans- Fol. 193, b.  
gressours we will that they be imprissouned till our further pleasure  
tuicheing thame be knowne. So we bid yow fareweill. Frome our  
Court at Whitehall the 17 of November 1629. Quhilk missive being  
heard and considerit be the saids Lords, they ordaine letters to be  
direct according to the directioun of the said letter when ever the parteis  
interest sall require the same.”

Charge to the  
sheriffs of  
Lanark, Ayr,  
Haddington,  
Dumfries, Fife,  
and Wigtown,  
to take  
measures for  
the election of  
Commissioners  
for Parliament  
which they  
have hitherto  
neglected to  
perform.

“ Forsameekle as the Lords of Secreit Counsell ar informed that at  
the terme of Michaelmas last, whilk wes the tyme appointed be Act of  
Parliament for electioun of commissioners for the small barouns and  
freeholders within the severall shirefdomes of this kingdome to attend  
his Majesteis Parliaments and Generall Counsellis, there wes no electioun  
made at all of the saids commissioners within the shirefdomes of Air,  
Lanerk, Hadintoun, Dumfries, Fyfe, and Wigtoun, quhilk wes ane verie  
great ommission and neglect of dewtie in these to whois charge the said  
electioun apperteanned, and throw occasioun whair of his Majesteis ser-  
vice and the publict effaires of the estait to be intreated at this  
approacheing Parliament will receave great hurt and prejudice without  
remeid be provydit; thairfoir the Lords of Secreit Counsell ordains  
letters to be direct charging the shireffs of the shirefdomes particularlie  
abonewrittin, and thair deputs, and the commissioners who wer nominat  
within the said shirefdomes to attend the said Parliament this last yeere  
bygane, that they with all convenient diligence conveene the small  
barouns and freeholders within the said shirefdomes respective and at  
thair meeting that they nominat some speciall persouns, freeholders of  
his Majestie, to be commissioners for the saids shirefdomes respective  
at all Parliaments, and Generall Counsellis, during this present yeere,  
and that they compeir before the saids Lords upon the sevint day of

Acta July 1629-  
December  
1630.  
Fol. 193, b.

Januarie nixt come and bring and produce with thame ane formall record and act in writt conteaning the nominatioun and electioun of the saids commissioners according to the forme and ordour prescryved be the said Act of Parliament, under the pane of rebelloun, etc.; with certificatioun, etc."

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 274, a.

Petition by the moderator and brethren of the presbytery of Dalkeith, as follows:—After many clear depositions against Michael Areskine within their bounds convicting him of witchcraft, and upon many evident presumptions of his guilt of some other "abominable and detestable crymes," they caused him to be apprehended and warded "in a little hous abone the end of Newbottle kirk" where they have kept him under a nightly guard for six weeks past till they got "ane full and cleere discoverie of all the crymes whairwith he wes burdenned." But the people of that parish are so wearied with this guarding of the said Michael that they absolutely refuse to continue it, and this prison house is so insecure that the said Michael will then escape. They therefore crave leave to transport him to the burgh of Edinburgh, and that the provost and bailies thereof may be ordained to receive him, and ward him in their tolbooth till he be put to trial. This the Lords grant as craved.

Holyrood  
House, 17th  
December  
1629.

Petition by the  
Presbytery of  
Dalkeith that  
Michael  
Erskine, who  
is accused of  
witchcraft,  
should be  
warded in the  
Tolbooth of  
Edinburgh.

Fol. 274, b.

"A commissioun to the baillies of Leethe to gif and caus attendance be gevin and to tak tryall of all suspect shippis arryveing within thair boundis, and as thay find occasioun or caus of feare to command the maisteris, companie and passingeris of the shippis to conteane thame selffis aboarde, and to divert the shippis to suche partis and places within the Firthe as thay sall think fitt for tryall; and as thay sall find the occasioun to allow the passingeris to come a land and to appoint some convenient place quhair without dangeir thay may abyde tryall and handle the goodis and geare being within thair kistis, and to gif ordour to the maisteris and companie of the shippis for handling and clengeing of the goodis being within the same, and to appoint visitours to attend and see the same cairfullie and laughfullie performed upoun the expenses of the pairtyis; and not to suffer ony persone to haif resoirt or commerce with thame: and that the saids baillies in his Majesties name command the maister, companie and passingeris of suche shippis to obey the directionis whilkis salbe prescryved to thame in this cause under the pane of deade."

Commission to  
the baillies of  
Leith to  
examine ships  
suspected of  
bringing the  
plague.

Fol. 7, a.

"Ane commissioun to Blacader, Rentoun and Cokburne, shiref depute of Berwick, or ony tua of thame for taking of Williame Stevinsoun and Allisone Pringill, his spous, and putting of thame to the knoulege of ane assise for witchcraft."

Case of  
witchcraft.

"The Lordis continewis Robert Mersair to Twisday nixt, and the cautionaris to stand oblist for his compeirance that day."

Robert  
Mercer.



Holyrood  
House, 17th  
December  
1629.

Charge to the  
magistrates of  
Dundee, St.  
Andrews, and  
Montrose to  
examine ships  
suspected of  
bringing the  
plague.

“ After our verie heartilie commendatiouns. Understanding that the Royal Letters,  
1623-32.  
Fol. 176, a. kingdomes of Denmarke and Sweden, the toun of Burdeaux, and other places in France, togidder with Orkney and Zetland, ar at the pleasure of God heavilie visited with the contagious sickenesse of the pest, whiche, by reasoun of the commerce and intercourse of trade whiche is interteanned by the subjects of this kingdome in these parts, may by a carelesse neglect be convoyed hither, if it be not providentlie and tymouslie looked into and all lawfull meanes used for preventing of the same; the feare and apprehension quhairof hes moved us to recommend unto your care, and thairwithall to will and require yow to give diligent attendance upon all shippes arryving within your bounds frome anie suspect place beyond sea, and, as yow sall find anie ground or caus of suspicioun, to command the maister and companie of suche shippes to conteane thame-selffes aboard and not to suffer thame to come to land nor to losse anie of thair goods for suche tyme and space as yow sall prescrive and judge fitting for thair tryell in suche a caise; and that yow caus apprehend and committ to warde in some commodious place all suche as yow sall find to contraveene your directiouns in this kynde. And if it sall happin anie shippes to arryve in your bounds or within that water notourlie knowne to be infected with the said contagioun, or quhair there is just caus of feare and suspicioun thair of, that yow furthwith in his Majesteis name command and charge the maister and companie of anie suche shippe to keepe thameselffes and thair shippes aboard and not to come furth of thair shippes bot to remane thairin, and to follow and obey suche injunctiouns as yow sall thinke fitt to prescrive to thame under the pane of death; quhairin if they failzie that yow caus make thame sure and certifie the Counsell thair of that ordour may be givin for thair punishment according to the merite of thair trespasse: quhairin nothing doubting of your care and diligence in a mater so neerelie concerning the saulfetie of the countrie and your selfes in the dewtie of your office, we committ yow to God. Frome Halyruidhous the xvii day of December 1629. *Subscribitur*, Geo. Cancell., Hadintoun, Wintoun, Linlithgow, Perth, Galloway, Ad. B. of Dumblane, Scottistarvet.”

Holyrood  
House, 18th  
December  
1629.

Commission to  
Sir John  
Home of  
Blackadder  
and others to  
try William  
Stevenson and  
his spouse for  
witchcraft.

Commission under the Signet to Sir John Home of Blacader, John Commissiones  
1624-30.  
Fol. 212, b. Home of Rentoun and Robert Cockeburne of Blackmylne, sheriff depute of Bervick, or any two of them, to search for, apprehend and put in sure ward William Stevensoun in Hirsell, and Alison Pringill, his spouse, who are accused of witchcraft by certain honest and famous witnesses. After their examination they are to hold courts, put them to the trial of an assise and administer justice upon them according to law. Signed by Hadintoun, Wintoun, Linlithgow, Ad. B. of Dumblane, Carnegie, and Sr Thomas Hope.

Acta July 1629-  
December  
1630.  
Fol. 193, b.

*Sederunt*—Chancellor; Treasurer; Privy Seal; Murrey; Wintoun; Holyrood  
House, 22nd  
Linlithgow; Seafort; Air; Bishop of Dumblane; Lord Gordon; December  
Lord Areskine; Lord Melvill; Lord Carnegie; Lord Jedburgh; 1629.  
Advocate; Sir John Scot.

“ Forsameekle as the Lords of Secreit Counsell ar informed that there is great infectioun of the contagious sicknesse of the pest in sindrie parts of the Easter seas and in the touns of Burdeaux and others parts where the subjects of this kingdome hes ane frequent resort and intercourse of commerce, so that if care be not tane of all shippes comming to this kingdome frome these suspect places and that ordinarie meanes be used whairby at the pleasure of God the said contagious infectioun of the pest be not suffered to spread heere, it is verie likelie that great danger and trouble may ensew to this kingdome; and whereas the port of Leith is one of the speciall parts and ports where this attendance is verie requisite and necessar in respect of the neerensse thairof to the supreme seats and Courts of Justice where the nobilitie and numbers of his Majesteis subjects hes ane daylie and frequent resort and repaire; thairfoir the Lords of Secreit Counsell hes givin and grantit, and be the tennour heirof gives and grants, full power and commissioun to the provest and bailleis of Edinburgh and to the bailleis of Leith, conjunctlie and severallie, and with that straitlie commands and charges thame, to have ane speciall care and regarde and to caus good attendance be givin that no shippes comming frome suspect parts and places be suffered to come within thair harbourie; and if anie suche shippes comming frome suspect places sall happin to arryve within the raid of Leith that they take tryell of the saids shippes and frome whence they come and in what caise and conditioun the companie and equippage of the shippes stands, and as they sall find anie occasioun or caus of feare, to command the maisters, companie and equippage of the saids shippes to conteane thameselfes aboard and on no wayes to presooome to come on land till they be warranted be the saids commissioners for that effect; with power to thame lykewayes, with advice of the Admirall, to direct the saids suspect shippes to suche parts and places within the firth as they sall thinke meit, where, without trouble and danger, the shippes may abide their tryell, and the goods and geir being within the shippes may be handled and cleanged, and to appoint visitours to attend and to see the saids shippes and goods being thairin carefullie and weill cleanged upon the expenses of the parteis: And siclyke that the saids commissioners have ane speciall care that no persoun whatsomever resort to the saids suspect shippes or have anie commerce or handling with thame till after ane lawfull tryell they be declared free and voide of all suspicioun of the said infectioun; with power lykewayes to the saids commissioners to take ordour with the passengers being within the saids shippes and as they sall find the

Commission to  
the town of  
Edinburgh and  
bailleis of Leith  
anent ships  
suspected of  
the pest.

Fol. 194, a.

occasioun to allow the passingers to come on land and to appoint unto thame some convenient place and pairt where without danger they may abide thair tryell and handle the goods being within thair kists; and forder with power to the saids commissioners to command and charge in his Majesteis name the maisters, skippers, companie, equippage and passingers being within the saids shippes to obey the directiouns quhilks sall be prescryved and givin to thame in thir maters be the saids commissioners and on no wayes to contraveene nor violat the same under the pane of deid, the persouns dissobeying to apprehend and committ to warde till directioun be givin be the saids Lords for thair tryell and punishment; and generallie all and sindrie uthers things to doe, exerce and use quhilks for the executioun of this commission ar requisite and necessar; firm and stable halding and for to hald all and quhatsoever things sall be lawfullie done heerin."

Commission to  
the towns on  
the coast  
suspected ships.

" Forsameekle as the Lords of Secreit Counsell ar informed that there is great infectioun of the contagious sickenes of the pest in sindrie parts of the Easter Seas and in the toun of Burdeaux and others parts where the subjects of this kingdome hes ane frequent resort and intercourse of commerce so that if care be not tane of all shippes comming to this kingdome frome these suspect places and that ordinarie meanes be used whairby at the pleasure of God the said contagious infectioun of the pest be not suffered to spread heere, it is verie likelie that great danger and trouble may ensew to this kingdome; thairfoir the Lords of Secreit Counsell hes givin and grantit, and be the tennour heiroyf gives and grants, full power and commissioun to the bailleis of Bruntilland, Kingorne, Dysert, Kirkaldie, Elie, Pittinweme, Anstruther Easter and Wester and Craill, everie ane of thame within thair awin bounds, offices and jurisdictionis, and with that straitlie commands and charges thame to have ane speciall care and regarde and to caus good attendance be givin that no shippes comming frome suspect parts be suffered to come within thair bounds; and if anie suche shippes comming frome suspect places sall happin to arryve within thair ports or harbouris that they take tryell of the saids shippes frome whence they come and in what caise and conditioun the companie and equippage of the saids shippes stands, and, as they sall find anie occasioun or caus of feare, to command the maisters, companie and equippage of the saids shippes to conteane thameselfes aboard and on no wayes to presooome to come on land till they be warranted be the saids commissioners for that effect; with power to thame lykewayes, everie ane within thair awin bounds, offices and jurisdictionis, as said is, to direct the saids shippes to such parts and places within the firth as they, with advice of the Admirall, sall thinke meit, where, without trouble or danger, the shippes may abide thair tryell, and the goods and geir being within the shippes may be handled and cleanged, and to appoint visitours to attend and see the saids

Acta July 1629  
December  
1630.

Fol. 194, a

Fol. 194, b

Acta July 1629- shippes and goods being thairin carefullie and weil cleanged upon the  
 December expenses of the parteis. And whereas the toun of Elie is bot ane poore  
 630. toun and few inhabitants within the same, sua that they ar not able to  
 fol. 194, b. keepe a watche to attend the saids suspect shippes, with power thairfoir  
 to the bailleis of Elie to command and charge the masters, skippers and  
 merchants of suche suspect shippes as sall come to thair harbourie to  
 withdraw thameselffes and thair shippes out of thair harbourie at the  
 first faire tyde, they being affoate, and to addresse thameselffes to thair  
 awin port and harbourie with convenient diligence; and siclyke that the  
 saids commissioners have ane speciall care that no persoun whatsomever  
 resort to the saids suspect shippes or have anie commerce or handling  
 with thame till after ane lawfull tryell they be declared free and voide  
 of all suspicioun of the said infectioun; with power lykewayes to the  
 saids commissioners to take ordour with the passingers being within the  
 saids shippes, and, as they sall find the occasioun, to allow the passingers  
 to come on land, and to appoint some convenient part and place where  
 without danger they may abide thair tryell and handle the goods being  
 within thair kists; and forder with power to the saids commissioners to  
 command and charge in his Majesteis name the maisters, skippers,  
 companie, equippage and passingers being within the said shippes, to  
 obey the directiouns quhilks sall be prescryved and givin to thame in  
 thir maters be the saids commissioners and on no wayes to violat nor  
 contraveene the same under the pane of deid, the persouns disobeying  
 to apprehend and committ to warde till directioun be givin be the saids  
 Lords for thair tryell and punishment; and generallie all and sindrie  
 uthers things to doe, exerce and use, quhilks for executioun of this  
 commissioun ar requisite and necessar; firme and stable halding and for  
 to hald all and whatsomever things sall be lawfullie done herein."

"Forsameekle as James Mowat of Fawside hes found cautioun and sovertie actit in the bookes of Secreit Counsell to bring, present and exhibite Williame Mowat, wrytter in Edinburgh, and Patrick Abirnethie, notar in Duncce, before the Lords of Secreit Counsell upon the sevint of Januarie nixtocome to be examined and tryed anent thair knowledge of the depositiouns made aganis the Ladie Manderstoun, under the pane of ane thowsand merkes, thairfoir the Lords of Secreit Counsell hes givin and grantit, and be the tennour heirof gives and grants, full power and commissioun to the said James Mowat to pas, searche, seeke and take the saids Williame Mowat and Patrik Abirnethie where ever they may be apprehendit and to bring, present and exhibite thame before the saids Lords upon the said sevint day of Januarie nixtocome to the effect foresaid, and all and sindrie uthers things necessar for thair apprehensioun to doe and use quhilks of the lawes of this kingdome in suche a caise ar knowne to apperteane; firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin."

Commission to James Mowat of Fawside to present William Mowat, writer in Edinburgh, and Patrick Abirnethie, writer in Duncce, before the Council as witnesses in the case of Lady Manderstoun.

See ante, p. 378.

Commission to  
the provost,  
bailies, and  
minister of  
Dumfries for  
trying of Giles  
Robesone  
anent the  
death of  
Edward  
Hamilton.

“ Anent the supplicatioun presented to the Lords of Secreit Counsell be Claud Hamiltoun of Mauchlinehole makand mentioun that where for the better discoverie and trying of the truthe of that mater whair- upon Margaret Maxwell, spouse to Nicoll Thomesone at the Brig end of Dumfreis, and Jeane Thomesoun, thair daughter, relict of umquhill Edward Hamiltoun, merchant, burges of Dumfreis, and brother to the said Claud, hes beene examined be directioun frome the saids Lords tuicheing thair practising of the death and destructioun of the said umquhill Edward by witchecraft, it is necessar and expedient that Geillie Robesone, now in hands and to be accused for witchecraft in Dumfreis, be examined upon her knowledge of the disease, death and bewitching of the said umquhill Edward; and thairfoir humbelie desyring the saids Lords to grant ane commissioun to the provest and bailleis of Dumfries and to Mr. Thomas Ramsay, minister there, to examine the said Geillie Robesone upon suche interrogators as the said Claud sall give in to thame tuicheing the mater foresaid, lykeas at mair lenth is conteanit in the said supplicatioun; quhilk being read, heard and considerit be the saids Lords and they weill advised thairwith, the Lords of Secreit Counsell gives and grants warrand and commissioun to the saids provest and bailleis of Dumfreis and minister thairof to examine the said Geillie Robesone upon the interrogatours to be givin in to thame be the said Claud tuicheing the mater foresaid and her knowledge of the disease, death and bewitching of the said umquhill Edward, and to report her depositiouns closed to the saids Lords to the intent they may take forder order thereanent as accords.

Act in favour  
of Robert  
Mercer.  
See *ante*, p. 383.

The whilk day in presence of the Lords of Secreit Counsell compeired personallie Robert Mercer, messinger, for obedience and satisfioun of the Act whairby he found caution for that effect, and the saids Lords having heard the differences betuix Williame Gordoun, fear of Knockaspeck, lait shireff depute of Aberdein, and the said Robert, tuicheing the said Robert his accompt and intronmissioun with the moneyes of the taxatioun, the saids Lords releeves the said Robert Mercer of the caution found be him for his compeirance before the saids Lords to answeere upon his intronmissioun with the taxatioun, because Mr. Thomas Davidsoun, Commissar Clerk of Aberdein, Mr. Thomas Mercer, and Mr. Alexander Reid, compeirand personallie before the saids Lords, became actit and obleist as cautioners and soverteis, conjunctlie and severallie, for the said Robert Mercer that they and the said Robert sall warrand the article of receipt of the sowme of three thowsand merkes conteanit in the compt of Walter Robertsoun, toun clerk of Aberdein, and that they sall procure the same to be allowed to the said shireff depute and lykeways that they sall make payment to him of the sowme of threttie sevin pounds, if after tryell takin be Sir James Baillie it sall be found restand and dew to be payed be the said Robert Mercer.

Acta July 1629  
December  
1630.  
Fol. 195, a

Fol. 195, b

Acta July 1629-  
December  
1630.  
Fol. 195, b.

"The whilk day the Lords of Secret Counsell having heard the complaint made be Robert Mercer, messenger, aganis Williame Gordoun, appearand of Knockaspeck, lait sheriff depute of Aberdein, tuicheing the taking and committing to warde of the said Robert Mercer within the Tolbuith of Aberdene the tyme of the lait Justice Court kept there, when as there was libertie proclaimed and ane surceasse of all executioun aganis anie of his Majesteis subjects; and the saids Lords having heard the said Williame Gordoun his answeare made to the said complaint and they being weill advised with all that wes propouned and alledgit thairin, the Lords of Secret Counsell finds and declares that the said Williame Gordoun did wrong in the taking and committing of the said Robert Mercer to warde in maner foresaid, and thairfoir the saids Lords decernis him in ane fyne of fourtie pund to be payed to the said Robert for the said wrong, and ordains letters to be direct aganis him for payment of the said sowme in forme as effeirs."

William  
Gordon  
fined in forty  
pounds for  
warding  
Robert Mercer  
in the Tolbooth  
of Aberdeen.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 274, b.

Petition by Margaret Maxwell, spouse to Nicol Thomesoun at the Brig-end of Dumfries, the said Nicol for his interest, and Jean Thomesoun, their lawful daughter, widow of Edward Hamiltoun, merchant burgesse there, as follows:—It is not unknown to their Lordships what "heavie trouble, infamie and disgrace" they have sustained of late by the unkind dealing of Claud Hamiltoun of Mauchlinehole, who charged the said Margaret Maxwell and Jean Thomesoun with procuring the death of the said Edward Hamiltoun, his brother, "by thair devilish practises," and summoned them before their Lordships, who appointed four of their number to examine them thereon. These examiners have found no evidence of guilt or suspicion against them, and as they are content to find caution to stand their trial on lawfull warning, they crave that their accuser may obtain no commission against them without finding similar caution for the substantiation of his charge, so that if he fail therein the half thereof may go to his Majesty and the other half to the petitioners for reparation of their credit and satisfaction of the great expense to which he has drawn them. The Lords accordingly ordain the said Claud Hamiltoun, who was present, not to raise any letters against the petitioners without first acquainting the Council therewith; and the said Nicol Thomesoun having become cautioner in 1000 merks for the compearance for trial of his said wife and daughter, the Lords release them and allow them to return to their own houses.

Holyrood  
House, 22nd  
December  
1629.  
Petition by  
Margaret  
Maxwell,  
spouse to  
Nicol Thomson,  
at the Brigend  
of Dumfries,  
and her  
daughter,  
against Claud  
Hamilton of  
Mauchlinehole  
anent the  
charge of their  
having caused  
the death of  
his brother by  
devilish  
practises.

See ante, p. 390.

Fol. 275, a.

Commission under the Signet to William Burnet of Barns, James Naismith of Posso, the provost and bailies of Peebles, or any three of them, the said Laird of Barns being one, to hold courts and try John Grahame, Margaret Johnestoun, and Susanna Elphinstoun in Peebles who are suspected of witchcraft. Signed by the Chancellor, Mar, Hadintoun, Wintoun, Linlithgow, Seafort, Air and Carnegie.

Holyrood  
House, 22nd  
December  
1629.

Commission to  
William  
Burnet of  
Barns and  
others to try  
John Graham  
and others for  
witchcraft.

Commissions,  
1624-30.  
Fol. 213, a.

Caution by  
John Alex-  
ander, weaver  
in the Canon-  
gate.

"The quhilk day in presence of the Lordis of Secretit Counsell com-  
peirand personallie Johnne Alexander, wobster in the Cannogait, and  
actit himself not to trouble Robert Arskene in the Cannogait in his  
persone, houses nor goods, under the pane of fyve hundreth merkis."

Sederunt,  
November  
1629-January  
1625.  
Fol. 7, b.

Holyrood  
House, 22nd  
December  
1629.

Letter to his  
Majesty, with  
a petition from  
James Gouraiay,  
skipper in  
Leith, anent  
illusage he has  
received from  
Sir Harry  
Marston,  
captain of  
"The Lion."

"Most sacred Soverane, The inclosed petitioun wes preferred unto  
us be James Gourlay, skipper in Leith, compleaning of ane outrage com-  
mitted aganis him by Sir Harie Marstoun, captane of your Majesteis  
shippe callit *The Lyoun*, without anie offence givin be him to the said  
captane, as by the said petitioun your Majestie will more particularlie  
understand; the strangeness of the fact (if it be trew) seemes to us  
inexcusable and cannot be justified in the persoun of the said captane  
thus hardlie to have intreated anie of your Majesteis good subjects;  
quhilk in regarde of the consequence and exemple that the impunitie  
thair of may heerafter produce, we have thought good in all submissive  
reverence to offer the supplicant his greivance to your Majesteis royall  
consideratioun, humbelie intreating your Majestie so to provyde for the  
legall tryell and redresse [of] the same as the censure thair of may worke  
a forbearance in others to attempt the lyke in tyme comming; quhairin  
resting assured of your Majesteis princelie care and royall favour towards  
all your good and faithfull subjects we pray God, etc. Halyrudhous,  
22 of December 1629. *Subscritur*, Duppline, Mar, Hadintoun,  
Murrey, Wintoun, Linlithgow, Seafort, Air, Areskine, Ad. B. of Dum-  
blane, Carnegie, Melvill, S<sup>r</sup> Thomas Hope."

Royal Letters  
1623-32.  
Fol. 176, b.

Holyrood  
House, 24th  
December  
1629.

*Sederunt*—Chancellor; Treasurer; Præs; Privy Seal; Wintoun; Acta July 1629  
Air; Bishop of Dumblane; Lord Gordoun; Lord Areskine; December  
Lord Melvill; Lord Carnegie: Advocate; Sir John Scot. 1630.  
Fol. 196, a.

Letter from  
his Majesty  
prescribing a  
cognizance for  
Nova Scotia  
baronets.

"The whilk day the missive underwrittin signed be the Kings Majestie  
being presented to the Lords of Secretit Counsell and read in thair  
audience the saids Lords according to the directioun of the said missive  
ordains the same to be insert and registrat in the bookes of Privie  
Counsell and Exchequer, and siclyke they ordained the same to be  
registrat in the bookes of the Lyoun King at Armes and heralds  
thairin to remaine *ad futuram rei memoriam*, and that all parteis having  
interesse may have authentick copeis and extracts thair of; of the whilk  
missive 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 weill. Whereas upon good consideratioun and for the better  
advancement of the plantatioun of New Scotland, whiche may muche  
import the good of our service and the honnour and benefite of that our  
ancient kingdome, our royall father did intend, and we since have  
erected the order and title of Baronnet in our said ancient kingdome,  
whiche we have since established and conferred the same upon diverse

Acta July 1629-  
December  
1630.  
Fol. 196, a.

gentlemen of good qualitie; and seing our trustie and weilbelovit  
counsellour, Sir Williame Alexander, knight, our principall Secretarie of  
that our ancient kingdome of Scotland, and our Lieutennent of New  
Scotland, who these manie yeeres bygane hes beene at great charges  
for the discoverie thairof, hath now in the end settled ane colonie there  
where his sone, Sir Williame, is now resident; and we being most willing  
to affoord all possible meanes of encouragement that convenientlie we can  
to the baronnets of that our ancient kingdome for the furtherance of so  
good a worke, and to the effect they may be honnoured, and have place  
in all respects, according to their patents from us, we have beene pleased  
to authorize and allow, as by these presents for us and our successours  
we authorize and allow, the said Lieutennant and baronnets and everie  
ane of thame and thair heirs male to weare and cary about thair neckes  
in all tyme comming ane orange tannie silk ribban whereon sall  
hing pendent in a scutcheoun argent a saltoire azier, thairon ane  
in scutcheoun of the armes of Scotland with ane Imperiall crowne abone  
the scutcheoun incerced with this motto, *Fax mentis honeste gloria*;  
whiche cognoissance our said present Lieutennent sall delyver now to  
thame frome us that they may be the better knowne and distinguished  
frome other persouns. And that none pretend ignorance of the respect  
dew unto thame, our pleasure thairfoir is that by opin proclamatioun at  
the mercat croces of Edinburgh and all others heid broughes of our king-  
dome and suche others places as yow sall thinke necessar yow caus  
intimat our royall pleasure and intioun heerin to all our subjects;  
and if anie persoun out of neglect or contempt sall presooome to take  
place or precedence of the saids baronnets, thair wyffes or childrein,  
whiche is dew unto thame by thair patents or to weare thair cognoissance  
we will that upon notice thairof givin unto yow yow caus punishe suche  
offenders by prisoning and fyning of thame as yow sall thinke fitting  
that others may be terrified frome attempting the lyke; and we ordaine  
that frome tyme to tyme as occasioun of granting and renewing thair  
patents or thair heires succeeding to the said dignitie sall offer, that the  
said power to thame to carie the said ribban and cognoissance sall be  
thairin particularlie granted and inserted; and we lykewayes ordaine  
these presents to be insert and registrat in the bookes of our Counsell  
and Exchecker and that yow caus registrat the same in the bookes of  
the Lyoun King at Armes and heraulds there to remane *ad futuram rei  
memoriam*, and that all parteis having interesse may have authentick  
copeis and extracts thairof; and for your so doing these our letters sall  
be unto yow and everie ane of yow frome tyme to tyme your sufficient  
warrand and discharge in that behalffe. Givin at our Court of White-  
hall the 17 of November 1629."

Fol. 196, b.

" Forsameekle as upon good consideratiouns and for the better advance-  
ment of the plantatioun of New Scotland, whiche may mucche import the  
good of his Majesteis Service and the honnour and benefite of this his

Proclamation  
sent the  
cognizance of  
the Nova Scotia  
baronnets.



ancient kingdome, his Majesteis royall father of blessed and eternall memorie did intend, and his Majestie since hes erected the ordour and title of baronnet in this his said ancient kingdome, whilk his Majestie hes since established and conferred the same upon diverse gentlemen of good qualitie ; and seing his Majesteis trustie and weilbelovit counsellour, Sir Williame Alexander, knight, his Majesteis principall Secretarie of his said ancient kingdome of Scotland, and his Majesteis Lieutennent of New Scotland, who these manie yeeres bypast hes beene at great charges for the discoverie thair of, hes now in end settled a colonie there, where his sone, Sir Williame Alexander, is now resident ; and his Majestie being most willing to afford all possible meanes of encouragement that convenientlie his Majestie can to the baronnets of his said ancient kingdome for the forderance of so good a worke, and to the intent they may be honnoured and have place in all respects according to thair patents frome his Majestie, his Majestie hes beene pleased to authorize and allow, as by these presents his Majestie for him and his successours doeth authorize and allow the said Lieutennent and baronnets and everie ane of thame and thair airis male to weare and carie about thair neckes in all tyme comming ane orange tannie silke ribban whairon sall hing pendent in ane scutcheoun argent a saltoire azier, thairon ane Acta July 1629.  
December  
1630.  
Fol. 196, b. inscutcheoun of the armes of Scotland with ane Imperiall crowne abone the scutcheoun and incerled with this motto, *Fax mentis honesta gloria* ; quhilk cognoissance his Majesteis said present Lieutennent sall delyver now to thame frome his Majestie that they may be the better knowne and distinguished frome others persouns ; and to the effect none pretend ignorance of the respect dew unto thame, the Lords of Secretit Counsell, according to his Majesteis speciall warrand and directioun in writt sent unto thame in this earand, ordains letters to be direct charging officiers of armes to pas to the mercat croce of Edinburgh and all others heid burrowes within this kingdome and others places neidfull, and there be opin proclamatioun to make publicatioun and intimatioun of his Majesteis royall pleasure and intentioun heerin to all his Majesteis subjects ; and if anie persoun out of neglect or contempt sall presooome to take place or precedence of the saids baronnets, thair wyffes or childrein whilk is dew to thame by thair patents, or to weare thair cognoissance, the saids Lords upon notice heirof to be givin unto thame sall caus punishe suche offenders by fynying and imprissoning of thame as they sall thinke fitting, that others may be terrified frome attempting the lyke ; and his Majestie ordains that fra tyme to tyme as occasioun of granting and renewing thair patents or thair airis succeeding to thair said dignitie sall offer, that the said power to thame to carie the said ribban and cognoissance sall be thairin particularlie granted and inserted ; and his Majestie ordains thir presents to be insert and registrat in the bookes of his Majesteis Privie Counsell and Exchequer, and ordains the same lykewayes to be registrat in the bookes of the Lyoun King at Fol. 197,

Acta July 1629-  
December  
1630.  
Fol. 197, a. Armes and heraulds there to remane *ad futuram rei memoriam*, and that all parteis having interesse may have authentick copeis and extracts thairof."

Sederunts,  
November  
1629-January  
1635.  
Fol. 7, b. "A letter from his Majestie anent the demolisheing of the Castell of The Castle of  
Dunnyvaig. Dunnivaig, the resolutioun wherof continewed to a more frequent meeting."

Acta July 1629-  
December  
1630.  
Fol. 197, a. *Sederunt*—Chancellor ; Treasurer ; Præses ; Privy Seal ; Lord Holyrood  
House, 29th  
December  
1629. Areskine ; Sir Thomas Hope.

Fol. 197, b. "Forsameekle as it is thought meit and expedient by the Lords of Proclamation  
to be made  
anent the  
leasing of the  
imposts on  
wines. Secreit Counsell that his Majesteis imposts arysing frome the wyne imbrought within this kingdome sall be rouped to the best avail and sett in lease for his Majesteis benefite, and that there is a dyet appointed to be kepted at his Majesteis Palace of Halyrudhous upon the nynt of Januar nixt for that effect ; thairfoir the Lords of Secreit Counsell, according to his Majesteis expresse warrand writtin unto thame in this mater, ordains ane Maisser of Counsell to pas to the mercat croce of Edinburgh and there by sound of trumpet to make publicatioun of the premisses, whairthrow nane pretend ignorance of the same, and to warne all and sindrie merchants and others his Majesteis good subjects who will undertake and make proffer for a lease of the impost of the saids wyne, to compeir before the saids Lords at Halyrudhous upon the said nynt day of Januarie nixt to come and there to make and give in thair offers for a lease of the said impost, togidder with thair sureteis for payment making of that whiche they sall offer and undertake in that behalffe, to the intent the Lords, after consideratioun of thair offer, may accept of the same or otherwayes resolve upon suche ane course as may best improve his Majesteis benefite heerafter ; with intimatioun as effeiris."

Decreta,  
November  
1627-January  
1630.  
Fol. 275, a.

[Sederunt as recorded above excepting the Chancellor.]

Holyrood  
House, 29th  
December  
1629.

[Act anent the rouping of the wine impost as already given from *Acta*.]

Commissions,  
1624-30.  
Fol. 222, b.

A tous ceux qui ces presentes verront et speciallement a hauts et magnifiques Seigneurs les Estaits Generaus des Provinces Unies du Pais Sancte Croix,  
[Holyrood],  
December  
1629. Bas, nous souscrivans Seigneurs du Conseil d'Estait du royaume d'Escosse, salut. D'autant qu' Elizabeth Murrey, fille legittime de feu Capitane Guilliaume Murrey, nous a par sa petitioun humblement remonstre que les dits seigneurs les Estaits luy ayant (en souvenance de feu son pere et pour les services par luy faits es guerres soubz les dits Estats) favorablement octroye vne pensioun de cent gildres monnoye Letter to the  
States General  
of the United  
Provinces  
praying them  
to renew the  
pension to  
Elizabeth  
Murray which  
had been d'Hollande durant sa vie, elle auroit este neantmoins injustement

assigned to her  
deceased  
husband for  
his services in  
the said  
provinces.

frustree de la dite somme ces trois annees passees, les creanciers de feu Commissions,  
1624-30.  
Jean Murrey, son frere, ayants arreeste sa dite pensioun pour payement Fol. 222, b.  
des ses debtes, pretendants la dite Elizabeth leur estre redevable comme  
estant heretire [*sic*] de son dit frere, ou pour le moins qu'elle se fust saisie  
de ses biens. Ce qu'estants veritable la charge d'en prouver apper-  
tiendroit (en droit) aux poursuivants, sans que les biens du defendant  
deussent ete arrestes sans cause legitime; mais pour oster la difficulte  
et satisfaire a la raisone pretendue nous nous sommes enquis de tout ce Fol. 223, a.  
qu'est de cest affaire et n'avons trouves es registres de la Chancellerie ou  
autres que la dite Elizabeth ait onques este heritiere de son dit frere ou  
qu' elle se soite portee comme t'elle en se meslant de biens d' iceluy dont  
s'ensuit que la saisie fait de sa dite pensioun pour ceste cause est nulle;  
a quoy nous esperons que nos treshonores Seigneurs les Estaits auront  
esgard comme nous serons tresprompts aux semblables occasiouns de leur  
rendre tout devoir. En tesmoignage de quoy et de la vie et bonne sante  
de la dite Elizabeth nous avons soubscris les presentes signes de seau du  
dit Conseil. Donne a Sancte Croix le direseme [*sic*] de Decembre, 1629.  
*Subscribitur* Geo. Cancell., Hadintoun."

Holyrood  
House, 7th  
January 1630.

*Sederunt*—Chancellor; Treasurer; Præses; Privy Seal; Mairshell; Acta July 1629-  
December  
1630.  
Murrey; Wintoun; Linlithgow; Seafort; Air; Lord Gordoun; Fol. 197, b.  
Lord Areskine; Lord Melvill; Lord Carnegie; Bishop of Dum-  
blane; Clerk of Register; Advocate; Justice Clerk; Sir John  
Scot; Sir James Baillie.

The Earl of  
Monteith  
appointed  
President of  
the Council.

"The whilk day George, Vicount of Duppline, Lord High Chancellour of  
this kingdome, produced and exhibite before the Lords of his Majesteis  
Privie Counsell ane patent under his Majesteis great seale proporting  
that his Majestie upon certane knowledge of the trew, faithfull and  
thankfull service done to his Majestie be his right trust cousine and  
counseller, Williame, Erle of Monteith,<sup>1</sup> and of his earnest affectioun to  
continew in his best endeavours for the forderance and advancement of  
his Majesteis service heerafter, his Majestie wes graciousslie pleased to  
make and constitute the said Erle of Monteith, President of his Majesteis  
Privie Counsell of this kingdome, with full power to use and exerce that  
place and office with all honours, digniteis, priviledges and preeminences  
perteaning thairto; and forder ordaining the said Erle to have place and  
precedence in all tyme comming and in all places nixt and immediatlie  
after the Lord High Thesaurar of this kingdome, as the said patent  
bearing date at Whitehall the thrid day of December last bypast  
proports; quhilk patent being read, seene and considerit be the saids  
Lords, and they with all dew respect acknowledging the choise made be  
his Majestie of the said Erle of Monteith to the office foresaid, and of  
the honnour and precedence dew to him be vertew thairof, and in all

<sup>1</sup> William Graham, sixth Earl of Monteith, had been admitted of the Council in January, 1627.

Acta July 1629-  
December  
1630.  
Fol. 197, b.

submissive reverence acquiescing thairto, they ordained the said Erle to take his place and precedence in all tyme comming nixt to his Majesteis Thesaurar in maner specified in the said patent; lykeas the said Lord Chancellor delyvered the said patent to the said Erle of Monteith, whilk he reverentlie accepted."

Fol. 198, a.

"The Lords of Secreit Counsell prorogats and continewes the warrand and protectioun formerlie grantit to Sir George Home of Manderstoun tuicheing his saulffe repaire in the countrie for the better tryell and discoverie of suche persouns as hes practised aganis his lyffe and procured the hurt of his estait by devilish meanes and witchecraft, untill the twentie of Februarie nixtcome, discharging in the meane tyme all shireffs, stewarts, provests and bailleis within burgh, and all others his Majesteis judges, officiers and magistrats to burgh and land, and als all messengers of armes, of all taking, apprehending, warding or arresting of the said Sir George, be vertew of anie hornings, captiouns or arreistments direct thairupon, discharging thame thairof and of thair offices in that pairt untill the said twentie day of Februarie nixt."

Continuance of  
protection to  
Sir George  
Home of  
Manderston.  
See ante, p. 381.

"The whilk day James Mowat, wrytter, entered and presented before the Lords of Privie Counsell, Patrik Abirnethie and Williame Mowat, alledgit wrytters of the depositiouns made be Alexander Hamiltoun aganis Dame Helene Arnot conforme to the caution found be him to that effect; who being all three deeplie sworne anent the wrytting of the saids depositiouns and where and be whome they wer taken and writtin, the said James Mowat upon oath depoune that the depositiouns produced were taken in the Tolbuith of Dunce at the desyre and out of ane remorse of Hamiltoun, who having required the depouner to write the depositiouns, he refused to doe the same in regarde there was a part thairof that concerned himselfe, and said that if Hamiltoun pleased he might caus Williame Mowat and Patrik Abirnethie, the depouners servants, who wer present, write the depositiouns; quhairupon the said Patrik Abirnethie wrote and sett down the depositiouns *verbatim* as they wer dytted be Hamiltoun, and the depouner grantit that he dytted the preface after that the depositiouns wer writtin in presence of the ministers, and that after the depositiouns wer writtin he went in to the presbyterie and brought in the ministers to the Tolbuith where the depositiouns wer read and ratified in thair hearing be Hamiltoun, and grantit that he wrote the last twa articles and that Hamiltoun depoune anent the foale in presence of the ministers, and depoune that there was three doubles writtin by Patrik Abirnethie and Williame Mowat of the saids depositiouns before the ministers come in to the Tolbuith or that they heard Hamiltoun depone; quhilk they did to the intent they might be all in readnesse to be subscribed be the ministers; and depoune that he gave order for wrytting of a double of the depositiouns for his awin use and another double at the desyre of Sir George Home, whome the depouner forgadderit with when he was going in to

James Mowat,  
writer, com-  
mitted to ward  
in the Tolbooth  
of Edinburgh  
for denying  
upon oath that  
he had framed  
a deposition  
which he  
subsequently  
confessed to  
have done.

the presbyterie, and shew him in the generall that the depositions concerned him; quhairupon at Sir Georges desire he went backe to the Tolbuith and caused write a double, saying that Sir George would give drink silver for thame, and that he caused wryte a thrid for the presbyterie; all whilks three wer subscriyved togidder be the presbyterie. And the said Patrik Abirnethie, being examined and sworne anent the wrytting of the saids depositions, depoune that the night that Hamiltoun come to Duncce he went up to the Tolbuith with James Mowat to see Hamiltoun, and that the morn thereafter he went againe with James Mowat where he saw Hamiltoun and Mowat speeking apart, and that James Mowat sent the depouner first for a pynt of aill to Hamiltoun and that at his returne he saw James Mowat wrytting and Hamiltouns lippes going, and that James Mowat thereafter directed the depouner to inquire for one Katharine Knox, who was delate to be ane witch, and the depouner, having stayed a long tyme seeking for her and hearing that she was dead, he come backe to the Tolbuith and mett James Mowat comming down the staire with the depositions whilks he had writtin in his hands, and depoune that there was none present when Hamiltoun's depositions were writtin bot James Mowat onelie; and depoune that thereafter James Mowat went to the hous of Cristie Sadler where he delyvered to the depouner and to Williame Mowat the principall depositions quhilks be had writtin, and that they went togidder to James his chamber where the depouner and Williame Mowat wrote everie one of thame three doubles, whair of there was three subscriyved be the presbyterie; and depoune that he kepted the principall deposition writtin be James Mowat and send it laillie to him when he was in the Tolbuith of Edinburgh be Thomas Mouats wyffe, and denyed that he wrote anie in the Tolbuith of Duncce. And the said Williame Mowat being examined depoune that he was not present in the Tolbuith when the depositions were taken, and that he having accidentallie gone in to Christie Saidlers hous where James Mowat delyvered to him and Patrik Abirnethie the principall depositions to be doubled by thame and that Patrik wrote and dytted and the depouner wrote twa doubles and Patrik three in James Mouats chamber, all whilks wer delyvered to James Mowat. Quhilks depositions made be the saids James Mowat, Patrik Abrenethie [*sic*] and Williame Mowat, being heard and considerit be the saids Lords and the said James Mowat being of new callit upon and examined he denyed that ever he wrote anie of Hamiltouns depositions and that Patrick Abirnethie wrote the same in the Tolbuith, and denyed that ever he delyvered ane warrand to Patrik Abernethie or Williame Mowat in Saidlers hous to be doubled be thame, and that the deposition produced be him was the originall writtin be Abirnethie and sent to him. Upon the whilk denyall the said Patrik Abernethie being callit upon and posed if the deposition produced be James Mowat was

Acta July 1629.  
December  
1630.  
Fol. 198, a.

Fol. 198, b.

Acta July 1629-  
December  
1630.  
Fol. 198, b.

the depositions whilk he sent to James Mouat in the Tolbuith of Edinburgh, the said Patrik denyed the same, affirming that the copie produced wes one of these whilk he delyvered to James Mouat in Dunce, and that the principall whilk he sent to James in the Tolbuith of Edinburgh wes writtin with James his owin hand, whilk is not as yitt produced; upon the whilk point the said James Mouat being examined he grantit that after he had writtin in presence of the presbyterie the twa last articles conteanit in the depositions he went to Patrik Abirnetheis hous and caused him subjoyne the same to the originall depositions, and grantit that he wrote the marginall note himselfe a little after the others wer subscriyved. And the said Patrik Abirnetheie being of new examined he declared that the said James Mowat having sent to him for the principall copie that he brought in the same to Edinburgh and shew it to the said Williame Mouat, desyring him to looke to it and consider whois writt it wes, becaus they would be examined thairupon be the Counsell, whairunto William Mouat answered, I saw it not at the first, and I will not looke upon it now; quhilk Williame Mouat being interrogat in presence of the said James Mouat grantit to be of veritie. Thereafter the saids James Mouat and Patrik Abirnetheie being confronted anent the wrytting of the saids depositions, James Mouat denyed the wrytting of thame, and Patrik Abernethie avowed upon him that he wes the wrytter thairof; quhairupoun the said James being of new sworne and demanded anent the saids depositions who wes the wrytter thairof and where and be whome the same wes doubled and what wes become of the principall depositions, the said James being confronted with Williame Mouat, and Patrik Abirnetheie, his servants, whome he affirmed to be the wrytter of the originall depositions, the said James after manie denyalls, and asseveratiouns made be him that he wes not the wrytter of the saids depositions, bot that the same wer writtin be the said Patrik Abirnetheie, his servant, in end out of a remorse of conscience he freelie and willinglie confest and declared that the first depositions wes writtin be himselfe, no persoun being present bot himselfe and Hamiltoun, and that Patrik Abirnetheie wes sometyme present, and after the wrytting thairof he and Sir George Home and some others went to brakefast in Christie Saidlers hous, where he delyvered the principall depositions, quhilk wes writtin with his awin hand, to the saids Williame Mouat and Patrik Abirnetheie, who, according to his directioun, went and wrote fyve copeis thairof in the said James his awin chamber; and grants that since his committing to waird he sent for and received the principall depositions frome the said Patrik Abirnetheie, whilk he declared he brunt; and grantit that the depositions produced be him this day wes not the principall bot onely ane copie thairof writtin be the said Patrik Abirnetheie, and denyed that ever he did questioun or interrogat Alexander Hamiltoun in anie thing, bot that the depositions and dittayes wer freelie made and givin up be

Fol. 199, a.

him of his awin accord. Quhilks depositiouns, denyallis, confronting Acta July 1629  
December  
1630. and confessiouns made be the saids parteis being heard and considerit Fol. 199, a. be the saids Lords and they rypelie advised thairwith, the Lords of Secreit Counsell finds and declares that the said James Mouat hes most unworthilie behaved himselfe in the mater abonewrittin and that he hes mensworne himselfe by his denyall upon oath of that whilk wes avowed upon him and thairafter cleerilie confest and grantit be himselfe to be of truthe, and thairfoir the saids Lords ordains the said James to be committed to waird within the Tolbuith of Edinburgh thairin to remane upon his awin expenssis ay and whill forder order be tane with him as apperteanes, and the saids Lords ordains the saids Patrik Abirnethie and Fol. 199, b. Williame Mouat to attend the morne upon his Majesteis Advocat, Justice Clerk, and Sir Johne Scot, whome or anie twa of thame the saids Lords ordaines to examine the saids James Mouat, Patrik Abirnethie, and Williame Mouat, and to confront thame with Alexander Hamiltoun."

Order to Sir George Home of Manderston to produce two of his servants before the Council.

"The Lords ordains Sir George Home of Manderston, who wes personallie present, to exhibite Alexander Home and Androw Fraser, his servants, upon Tuisday nixt before the saids Lords, whilk he, being personallie present, promiseist to doe."

Holyrood House, 7th January 1630.

Commission under the Signet to William Sempill of Foulwod, Walter Commissions,  
1624-30. McCawla of Ardincaple, and the provost of the burgh of Dumbartane, or Fol. 218, b.

Commission to William Semple of Foulwood and others to try Janet Mitchell for witchcraft. The Marquis of Huntly.

any two of them, as justices, to hold courts and try Janet Mitchell, relic of Johne Fynnies in Mains of Cardrosse, who has been long suspected of witchcraft. Signed by Geo. Cancell., Monteith, Hadintoun, Linlithgow, Seafort, Carnegie, Sr G. Elphinstoun, and Scottistarvet.

Sir George Home to arrest John Neill.

"The Lords continewis all proceeding aganis the Marques of Huntlie Sederunts,  
November  
1629-January  
1635.  
Fol. 8, a. till Twisday nixt quhair of the goodeman of Bucky, who compeirit to excuse his absence, is warnit *apud acta*."

"A commissioun to Sir George Hoome for apprehending of Johnne Neill."

Whitehall, 7th January 1630. Letter from his Majesty in favour of John Innes of Crombie.

"CHARLES R., Right, etc., we greeete yow weill. Whereas we have beene Royal Letters,  
1623-32.  
Fol. 181, b. petitionoued by Johnne Inneis of Crombie showing the great loss and charges susteanned by him in the leveying and keeping togidder ane companie of footmen for our uncle, the King of Denmarke, his service, and we, commiserating his distresse, have thought fitt to referre the tryell heirof to your consideratioun; our pleasure thairfoir is that yow take speciall notice of the petitioun heerin inclosed and after tryell thairof that yow certifie us backe againe what yow find requisite for us to doe thereanent, quhairby his losses, if anie be, by that service may be repaired and he in tyme comming enabled, when occasioun sall offer, to doe us service. So we bid yow farewell. Frome our Courte at Whitehall the sevent day of Januarie, 1630.

Acta July 1629-  
December  
1630.  
Fol. 199, b.

*Sederunt*—Chancellor; Treasurer; St. Androes; Præses; Privy Seal; Wintoun; Linlithgow; Aire; Dumblane; Lord Gordoun; Lord Areskine; Lord Carnegie; Advocate; Justice Clerk; Sir James Baillie.

Holyrood  
House, 8th  
January 1630.

“Forsameekle as the aucht day of Januarie instant being appointed for ane peremptour and solemne meiting of the Commissioners for the Surrenders to have received the reports and diligence of the subcommissioners entrusted with the valuations throughout the severall presbyteries of this kingdome this dyet hes deserted be reasoun of the absence of suche as wer nominat commissioners for the burrowes, to the great hinder of his Majesteis service; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the provest of Dundie, Johne Arnot, Commissar Clerk of Sanct Andrewes, Robert Alexander, burges of Anstruther, Johne Cowane, burges of Stirlin, and Gabriel Cuninghame, burges of Glasgow, to make thair addresse to the saids Commissioners of Surrenders at Halyrudhous upon the threttein day of Januarie instant again twa of the clocke in the afternoone, and to meit, concurre and joyne with thame towards the advancement and furtherance of the service foresaid, under the pane of rebelloun, etc.; with certificatioun, etc.”

Charge to the  
Provost of  
Dundee and  
others to  
appear before  
the Commis-  
sioners for  
Surrenders on  
the 13th of  
January inst.

Sederunts,  
November  
1629-January  
1635.  
Fol. 8, b.

“The quhilk day the Lord Gordoun tooke the morne to report to the Counsell the names of suche baronis and gentlemen as he wald crave to be insert in the commissioun to be direct aganis Rothiemay for apprehending of his persone, taking of his houses, suppressing of his rebelloun and making of the countrie peceable.”

The Laird of  
Rothiemay.

Acta July 1629-  
December  
1630.  
Fol. 199, b.

*Sederunt*—Chancellor; President; Privy Seal; Mairshell; Wintoun; Linlithgow; Seafort; Air; Lord Gordoun; Lord Areskine; Clerk of Register; Advocate; Sir Johne Scot; Sir James Baillie.

Holyrood  
House, 9th  
January 1630.

“Forsameekle as the Lords of Secreit Counsell ar informed that upon occasioun of the lait disordour and trouble<sup>1</sup> whilk fell out betuix James Crichton of Fendraucht, on the ane part, and Williame Gordoun of Rothemay, Johne Gordoun, his eldest soune, Johne Inneis of Crombie, and Thomas Meldrum of Iden, and others, thair complices, on the other part, both the saids parteis ar making great convocatiouns of thair freinds and suche as will doe for thame in armes for ane violent reparatioun and redresse of the skaith and hurt received on either

Charge to  
James  
Crichton of  
Frendraught,  
on the one  
part, and to  
William  
Gordon of  
Rothiemay and  
others, on the  
other part, to  
keep the peace,  
and a charge

<sup>1</sup> The occasion of the quarrel between Crichton and Gordon was a dispute regarding the salmon-fishings in the Deveron. On New Year's Day, 1630, Crichton, assisted by certain of his neighbours, had sought to give effect to a warrant against Rothiemay, with the result that a

fierce encounter took place in which Rothiemay was mortally wounded. This was the beginning of a long and bloody feud, of which the most tragic incident was the burning of the house of Frendraught. The course of the feud will appear in the subsequent pages of the Register.



to the Sheriffs  
of Banff and  
Aberdeen to  
see that this  
peace be kept.

side, quhareby not onelie is the quyet of the countrie and his Majesteis peace lyke to be disturbed to the drawing on of manie uthers great inconveniences, bot with that thir unlawfull convocations ar most disgracefull to his Majesteis governement and not worthie to be heard of in a kingdome subject to law and justice; thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite both the said parteis that they nor nane of thame presooome nor take upon hand to convocat anie of his Majesteis lieges in armes upoun whatsomever cullour or pretext, bot that they conteane thameselffes in quyetnes, observe his Majesteis peace, and forbear all and everie thing whilk may tend to the disturbance of the peace or disquyeting of the countrie, under the pane of treasoun; certifeing thame who sall dissobey or contraveene the said charge in anie point, that they sall be callit, persewed and exemplarilie punished as persons guiltie of the cryme of treasoun in high degree: And siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of Aberdein and Bamf and uthers places neidfull, that nane of thame presooome nor take upon hand to convocat and assemble thameselffes togidder in favours of anie of the parteis abonewrittin, nor concurre and joyne with thame in anie of thair violent and unlawfull actiouns and interprises, bot that they conteane thameselffes in peace and quyetnes under his Majesteis obedience as becometh peaceable and good subjects, forbearing in anie sort to countenance anie of the saids parteis or to concurre or joyne with thame in thair unlawfull actiouns, under the said pane of treasoun: And siclyke to command and charge the shireffs of Bamff and Aberdein and thair deputs to have ane special care and regarde that his Majesteis peace be preciselie observed and kepted within thair bounds, and that no convocation or unlawfull gadderings be made within the same; and if anie persoun or persouns sall malapertlie presooome in contempt and disgrace of his Majestie to convocat and assemble thameselffes togidder in armes for concurring with anie of the parteis abonewrittin or for whatsomever other pretext or cullor, that the saids shireffs and thair deputs by auctoritie of thair offices and by the concurrence and assistance of his Majesteis peaceable and good subjects within thair bounds oppose thameselffes aganis the said unlawfull convocations and gadderings, and charge the parteis in his name to dissolve thameselffes and to conteane thame in peace and quyetnes; and incaise anie persoun or persouns sall obstinatlie and contemptuouslie dissobey the saids shireffs and thair deputs, with power to thame to follow and perseg the dissobeyers, to take and apprehend thame, and to bring and exhibite thame before his Majesteis Counsell to abide thair tryell and punishment: And to command and charge all and sindrie his Majesteis lieges and subjects within the bounds of the shirefdomes particularlie abonewrittin to ryse, con-

Acta July 1629  
December  
1630.

Fol. 199, b.

Fol. 200, a.

Acta July 1629-  
December  
1630.  
Fol. 200, a.

curre, fortifie and assist the saids shireffs and thair deputs respective in all and everie thing tending to the forderance and advancement of this his Majesteis service, and that they on no wayes presooome to doe nor attempt anie thing to impede or hinder the same, as they and everie ane of thame will answeere upon the contrarie and under the highest pane that by course of law and justice may be inflicted upon thame for thair dissobediencie; and that the saids shireffs and thair deputs report thair diligence in the executioun of this service with all convenient expeditioun."

Fol. 200, b.

" Forsameekle as the Lords of Secret Counsell ar informed that of lait there hes beene great convocatiouns and gadderings with unlawfull and forbiddin weapouns betuix James Crichtoun of Fendraucht, on the ane part, and Williame Gordoun of Rothemay, Johnne Gordoun, his sounne, Johnne Inneis of Crombie, and Thomas Meldrum of Iden, on the other part, quihlks persons hes entered in a most violent persute and invasioun the one of the other with hacquebutts and pistolets, and great bloodshed hes been committed betuix thame, and forder inconveniences ar lyke to follow to the breake of his Majesteis peace and to the trouble and disturbance of that pairt of the countrie without remeid be provydit; thairfoir, the Lords of Secret Counsell ordains letters to be direct charging both the saids parteis to compeir personallie before the saids Lords upon the day of to answeere upon thair said unlawfull convocatioun and violent persute the one of the other with hacquebutts and pistolets to the breake of his Majesteis peace and disquet of the countrie, and to heare and see suche order tane thereanent as apperteanes, under the pane of rebellioun, etc., with certificatioun, etc."

Letters to be directed to Crichton of Frendraucht, Gordon of Rothiemay, and others, charging them to appear before the Council to answer for their unlawful convocations.

Sederunta,  
November  
1629-January  
1635.  
Fol. 8, b.

In the proclamation given above respecting Rothiemay and Frenraught's feud, charge is here given to the sheriffs of " Abirdene and Murray." But Murray is probably a mistake for Banff.

Commissions,  
1624-30.  
Fol. 213, b.

Commission under the signet to the Sheriff of Perth and his deputes, and the stewards of Stratherne and Menteith and their deputes, jointly and severally, to search for, apprehend and imprison in the tolbooths of Perth and Stirling till his trial, Callum M°Vicar, a common and notorious thief, who in last, stole a mare from Donald Gorrie, tenant to William Lord Hay, brought her on a market day to the market of Stirlin, and there sold her in open market to James Stevinsoun, maltman, burgess of Stirlin. The mare was thereafter challenged in the hands of the said James Stevinsoun, who for his own exoneration was obliged to find caution in 1000 merks to answer personally or produce Callum M°Vicar before Lord Hay in the bailie court of Logy Almond. But as it would not be possible for the said James Stevinsoun personally to arrest the said Callum, this commission is granted.

Holyrood House, 11th January 1630. Commission to the Sheriff of Perth and others to arrest Callum M°Vicar, who is charged with horse-stealing.

Signed by Geo. Cancell., Mar, Monteith, Hadintoun, Wintoun, Linlithgow, Seafort, Air, Tracquair, Sr Thomas Hope, S. G. Elphinstoun, Scottistarvett.

Holyrood  
House, 12th  
January 1630.

*Sederunt*—Chancellor; Treasurer; St. Andrews; Præses; Privy Seal; Mairshell; Wintoun; Linlithgow; Seafort; Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Gordon; Lord Areskine; Lord Melvill; Advocate; Justice Clerk; Sir John Scot.

Acta July 1629  
December  
1630.  
Fol. 200, b.

Letter from  
his Majesty  
appointing  
Lord Gordon  
commissioner  
for the sup-  
pression of  
Papacy in the  
northern parts  
of the king-  
dom.

“The whilk day the missive underwritin signed be the Kings Majestie wes presented to the Lords of Secreit Counsell and read in thair audience, of the quhilk missive the tennour followes :—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trusty and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Whereas ane motioun hes beene made unto us in behalffe of the clergie of that our kingdome that for the suppressing of Poperie and taking order with suche excommunicat persouns as doe stand out in contempt of our lawes in the northerne parts thair of ane commissioun might be grantit to some fitt persoun for apprehending of suche Papists there as ar in rebelloun and excommunicated; whairin, approving thair demand, and with all considering of the habiliteis and affectioun to our service of our right trustie and right weilbelovit cousine and counsellour, the Lord Gordoun, our pleasure is (if the Archbishop of St. Androwes in behalffe of the clergie sall thinke it expedient) that yow call him before yow and that yow grant him a full commissioun for that effect in all the northerne parts of our kingdome, with power to him to substitute deputeis and officiers for the advancement of this service and also to intromett with the rebellis lyverents and escheits for his owin use, provyding yow tye him by suche wayes as yow thinke expedient, that the benefite of thair escheats and lyverents doe not turne to the proffite and use of the rebellis thameselfes, and that yow authorize the said Lord and his foresaids to intercommoun with thame for the easier bringing of thame in and for reclaiming of thame, with advice of the minister of the parish where they dwell, to the Church in a faire maner, some few dayes for treatie being granted for that effect, whairin they may not be troubled; and also we require yow that the commissioun conteane suche power and suche others things requisite and suche tyme as yow and he sall best condescend upon for the furthering of that service; so we bid yow fareweill. Frome our Court at Whitehall the tent day of December 1629. Quhilk missive being heard and considerit be the saids Lords and they having craved the opinioun of Johne, Archbishop of St. Androwes, anent the said missive, he in name of the clergie approved the choise made be his Majestie of the said Lord Gordoun for the service foresaid, and the said Lord being callit upon and

Fol. 201, a

Acta July 1629-  
December  
1630.  
Fol. 201, a.

his Majesteis pleasure notified unto him, he with all humble and dewtiful respect acknowledged his Majesteis singular favour done unto him by entrusting him with suche ane weightie employment, whilk he accepted upon him and promiseist to execute the same faithfullie. The Lords continewes the advysing upon the heads, power and tennour of the commissioun till Thurisday nixt and recommends to the Bishop of Murrey and the commissioners for the dioceis of Aberdein and Murrey to consider of the said commissioun and how and after what forme they would have the same to be drawin up."

"The whilk day Alexander and Johne Maitlans, messingers, compeirand personallie before the Lords of Privie Counsell, actit thameselffes to execute thair office of messingers faithfullie in all tyme comming and not to committ the lyke abuses and faults whairwith they ar now challenged under the pane of deid. And the Lords ordains thame to compeir the morne before his Majesteis Justice and to act thameselffes in the Bookes of Adjournall in maner and to the effect abonewrittin."

"The whilk day Sir George Home exhibite before the Lords Alexander Home and Androw Fraser, his servants, whome the Lords ordains to attend the morne upon his Majesteis Advocat, Justice Clerk, Sir Johne Scot, and Justice Depute, to be examined be thame; and the said Sir George actit himselffe that his said servants sall remaine in the toun and not depart furth thair of whill they be fred."

Obligation taken by Alexander and John Maitland for the faithful discharge of their office in future.

Sir George Home and his two servants. See ante, p. 400.

[Sederunt as recorded above.]

Holyrood House, 12th January 1630.

Complaint by Thomas Dickie at the Braidfurde of Glasgow, as follows :— James Forbes in Kinneller, having conceived a hatred against the complainer, on 13th November last sent John Forbes in Kinneller, his neighbour, to the complainer's house "with ane great battoun in his hand thairwithall to have beate him out of the doores," while the said James lay further behind ready to take his life. This purpose, however, was defeated by some "honest weomen who wes in the hous for the tyme" who saw the said James and warned the complainer. On 22nd November, the said John Forbes, with Andrew Forbes at the new mill of Clintartie, brother of the said James, and at his instigation, came to the kirk of \_\_\_\_\_, where they knew the complainer was, and after sermon as he was returning home, they without regard to "the Lords holy Sabboth," pursued him on horseback. He leapt over a stone dyke to escape them, but they lighted from their horses, and drawing their swords, wounded him in many places, especially in the head, to the great effusion of his blood, and they had killed him if some persons had not interposed. Charge having been given to the said James, John and Andrew Forbes, and the pursuer comparing, and also James and John Forbes, but not Andrew, and probation being referred to witnesses, the Lords find that John Forbes "drew aue sword on horseback" and pursued the

Complaint by Thomas Dickie at the Braidford of Glasgow against James, John, and Andrew Forbes for assault.

Decreta,  
November  
1627—January  
1630.  
Fol. 275, b.

Fol. 276, a.

complainer therewith on the 22nd November, and ordain him "to Decreta,  
satisfie the kirk for the insolence foresaid committed be him upon the November  
Lords Sabbath," and to pay £4 to each of the witnesses produced in the 1627-January  
case; but they assoilzie the other two defenders from the whole and the 1630.  
said John from the other points of the complaint as none of these were Fol. 276, a.  
proved against them.

Holyrood House, 12th January 1630. Commission to the Sheriff of Aberdeen and others to apprehend and try Andrew Abel in Hill of Tillicarie for witchcraft. Commission under the Signet to the Sheriff of Aberdeen and his deputes, and Sir Alexander Gordoun of Cluny, knight baronet, conjunctly and severally, to search for, apprehend, imprison, and hold courts and try Andrew Abel in Hill of Tillicarie, who being cited before the Justice Court held at the burgh of Aberdein in October last "for his practising of sorcerie and witchcraft these twentie yeeres bygane to the hurt and destructioun of diverse our good subjects," fled from justice and was decerned outlaw and fugitive. Signed by Geo. Cancell., Monteith, Hadintoun, Linlithgow, Seafort, Dunkelden, Elphinstoun, Scottistarvet.

Papists in the Western Isles. "The quhilk day the Bishop of the Ilis produceit ane act of the synode of the Ilis contening the names of suche as ar suspect of poprie within his diocie, for suppressing of whome the Lordis ordains the Barone of Achyll and Lauchlane M<sup>c</sup>Clane to be warnit to Thurisday." Sederunts,  
November 1629-January 1635.  
Fol. 9, a.

The Marquis of Huntly. "The Lordis continewis all materis concerning the Marques of Huntlie till Thurisday nixt."

Holyrood House, 14th January 1630. *Sederunt*—Chancellor; Treasurer; St. Androes; Præses; Privy Seal; Mairshel; Murrey; Wintoun; Linlithgow; Seafort; Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Areskine; Lord Melvill; Advocate; Justice Clerk; Sir Johne Scot; Sir James Baillie. Acta July 1629-December 1630.  
Fol. 201, a.

Terms of the commission granted to John, Lord Gordon, for the suppression of Papists in the North, with the nomination of his deputies. See ante, p. 404. "The whilk day Johne, Bishop of Murrey, and the commissioners for the dioceis of Aberdein and Murrey gave in thair overtures, whiche they craved to be inserted in the commissioun to be grantit to the Lord Gordoun, togidder with the names of excommunicat rebellis, Jesuits, seminarie and messe preists, to be insert in the said commissioun; whairupon ane commissioun wes past and exped as followes:—For-sameekle as all Jesuits, seminarie and messe priests and excommunicat traffiquing papists ar found and declared by diverse acts of Parliament and Secreit Counsell to be most pernicious pests in this commoun weale and avowed enemeis to Gods truthe and to all Christiane government, and that thairfoir they wer expresselie commanded to have departed furth of this kingdome within a certane space now of a long tyme bygane under the pane of death, yitt partlie upon occasioun of the confort and countenance whilk they find amongs numbers of his Majesteis subjects, being popishlie affected, and partlie by the negligence and oversight of these to whois charge the execution of the saids acts and apprehension and punishing of the said Jesuits, seminarie and messe preists, apper-

Fol. 201, b.

Acta July 1629-  
December  
1630.  
Fol. 201, b.

teanned, they have tane the boldnesse fra tyme to tyme to repaire to this kindome, and has ane speciall receipt and residence within the north parts of the same, where they bussie themeselfes to corrupt the simple and ignorant people both in thair religioun and alledgeance; lykeas thir Jesuits and messe preists hes so farre prevailed by thair craftie and politick insinuations that numbers of his Majesteis subjects and in speciall the persouns underwrittin, they ar to say, M<sup>r</sup> Robert Bissat of Lessindrum, Jeane Gordoun, his spous, Johne Gordon, elder of Craig, Johne Gordoun, younger of Craig, Alexander Gordoun, appearand of Carneborrow, James Gordoun of Letterfoure, Margaret Gordoun, his spous, Patrick Gordoun sometyme in Terrisoule, Johne Gordoun at the Little Mylne of Rathven, Alexander Gordoun in Drumquhail, Margaret Gordoun in Cormellat, Malcolme Laing in Gulburne, M<sup>r</sup> Adame Strauchane in Aboyne, Alaster Gordoun in Badzenoch, Angus M<sup>c</sup>Ean M<sup>c</sup>William there, Johne Gordoun in Cohorrach, Hew Hill in Westseate, Johne Spence in Bruntstoun, Issobell Strauchane, his spous, Johne Gordoun in Troupesmylne, Issobell Gordoun, his spous, James Forbes of Blacktoun, Margaret Fraser, his spous, Margaret Gordoun, spous to Robert Inneis in Elgine, Sir Johne Campbell of Calder, Alexander Gordoun in Letterfoure, James Con in Knockiemylne, Alexander Leslie of Conrache, Thomas Meinzeis of Balgownie, Margaret Gordoun, his spous, M<sup>r</sup> Alexander Irwing, burges of Aberdein, Marjorie Meinzeis, his spous, and Robert Irwing, his brother, ar corrupted in thair religioun and alledgeance be the saids Jesuits and messe preists. Quhairupon, they being callit to thair answeare, and great panes and travellis being taken for reduceing of thame frome thair erroneous opiniouns, they, notwithstanding, to the offence of God, contempt of his Majestie, and to the disdaine of the censures of the Kirk, continew obstinat and obdured in thair errorrs, for the whilk they ar not onelie excommunicat be the order and censures of the Kirk bot with that they ar denounced his Majesteis rebellis and putt to the horne and contempnandlie remains thereat, haunting and repairing publictly and avowedly athort the countrie at thair pleasure as if they wer free and lawfull subjects, to the disgrace of his Majesteis government; and his Majestie understanding the good affectioun of his trust cousin and counsellour, George, Lord Gordoun, to doe his Majestie service, and how that he will endeavoure himselfe with his hail power, forces and freindship to execute all and whatsomever directiouns that his Majestie sall lay to his charge, thairfoir the saids Lords, with his Majesteis speciall allowance and command, hes made and constitute, and be the tennour heirof makes and constituts the said Lord Gordoun, and James, Lord of Desfurde, Sir Alexander Gordoun of Cluny, knight baronnet, and Sir Robert Inneis of Balvenie (whilk three persouns the said Lord Gordoun hes nominat and givin up as deputeis for him to supplee his absence in the executioun of this commissioun, and for whome he hes undertane to

Fol. 202, a.

be answerable), conjunctlie and severallie, our soverane lords com-  
missioners within the bounds of the shirefdomes of Aberdein, Bamf, Acta July 1629  
December  
1630.  
Fol. 202, a.  
Elgine, Forres, Narne, Innernes, Sutherland and Cromartie, to the effect  
underwrittin, givand, grantand and committand unto thame conjunctlie  
and severallie full power and commissioun, expresse bidding and charge  
to convocat his Majesteis lieges in armes and to pas, searche, seeke and  
take the Jesuits and messe preists particularlie underwrittin, they ar to  
say, M<sup>r</sup> Andro Stevin callit Father Stevin, M<sup>r</sup> Johne Ogilvie, Father  
Stitchell, Father Hegits, M<sup>r</sup> Wiliame Leslie callit the Caputiane, M<sup>r</sup>  
Andrew Leslie and M<sup>r</sup> Johne Leslie, Father Chrystie callit the principall  
of Dowie, wyth other twa Crysteis, Father Broun, sone to umquhill  
James Broun at the Neather Bow of Edinburgh, Father Tyrrie and the  
three Robertsons callit Fathers, Father Rob, Father Patersone, Father  
Pittindreich, Father Dunbreck, M<sup>r</sup> Alexander Falconer, sone to Bal-  
landro, and M<sup>r</sup> Normand Duncane, sone to umquhill Patrik Duncane,  
and all others Jesuits, seminarie and messe preists, haunting and fre-  
quenting within the shirefdomes abonewrittin, where ever they may be  
apprehendit within any part of the same; as alsua to pas, searche, seeke  
and take the excommunicat rebellis particularlie abonewrittin and all  
others excommunicat and rebellious papists aganis whome letters of  
horning sall be produced to the saids commissioners and whois  
names sall be given to thame or anie of thame in bill be the  
Bishop of the diocie, moderator of the presbyterie, or anie of the  
ministers of the presbyterie, where ever they may be apprehendit; and  
to delyver the excommunicat weomen to the shireff of the shyre and  
provest and bailleis within burgh to be committed to ward in some  
sure jayle within the bounds abonewrittin there to remane till farder  
order be tane with thame, and to bring, present and exhibite the saids  
Jesuit, seminarie and messe preists and excommunicat rebellious  
Papists before his Majesteis Counsell to be tane order with and punished  
according to his Majesteis lawes. And if it sall happin the saids  
Jesuits, seminarie and messe preists and excommunicat rebellious  
Papists or anie of thame for eshewing of apprehensioun to flee to strenths and  
houses, with power to the saids commissioners, conjunctlie and severalie,  
to doe thairin as is prescryvèd be his Majesteis lawes in caise of  
rebellioun. And the saids Lords declares that if in the persute of the  
saids Jesuits, seminarie and messe preists and excommunicat rebellious  
Papists they, refusing to be taken and making resistance, there sall  
happin slauchter, mutilatioun or anie other inconvenient to follow, that  
the same sall not be impute as cryme nor offence to the saids commis-  
sioners nor persouns assisting thame in the executioun of this commissioun,  
exonerin thame and everie one of thame thair of and of all pane and  
danger that may follow thairupon or may be impute to thame thair-  
throw for ever. And for the better executioun of this commissioun,  
with power to the saids commissioners and persouns assisting thame in

Acta July 1629-  
December  
1630.  
Fol. 202, b.

the executioun thair of to beare and weare hacquebuts and pistolets in the cleere and actuall executioun of the said commissioun allanerlie and no otherwayes; and with this speciall provisioun that they doe not beare, weare nor use the same aganis anie of his Majesteis good and lawfull subjects. And if anie of the excommunicat rebellis foresaids being apprehendit sall be willing to conforme thameselffes to the trew religioun profest and be law established in this kingdome, and sall give satisfactioun to the Bishop of the diocie or minister of the parish anent thair conformitie and sall report their testimoniall thairupon to the saids commissioners or anie of thame, the saids Lords declares that the conformitie of the saids persouns, testified be ane testimoniall frome the Bishop of the diocie or ministers of the parish, sall be ane sufficient exoneratioun to the saids commissioners in the report of thair diligence to his Majesteis Counsell *pro tanto*. And if anie of the persouns particularlie abonewrittin aganis whome this commissioun is grantit sall in the meane tyme for eshewing of apprehensioun flee out of the countrie so as they cannot be apprehendit, the saids Lords declares that the medling with thair houses and rents sall be compted as sufficient diligence done be the commissioners. And the saids Lords being willing that all faire and lawfull meanes be used for the easier imbring of thir excommunicat rebellious Papists and reclaiming of thame with advice of the minister of the parish where they dwell frome thair errours to the Church, the saids Lords for this effect gives power and commissioun to the saids commissioners, conjunctlie and severallie, to intercommoun with the saids excommunicat and rebellious Papists and to keepe trysts and meetings with thame, during the quhilk tyme of thair intercommouning (quhilk the saids Lords declares sall not exceed the number of ten dayes) they discharge all others commissioners nominat in anie former commissiouns of all taking, apprehending, warding or troubling of anie persoun or persouns with whome the saids commissioners sall intercommoun, as said is, the saids commissioners or anie of thame giving alwayes ane ticket under thair hands to the saids excommunicat rebellis for thair saulffe repaire and intercommouning during the said space of ten dayes, the productioun of whiche ticket the saids Lords declares sall be ane sufficient warrand to the parteis receivers for discharging the executioun of all commissions formerlie grantit aganis thame during the space abonewrittin. And the saids Lords declares that this present commissioun sall be without prejudice to the former commissioun grantit be the saids Lords to ane number of noblemen, barouns and gentlemen within the severall shirefdomes of this kingdome and ratified and allowed be his Majestie for apprehending of Jesuits, seminarie and messe preists and excommunicat rebellious Papists, unto the quhilk former commissioun this present commissioun sall be no derogatioun in anie point. And generallie with power to the saids commissioners, conjunctlie and



severallie, to doe, exerce and use all and sindrie others things quhilks for apprehensioun of the saids Jesuits, seminarie and messe preists and excommunicat rebellious Papists may lawfullie be done; firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin. And the saids Lords ordanis this commissioun to stand in force untill the first day of May nixtocome, quhilk day the saids Lords hes assigned and assignes to the saids commissioners for giving ane accompt of thair faithfull and reall diligence in the executioun of the premisses. And the saids Lords ordains letters to be direct to make publicatioun heiroyf at the mercat croces of the heid burrowes within the shirefdomes particularlie abonewrittin, and to command and charge all and sindrie his Majesteis lieges and subjects to reverence, acknowledge and obey, ryse, concurre, fortifie and assist the saids commissioners in all things tending to the executioun of this commissioun; and for this effect to conveene and meit with thame at suche dayes, tymes and places as they sall be advertised by thair missive letters or utherwayes, and that effaulddie and trewlie they concurre and joyne with thame in the executioun of this commissioun and doe nor attempt nothing whilk may impede or hinder the same nor linger and delay the executioun thairof, as they and everie ane of thame will testifie thair affectioun to the forderance and advancement of this his Majesteis service, and under the pane to be punished exemplarilie for thair disobedience; and sicklyke to command and charge the provest and bailleis of all burrowes to receive fra the saids commissioners and shireffs suche persouns as they sall present unto thame and to committ thame to warde and to deteane thame thairin till order and directioun be given for thair punishment as accords, as they will answeere upon thair obedience at thair highest charge and perrell.”

Lord Gordon to receive the life rents and escheats of all Papists whom he shall apprehend and present before the Council—deduction being made for the Crown.

“ Forsameekle as it hes pleased the Kings Majestie out of his godlie zeale and care towards the maintenance of the trew religioun and suppressing of Poperie within this kingdome to make choise of the Lord Gordoun and to authorize him with ample commissioun for apprehending of excommunicat rebellis in the north with power to him to intromett with the saids rebellis, thair lyferents and escheates to his awin behove, as his Majesteis letter direct to the Lords of his Privie Counsell concerning this business more fullie proports; for obedience whairof and for the further assurance to the said Lord Gordoun of the saids rebellis thair escheits and lyferents, the Lords of Secreit Counsell finds and declares, and thairwithall decernis and ordains, that the said Lord Gordoun sall have dewlie past to him in Exchecker the gift and gifts of the lyferents and escheits of all suche excommunicat rebellis in the north, Jesuits and seminarie preists within the same, as the said Lord Gordoun and his deputeis sall apprehend and exhibite to the Counsell or whome he sall otherwayes constraine for feare of apprehensioun to abandoun the countrie; excepting alwayes suche pairt of thair rents

Acta July 1629  
December  
1630.  
Vol. 202, b.

Fol. 203, a.

Acta July 1629-  
December  
1630.  
Fol. 203, a.

and goods of the last yeeres crop as hes beene alreadye intronnetted with to his Majesties behooffe, and with this speciall provisioun that the said Lord Gordoun and his deputeis be haldin to keepe out of the countrie suche excommunicat rebellis as sall happin to flee furth of the same, or otherwayes to take and exhibit thame to the Counsell incaise of thair returne without his Majesties warrand or allowance; quhairin if the said Lord Gordoun and his deputeis sall faillie, or that it be found that the benefite of the saids rebellis thair lyferents and escheits or anie part thair of sall be applyed to the use of the saids rebellis thameselffes, the gift of every suche excommunicat rebell so returning and not being presented, as said is, or whois escheit or anie part thair of sall turne to the use of the said rebell himselffe, sall be *ipso facto* void to the said Lord Gordoun, and the right and benefite thair of sall accresce to his Majestie as if the samine had never beene grantit to the said Lord Gordoun."

Fol. 203, b.

" Forsameekle as albeit there hes beene manie good acts of Parliament and Secreit Counsell made and published heeretofore agains strong, sturdie and ydle beggers and releeffe of the poore, by the whilks acts the saids strong and sturdie beggers ar straitlie prohibite and forbidin on no wayes to wander athort the countrie nor to be found begging in anie part of the same, bot that they betake thameselffes to some industrie and labour whairby they may win thair living, under the pane to be scourged and brunt in the cheeke and wairded for the space of ane moneth and fed upon bread and water for the first fault, and to be hanged to the dead without favour or mercie for the secund fault; and that none be suffered to beg in one parish that ar borne in another, and that these who ar allowed to beg have tokins givin unto thame whairthrow they may be knowin, and that no others be served with almous within the parish bot they that beare the said token allanerlie, and that all suche as begs without the said token be marked and brunt in the cheeke with ane hote burning yrne; as in the saids acts, speciallie in the acts made in the saxt, twelffe, fyftene, saxtene and twentie twa Parliaments of his Majesties darrest father of blessed and eternall memorie at lenth is conteanit; notwithstanding whair of, the executioun of the saids acts hes beene and is neglected and overseene throughout all the parts of this kingdome, partlie throw the sleuth and negligence of these to whois charge the executioun of the saids acts and reformatioun of this abuse apperteanned, and partlie be the preposterous pitie of the countrie people who without reasoun or discretioun gives almous and harbourie to thir strong and sturdie beggers, whairthrow the number of thame is so multiplied and daylie increasses that they goe in troupes and companeis athort the countrie, using counterfoote exclamatiouns at the yetts and houses of persouns of ranke and qualitie, and with threatning and minassing not onelie extorts almous bot silver and suche other things as they stand in neid of frome the poore countrie people who ar not able to resist thame; and besides they live in all kynde of impietie and filthines

Act for the  
suppression of  
beggars.

without mariage or baptisme of thair barnes, to the great offence of God and reproache and scandall of the countrie; and of thir strong and ydle vagabounds great numbers attends upon buriallis and brydellis in the countrie, and others of thame daylie repaires to the burgh of Edinburgh, the toun of Leith and the Cannogait, the West Port, Potteraw, Leith Wynde, Sanct Ninians Raw, Pleasance, and others parts about and within the burgh of Edinburgh, where having thair ordinarie resetts they conveene togidder nightlie and passes the tyme in drinking and other beastlie filthines and in day tyme comes to the hie streits als weill of the burgh of Edinburgh as of the Cannogait, and some of thame lyes upon the calsey of the Cannogait and others of thame upon the hie way betuix Leith and Edinburgh and about the parts of the burgh of Edinburgh and by thair importunitie and shamefull crying thair fashe and wearie the nobilitie, Counsellouris and others his Majesteis good subjects haunting and frequenting the burgh of Edinburgh, sua that hardlie can anie persouns walke upon the streits nor repaire to the churche upon Sundayes bot they ar impeshed by thir shamelesse and sturdie beggers. And the Lords of Secreit Counsell considering that the cheefe and onelie cause quhilk encourages thir sturdie lymmers and vagabounds to goe in begging athort the countrie without the bounds of thair awin parishes proceids frome the almous and harbourie givin unto thame be the countrie people, whereas if this almous and harbourie wer denyed unto thame they would be constrained to make thair addresse to the parts where they were borne or had thair last sevin yeeres residence and thair betake thame to some industrie to win thair living; and the saids Lords thairwithall having takin to thair consideratioun how and by what meanes this uncontrolled libertie quhilk these ydle and sturdie beggers hes takin to wander athort the countrie may be suppressed and the forder course thairof interrupted, and how suche persouns that ar trewlie poore, whois age and infirmitie will not suffer thame to worke, may be interteanned, they have found that the execution of the said acts of Parliament made in the saxt, twelffe, fyftene, saxtene, and twentie twa Parliaments will be ane speciall meane to forder this good worke. And thairfoir the saids Lords ordains all the saids acts of Parliament formerlie made aganis strong and sturdie beggars to be putt to dew executioun conforme to the tennour thairof in all points, with this additioun whilk formerlie wes maid in ane act of Secreit Counsell bearing date at Halyrudhous, the first of July 1619, that whatsoever persoun or persouns sall be tryed at anie tyme after publicatioun heirof to give almous and lodging to anie strong and sturdie beggers and vagabounds, outhur dwelling within the bounds of thair awin parishes or outwith the same, or to anie beggers that sall resort to bryddellis or buriallis in anie part of the kingdome, except to the weake and impotent persouns of the parish where the bryddellis or buriallis sall be for the tyme, that everie suche persoun being tryed and convict be the minister and elders of the parish where they

Acta July 1629.  
December  
1630.

Fol. 203, b.

Fol. 204, a.

Acta July 1629-  
December  
1630.  
Fol. 204, a.

dwel to have offended in this caise sall incurre the pane of fyve punds *toties quoties* to be uplifted be the ministers and elders of the parish and applyed to the helpe of the aged, weake, sicke and impotent beggers of the parish. And if anie persoun or persouns being so tryed and convict sall refuse to make payment of the said sowme *toties quoties*, as said is, ordains the minister of the parish to give significatioun thair of to his Majesteis Privie Counsell, whairthrow the parteis refusing may be callit to thair answeere before the Counsell and fynned in the sowme of ane hundreth punds and forder at the discretioun of the Counsell; of the first end whair of the expenses to be bestowed be the minister and elders upon the prosecutioun of this bussines sall be thankfullie payed and allowed and the rest sall be givin to the minister to be bestowed upon the poore of the parishe. And to the intent it may be knowne who ar and sall be compted the poore of the parish the saids Lords declaires, conforme to the Acts formerlie made heeranent, that all suche persouns as ar borne within the parish or hes had ane constant and settled residence within the same thir sevin yeeres bygane and by ane lawfull trade ar become aged and impotent sall be repute the poore of the parish. And whereas it will oftymes fall out upon diverse interveening occasions that numbers of strong and sturdie beggers and vagabounds will be apprehendit in some parishes and committed to warde, who, not having meanes of thair awin to interteane thame, will sterve for hunger before they can be brought to thair tryell, and whereas lykewayes there is ane necessitie of constables in everie parish, als weill for executioun of the directiouns and commandments of the Justices of Peace, as for apprehending and bringing to waired of these vagabounds, beggers and ydle lymmers, quhilkis constables being elected and nominat to that charge will not accept the charge upon thame, and if they accept it they ar verie remisse and negligent in the execution thair of, becaus they have no fees allowed unto thame for thair service, thairfoir and for supplee of this defect the saids Lords according to the warrand and power grantit unto thame be act of Parliament ordains and commands the Commissioners and Justices of Peace throughout this kingdome that they at thair quarter sessiouns yeerelie nominat and appoint some discret, honest and famous men in everie parish, with consent of the minister and special men of the parish, to rate and stent everie persoun within the parish for a weekelie proportioun towards the interteanement of the saids prisouners and of the constables of the parish, provyding that they exceed not fyve shillings Scottish money at the most nor be not within ane shilling at the least, and that they nominat and appoint collectouris in everie parish for uplifting of this contributioun and weekelie allowance whiche the saids Lords ordains to be paid yeerelie to the saids collectours upon the first Sundayes after Witsunday and Martimes yeerelie, whairin if anie persoun or persouns sall faillie or refuse to make payment of the said contributioun, the saids Lords declares that they sall be lyable to the payment

Fol. 204, b.

of three tymes more nor that whiche sall be imposed upon thame. And if the Justices of Peace sall not conveene at the quarter sessiouns for making choise of the saids collectours, it is heirby declared that the conveenners of the Justices of Peace in everie shirefdome, with suche of the bense as sall be present with him, sall have the full and free nominatioun of the saids collectours; and if anie questioun sall arise in the parish anent the maintenance of the poore the saids Lords referres the sattling of the questioun to the Justices of Peace at thair quarter sessiouns. And tuicheing the interteanement of the proper poore of everie parish, the saids Lords ordains the course and order prescryved and sett doun thereanent in his Majesteis saxt Parliament haldin at Edinburgh in the moneth of October 1579 yeeres to be observed and kept and the executioun thair of to be followed out by these who by the law ar appointed to that effect, and that all heretours, lyverenters, annualrenters, tacksmen of teinds and others persouns of wealth and substance compting ane thowsand pundis of thair stocke and goods and moveables to ane hundred merkes of rent sall be lyable to the order of contributioun prescryved in the said act. And the saids Lords declares that the absence or non-residence of anie noblemen, barouns and gentlemen in the shyres where thair lands or anie part thair of lyes sall no wayes excuse thame frome payment of the said contributioun, bot that they, and in caise of thair absence thair chamberlans, bailleis and factours, sall be lyable to the payment of this contributioun. And ordains letters to be direct charging officers of armes to pas to the mercat croces of the heid burrowes of this kingdome and others places neidful and thair be opin proclamatioun to make publicatioun of the premises whairthrow nane pretend ignorance of the same, and to command and charge all and sindrie beggers that within fyftene dayes efter the publicatioun heirof they addresse thamselffes to the parishes where thay wer borne and made thair last sevin yeeres residence and thair to conteane thamselffes and that they on no wayes presooome to come furth of thair parishes nor to resort nor repaire to brydellis nor burials under the panes abonespecified, to witt—be warded in the yrnes and stockes, scourged, and thair eares nailed to the tron or some other tree for the first fault, and for the next fault to be hanged to the death; and that suche as begs within the parish without the marke and token foresaid to be brunt in the cheeke with ane hote yrne; and to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame give almous or loding to anie beggers whatsomever dwelling without thair awin parishes, nor to no strong, sturdie and ydle vagabounds and lymmers dwelling within thair parishes, under the said pane of fyve pundis *toties quoties* to be incurred be thame and to be uplifted in maner foresaid; and to command and charge all and sindrie Archbishops and Bishops that they give directiouns to the ministers and sessiouns of kirks within thair dioceis to hold hand to the executioun of this present

Acta July 1629.  
December  
1630.

Fol. 204, b.

Fol. 205, a.

Acta July 1629-  
December  
1630.  
Fol. 205, a.

act within thair bounds in so farre as they ar warranted be the lawes and acts of Parliament; and to command and charge all and sindrie magistrats to burgh and land and all Justices of Peace, everie ane of thame within their awin bounds, and all others to whois charge the execution of the saids acts is committed, to doe and performe that quhilk to thair charge and dewtie in this caise apperteanes; and alsua to command and charge all and sindrie persouns being of power to provyde thamselffes with stockes, and to take and apprehend all suche strong, sturdie and ydle beggers as sall come in thair bounds and lay thame in the stockes, and feede thame upon gray bread and water for the space of aucht dayes for the first fault; as also to charge the provest and bailleis of Edinburgh, the bailleis of Leith and the Cannogait, the bailleis of the West Port, Potterraw, Pleasance, Leith Wynde, that they suffer no beggers to have rest nor beild within thair bounds nor to ly nor be seene upon thair streits, under the pane to be punished in thair persouns and goods as contemnners of the directiouns of his Majesteis Counsell, conforme to the acts and proclamatiouns formerlie made and publeist heeranent; and to command, charge and inhibite all and sindrie heretours, awners or lyverenters of lands within the burgh of Edinburgh, Leith, Cannogait, West Port, Potterraw, Pleasance, Leith Wynde, S<sup>t</sup> Ninians Raw, and others suburbs about the burgh of Edinburgh, that nane of thame sett anie housis to anie of the saids beggers nor to suffer anie beggers to have ressett or remaining within the same, bot to remove thame thairfra, under the pane of twentie pundis to be incurred be everie persoun or persouns contraveining thir presents *toties quoties*; certifeing thame that sall doe in the contrair that the saids panes sall be uplifted of thame without favour; and siclyke to command and charge the provest and bailleis of Edinburgh, the bailleis of Leith and the Cannogait, and the bailleis of the West Port, to keep thair calseyes and streits cleere and free of the saids beggers, and that nane be suffered to ly upon thair streits nor to seeke almous upon the same, under the pane to be persewed and punished thairfoir with all rigour."

Fol. 205, b.

"The Lords of Seceit Counsell declaires that notwithstanding of the relaxatioun grantit to the Marqueis of Huntlie frome the horning used aganis him for not exhibitoun of certane excommunicat rebellis dwelling upon his ground, that he stands still obleist for exhibitoun of the saids excommunicat rebellis incaise of the Lord Gordoun his default in not presenting of thame, and ordains the Marqueis not to repaire to the North till the service be accomplished and ane accompt maid thairof to the Lords."

"The Lords continewes the exhibitoun and sequestratioun of the Marqueis of Huntlie his daughters upon assurance givin be the said Marqueis unto thame that he sall allow ministers to have free accesse and conference with thame for enduceing of thame to repaire to the churche."

The Marqueis  
of Huntly and  
excommuni-  
cated rebels.

The Marqueis  
of Huntly and  
his daughters.

Doctor Leslie. "The Lordis ordains Doctor Leslie, who wes personalie present, to attend upoun Twisday, quhairof intimatioun wes maid to the Bishop of Murray and commissionaris foirsaid."

Sederunts,  
November  
1629-January  
1635.  
Fol. 9, b.

Holyrood  
House, 15th  
January 1630.  
Letter of  
Council to Sir  
William Alex-  
ander desiring  
him to repre-  
sent to his  
Majesty the  
evil treatment  
which Andrew  
Beaton has  
received in  
Paris.

"After our verie heartilie commendatiouns to your good lordship. By the inclosed petitioun preferred unto us in behalffe of Andro Beatoun, factour, now resident in Parise, your Lordship will understand the great outrage and ryot committed upoun him by certane evill disposed persouns maligning his credite and trust within the said citie. The foulnesse of the fact and the dangerous exemble quhilk the impunitie thairof may heirafter produce, togidder with the losse whiche the merchants with whois goods he is intrusted might thairby have susteanned, hes beene sufficient enducements unto us to hearken unto his reasonable desire, and thairfoir we have thought good to send up the petitioun to be represented be your lordship to his Majesteis royall consideratioun and to intreate your lordship to sollicite his Majestie to give notice thairof to his ambassadour resident in France, with speciall directioun to him to acquaint the Frenshe king and Counsell with the trew estait of the same and to crave and urge suche ane legull reparatioun of the intendit assasinatioun as the exemplar punishment to be inflicted upoun the delinquents may restraine others frome perpetrating the lyke in tyme comming; whairin resting assured of your lordships care we committ your lordship to God. Halyrudhous 15 January 1630. *Subscribitur*, Chancellour, Mar, Monteth, St. Andrewes, Hadintoun, Wintoun, Air, Areskine, Dunkelden, Sr Thomas Hope."

Royal Letters,  
1629-32.  
Fol. 177, a.

Holyrood  
House, 19th  
January 1630.

*Sederunt*—Chancellor; Treasurer; St. Andrewes; Præses; Mairshell; Wintoun; Linlithgow; Lauderdaill; Air; Dunkelden; Dumblane; Lord Areskine; Lord Melvill; Tracquair; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Acta July 1629,  
December  
1630.  
Fol. 205, b.

Order enjoyn-  
ing certain  
persons in the  
Presbytery of  
Glasgow to  
accept the  
office of sub-  
commissioners  
of teinds which  
they had  
refused.

"Forsameekle as George Huchesoun of Stirlin, appearand of Glorat, and Patrik Bell, Deane of Gild of Glasgow, being nominat and appointed to be subcommissioners of the Presbyterie of Glasgow in place of others three subcommissioners, by whois carelesse and negligent attendance his Majesteis service wes farre hindered, for trying the valuations in stocke and teind of the said Presbyterie according to the power of the subcommissioun grantit to that effect, they refuse to take the charge upon thame, whilk will be ane great hinder and prejudice to his Majesteis service without remeid be provydit; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said Stirlin, George Huchesoun and Patrik Bell to accept the said charge of the subcommissioun in and upon thame, and for this effect to make thair addresse to the remanent of the subcommissioners at thair first meeting and there to accept the charge and give thair oath for faithfull adminis-

Acts July 1629-  
December  
1630.  
Fol. 205, b.

tratioun thair of, and that they attend the said charge and service there-  
after according to the power grantit to thame be the subcommissioun  
within sax dayes nixt after the charge under the pane of rebelloun and  
putting of thame to the horne. And if they failie the said space being  
bypast to denunce, &c., and to escheit, &c."

"Anent the supplicatioun presented to the Lords of Secreit Counsell  
be Dame Marioun Boyd, Countesse of Abercorne, makand mentioun that  
where it is not unknowne to the saids Lords that she hes beene this long  
tyme bygane under warde first within the burgh of Edinburgh and now  
in the Cannogait, where her residence and remaning hes not onelie pro-  
cured the offence of the ministrie bot verie great weakenesse and in-  
firmiteis to her persoun, she being the most part of this tyme tyed to her  
bed, being ever willing to have heard conference, and when her health  
would permitt accesse wes never refused to anie of the ministrie that  
craved the same; and whereas they have oft petitioned the saids Lords  
for her removing frome this burgh and the Cannogait, whairunto she will  
most willinglie and heartilie condescend, and for this effect hes dealt for  
a loane of the hous of Duntarvie where she sall conteane her selffe so  
warilie and respectivelie as she sall not fall under the breake of anie of  
his Majesteis lawes, humbelie desyring thairfoir the saids Lords that  
she may have thair warrand and allowance to make her addresse to the  
place of Duntarvie, how soone her health will permitt her, and to remane  
there untill she be warranted be the saids Lords to remove frome hence;  
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 gives and grants  
thair warrand and allowance to the said supplicant to make her addresse  
to the place of Duntarvie how soone her health will permitt her, and to  
remane there till she be warranted be the saids Lords to remove frome  
thence, she first finding caution actit in the bookes of Privie Counsell  
that she sall admitt and heare conference with the ministrie, that she  
sall not heare messe, ressett Jesuits nor seminarie preists, nor inter-  
commoun with thame, and that she sall not remove fra the place of  
Duntarvie till she be warranted be the saids Lords to that effect, under  
the pane of fyve thowsand merkes in caise she faille in anie point of  
the premises."

"The whilk day in presence of the Lords of Secreit Counsell com-  
paired personallie Sir James Maxwell of Calderwode and accepted upon  
him the office of shirefship of the shirefdome of Lanerk and gave his  
oath for faithfull administratioun of the said office."

Sir James  
Maxwell of  
Calderwood  
accepts the  
shieriffship of  
Lanark.

"The whilk day in presence of the Lords of Secreit Counsell com-  
paired personallie Doctour Leslie and actit and obleist him that  
betuix and the first day of Apryle nixt come he sall outhere conforme  
himselffe to the trew religioun presentlie profest and be law established  
within this kingdome, or otherwayes depart furth of the same and not  
the true religion or  
to quit the  
country."



returne againe thairin without licence frome his Majestie or his Counsell had and obtained to that effect, and that in the meane tyme he sall not heare messe nor ressett and intercommoun with Jesuits and seminarie preists, under the pane of ane thowsand pundis incaise he faillie in anie point of the premises.”

Acta July 1629  
December  
1630.  
Fol. 206, a.

[Sederunt as recorded above.]

Decreta,  
November  
1627-January  
1630.  
Fol. 276, a.

Holyrood  
House, 19th  
January 1630.

Complaint by  
Sir Thomas  
Hope, King's  
Advocate,  
Jenkin Weir,  
and others  
against Sir  
James Lock-  
hart, elder of  
Lee, and others,  
for defrauding  
them by  
violence of the  
assythment  
due to them for  
the slaughter  
of George  
Weir.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, Jinking Weir, indweller in Blakhall, as father, William Weir, brother, Agnes Weir, sister, and remanent kin and friends of the deceased George Weir, servitor for the time to William Weir of Stanebyres, also by William and George Tutteups, brothers to the rebel aftermentioned and tenants to the said William Weir of Stanebyres, who delivered the money after referred to, and the said Laird of Stanebyres for his interest, as follows :—The wearing of hagbuts and pistols and convocation of the lieges in arms are very strictly prohibited, and James Tutteup in Byrewod being put to the horn for the slaughter of the said deceased William [sic] Weir, and the slain man's friends having purchased letters of caption against him, he kept himself so close that they could get no information of his whereabouts, till lately “ Sir James Lokhart, elder of Lee, having tryed out where the said rebell wes, and being moved not with the love of justice or anie good will toward the partie, bot, as will appear heereafter, miscaryed with ane inordinat desyre to atteane to moneyes be whatsomever way he could,” on 25th September last directed George Lokhart, his third son, with David Fleeming in Chappell, John Lokhart, natural son to the said Sir James, William Forrest and Thomas Young, servitors to the said Sir James, Thomas Young in Qua, William Quhytfurde, younger in Contland, William Eastoun, tailor in Murgieland, Gabriel Smith in Bruxland, Thomas Haistie in Heidsdykeheid, Gavin Prenteis in Heidsmure, and Robert Broun in Nether Mosplat, all tenants to the said Sir James, and others of the lieges to the number of twelve persons, armed with steel-bonnets, jacks, lances, hagbuts, muskets and pistols (the said Laird of Lee, elder, being but a private person “ cled with no power nor auctoritie,” on horseback in warlike manner to the house of William Caidzow in Caldermure, where the said rebel was, and they, entering the house, apprehended the said rebel, carried him bound on horseback to Blaickburne and thence to Nether Mosplat, where they kept him until they had sent word to his father, mother, and friends that they “ wer readie to present him to justice for the slaughter foresaid unlesse they did redeeme him frome thair hands.” Thereupon the said rebel's friends and kin, who are tenants to the said Laird of Stonebyres, for preserving his life “ transacted with the said George Lokhart and his complices and delyvered unto thame the sowme of aucht hundreth merkes in hand, togidder with ane band of the sowme

Fol. 276, b.

Decreta,  
November  
1627-January  
1630.  
Fol. 276, b.

of fiftie merkes to be payed thereafter," whereupon they set the said rebel at liberty. And thus "not onelie ar the kin and freinds of the said umquhill George Weir frustrat of thair assythement for the slaughter foresaid, and the kin and friends of the said rebell, being bot meane labourers of the ground altogidder impoverished and disabled to pay to the said Laird of Stanebyres, thair maister, his fermes and dewteis, to his great hurt and prejudice, bot lykewayes by this sort of coosenage his Majesteis auctoritie is verie farre abused, and ane pre-parative of dangerous exemple and consequence is heirby offered to persouns of the lyke dispositioun to committ the lyke or worse heerafter." Charge having been given to the persons above complained upon to compear and to restore this money, and the pursuers compearing and also the said Sir James Lokhart of Lee and George Lokhart, his son, for themselves and in name of the other defenders, being present, and the probation being referred to witnesses, the Lords assoilzie the said Sir James, against whom nothing was proved, but find that George Lokhart, accompanied by Gabriel Smith, David Fleeming, Thomas Young, William Eastoun, William Forrest and Thomas Haistie, armed with unlawful weapons, went the said day to the house of William Caidzow in Caldermure, and after lying about the same for some time, entered it with drawn swords in their hands, "stoged beds" and took the said James Tutteup without any warrant, "flichtered [pinioned] him," took him and kept him and afterwards released him on receiving the money and bond foresaid, whereby they have committed "ane most inexcusable wrong in contempt of the regall auctoritie," and they ordain the said George to be committed to ward in the tolbooth of Edinburgh till they release him. They further ordain the said Laird of Lee to produce the said Gabriel Smith, David Fleeming, Thomas Young, William Eastoun, William Forrest, and Thomas Haistie, this day eight days; and that he and his said son pay to each of the five witnesses produced £10 if a horseman, and 10 merkes if a footman.

Fol. 277, a.

Fol. 277, b.

Complaint by the provost, bailies and Council of Annand, as follows : Complaint by the magistrates of Annan against William Storie in Hollis and others for stopping the ferry-boat on the Water of Annan.  
—The commissioners for the Burghs in their convention held at Craill in July 1618, laid upon the petitioners "the bigging and interteaning of ane ferrie boat upon the Watter of Annand" for the safe and sure passage of the lieges. In regard of the great poverty of the town, which has alwayes been subject "to the injurie of the disordoured theeves and lymmars of the Middleshyres," and which disabled the petitioners of themselves to do this, their Lordships granted to them a certain duty upon all goods entering at their ports and passing the water of Annand, by means of which they have now for nineteen years maintained a sufficient ferry-boat on the said water, and have thankfully served the lieges therewith. In this course they have never been troubled till lately that William Storie in Hollis, William Johnestoun in Riggtheid, John and Abraham Tynnyng of Hawis, George Grahame called of Ridkirk,

John Johnestoun, burges of Annand, otherwise called John of Mylne-<sup>Decreta,</sup> feild, and Thomas Wilkine, burges there, have stopped the passage of <sup>November</sup> the said boat, and refuse to permit her to land on any part of that side <sup>1627-January</sup> of the water where they dwell, so that there is now no passage to be <sup>1630.</sup> had that way, to the great detriment of all passengers between England <sup>Fol. 277, b.</sup> and Ireland and England and Scotland "upon that hand." Charge having been given to these persons named, and the pursuers compearing by Mr. Simon Johnestoun, minister at Annand, and the defenders not compearing, the Lords ordain the latter to be denounced and escheat.

Complaint by John Maclean in Dirrigoun against John Maxwell, steward-depute of Kirkcudbright, for a false charge of marking a sheep, and illegal proceedings in connection with the said charge.

Complaint by John M<sup>c</sup>Claine in Dirrigoun, as follows:—John Maxwell, steward-depute of Kirkcudbright, having obtained from Robert, Earl of Nithsdale, steward-principal of the said stewartry, a gift of the escheats of all persons convicted of any crimes within the said judicatory, has charged the complainer to compear before him on 17th instant on the charge of marking a sheep, which he affirms belongs to John Milligane in Clauchaneplocke, intending by an assise of his own choosing to convict the complainer and so attach his goods. The complainer is <sup>Fol. 278, a.</sup> quite innocent of the above charge, and the said steward-depute, knowing this, dealt with him to compone the matter, which he refusing to do, he has taken the said course in which he intends to be both judge and party, and so to work as to bring the complainer and his estate in danger. For clearing his innocence he has found caution in £200 in the bookes of Adjournal to compear for trial before the Justice and his deutes, and so the said steward-depute should be discharged of all further proceeding in this matter. Charge having been given to the said John Maxwell, and the pursuer compearing, and also the defender by Alexander Maxwell, one of the macers before the Lords of Session, his procurator, the Lords remit the trial of the pursuer upon the points of theft for which he was challenged and arrested to Thomas Lidderdail, Thomas M<sup>c</sup>Clellane of Coline, Patrick Foster, bailie of Kirkcudbright, and to John Gordoun of Ardwell, if he be one of the steward-deputes of that stewartry, or to any two of the said steward-deputes, and discharge the said John Maxwell of any interference thairwith.

Complaint by Harry Barclay against the magistrates of Aberdeen for illegal imprisonment in the tolbooth of their burgh.

Complaint by Harie Barclay, natural son to George Barclay of Riddes, as follows:—On 1st August last, which was a fair day in the town of Turreff, where the complainer was on business, it fell out that James Mair, his near kinsman, was unhappily slain. Mr. William Forbes and <sup>Fol. 278, b.</sup> William Young in Turreff, alleging that the complainer was the author of the tumult and accessory to the slaughter, arrested him, and there being no jail in Turreff, they carried him to Aberdein, where the provost and bailies warded him in their tolbooth, and there he has since remained in great misery. Now the party who killed James Mair has componed with his relatives and got a letter of slains from them, and there is no person who will pursue the complainer for that slaughter, yet, though he has offered caution to compear for trial before the Justice, they will

Decreta,  
November  
1627-January  
1630.  
Fol. 278, b.

neither put him to liberty nor try him themselves. Charge having been given to Gilbert Mair in Awaldis and Thomas Mair in Craighintrey, brothers and nearest of kin to the said James Mair, and to the provost and bailies of Aberdein to send one of their number to answer for them herein, and the pursuer appearing by Mr. Patrick Chalmers, servitor to Sir John Scot, his procurator, and the defenders not compearing, the Lords ordain the said provost and bailies to release the pursuer within six days upon pain of horning, seeing he has found caution in 300 merks in the books of Adjournal to compear for trial before the Justice and his deputes for the said slaughter, whenever lawfully charged, on fifteen days warning.

Sederunts,  
November  
1629-January  
1635.  
Fol. 10, a.

Chancellor; St. Androis; Præses; Privy Seal; Wyntoun; Lyn-lythgu; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Lord Arskene; Lord Tracquir; Advocate.

Holyrood  
House, 20th  
January 1630.

“The quhilk day the commissioun grantit to the Lord Gordoun and his deputyis aganis Jesuites, seminarie and messe preistis and excommunicat rebellious Papistis wes past and exped, in the whilk the Lordis declairis that a tickett under the commissionaris handis to ony excommunicat rebell to come in and intercommoun with thame for the space of ten dayis salbe a sufficient protectioun to the pairtyis ressavearis, and dischargeis all others to tak thame in the meantyme.”

Commission  
against Papists  
granted to  
Lord Gordon  
and his  
deputes.

“A proclamatioun dischargeing the ressett of Jesuitis, seminarie and messe preistis and excommunicat rebellious Papistis in Caithnes.”

The reset of  
Papists.

Acta July 1629-  
December  
1630.  
Fol. 206, a.

*Sederunt*—Chancellor; Treasurer; Præses; Privy Seal; Mairshell; Murrey; Air; Bishop of Dunkeld; Dumblane; Lord Areskine; Carnegie; Justice Clerk; Sir Johne Scot; Sir James Baillie.

Holyrood  
House, 21st  
January 1630.

Fol. 206, b.

“The whilk day the missive letter underwrittin signed be the Kings Majestie wes presented to the Lords of Secretit Counsell, of the whilk the tennour followes:—CHARLES R. Right trusty and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greit yow weil. Whereas we have understood by your letter of the inconveniences that ar lyke to come to that our kingdome by strangers who, planting thame selfes in the Yle of the Lewes by meanes of a patent grantit to the Lord of Seafort, not as yitt exped, would usurpe the benefite of the fishing in these seas adjacent thairunto, to the great prejudice of our subjects, wishing that the samine may be prevented we doe approve your opinioun and have taken another course to our consideratioun, whiche, as we doe conceave, may yerie muche import the good of that our kingdome. Quhar-upoun we have required the said Erle and a commissioner frome the burrowes to repaire to us at the first of Marche nixtcome that after

Letter from  
his Majesty  
anent the Earl  
of Seafort's  
patent and the  
coming of  
foreigners to  
the Western  
Isles.  
See Index to  
Vol. II.  
(Second series.)

dew deliberatioun we may thinke fitt what is to be done thairin ; and in the meane tyme it is our pleasure that yow give order for stopping the said Erle his patent in Exchequer or otherwayes till after the said tyme yow sall heare further frome us ; as lykewayes that the strangers who ar alreadie planted there be made lyable to the lawes of the countrie and find cautioun for thair compeirance when they sall be cited to answer for transgressing our Acts of Parliament, and that no others be suffered to plant there till we have resolved what sall be fittest for the publict good of that our kingdome. Quhilk letter being heard and considerit be the Lords and they advised thairwith, the Lords continewes the consideration of the said letter till Saturday nixt and ordanis the Erle of Seafort to be certified of the dyet and warned to keepe the same.”

Acts July 1629-  
December  
1630.  
Fol. 206, b.

Letter from his Majesty desiring that he be informed whether St. Giles or Holyrood Church is the fitter place for his coronation.

“The whilk day the missive letter underwrittin signed be the Kings Majestie wes exhibite unto the Lords of Privie Counsell and read in thair audience, of the whilk the tennour followes :—CHARLES R. Right trusty and right weilbelovit cousine and counsellour, right trusty and weilbelovit cousines and counsellours, and trusty and weilbelovit counsellours, we greete yow weill. Whereas we did formerlie write our letters unto yow concerning the place of our coronatioun in that our kingdome, our pleasure thairfoir is that yow consider what place is most convenient and that yow advertise us of your opinions concerning the same, and whether yow doe thinke Sanct Giles Church in Edinburgh or the Abbey Church of Halyrudhous to be the more convenient place for suche a publict actioun, that upon notice of your opiniouns we may take suche further course and give suche further directiouns as may seeme most fitting for settling the preparations fitt for that actioun and with als little charge as may be conveniently. And so we bid yow heartilie fareweill. Given at our court at Whitehall the 8 day of Januarie 1630. Quhilk letter being heard and considerit be the saids Lords and they advised thairwith, they continew the resolutioun and answering of the said letter to Tuisday nixt and ordains the counsell of Edinburgh to be warned to attend that day.”

Letter from his Majesty anent the differences between Leith and Edinburgh.

“The whilk day the missive underwritten signed be the Kings Majestie wes exhibite before 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 cousines and counsellours, and right trustie and weilbelovit counsellours and trusty and weilbelovit, we greete yow weill. Whereas there hes beene some articles exhibite unto us aganis our burgh of Edinburgh in name of our toun of Leith whair of suche particulars as concerne our selffe that ar submitted unto us by Maister Johne Hay in name of our said burgh or in what sould belong unto us that is conteanned in thair chartour<sup>1</sup> grantit in anno 1603 to be surrendred conforme to the note enclosed in the letter writtin

Fol. 207, a.

<sup>1</sup> Known as the “Golden Charter” because of the many privileges and immunities it conferred.

Acta July 1629-  
December  
1630.  
Fol. 207, a.

by us to our Advocat thereanent, to whome we have referred the same, willing him to secure us thair of, and after consideratioun of thair evidents, to acquaint us of what further is necessarie for us to advert unto. And thairfoir our pleasure is that yow call the magistrats of the said toun before yow and caus thame in name of the same ratifie the submissioun of thair commissioner. And we doe not doubt bot our Advocat will doe his dewtie in this particular according to the trust we repose in him. Lykewayes we have givin commissioun for composing the differences betweene that our burgh and the noblemen and gentlemen of West Lothiane anent thair chartour in anno 1603 in so far as concerneth thair interest, that they may ather settle the same or certifie us what they finde fitt for us to doe thairin. And for these things in contraversie betweene thame and Leith we desyre yow to take these articles whiche we have sent yow heerewith to your consideratiouns, and having heard both parteis and thair lawfull defences, what is fitt in law to yow to judge of or to referre to others judicatoreis to whome the judging thair of doeth properlie belong, that yow take suche order as we did lastlie writt tuicheing that purpose as is most agreable to law and equitie; and if yow thinke it necessarie, that yow certifie us of your proceedings and opinions thairin. And so not doubting bot yow will have suche care hereof as is requisite. . Quhilk letter being heard and considerit be the Lords and they advised thairwith the Lords ordains the provest and bailleis of Edinburgh to be warned to Tuisday nixt."

[Sederunt as recorded above.]

Holyrood  
House, 21st  
January 1630.

Decreta,  
November  
1627-January  
1630.  
Fol. 279, a.

Complaint by Thomas Sweit, tenant to Mr. James Wishart of Pittarrow, and the said Mr. James for his interest, as follows:—James Mylne in Middletoun, has conceived such a hatred against the said Thomas Sweit, that he seeks his life, and for no other reason than that he is servant to the said Mr. James "whome he hates deidlie, and so farre as his malice can reache labours by oppressing of his tennents and backebyting of him and his predecessours who ar deid, to undoe him both in his estait and credite." Knowing that Sweit, "ane seller of fruit and other commoditeis of that kynde" was on November last in the burgh of Monrose selling his wares, and would return at night to his dwelling at the mill of Conveth, Mylne lay in wait for him by the way a great part of that day armed "with ane greate durke and long sword" to rob the poor man and take his life. When he met him under cloud and silence of night he first "laboured to pyke ane querrell aganis him by disgracefull and contumelious rayling aganis the said Laird of Pittarrow," and the complainer having modestly and calmly reprehended him, he drew his sword and dirk, gave him a cruel stroke on the head with the sword, "dang him aff his hors and chaist him with his drawin sword ane

Complaint by  
Thomas Sweit,  
tenant of Mr.  
James Wishart  
of Pittarrow,  
against James  
Mylne in  
Middleton for  
assault and  
robbery.

great spaice." The complainer having fled for safety to the house of <sup>Decreta,</sup> , gardener to the Laird of Halkertoun, Mylne <sup>November</sup> followed him into the house, where being prevented by the said gardener <sup>1627-January</sup> and others from further molesting the complainer, he threatened the <sup>1630.</sup> man to take his life if he did not put the complainer out of his house, <sup>Fol. 279, a.</sup> which the said gardener for fear having done, Mylne thereupon chased the complainer a long time up and down the fields, until the latter, becoming breathless was forced to throw himself on the mercy of the said gardener. But Mylne forced the gardener to put him out the second time, and thought now to have killed him, but under darkness of <sup>Fol. 279, b.</sup> night he escaped, leaving his horse and whole goods, which were the greatest parts of the poor means he had for the entertainment of himself and family, which Mylne still keeps from him. Charge having been given to the said James Mylne and both pursuers and the defender compearing and probation being referred to witnesses, the Lords assoilzie the defender, as nothing was proved against him; and further, they with consent of parties decern that this pursuit shall exclude all action of contravention competent to the pursuers against the defender before the Lords of Session; and they ordain the producers to pay four merks to each of their witnesses.

Counter-complaint by James Mylne in Middleton against Thomas Robertson, alias Sweit, for assault.

Counter complaint by James Mylne in Middletoun, as follows:—On last Thomas Robertsoun, *alias* Sweit, tenant to Mr. James Wishart of Pittarrow, at the instigation of his said master, lay in wait for him under cloud and silence of night in the highway between St. Laurence kirk and the complainer's house, and encountering him on his way home, with a great rung he felled him at the first stroke to the <sup>Fol. 280, a.</sup> ground, and thereafter gave him other strokes and would have killed him if James and Robert Scot in Middletoun, hearing his cries, had not come and delivered him. Charge having been given to the said Mr. James Wishart and Thomas Robertsoun, and pursuer and defenders compearing, and probation being referred to witnesses who proved no part of the complaint, the Lords assoilzie the defenders, with the like declaration as to exclusion of action before the Lords of Session and order for payment of the witnesses by the producers as in the other case.

Complaint by James Harvie in Marledge against James Pinkerton in Dalserrf for assault.

Complaint by James Harvie in Marledge, as follows:—On last, being Sunday, when he was in the yard of his good-brother in Dalserrfe, James Pinkertoun in Dalserrfe, without any provocation, assailed him with a great rung, cast great stones at him, and wounded him on the head to the effusion of his blood. Being for this dealt with by the kirk-session of Dalserrfe and ordained to satisfy publicly in the <sup>Fol. 280, b.</sup> kirk upon the next Sabbath, he refused, and after many charges which were contumaciously disregarded, the Presbytery of Hamiltoun ordained him to be excommunicated. Pinkerton, judging the complainer to be the cause of all this, and determined on revenge, came to the kirk of Dalserrfe on 2nd August last, on which day the second admonition was

given him before the pronouncing of that fearful sentence, which so enraged him that on coming out of the kirk he followed the complainer and struck him at unawares with a "maske ruther" [the rudder of a fishing-boat] "behind the back upon the head, whairwith he felde him deid to the ground, gave him diverse straiques on the shoulders and craig, and specialle ane cruell straike behind the lug" to the great effusion of his blood, and he had slain him if the people coming from the kirk had not rescued him. Charge having been given to the said James Pinkertoun, and the pursuer compearing but not the defender, and probation being referred to witnesses, who failed in proving any part of this complaint, the Lords assoilzie the defender, but without prejudice to the pursuer's action before the Kirk against him.

Fol. 281, a. Complaint by John, Lord Areskine, against Alexander Young in Pettinweyme, John Quhyte there, David Quhyte in Kinnocher, William Quhyte, his son there, and Alexander Prate there, all tanners, who reject the tannage reform and refuse to obey the proclamations and commands of the Council therein (as *ante* p. 359). Charge having been given to them, and the pursuer compearing, but none of the defenders, the Lords ordain them to be put to the horn and escheat.

Complaint by John, Lord Eraskine, against Alexander Young and others for rejecting the tannage reform.

Fol. 281, b. Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir George Mushet of that Ilk, his informer, as follows:—Though the wearing of hagbuts and pistols is strictly prohibited by law, yet William Smith in Kincairne of Monteith, "ane smith of his calling, who be reasoun of his meane condition ought to live in sober and quyet maner, hes had for the space of bygone, and as yitt ever hes, ane long hacquebutt and ane paire of pistolets lying in his smiddie beside him, and he never comes furth to the feilds without ather his said hacquebutt in his hand or pistolets at his belt, resolved as appeares to trouble and molest thairwith suche of his Majesteis peaceable and good subjects aganis whome he beiris querrell." Charge having been given to the said William Smith, and the Advocate compearing by Mr. John Oliphant, advocate, and the Laird of Mushet and the defender being personally present, the Lords after hearing the parties and certain witnesses, who failed in proving any point of the complaint, assoilzie the defender and ordain the producers to pay 30s. to each of their witnesses.

Complaint by the King's Advocate and Sir George Mushet of that Ilk against William Smith, for wearing hagbuts and pistols.

Fol. 282, a. Petition by John Stewart of Coldinghame, as follows:—By his Majesty's special warrant he has come to this kingdom for paying his debts and relieving his cautioners of the heavy burdens they underlie on his account, and for this purpose he is (1) to call Robert Douglas to account for his nine years intromission with the estate of Coldinghame, (2) to take steps for passing his lease of Orkney, and if that fails to sell such of the teinds of the Abbacy of Coldinghame as will satisfy his creditors. But these require his personal presence and attention, which on account of some civil hornings against him he cannot give, whereas if

Petition by John Stewart of Coldinghame for protection that he may meet the claims of his creditors.



he were clad with their Lordships' warrant and had a certain time to "outred thir his adoos," he hopes and is very confident to give all his creditors satisfaction, and craves accordingly. The Lords grant him the space of fourteen days from this date.

Decreta,  
November  
1627-January  
1630.  
Fol. 282, a.

Petition by William Halden and John Elstab, Englishmen, against John Padzeane of Newton, whom they accuse of horse-stealing.

Petition by William Halden and John Elstab, Englishmen dwelling in Yorkeshire as follows:—On 20th September last, John Padzeane of Newtoun came to them in the fair of Martane and seeing two goodly horses in their company, entered into conditions for their purchase. They agreed on a price, and they gave him the horses, the said Padzeane "being ane gentleman as appeared to thame of good credite, and he promised to pay the pryce of the hors togidder with the sowme of sevin pund sterline quhilk he borrowed frome thame at that tyme upon the day of October thereafter at the faire of Newcastle." They asked his name, whiche he "dissimmillatie" gave as George Dunstoun. As he did not come to the said fair they were obliged to come to Scotland to seek him, but could not find him under his false name, but now they are certainly informed "that the said John Padzeane is the man and hes the verie same hors in his keeping." They crave their Lordships to ordain the Lairds of Amisfeild and Lag, two of the commissioners of the Middleshires, to take such a course with this man as shall repair their losses and punish him. This the Lords do as craved.

Holyrood House, 21st January 1630. Commission to Sir Alexander Irvine of Drum and others to try Margaret Reid and Janet Currie for witchcraft. Similar commission to the baillie of St. Andrews and his deputes to try Margaret Callander.

Commission under the Signet to Sir Alexander Irwing of Drum, sheriff principal of Aberdein, and John Keith of Glackerache, his depute, to search for, apprehend and try Margaret Rid and Janet Currie, in the parish of Crimond, who have been long suspected of witchcraft "and uthers devilish practises." Signed by Geo. Cancell, Hadintoun, Air, Dunkelden, Areskine, Carnegie, S. G. Elphinstoun, and Scottistarvett.

Commissions,  
1624-30.  
Fol. 214, b.

"The lyke commissioun grantit to the baillie of the regalitie of St. Andrewes and his deputs, Robert Colvill of Cleish, George Durie of Luskor, and Johne Houstoun of Craighoure or anie twa of thame, ane of the baillie deputs being one of the twa for putting of Margaret Callender to the tryell of ane assyse for the said cryme of witchcraft of the same dait, tennour and subscriptiouns with the former."

Fol. 215, a.

The Earle of Caithnes.

"A missive from his Majestie concerning the apprehensioun of the Earle of Caithnes, wheranet the creditouris of the Earle of Caithnes ar ordanit to be warnit to Twisday nixt."

Sederunts,  
November  
1629-January  
1635.  
Fol. 11, a.

Holyrood House, 22nd January 1630.

*Sederunt*—Chancellor; Treasurer; Præs; Wintoun; Linlithgow; Air; Lord Areskine; Clerk of Register; Advocate; Sir Johne Scot; Sir James Baillie.

Acta July 1624,  
December  
1630.  
Fol. 207, a.

The Earle of Seaforth and the Burghs. See ante, p. 421.

"The Lords continewes the mater betuix the Earle of Seafort and the burrowes till this day aucht dayes, and intreats the Lords Chancellor and President to travell betuix the parteis in the meane tyme for composing of their differences."

Acta July 1629-  
December  
1630.  
Fol. 207, b.

"Forsameekle as Johne Nicolsone, notar in Irwing, and James Ros, Charge to John Nicolson, notary in Irvine, and James Ross, also notary there, who are at the horn for refusing to discharge their duties as procurators-fiscal to the sub-commissioners of the Presbytery of Irvine, to appear before the Council. notar there, being nominat and elected be the subcommissioners of the presbyterie of Irwing to be procurators fiscall at thair meeting, and both of thame having accepted the charge upon thame and givin thair oath for administratioun thair of and having attended that charge some certane dayes, in end upon some frivolous and impertinent reasouns they have deserted thair charge, to the great hinder of his Majesteis service and disappointing of the progresse and proceedings of the saids sub-commissionours; and upon thair wilfull and malicious refusall they being charged be letters of horning to have continued in the said service whilk formerlie they had undertane and accepted, they dissobeyed the said charge and were thairfoir denounced rebellis and putt to the horne, wherat they remane as yit unrelaxt to the high contempt of his Majesteis auctoritie and lawes, Thairfoir the Lords of Secretit Counsell ordains letters to be direct charging the saids Johne Nicolsoun and James Ros to compeir personallie before the saids Lords at a certane day to answeere upon thair rebellious and dissobedience and to underly suche order as sall be tane with thame thereanent, under the pane of rebellious and putting of thame to the horne; with certificatioun to thame and they faille they sall not onelie be of new denounced rebellis and putt to the horne bot with that suche forder [order] sall be tane with thame as may terrifie others to continew in the lyke rebellious.

Sederunts,  
November  
1629-January  
1635.  
Fol. 11, a.

Sederunt as in Acta of 22d January with the addition of the Holyrood House, 28th January 1630.  
"Justice Clerk." But the business being the same, xxij is probably a mistake for xxij January.

Acta July 1629-  
December  
1630.  
Fol. 207, b.

*Sederunt*—Chancellor; Treasurer; St. Andrewes; President; Holyrood House, 26th January 1630.  
Privy Seal; Mairshell; Murrey; Linlithgow; Seafort; Air;  
Bishop of Dunkeld; Bishop of Dumblane; Lord Areskine;  
Carnegie; Clerk Register; Advocate; Justice Clerk; Sir Johne Scot; Sir James Baillie.

"The Lords of Secretit Counsell having read and considerit his Majesteis letter directed unto thame tuicheing the plantatioun of strangers in the Lewes and the Erle of Seafort his signature of the erectioun of Storneway in ane burgh regall, and having heard the said Erle and the commissioners for the burrowes thereanent, the Lords according to his Majesteis directioun continewes the passing of the signature till his Majestie after hearing of the parteis and thair reasouns signifie his pleasure thereanent." The Earl of Seafort and the Western Isles. See ante, p. 426.

"The Lords of Secretit Counsell recommends to his Majesteis Advocat that in the perusall and examination of the chartour grantit to the burgh of Edinburgh in anno 1603 he not onlie consider his Majesteis prejudice bot alsua advert to the publict of the Estait whairin it does suffer by the chartour foresaid." The charter granted to Edinburgh in 1603.

The magistrates of Edinburgh to appear before the Council next Thursday anent the Submission.

The Council, on the complaint of the Royal Burghs, forbids the Earl of Seaforth to introduce foreigners to the Isles till such time as his Majesty signifies his pleasure thereanent.

"The Lords of Secreit Counsell ordains the provest and bailleis of Edinburgh, who wer personallie present, that they with the counsell of thair toun compeir before the saids Lords upon Thurisday nixt for ratifeing the submissioun made to his Majestie in thair names be M<sup>r</sup> Johne Hay, thair commissioner."

"Anent the complaint made to the Lords of Privie Counsell be the commissioners of the free royall burrowes of this realme, makand mentioun, that where by diverse and sindrie acts of Parliament it is statute and ordained that no stranger sould use anie merchandice nor buy no fishe bot salt and barrellid, nor buy anie uther merchandice nor make anie merchandice at the Lewes nor uther places bot at free burrowes, nor packe nor peill in the Isles, nor transport anie forbididn goods, under the panes conteanit in the acts of Parliament made thairanent, notwithstanding whair of Coline, Erle of Seafort, hes in contrare of the saids acts of Parliament brought in great numbers of strangers in the Ile of the Lewes who daylie packes and peills, fishes, buyes talloun, butter, hydes, skinnes, plaiding and others goods of merchandice, als weill of forbididn as unforbididn, and that not onelie in the Ile of the Lewes and adjacent yles, and in Orkney and Zetland, bot also in the mayneland, and transports the samine out of the countrie without payment of custome or taking of cocquet, to the great prejudice als weill of the whole countrie as of trade. And seing it is his Majesteis pleasure that the saids strangers be made lyable to the lawes of the countrie and find cautioun for thair compeirance when they sall be cited to answeir for transgressing the acts of Parliament, and the saids strangers ar imbrought be the said Erle of Seafort and ar planted be him upoun his lands of Storneway, ar mainteaned and protected be him and his officiars at his command and directioun, thairfoir the said Erle aucht to be answerable for thame. And anent the charge givin to the said Erle of Seafort to have compeired personallie before the Lords of Secreit Counsell this present twentie sax day of Januarie instant to have answered to this complaint, and to have heard and seene command givin to him to give up the names of the strangers imbrought be him and to present thame before the saids Lords that they may find cautioun to the effect abone-writtin, as alsua that he suffer not anie uther strangers to repaire thither in anie tyme to come, and that he caus the acts of Parliament anent strangers and others unfreemen be putt to executioun, conforme to the tennour thair of, lykeas at mair lenth is conteanit in the said complaint, executiouns and indorsatiouns thair of; quhilks being callit, and Johne Sinclare, merchant burges of Edinburgh, M<sup>r</sup> Johne Hay, toun clerk of the said burgh, and Johne Cowane, burges of Stirline, compeirand personallie in name of the free royall burrowes of this kingdome and as procurators for thame, and the said Erle of Seafort being lykewayes personallie present, and the said Erle being demanded anent the number of strangers and fishermen presentlie resident in the Lewes, he declared that they wer

Acts July 1629  
December  
1630.  
Fol. 207, b.

Fol. 208, a.

Acta July 1629-  
December  
1630.  
fol. 208, a.

fol. 208, b.

about ten or twelffe men and exceedit not that number ; the reasons and allegatiouns of the parteis present, togidder with the declaratioun foresaid made be the said Erle of Seafort, being heard and considerit be the saids Lords and they rypelie advised thairwith, the Lords of Secreit Counsell commands and ordains the said Erle of Seafort that he on no wayes imbring to the Lewes nor suffer anie moe strangers then the twelffe persouns presentlie resident there to be brought in and planted in these bounds till his Majesteis forder pleasure be signified thereanent. And in the meanetyme the saids Lords finds, decerns and declares that the said Erle of Seafort sall be answerable for the twelffe fishermen abonewrittin that ar presentlie resident in the Lewes and for anie transgressioun, breake and violatioun of the lawes whiche they have already committed or sall happin to committ during thair remaining there. Lykeas this decreit and sentence being intimat to the said Erle, he being personallie present, as said is, actit himselffe to obey the same accordinglie."

"The Lords of Secreit Counsell ordains the greevances and articles givin in to his Majestie be the commissioner for the toun of Leith and the answers made thairto be the commissioner for the burgh of Edinburgh to be marked be the Clerk of the Counsell and to be givin to the petitioners of Leith to be considerit be thame to the intent they may give thair answeere thereanent this day aucht dayes, and allowes thame in the meane tyme to conveene and meit for this purpose without danger."

"The Lords of Secreit Counsell allowes and ordanis his Majesteis Admirall and suche as sall be nominat be him to take, committ and examine all persons suspect guiltie of the persute and invasioun of Adame Caskie under silence of night for his bearing witness before the said Admirall of the tortour used be some mariners of Captane Andersons shippe aganis the companie of Peter Evertson and Leveane Rickleman."

Anent the dispute between Edinburgh and Leith.

Charge to his Majesty's Admiral and others to apprehend and examine such persons as have assaulted Adam Caskie.

Decreta,  
November  
1627-January  
1630.  
Fol. 232, b.

[Sederunt as recorded above.]

Holyrood House, 26th January 1630.

Petition by Sir George Ogilvie of Bamff, knight baronet, commissioner underwritten, James Crichtoun of Fendraucht, James Leslie of Achorthes, Normand Leslie of Artannes, John Meldrum of Barnscot, Robert Crichtoun of Conland, Alexander Gordoun in , Robert Gordoun in , David Seatoun, James Wishart, Alexander Alschonder, John Cheff, Alexander Fordyce, James Clerk, Alexander Moresoun, Alexander Jacke, , William Fordyce, Alexander Schand, George Crichtoun, and Patrick Stewart, his assisters in the said commission as follows:—As their Lordships know the said Laird of Fendraucht has sustained grievous and heavy oppressions and shamefull and disgraceful indignities at the hands of the deceased William Gordoun

Petition by Sir George Ogilvie of Bamff and others to be released from appearing before the King's lieutenant in the North on a charge of slaughtering the Laird of Rothiemay—two reasons being alleged for their petition.

of Rothiemay, John Gordoun, his son, John Innes of Crombie, and others, their accomplices, who refusing to answer legally for these have been frequently denounced as rebels, the said Robert Crichtoun of Conland, servitor of the said Laird of Fendraucht, having cited them before his Majesty's Justice for pursuing him with hagbuts and pistols, they were again denounced, and thereupon their Lordships granted a commission to the said Laird of Bamff and others to apprehend these rebels by force of arms and siege of thair houses, with dispensation in case of contingencies. Hearing of this the said rebels have fortified themselves in the castle of Rothiemay which they have provisioned and provided with "powlder, leade and with ane number of muskets and hacquebutts and all other warrelyke provision, and kepted the said castell as ane hous of warre, ressetting thairin all criminalls that pleased to resort unto thame." This evoked letters of treason against them and new charges and denunciation, but with like results. The said Laird of Bamff, learning that the said deceased William Gordoun had resolved "to raise fyre in the said Laird of Fendraucht his barnyaird of Cowbardie, and that he wes come agaitwarde frome his said hous for that effect assisted with ane number of armed men with hacquebutts, muskets and other armour," and finding himself bound in honour and in duty to his Majesty to oppose this project, he with the persons above named went to meet him with the sole purpose of executing the commission foresaid and preventing these "bloodie and cruell resolutions so far as possiblie he might." On approaching "he wes mett with ane verie sharpe and hard rancounter and shotts of muskets and hacquebutts," so was constrained to stand to his defence, and in the engagement which followed the said Laird of Rothiemay received certain injuries of which his friends allege he has died, and they have charged the petitioners to compear for trial on the charge of this slaughter before the Earl of Murrey, his Majesty's lieutenant in the north, on 11th February next. Now they cannot and ought not to be required to keep this diet, because (1) on information made to their Lordships by the friends of Rothiemay of some apprehended trouble, their Lordships have cited the petitioners before them on February next, which is within days of the date above mentioned, and their appearance at both is an impossibility; (2) the charges upon the warrant issued by the said lieutenant are executed at the dwelling places of the petitioners in the shires of Aberdein and Bamff, which are 100 miles distant from the burgh of Edinburgh where they presently have their residence awaiting two diets before the Council, one on 26th instant, and the other on 28th February, which they must necessarily attend; and (3) whatever has fallen out has been in the execution of the commission before named, in which if they have exceeded, they are first responsible to their Lordships who granted the commission before any criminal process can proceed thereupon. The petitioners therefore crave that

Decreta,  
November  
1627-JANUARY  
1630.  
Fol. 282. b.

Fol. 283. a.

Fol. 283. b.

their Lordships will discharge all proceedings against them in this matter by his Majesty's Justice and Deputes, or the said Lieutenant until the precognition foresaid be first taken by their Lordships. This the Lords judge to be reasonable and grant accordingly.

Petition by Sir David Home of Wedderburne, as follows :—The warrant granted to him by their Lordships for coming to Edinburgh and arranging with his creditors expires this day, and as he has used all the diligence in his power and given several creditors satisfaction, so he hopes, if their Lordships will continue his protection, to deal so therein that none of his creditors shall have just cause to complain of "his honest and worthie resolutioun," and craves accordingly. The Lords grant him a month from this date.

Petition by Sir David Home of Wedderburn for a continuance of his protection.

"Heir endeth this booke."

(Signed) "J. Prymrois."<sup>1</sup>

Commission under the Signet to Sir William Keith of Ludquharne, Nathaniel Keith of Cocklaw, Sir Robert Arbuthnet, fiar of that ilk, Sir Alexander Falconer of Halkertoun, Alexander Lindsey of Barras, James Wishart of Arduthie, William Hay in Scotstoun, Robert Keith of Quhytrigs, Mr. James Wishart of Pittarrow, James Ramsay, William and Andrew Hantoun, for which three the Earl Marischell is held to answer, jointly and severally, to convocate the lieges in arms and to search for and apprehend and ward in the castle of Dunnotter James Keith of Harvestoun, who having been warded in the said castle for certain great debts, broke out of the same by wounding the keeper of the said castle, "ane aged and infirme man, brake his arme, and gave him manie bloodie woundis." By this he has made the Erle Mairshell, who is sheriff of Kincardin, responsible for his debts which amount to £20,000. The said James Keith has now associated with himself certain lawless and broken persons who go about the country at pleasure armed with hagsbutts and pistols and other armour, and fortify themselves in strengths and houses. Summoned for this cause before the Justice, he disobeyed and was therefore put to the horn on 18th January instant. Signed by Geo. Cancell., Hadintoun, Linlithgow, Seafort, Areskine, Carnegie and Hamiltoun.

Holyrood House, 26th January 1630. Commission to Sir William Keith of Ludquharne and others to apprehend James Keith of Harvieston, who has broken ward from the Castle of Dunnotter.

Commission under the Signet to Robert Keith of Quhytrigs, sheriff depute of Kincardin, as justice, to hold courts and try Alexander Cowtie, a common and notorious thief, who was banished for this crime, but having returned and for a long time past sorned throughout the country, and committed severall thefts, was apprehended on \_\_\_\_\_ and warded in \_\_\_\_\_ where he now is. Signed by Geo. Cancell., Hadintoun, Linlithgow, Seafort, Carnegie, Hamiltoun, and S. G. Elphinstoun.

Commission to Robert Keith of Whiterigs to try Alexander Cowtie, a common and notorious thief.

<sup>1</sup> End of this volume of the Decreta.

Decreta, November 1627-January 1630. Fol. 283, b.

Fol. 284, a.

Commissions, 1624-30. Fol. 215, a.

Fol. 215, b.

The Laird of Lee.

"The quhilk day the Laird of Lie exhibitte his fyve men for whome he was ansuerable, whome the Lordis ordanit to be committit to warde." Sederunt, November 1629-January 1635.

The Earl of Caithness.

The quhilk day Johnne Sinclair and Ronnald Murray tooke this day aught dayis to be advisit yf thay wald be at the chargeis of taking the Earl of Caithnes." Fol. 11, b.

Holyrood House, 28th January 1630.

*Sederunt*—Chancellor; Treasurer; Præses; Privy Seal; Linlithgow; Seafort; Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Carnegie; Clerk of Register; Advocate; Justice Clerk; Sir Johnne Scot; Sir James Baillie. Acta July 1628, December 1630. Fol. 208, b.

Act of submission by the magistrates of Edinburgh in respect of the charter granted to the said burgh in 1603.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie David Aikinheid, provest, James Cochrane, Williame Rid, Androw Ainslie, and Edward Edger, bailleis of the burgh of Edinburgh, and David M<sup>c</sup>Call, thesaurar of the said burgh, for thameselffes and as procurators for the remanent counsell and deacons of craft of the said burgh, and ratified, allowed and approved, and be the tennour of this present act, ratefeis, allowes and approves the submissioun and offers made be Mr. Johnne Hay, commissioner for the said burgh, to the King his most sacred Majestie concerning thair chartour grantit be our lait soverane Lord of eternal and blessed memorie to the said burgh in anno 1603 and tuicheing diverse others particulars at lenth specified in the saids offers. Lykeas they gave in ane act of thair counsell under the hand and subscriptioun of Mr. Alexander Guthrie, commoun clerk of the said burgh, conteaning the ratificatioun, approbatioun and allowance thairof made be the said burgh; quhilk submissioun, and offers and ratificatioun thairof foresaid being read, heard and considerit be the saids Lords, and they being thairwith weill advised, the saids Lords hes ordained and ordains the said submissioun and offers and act conteaning the ratificatioun thairof to be insert and registrat in the bookes of Privie Counsell, of the whilk the tennour followes:—" *Vigesimo octavo die mensis Januarii anno Domini j<sup>m</sup> vj<sup>c</sup> trigesimo.* The whilk day David Aikinheid, provest of the burgh of Edinburgh, James Cochrane, Williame Rid, Andro Ainslie and Edward Edger, bailleis of the said burgh, Joseph Marjoribankes, deane of gild, David M<sup>c</sup>Call, thesaurar, and remanent counsell and deacouns of crafts of the same being conveenned, Mr. Johnne Hay, thair commissioner, having presented and produced before thame the offers underwrittin made be him in thair name to his Majestie, and the saids provest, bailleis, deane of gild, thesaurar, counsell and deacouns of crafts having read and considerit the same, they ordaine the same to be insert and registrat in thair bookes of counsell *ad futuram rei memoriam*, whairof the tennour followes:—Offers made to his Majestie anent the chartour grantit to the good toun of Edinburgh anno 1603. Forsameekle as his Majestie is informed that there is conteanit in the said chartour manie strange clauses quhilks ar not competent to" Fol. 209, a.

ane subject and manie lands annexed to the Crowne conveyed thairby frome the Crowne, the good toun to approve thair loyalty to his Majestie (without prejudice alwayes of the auld rights, chartours, infeftments, decreits, liberteis and priviledges thairin ratified, grantit to that good toun formerlie be his Majesteis predecessours before the dait of the said chartour, and als without prejudice of the shirefship and crownership thairin conteanit within the bounds more particularlie specified and designed in the offer made be the good toun to the noblemen and gentlemen of West Lothiane, and als libertie of sole trade of merchandice apperteaning to ane free royal burgh within the whole bounds of West Lothiane as the same is designed in the said chartour, without prejudice also to his Majestie to erect burghes, ather of regalitie or baronie in anie other pairt of West Lothiane without the bounds of thair said crownership and shirefship, touns and lands apperteaning to the good toun in propertie or superioritie, and als of the customs, pittie customes, shoare, silver and uther dewteis, liberteis and priviledges mentionat in the said chartour, and upon the provision underwrittin) hes in all humilitie made voluntar offer to his Majestie to renunce in favours of his Majestie all right of regalitie dispouned to thame in the said chartour, if anie be thairin conteanit, and also the right that the good toun hes thairby to escheits of criminal persouns convict before thame to death, and also of the escheits of all thair inhabitants denounced to the horne for civill causes, or anie other strange libertie, if anie be thairin conteanit, whilk is not competent to ane subject nor is not nor hes not beene formerlie grantit to shireff, crowner or free burgh; and als to renunce all right they have to the north or south Castell bankes be vertew thair of, without prejudice alwayes of anie former lawfull right whilk the good toun or anie thair burgessis hes to the same, and without innovatioun of the use of the south banke conforme as hes beene accustomed in all preceeding tymes past memorie of man; with provision alwayes and with humble and tender sute to his Majestie that since that good toun is the cheefe and heid burgh of that kingdome and that the same wes erected, beautified and adorned with sindrie liberteis, priviledges and immunitis be his Majesteis most noble progenitours frome tyme to tyme, and in special be his Majesteis father of happie memorie, and that it hes pleased his royall Majestie out of his gracious favour to assure that good toun that he would protect thame in thair liberteis and priviledges and would not be wanting unto thame in expressing all testimoneis of his royall favour as occasioun sould offer, as the sword sent be his Majestie to thame to be used be thame for his Majestie and in defence of thair liberteis doeth sufficientlie witnes, and that the good toun hes ever since his Majesteis entrie to the Crowne approvin thameselfes to be his Majesteis trew and loyall subjects; consideratioun also being had of the taxts payed be thame, being neere the thrid pairt of the taxts



payed be the whole burrowes, of the burdeins they undergoe in all publict services, whilks tend ather to the honnour of his Majesteis Crowne or that his ancient kingdome, and that the same is done be the free contributioun of thair loving citicens, thair commoun good being so meane as it is not able to support thair ordinar charges, it might please his Majestie to ratifie the said chartour in the remanent heids, articles and claussis thairof, and in speciall thair haild infetments therein conteanit, the free libertie of sole trade within the bounds of West Lothiane apperteaning to ane free burgh royall, the shirefship and crownership within the bounds designed as is abone-mentioned, customes, pittie customes, and others dewteis thairin exprest whairof the good toun is in possessioun, and of the remanent liberteis, privilegedes and others thairin conteanit, conforme to the tennour thairof in all points, and that the same be done in suche ane legall forme as sall be fittest for securing both his Majestie and the good toun. And forder they ratifie and approve the same in the haild heids, articles and claussis thairof conforme to the tennour thairof; and gives power and commissioun to the provest, bailleis, deane of gild, thesaurar or anie ane of thame to compeir in thair names before the Lords of his Majesteis Secreit Counsell and in thair names *de novo* to ratifie and approve the same, conforme to the tennour thairof in all points, and ordains this act of counsell to be thair warrand. *Extractum de libro consilii burgi de Edin-burgh per me Magistrum Alexandrum Guthrie communem clericum dicti burgi, testantibus his meis signo et subscriptione manualibus.* (Signed) A. Guthrie. And the saids Lords declaires that the registratioun of the said submissioun and offers and ratificatioun thairof sall not prejudge his Majestie nor nane of his officiairs, the Estait nor nane of his Majesteis subjects, who sall find thameselfes hurt and greeved by the said submissioun and offers or be anie of the provisiouns, conditiouns and limitatiouns conteanit thairintill, to seeke reparatioun and redresse thairof be the ordinar course of law."

Charge to the small barons and freeholders of Ayr to meet with the Sheriff-principal for the election of commissioners for the ensuing Parliament.

"Forsameekle as the small barouns and freeholders of the shirefdome of Air, being diverse tymes warned and requyred be the shireff principall of the said shirefdome to have conveenned and mett with him at the dyets appointed be him for that effect and to have made ane formall nominatioun and choise of commissioners to attend his Majesteis parliament and others publict services of the Estait for this present yeere, nevertheless they have verie contemptuouslie and disdainfullie neglected and slighted that charge and so hes done what in thame lyes to frustrat and hinder His Majesteis service, without remeid be provydit. Thairfoir ordains letters to be direct charging the haild small barouns and freeholders within the said shirefdome of Air to conveene and meit with the sheriff principall of the said shirefdome at suche day, tyme and place as he sall appoint and there to make ane choise of commissioners to attend

Acta July 1629  
December  
1630.  
Fol. 202, b.

Fol. 210, a.

**Acta July 1629-December 1630. Fol. 210, a.** his Majesteis parliaments and generall counsellis for this present yeere, under the pane of rebelloun and putting of thame to the horne; with certificatioun to thame that failyeis and compeirs not that upon report to be made of thair dissobedience to his Majesteis Counsell letters sall be direct to denunce them rebellis and putt thame to the horne.

**Decreta, January 1630. February 1631. Fol. 1, a.**

*Sederunt*—George, Viscount of Dupline, Chancellor; John, Earl of Mar, Treasurer; William, Earl of Monteith, President; Thomas, Earl of Hadinton, Lord Privy Seal; Alexander, Earl of Linlithgow; Coline, Earl of Seafort; William, Viscount of Air; Alexander, Bishop of Dunkeld; Adame, Bishop of Dumblane; John, Lord Areskine; Robert, Lord Melvill; David, Lord Carnegie; Sir John Hamilton, Clerk Register; Sir Thomas Hope, Advocate; Sir George Elphinston, Justice Clerk; Sir John Scot, Director of the Chancellarie; Sir James Baillie.<sup>1</sup>

Holyrood House, 28th January 1630.

Supplication by Alexander, Master of Forbes, as follows:—By their Lordships' direction he had concerned himself in settling the differences between the Lairds of Fendraucht and Rothemay, and in so doing, for the peace of the country and the preservatioun of good neighbourhood engaged himself as cautioner for young Rothemay in severall bonds for his keeping the peace; which bonds the latter has most unworthily and unthankfully violated. He craves that in the circumstances their Lordships would interpone their request and authority in his behalf with the Laird of Fendraucht to pass from calling him to account in the matter and "take him to the partie," and also that their Lordships would take such other means for securing the peace of the country as they may judge expedient. Their Lordships having called the Laird of Fendraucht before them, and dealt with him as desired, he said that he would never pursue the said John Gordoun of Rothemay for such bonds "without the speciall advice and allowance of the saids Lords."

Supplication by Alexander, Master of Forbes, that he may not be called to account for the violation of his caution by young Rothemay.

**Fol. 1, b.** Supplication by James Wright, now resident in Amsterdame, as follows:—Having become cautioner for some persons, he was about twelve years ago compelled to leave this his native country, but in the meanwhile it pleased God "to blesse his travellis in the trade of merchandice," so that having acquired some "reasonable meanes, he resolved to come to this countrie to take ordour with all his creditours" and also to collect debts due to himself which exceed his proper and cautionry debts by £19,100. During his absence, Thomas Wright obtained decree against him for 7000 merks. For the reduction of this decree the supplicant has now a process before the Lords of Session, to attend which and to content his creditors, some of whom have given their consent in writing for obtaining their Lordships' protection to him until 31st May

Supplication by James Wright, now resident in Amsterdame, for protection that he may satisfy his creditours in Scotland.

<sup>1</sup> Sederunt in full at the commencement of a new volume.

next, but others of whom stand out against this and intend to imprison him, he craves protection. This the Lords grant for six weeks after the date hereof.

Decreta,  
January 1628.  
February 1628.  
Fol. 1, b.

Complaint by James Reid, one of the officers of the Commissariat of Dunkeld, and Gilbert Nairn, portioner of Bellintoun, against John Stewart and others for assault when in the performance of official duty.

Complaint by James Reid, one of the officers of the Commissariat of Dunkeld, and Gilbert Narne, portioner of Bellintoun, as follows:—On 18th November last the said James Reid, in virtue of a precept of pointing granted by the Commissary of Dunkeld at the instance of the said Gilbert Narne against Janet Spalding in Bellintoun, went to the toun and lands of Bellintoun and pointed certain goods belonging to the said Janet, whereupon John Stewart, officer in Bellintoun, Robert and Thomas Stewart, his brothers, John and Alaster Stewart, sons to the said Janet Spalding, and Andrew Spalding in Wester Inverchroskie, fiercely attacked the complainer and his witnesses with swords, staves, and other weapons, wounded them in several parts of their bodies, felled them to the ground, and in special gave the said James a bloody wound on the head, and carried off the goods that had been pointed, thus also deforcing the said officer. Pursuers compearing, and of the defenders John Stewart in Bellintoun and Robert Stewart, his brother, being also present, the pursuers passed from the complaint against the said Robert “because they knew he wes innocent thair of,” and the Lords assolzied John Stewart who produced a decree of absolvitor pronounced by Mr. James Stewart, Commissary of Dunkeld, on 6th December 1628, when he was tried for this deforcement, and when the pursuers failed to prove any point of their complaint against him. The non-compearing defenders are ordained to be put to the horn.

Fol. 2, a.

Complaint by George Martin in Auchtydonald against John Gray for assault.

Complaint by George Martine in Auchtydonald, as follows:—On June 1626 John Gray, son to the deceased John Gray in Wester Auchterleuchreis, and Magnus Mowat, servitor to the Laird of Boquhelle, lay in wait for the complainer, under cloud and silence of night, beside the dwelling-house of John Blacke in Halkhillock, where he was on business, and as he was going home they assailed him with drawn swords and dirks, with which they gave him “manie bloodie straiques,” but especially “ane cruell wound on the left side of the head, quhairwith they almost cutt away the compleaners left eare and haffett,” leaving him lying for dead. He has since been under the care of “chirurgians in great pane and dollour, to his great charges and expenses, and to the hazard and perrell of his lyffe, having lost the use of his said left eare, of the quhilk wound he is not as yitt cured bot be all appearance the same will at last be the caus of his death.” Pursuer compearing personally, but the defenders not, the Lords ordain them to be put to the horn.

Fol. 3, a.

Complaint by James Crichton of Fendraught against John Gordon of

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and James Crichtoun of Fendraucht, as follows:—In contravention of the laws against wearing of hagbuts and pistols and convocating of the lieges in arms, William Gordoun of Rothemay, John Gordoun, his son,

Decreta,  
January 1630-  
February 1631.  
Fol. 3, a.

John Inneis, sometime of Crombie, and others their friends and followers, (being indebted to the said Laird of Fendraucht, his tenants and servants, and they in default of payment having been compelled to use legal execution by letters of horning, pointing and caption, all of which proved ineffectual through their deforcements, and the said Laird of Fendraucht having then purchased letters of treason whereby they were charged by a herald with displayed coat of arms to surrender their houses and enter into ward) contemptuously, and with guns and other weapons threatened the herald and his assistants of their lives, and they have vowed that notwithstanding of his Majesty's laws, "and in despyte of the Lords of Privie Counsell, they sall never pay the compleaner his moneyes, and that they sall kill him." In June last, shortly after the execution of the said letters of treason they, accompanied by Thomas Meldrum, sometime of Iden, Mr. William Meldrum, his son, John Lobane and Robert Bruce, servitors of William Gordoun of Rothemay, John Gordoun in Inchestomacke, John Gordoun in Carnehill, William Sym in Woodend of Rothemay, William Watt, merchant in Rothemay, Alexander and David Gray in Corsekellie, Andrew Craig in Meyen, and Adam Gordoun, son to Sir Adam Gordoun of Parke, and others, numbering about fifty persons, armed with swords, lances, hagbutts and pistols and other weapons, came by way of hamesucken to the complainer's house of Kinnadie, where he was dwelling for the time, "fished in his waters neere by, and raid up and down beside the place in a bragging maner, and used all maner of provocatiouns to have drawin furth the compleaner to have slane him. And now laitlie upon the xxiiij of November last the saids Johne Gordoun, younger of Rothemay, accompanied with the persons foresaids and with convocatioun of his Majesteis lieges in armes, boddin in maner foresaid, lay at await for the compleaner in the hie way towards his place of Fendraucht, and rancountering him as he wes coming home they dischargit ane great number of hacquebutts at him and his companie, whairwith they hurt and woundit thame and thair hors, and tooke away ane of thair hors and ane cloke belonging to M<sup>r</sup> James Clerk, the compleaners servant. And upon the xxvj day of the said moneth the said Johne Gordoun of Rothemay, accompanied with the said Adame Gordoun, Robert Bruce and Johne Lobane, Johne Gordoun in Inchestomacke, and Johne Gordoun in Carnehill, come under cloud and silence of night to the place of Fendraucht, brake up the doores of the compleaners greeve, callit James Johnnestoun, tooke the honest man, being past three score twelffe yeeres of age, and his wyffe out of thair beds naiked, stopped ane cloath in thair throat least they sould cry and waken the people in the place, cruellie hurt and woundit the honest man in divers parts of his bodie, brake his head with ane pistolet and so pitifullie tormented his wyffe with the cloath in her throat as she wes almost strangled; and having thus barbarouslie abused the honnest man they harled him naiked furth of his hous and

Rothiemay  
and others for  
various acts of  
violence  
against himself  
and his  
tenants.

Fol. 3, b.

kuist him in ane stanke neere by where they left him, thinking he had beene drowned; bot be the providence [of God] some persons hearing his pitifull cryes, come and tooke him out of the stanke. And not content heerewith the saids persouns come immediatlie thairafter to the dwelling hous of James Clerk in Pennyburne, the compleaners servant, and with shotts of hacquebutts and muskets shott up the lockes of his doores, so that the poore man for feare of his lyffe wes forced to breake ane hole in the wall of his hous and escape; and they nightlie repaire to the compleaner and his tennents houses, where they breake up the same and forces the tennents for feare of thair lyffes to repaire to hillis and woods. And the said Johne Gordoun of Rothemay hes associat unto himselfe not onelie the persouns abonewrittin bot also ane number of the name of Gordoun and others, who ar declared fugitives at the last justice courts, with whome he goes athort the countrie, boddin with hacquebutts and pistolets and uthers forbiddin weapouns, awaiting the occasioun when, where and how to take the compleaners lyffe, directing unto him cartalls and challenges to come and fight thame, so as he darre not resort in publict without he be accompanied with his whole servants and freinds." Charge having been given to the persons complained upon above-named, and the pursuers compearing but none of the defenders, the Lords, after hearing the depositions of witnesses, find the charge of convocation and bearing hagbutts and pistols proven against the said John Gordoun of Rothemay, Mr. William Meldrum and John Lobane, and ordain letters to be issued charging them to enter in ward within the tolbooth of Edinburgh within fifteen days, and there remain till further dealt with, which if they disobey, they are to be put to the horn and escheated; but the Lords assoilzie these three from the other points of the complaint, and the whole other defenders from the whole complaint, because the witnesses failed in proving anything further.

Thomas  
Menzies.

"The Lordis prorogatis Thomas Menyees his protectioun for xij dayis."

Holyrood  
House, 2nd  
February 1630.

*Sederunt*—Chancellor; Treasurer; Præses; Privy Seal; Murrey; Linlithgow; Galloway; Air; Bishop of Dumblane; Lord Melvill; Lord Carnegie; Clerk of Register; Advocate; Justice Clerk; Sir Johne Scot; Sir James Baillie.

Petition by  
Lord Gordoun  
that he may  
have the  
escheats and  
life-rents of  
Papists who  
offer to leave  
the country on  
condition of  
receiving a  
yearly allow-  
ance.

"Anent the supplicatioun presented to the Lords of Secretit Counsell be George, Lord Gordoun, makand mentioun that where it hes pleased the saids Lords (according to his Majesteis warrand) for his better encouragement and enabling carefullie to prosecute the executioun of that commissioun whairin he is employed aganis excommunicat rebellis to assure unto him by act of Counsell the escheits and lyverents of all suche excommunicat rebellis as either he sould take and exhibite before the saids Lords or whome, for feare of apprehensioun, he sould constraine

Decreta,  
January 1630.  
February 1631.  
Fol. 3, b.

Fol. 4, a.

Fol. 4, b.

Sederunt,  
November  
1629-January  
1635.  
Fol. 12, a.

Acta July 1629.  
December  
1630.  
Fol. 210, a.

Acta July 1629-  
December  
1630.  
Fol. 210, a.

to abandoun the countrie; and whereas Thomas Meinzeis of Balgonie out of ane just feare of the said supplicant his care and diligence in the faithfull discharge of that imployment whairwith he is intrusted hes beene moved to come in to the saids Lords and to offer perpetuall banishment upon hope of some yeerelie allowance to be modified unto him by the saids Lords for his interteanement abroad, and that it is verie probable that uthers of the lyke condition will be compelled upon the lyke feare to take the lyke course, whairby the effect of the act conceaved in the said supplicants favours may be interpret to be voide, notwithstanding that it is undenyablie cleere that the feare which they apprehend of his diligence and resolutioun in the unpartiall execution of his charge hes wrought in thame this constrained obedience, whiche in reasoun sould be ascryved and allowed to the supplicant as the proper effect of his service; humbelie desyring thairfoir the saids Lords that he may have ane act of Counsell exped in his favours finding and declaring that he hes just right to the escheats and lyverents of all suche excommunicat rebellis as sall come in and offer voluntar banishment unto the saids Lords, and for preservatioun of the supplicants act that the saids Lords would forbear to grant anie modificatioun unto thame out of thair rents without his consent and allowance; quhairin the supplicant doubts not to give unto the saids Lords all reasonable satisfactioun, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords and they weill advised thairwith the Lords of Secret Counsell finds and declares that the said Lord Gordoun hes just right to the escheits and lyverents of all suche excommunicat rebellis as sall come in and offer voluntar banishment. And the saids Lords will forbear to grant anie modificatioun unto thame out of thair rents without the consent and allowance of the said Lord Gordoun. And ordains this present act to be extendit *ad futura* allanerlie."

" Forsamekle as the Lords of Secret Counsell ar informed that at the terme of Michaelmes last, whilk wes the terme appointed be act of Parliament for electioun of commissioners for the small barouns and freeholders within the severall shirefdomes of this kingdome to attend his Majesteis parliaments and generall counsellis, there wes no lawfull electioun made at all of the saids commissioners for the shirefdome of Air, whilk wes ane great neglect of dewtie in these to whois charge the electioun apperteanned, and throw occasioun whair of his Majesteis service at the approcheing Parliament will receive great hurt and prejudice without remeid be provydit, thairfoir the Lords of Secret Counsell ordains letters to be direct charging the shireff of Air and his deputs, Cuninghame of Corsehill and Boill of Kelburne, who wer nominat commissioners for the said shirefdome to attend the said Parliament this last yeere bygane, that they with all convenient diligence conveyene the small barouns and freeholders within the said

Charge to the  
Sheriff of Ayr  
and his  
deputes to  
convene the  
small barons of  
Ayr for the  
election of  
commissioners  
for the ensu-  
ing Parliament.  
See ante, p. 434.

shirefdome and at thair meiting that they nominat some speciall persouns, freeholders of his Majestie, to be commissioners for the said shirefdome at all parliaments and generall counsellis during this present yeere, and that they compeir personallie before the saids Lords upon the first day of June nixtcome and bring and produce with thame ane formall report in writt conteaning the nominatioun and electioun of the saids commissioners, according to the forme and order preseryved be the said act of Parliament under the pane of rebelloun, etc., with certificatioun, etc.: as alsua to command and charge the small barouns and freeholders within the said shirefdome to conveene and meit with the shireff principall of the said shirefdome, or with the persouns foresaids who wer commissioners for the same shirefdome the last yeere bygane, at suche dayes, tyme and place as they sall appoint, and there to make choise of commissioners to attend his Majesteis parliaments and generall counsellis for this present yeere, under the pane of rebelloun and putting of thame to the horne, with certificatioun to thame that failleis and compeiris not, they being lawfullie charged to that effect, that upon report to be made of thair dissobedience to his Majesteis Counsell, letters sall be direct to denunce thame rebellis and putt thame to the horne.”

Anent the dispute between Edinburgh and Leith.

“ The whilk day the provest, bailleis and some of the counsell of the burgh of Edinburgh compeirand personallie before the Lords of Privie Counsell, with the compleaners of Leith underwrittin, viz. James Home, Johne Jonkene, James Johnestoun, Johne Kello, Robert Greenelaw, George Logane, David Jamesoun, David Robertsoun, Williame Phin, James Mathesoun, and Neill Campbell, and the articles and greevances givin in to his Majestie in name of the toun of Leith aganis the burgh of Edinburgh being read in presence of the provest and bailleis and thair answeere being requyred thairto, it wes answered be M<sup>r</sup> Johne Hay, in name of the good toun, that the articles wer of twa kyndes whairof the most part dipped upon thair infetments and acts of Parliament, and that the defences competent to thame be vertew thairof and resulting thairupon could not be discust in this judgement, and thairfoir desyred the same to be remitted to the Lords of Sessioun, judges competent thairto; and for the others articles tuicheing the oppressiouns and wrongs, it wes answered that the articles wer not relevant being generallie conceaved, and thairfoir desyred that the compleaners [be required] to condescend upon the particulars and they sould be readie to answeere to anie partie interessid thairin. The Lords ordains the toun of Edinburgh to sett doun thair answeres in writt to everie particular article and to give in the same upon Thursday nixt to the intent they may be givin to the compleaners of Leith to be answered be thame.”

Acta July 1629  
December  
1630.  
Fol. 210, b.  
Fol. 211, a.

Decreta,  
January 1630-  
February 1631.  
Fol. 4, b.

[Sederunt as recorded above.]

Holyrood  
House, 2nd  
February 1630.

Complaint by David Smith in West Fentoun, as follows:—He was summoned to the Justice Court held at Hadintoun in October last, and having compeared was convicted of hurting and wounding William Duncan, servitor of the Laird of Congiltoun, and fined by the judges 560 merks, for payment of which fine “at this approcheing term” they forced him “to give band to Mr Williame Chalmers, who attendit these courts in name of his Majesteis Thesaurar.” Now in November 1627 he was pursued for this same thing before their Lordships and fined in £30 to the party, being detained prisoner in the tolbooth of Edinburgh until payment was made, as the decreit of their Lordships shows; but though he urged this before the said judges, they repelled his defence because he had not the decreit with him to produce, as he never expected to be troubled further about a case which had been decided by his Majesty’s Council, and was not aware of what he was to be accused “till he wes in judgement and heard his dittay read.” Besides the Council had ordained that the circuit courts should deal with no crime nor breach of penal statutes preceding August 1628. He therefore craves redelivery of the said bond, and his discharge from the fine imposed by the said judges. Charge having been given to Sir John Scot of Scottistavett and Sir Thomas Hendersoun of Chesters, judges of the said circuit court, and also to Mr William Chalmers “haver of the said band in his hand and in whois name the same is conceaved,” and they and the pursuer compearing, with Adam Wat, clerk of the said circuit court, who produced the decree there given against the pursuer, “proporting that upon the said David his becomming in will for the cryme foresaid and for the cryme of usurie for the quhilk he wes lykewayes callit in the said court, and upon the said Williame Duncane his soleumne oath givin that the said David mutilat him in maner and at the tyme lybellit” the said judges fined him £40 to be paid as assithement to William Duncan, and 500 merks to the King for the said mutilation and crime of usury. Mr William Chalmers also produced the bond aforesaid, whereupon the Lords, after hearing parties, find that the said judges have “proceedit legallie and orderlie aganis the said David Smith in the mater foresaid, and thairfoir and in respect of his unjust troubling of the said judges and compleaning upon thame without ane just caus” ordain him to be warded in the tolbooth of Edinburgh till Thursday next, and then to compear before them to be further dealt with.

Complaint by Alexander Urquhart of Ballachirie, as father, James and Henrie Urquhart, as brothers, and the remanent kin and friends of the deceased Alexander Urquhart, servitor for the time to Simon, Lord Fraser of Lovatt, as follows:—On 8th September last Donald Dow M<sup>c</sup>William V<sup>e</sup>Eane in Ardblair was put to the horn at the instance of the complainers for not compearing before the Justice and his deputes to

Complaint by  
David Smith in  
West Fenton  
against a judg-  
ment of the  
Justice-Court  
held at  
Haddington.

Complaint by  
Alexander  
Urquhart of  
Ballachirie  
and others  
against Wil-  
liam M<sup>c</sup>Conil  
Doune and  
others for  
resetting

Fol. 5, a.

Fol. 5, b.



Donald Dow  
M<sup>c</sup>William  
V<sup>c</sup>Eane in  
Ardblair, who is  
at the horn for  
the slaughter  
of Alexander  
Urquhart.

answer for the slaughter of the said deceased Alexander Urquhart, of Decreta, which horning he takes no heed. Thereafter on 24th January last, January 1630. because of the reset which the said rebel had among his friends, a February 1631. messenger by open proclamation at the market cross of Invernes charged Fol. 5. b. all the lieges to forbear such reset, notwithstanding whereof William M<sup>c</sup>Conil Downe in Glenvakie, John Dow M<sup>c</sup>Andwne in Glenchonache, Donald Keill M<sup>c</sup>Eane V<sup>c</sup>Conill Dwy there, Donald Dow M<sup>c</sup>Eane there, Fol. 6. a. Finlay M<sup>c</sup>Onil Roy in Fri Blair, John M<sup>c</sup>Onil V<sup>c</sup>Contray in Glenchonache, Donald M<sup>c</sup>Eane Roy there, John Dow M<sup>c</sup>Onil Roy there, John Fraser of Clanvakie, Donald M<sup>c</sup>Finlay V<sup>c</sup>Contray there, Hutcheoun M<sup>c</sup>Finlay V<sup>c</sup>Contray in Urquhart, Donald Dow M<sup>c</sup>William V<sup>c</sup>Onil Ewne in Kellache and Hew Fraser of Belladrum, have from March to July last, reset and assisted the said rebel. Charge having been given to the said William M<sup>c</sup>Eane V<sup>c</sup>Oneill Dow, John Dow M<sup>c</sup>Eane Dow, Donald Keill M<sup>c</sup>Eane V<sup>c</sup>Oneill Dow, Donald Dow V<sup>c</sup>Eane, Finlay M<sup>c</sup>Coneill Roy, John M<sup>c</sup>Oneill V<sup>c</sup>Oneill Roy, Donald M<sup>c</sup>Eane Roy, John Dow M<sup>c</sup>Onil Roy, John Fraser of Clanvakie, Donald M<sup>c</sup>Finlay V<sup>c</sup>Contray, Hutcheoun M<sup>c</sup>Finlay V<sup>c</sup>Contray, Donald Dow M<sup>c</sup>William V<sup>c</sup>Oneill Downe and Hew Fraser of Belladrum, and the said Alexander Urquhart of Ballachirie compearing for himself and the other pursuers, but none of the defenders compearing, the Lordis ordain them to be put to the horn and escheat.

Complaint by  
Thomas  
Aslowan in  
Templeland  
against John  
Corsan of  
Kirkcudbright  
for assault.

Complaint by Thomas Aslowane in Templeland of Gatna, tenant to Thomas Lidderdail of Ile, who is also a complainer, as follows:—John Corsane of Kirkcudbright, having out of a deadly malice against the said Thomas Asluane resolved to take his life, on December last, an ordinary market day, when the said Thomas was in Kirkcudbright, lay Fol. 6. b. in wait for him, and seeing him walking on the high street thereof alone and unarmed, assailed him at unawares with a drawn whinger, “strake him throw the shoulder even to the heft of the whingear, so as his lights, making ane great blowing and sound at the hole of the wound, had almost come out; gave him another straike in at the necke with the said whingear” with which he would have accomplished his purpose of killing him, “if the point of the whingear had not scented aside”; besides other wounds, and left him lying on the street for dead. He has since been under the care of chirurgians “in great pane and dollour,” and also to his “utter wracke and undoing, he being ane poore husbandman living be his handie labour.” The pursuers compearing by James Lidderdail, apparent of the Ile, their procurator, but the defender not compearing, the Lords ordain him to be put to the horn and escheat.

The Earl of  
Caithness.

“The Lordis continewis the Erle of Caithnes creditouris till Thuris- day nixt.”

Sederunts,  
November  
1629-January  
1635.  
Fol. 12. b.

The Laird of  
Cluny Gordon.

“The quhilk day the Laird of Cluny Gordoun, compeirand personalie, actit himself to procure the consent of the Lord Gordoun to the modifi-

Sederunts,  
November  
1629-January  
1630.  
Fol. 12, b.  
Royal Letters,  
1623-32.  
Fol. 177, a.

catiou to be appointed be the Counsell to Thomas Menyees of Balgownie and to others excommunicat rebellis who sall heirafter come in and offer voluntar banishment."

Right Worshipfull, Whereas there hes beene some foule and most scandalous reports made and givin out be umquhill Alexander Hamiltoun, warlocke, aganis Dame Helene Arnot, Ladie Manderstoun, by the whiche she hes beene taxed to have used devilish practises aganis the lyfe and estait of Sir George Home, her husband, quhairupon the said Hamiltoun being examined be the Justice and some of the Counsell deputed to that effect, he in the conscience of his wrongous delatioun and out of ane trew remorse for the same resiled frome his former depositions, craved God pardoun thairfoir, and declared the gentlewoman free of anie suche unlawfull practises, whiche he ratified at his death, affirming and attesting that he never knew nor heard anie thing of her guiltines thairof bot what he had learned by report frome one Johne Neill in Twedmouth ; the consideratioun quhairof concurring with others circumstances incident in the processe obliges us in the dewtie of our places the more narrowlie to advert to the exact tryell and discoverie of the truthe of that detestable challenge, and thairfoir we ar moved for the better cleering of the trueth heirby to desire and intreate yow most effectuouslie to be favourablie pleased to apprehend the said Johne Neill and to delyver him to the Shireff of Berwick or to the bearer heirof, the Maister of Cranstoun, who will receive him aff your hands and exhibite him heere before the Counsell to the intent he may be examined upon the trueth of the premissis and his knowledge of the same, and his depositions being once takin thairupoun he sall be saulfelie remanded backe without forder trouble or wrong ; quhairin resting assured of your respective care to satisfie this our reasounable desire, we committ yow to God. Frome Halyruidhous the secund of Februarie 1630. *Subscribitur*, Geo. Cancell., Mar, Monteith, Hadintoun, Morrey, Linlithgow, Air, Carnegie.

Holyrood  
House, 2nd  
February 1630.  
Letter of  
Council desir-  
ing the arrest  
of John Neill,  
who is charged  
with affirming  
that Lady  
Manderston  
used devilish  
practices  
against her  
late husband,  
Sir George  
Home.

Acta July 1629-  
December  
1630.  
Fol. 211, a.

*Sederunt*—Chancellor ; Treasurer ; Prases ; Privy Seal ; Linlithgow ; Air ; Dumblane ; Lord Areskine ; Lord Melvill ; Lord Carnegie ; Clerk Register ; Advocate ; Justice Clerk ; Sir John Scot.

Holyrood  
House, 4th  
February 1630.

Fol. 211, b.

"The whilk day the provest and bailleis of Edinburgh with some of the counsell and clerk of the said burgh gave in their answers in writt to the sevintene articles presented to his Majestie in name of the toun of Leith, whilks wer delyvered to James Home in name of the compleaners of Leith to be answered and reported be thame this day aucht dayes."

Anent the dis-  
pute between  
Edinburgh and  
Leith.

"The whilk day in presence of the Lord of Secreit Counsell compeired personallie Sir James Lokhart, elder of Lee, and become actit and obleist as cautioner and sovertie for George Lokhart, his sonne, that the said

Caution by Sir  
James Lock-  
hart of Lee for  
his son, George  
Lockhart.

George sall at no timè heerafter beare nor weare hacquebutts nor pistolets, and that he sall procure ane remission and pas the same through the seales for bearing and wearing of hacquebutts and pistolets within the space of fourtie dayes, under the pane of fyve hundreth merkes.”

Acta July 1629  
December  
1630.  
Fol. 211, b.

Caution by  
Francis Ogilvie  
of Newgrange  
that Sir John  
Ogilvie of  
Craig will  
leave the  
country by a  
fixed date.

“The whilk day in presence of the Lords of Secret Counsell compeired personallie Mr Johne Paip, younger, advocate, as procurator for the principall and cautioner undersubscriving, and gave in the band underwrittin, desiring the same to be insert and registrat in the bookes of Privie Counsell to have the strenth of ane decreit of the Lords thair of, with letters and executorialls to pas thairupon in forme as effeires; quhilk desyre being heard and considerit be the saids Lords and they finding the same to be reasonable they have thairfoir ordained and ordains the said band to be insert and registrat in the saids bookes of Privie Counsell in maner and to the effect abone and after specified, of the whilk band the tennour followes :—Be it kend to all men be thir present letters me, Francis Ogilvie of Newgrange, to be bound and obleist, lykeas be the tennour heirof I bind and obleis me and my airis, as cautioner and sovertie for Sir Johne Ogilvie of Craig, knight, that the said Sir Johne, being releevd furth of his waird within the Castell of Edinburgh, where he now remaines, that he sall betuix and the first day of Junij nixt depart furth of his Majesteis dominious and not returne agane within the same without his Majesteis licence; and in the meane tyme that he sall not heare messe nor resett Jesuits, seminarie nor messe preists, bot that he sall behave himselffe soberlie and without scandall or offence and that be sall keepe his hous of Craig and foure myles about the same and not transcend the bounds thair of without licence of the Archbishop of St. Andrewes under the pane of fyve thousand merkes money in caise he failyie in anie point of the premisses; and I the said Sir Johne binds and obleis me to releev my said cautioner and his foresaids of thair becomming caution in the premisses and of all pane and danger they may incurre thairthrow; and for the mair securitie we ar content and consents thir presents be insert and registrat in the bookes of Secret Counsell to have the strenth of ane decreit of the Lords thair of, with letters and executorialls to pas thairupon in forme as effeires; and to that effect makes and constituts Mr. Johne Paip, younger, advocat, our procurator, *promitteñ de rato*. In witnes of the quhilk thing (written be Mr. George Heriot, servitour to Mr. Johne Paip, Wrytter to the Signet) we have subscriv'd thir presents with our hands at Edinburgh, the fourt day of Februarie the yeere of God j<sup>m</sup> vj<sup>e</sup> and threttie yeeres; before thir witnesses, the said Mr. Johne Paip, John Narne, his servitour, Alexander Miller, servitour to Mr. Johne Paip, younger, advocat, and the said Mr. George Heriot, witnesses to the subscription of the said Francis Ogilvie; and Robert Kennedie, maister porter of the Castell of Edinburgh, and Robert Baillie, cannonner there, witnesses to the subscription of the said Sir Johne.

Mr. Fol. 212, a.

Acta July 1629-  
December  
1630.  
Fol. 212, a.

Subscribitur, S<sup>r</sup> Johne Ogilvy of Craig, Robert Kennedy, witnes to Sir John Ogilvie; Robert Baillie, witnes to Sir Johne Ogilvie; Fran. Ogilvy, cautioner; M<sup>r</sup> Jhone Paip, elder, witnes to the cautioners subscriptioun, Jhone Nairne, witnes to the said subscriptioun, M. G. Heriot, witnes to the cautioners subscriptioun, Alex. Miller, witnes."

[Sederunt as recorded above.]

Holyrood  
House, 4th  
February 1630.

Decreta,  
January 1630-  
February 1631.  
Fol. 7, b.

Fol. 8, a.

Supplication by John Stewart of Coldinghame, as follows:—During the short period granted by their Lordships to him for coming to Edinburgh to settle with his creditors he has lost no time and spared neither care nor diligence in the business, in which he has made good progress with several of his creditors, and if he had further time, (his warrant expiring on 4th instant) he is in hope to settle most of his affairs, and content and comfort his creditors, "who be his lying out ar in despair and out of all possibilitie in him to give thame satisfactioun." He therefore craves an extension of time; and this the Lords grant for other twenty dayes from the date hereof.

Supplication  
by John  
Stewart of  
Coldingham  
for continu-  
ance of protec-  
tion that he  
may meet the  
claims of his  
creditors.

The Lords of Council "ar informed that of lait there hes beene great convocatiouns and gadderings with unlawfull and forbidin weapouns betuix James Crichtoun of Fendraucht, on the ane part, and William Gordoun of Rothemay, Johne Gordoun, his soune, and Thomas Meldrum of Iden on the other pairt, quhilks twa parteis hes entered in ane most violent persute and invasioun the one of the other with hacquebutts and pistolets, and great bloodshed hes beene committed betuix thame," and further inconveniences will follow if remedy be not provided. Charge having been given to the said Laird of Fendraucht, John Gordoun and Thomas Meldrum to compear this day and answer therein, and parties being called, the Laird of Fendraucht compeared, but none of the others, whereupon the Lords ordain them to be put to the horn and escheat.

William  
Gordon of  
Rothiemay and  
others put to  
the horn for  
wearing hag-  
buts and fail-  
ing to appear  
before the  
Council on  
that charge.

Fol. 8, b.

Thomas Patersoun in Auchingry, as principal, and Thomas Clerk, his son-in-law, as cautioner, compearing personally, bind themselves under a penalty of £500 that the said Thomas Patersoun shall not hereafter "cohabit with Margaret Broun, his pretendit spous, and for whome he hes beene processed be the Kirk for living with her in adulterie"; with clause of relief.

Caution by  
Thomas  
Paterson as  
principal and  
Thomas Clerk  
for the said  
Thomas Pater-  
son that he  
will not  
cohabit with  
Margaret  
Broun.

The Lords ordain Margaret Broun "pretendit spous to Thomas Patersoun in Auchingry" to be warded in the tolbooth of Edinburgh, there to remain till "she renunce the decretit of adherence recovered be her by collusioun aganis the said Thomas Patersoun, her pretendit spous, and whill she find caution not to cohabite nor live with him heerafter under the pane of fyve hundreth pundis."

The above  
Margaret  
Broun to be  
warded in the  
Tolbooth of  
Edinburgh.

Complaint by Robert Charters of Kelwod, brother to Sir John Charters of Amisfeild, as follows:—On 5th January last Thomas Kirkpatrick, now of Closburne, was put to the horn for not paying to

Complaint by  
Robert  
Charteris of  
Kelwood  
against

Thomas Kirkpatrick of Closeburn, who disregards the sentence of horning under which he lies for non-payment of his debt to the said Robert Charteris.

the complainer £5530 merks and interest of that sum in terms of a contract made thereon, of which horning he takes no heed. Charge having been given to him to compear before the Council, with certification that if he failed warrant would be given to the sheriff for his apprehension, and the complainer compearing by Patrick Thomesoun, servitor to the Laird of Amisfeild, his procurator, but the defender not compearing, the Lords ordain letters to be issued charging the sheriff of Dumfreis and his deputes to search for, apprehend and imprison him till he pay the debt foresaid and also to take his houses, and inventory his goods within three days after the charge on pain of rebellion.

Decreta,  
January 1630.  
February 1631.  
Fol. 9, a.

Holyrood House, 4th February 1630. Commission to Sir John Charteris of Amisfeild and others to try Katharine M'Cheyne and others, who are accused of witchcraft.

Commission under the signet to Sir John Charteris of Amisfeild, Sir Robert Greir of Lag, and the provost and bailies of Dumfreis, or any three of them, to search for, apprehend, imprison and try, Katherine M'Cheyne in Lochmaben, Marion Hannay in , Janet Robsoun, spouse to Thomas Kirkpatrick in Dumfreis, Agnes Kirkpatrick in Hills of Lochretoun, Janet Clerk, spouse to John Allan in Hollowyards of Hills, Marion Martine *alias* Malie Martine, sometime in Barfill, Marion Johnestoun, *alias* Hauche, and Margaret Affleck in , who have long been suspected of witchcraft. Signed by the Chan<sup>r</sup>, Mar, Hadintoun, Linlithgow, Areskine, Melvill, Carnegie, and Scottistavett.

Commissions,  
1624-30.  
Fol. 216, a.

Similar commission to the Sheriff of Ayr.

"The lyke commissioun of the same dait and subscriptiouns grantit to the Shireff of Air and his deputs, Adame Richie, provest, Johne Corsane, baillie of Air, and James Blair, lait provest of the said burgh, or anie three of thame, for putting of Jonnet Smaillie in Air and Jonnet Reid in Sandmylne to the knowledge of ane assyse for the said cryme of witchcraft."

Fol. 216, b.

Holyrood House, 4th February 1630. Letter of Council anent the Earl of Mar and the teinds in a certain presbytery in which he is interested.

"After our verie heartilie commendatiouns. Whereas the Erle of Mar in regarde of his necessar attendance heir upoun Counsell and Exchequer is disabled to keepe the dyets appointed before yow for tryell of the worth of the lands and teinds concerning his lordship within that presbyterie we have thairfoir thought good heirby to will and require yow to surceasse and continew the tryell and valuatioun of anie lands or teinds quhairin his lordship is interessid quhill the 24 of Apryle nixt, that his lordship may attend and be present at the discussing thairof; quhairin nothing doubting of your conformitie and obedience to this our pleasure, we committ yow to God. Frome Halyrudhous, 4 February 1630. *Subscribitur*, Chancellour, Monteith, Hadintoun, Linlithgow, Melvill, Carnegie, S. G. Elphinstoun."

Royal Letters,  
1623-32.  
Fol. 177, a.

Whitehall, 4th February 1630. Letter from his Majesty anent two French ships.

"CHARLES R., Right trustie, etc. Whereas we did laitlie in August last write our letters unto yow for a dispatche of the caus concerning the two pretended Frenche shippes, callit the *St. Peter* and the *St. Michell*, alledged takin since the pacificatioun made with France, and forasmuche as we ar informed by the parteis interessid that the said caus is not as yitt determined nather anie answer come frome yow concerning the same, therefore at the humble petitioun of the saids

Fol. 178, a.

Royal Letters,  
1623-32.  
Fol. 178, a.

parteis we doe heirby againe will and require yow with all expedition to caus decyde the said contraversie according to justice and equitie least the tediousnesse of the suite sould seeme to be a delay of justice and a greevance to the parteis, whome we would gladelie have freed frome anie just caus of clamour. So hoping yow will not suffer us anie more to be troubled or importuned with this bussines we bid yow farewell. Frome our Court at Whitehall the fourth day of Februarie, 1630."

Fol. 181, b.

"CHARLES R., Right, etc. Whereas petition is exhibited to us by Peter Laba of Calais alledging that his shippe callit *The Amitie* of Calais, loaden with salt, wes in September last takin frome him and his companie neere unto the cite of Berg in Norway upon pretence that the same did belong to Dunkirk, as by the within petition may appeare, wherein speedie justice is humbelie prayed; our pleasure thairfoir is and we doe heirby authorize, will and require yow upon sight heirof to minister justice with all suche summar proceedings as may be best agreeable to justice and equitie and the lawes of that our kingdome, the petitioners being strangers and not able to attend anie long sute without extreme prejudice and losse; and for your so doing these our letters sall be your sufficient warrand. Givin at Whitehall, the fourt day of Februarie, 1630."

Whitehall, 4th  
February 1630.  
Letter from his  
Majesty anent  
a ship of  
Calais.

Fol. 182, b.

"CHARLES R., Right trustie, etc. Whereas we have beene humbelie petitioned by our trustie and weilbelovit servant, Doctour James Chambers, one of our ordinarie physicians, makand mentioun that he having payed foure hundreth pundis sterline unto Alexander and Robert Irwings towards thair transportatioun and subsistence abroad in consideration and for a leese of certane lands lett unto him by the saids persouns during thair lyfetye, whiche he alledgeth he cannot legallie injoy without our confirmatioun or grant of thair escheit and lyferent as fallin and become in our hands by thair excommunicatioun and denunciatioun to our horne; and forasmuche as the saids Alexander and Robert Irwings ar to live abroad out of that our kingdome for shunning all occasioun of scandall unto the discipline of our Church there, and for that our said servant, Doctour James Chambers, humbelie intreateth for our gift of thair escheit and lyferent for his better securitie of his said lease, thairfoir and in regarde of the long and faithfull service done unto our lait deere father and us by the said Doctour James Chambers we have beene graciouslie pleased to signe unto him a Signature of thair said escheit and lyferent and doe heirby will and require yow to pas the same accordinglie, and to ratifie and confirme unto him his said lease of the saids lands in suche legall forme and maner as yow in your discretions sall thinke most fitting for his securitie, and that yow caus settle and establishe him in the possessioun of the lands, tenements and other goods, moveable and unmoveable, belonging to the saids Irwings or anie of thame, and that the keyes of thair saids houssis may be delyvered

Whitehall, 4th  
February 1630.  
Letter from his  
Majesty anent  
a petition by  
his physician,  
Doctour James  
Chambers.

to our said servant or his assignes togidder also with all the byrune rents and tenements of the saids lands, if anie be ; and for your so doing these our letters sall be your sufficient warrand. Givin at our Court at Whitehall the fourt day of Februarie 1630.” Royal Letters,  
1623-32.  
Fol. 182, b.

Holyrood House, 5th February 1630. Commission to George Halyburton of Pennikill to arrest John Neill, who is accused of being a warlock.

Commission under the signet to George Halyburton of Pennikill to search for, apprehend and bring to the tolbooth of Edinburgh, John Neill who has been long reputed “to be ane notorious warlocke and ane practizer of witchecraft,” and against whom a number of persons “who wer execute to the deathe for witchecraft” in this kingdom, have made depositions. Command is given to the provost and bailies of Edinburgh to receive and ward the said John Neill until he be brought before the Justice and his deutes for trial. Signed by the Chancellor, Mar, Hadintoun, Areskine, Carnegie, Dumblane, and S<sup>r</sup> Thomas Hope. Commissions,  
1624-30.  
Fol. 216, b.

Holyrood House, 9th February 1630.

*Sederunt*—Chancellor; Treasurer; Præses; Privy Seal; Murrey; Air; Bishop of Dumblane; Lord Areskine; Lord Carnegie; Clerk of Register; Advocate; Justice Clerk; Sir John Scot. Acta July 1625-  
December  
1630.  
Fol. 212, a.

Proclamation against eating any kind of flesh during Lent, and against hunting within eight miles of any of his Majesty's palaces—this in view of his Majesty's visit in the ensuing spring.

“Forsameekle as the slaying, selling and eating of fleshe in Lentrone has beene upon verie good respects and consideratiouns by diverse acts of Parliament and Secreit Counsell straitlie prohibite and forbidin under certane panes mentiouned and conteanned in the saids acts, by the quhilks lykewayes the slaughter of wylde foule and vennisoun has beene alsua discharged, as in the acts made to this effect at lenth is conteanit; and whereas now there is ane greater necessitie of the precise observatioun of the saids acts nor there wes at anie tyme of before, seing his Majestie is resolved, God willing, in this approcheing Spring to honnour this his ancient kingdome with his royall presence, and that the credite and reputatioun of the countrie requires that his Majestie and his tryne sall be abundantlie furnished with all kynde of fleshes, wylde fowl and vennisoun during the tyme of his abode heere; nevertheless the Lords of Secreit Counsell ar informed that great numbers of persouns of all rankes and qualiteis, preferring thair awin privat contentment to his Majesteis obedience and to the honnour and credite of the countrie and to thair awin dewteis, ceases not in tyme of Lent to sell, slay and eat flesh at thair pleasure; as alsua the slaughter, destructioun and selling of wylde foule in opin mercats is more avowed since the making of the lait proclamatioun aganis the slaying and selling of the same nor it wes at anie tyme preceeding; by the quhilk publict and disgracefull contempt of his Majesteis auctoritie and lawes there is verie great appearance that there will be ane universall skairsetie and dearth, not onelie of all kynde of fleshes, bot of vennisoun and wylde foule at this approcheing tyme of his Majesteis heere comming, whairupon will not onelie follow the disgrace and discredit of the countrie bot the high discontentment and offence of his Majestie, if anie thing sall be enlacking that may concerne Fol. 212, b.

Acta July 1629-  
December  
1630.  
Fol. 212, b.

his royall receptioun heere : And whereas the bypast connivence and oversight givin to persouns offending in this kynde is one of the cheefe inducements quhilk procures this universall contempt and breake of the law, and the Lords of Secreit Counsell, finding by experience that the dew executioun of the law is the most powerfull meane to deteane thame under obedience, thairfoir the saids Lords hes resolved with all rigour and extremitie and without respect to persouns to punishe all suche who darre presooome heerafter to violat the law in this so important ane tyme, when the observatioun of the same tuiches the countrie so neerelie in honnour and credite : Thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estait, qualitie and degree so ever they be, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places neidfull, that nane of thame presooome nor take upon hand during this forbiddin tyme of Lent to eate or make readie for eating anie kynde of fleshe, under the panes following to be uplifted of everie persoun contraveening, so oft as they sall failzie, that is to say, of everie erle, ane hundreth pund; of everie lord, ane hundreth merkes; of everie baron, fourtie pund; of everie burges, oastler and common cooke that sellis meate and drinke, fourtie pund; and of everie other gentleman such sowmes of money as sall be imposed upon thame be the judges before whom they sall be tryed; as alsua that no fleshers presooome nor take upon hand to slay or sell fleshe during the tyme foresaid under the pane of fourtie pund so oft as they failyie : and by and attour the payment of thir pecuniall sowmes the offenders sall be severlie punished in thair persouns be warding and otherwayes to the terrour of others to offend in the lyke kynde heerafter : And siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estait, qualitie and degree so ever they be, that nane of thame presooome nor take upon hand to hunt, slay or shoote anie deir or rae in anie of his Majesteis forrests or parkes or in anie other part of the kingdome, or to hunt haires, ather with ratches or grew hounds, within aucht myles of his Majesteis palaces of Linlithgow, Halyrudhous, Stirline, Dumfermeline, Falkland and burrowes of Perth and Brechin; certefeing all suche who sall presooome to 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 heeranent : And siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presooome nor take upon hand to sell, buy, slay or eate anie kynde of lambes or anie powtes nor other kynde of wylde foule untill the tyme of his Majesteis comming to this kingdome under the pane of fourtie pund to be incurred be everie persoun or persouns contraveening, so oft as they sall happin to failyie; certefeing thame that doe in the contrair that beside the payment of the particular sowmes abonewrittin they sall be punished in thair persouns be warding and



otherwayes to the terrour of others: And siclyke to command all and sindrie shireffs, stewarts, proveists and bailleis within burgh and all others bearing anie publict office or charge within the kingdome that they and everie ane of thame within the bounds of thair severall offices and jurisdictionis have ane speciall regarde to see this present act observed in everie point, and that they cause attend thair mercats and carefullie foresee that no lambes nor no kynde of wylde foule, young or old, be bought or sauld within the same; and where they sall happin to discover anie persoun or persouns contraveening thir presents in anie point of the premissis that they take speciall notice of thame and informe the Lords of his Majesteis Privie Counsell thair of to the intent the offenders may be callit, conveened, persewed and punished accordingly, as they and everie anie of thame will answer to the saids Lords upon the dewtifull discharge of thair offices."

Acta July 1629  
December  
1630.  
Fol. 213, a

[Sederunt as recorded above.]

Decreta,  
January 1630  
February 1630  
Fol. 6, b.

Holyrood  
House, 9th  
February 1630.

Complaint by Margaret Maxwell, spouse to Nicol Thomson at the Brigend of Dumfries, the said Nicol, and Jean Thomson, their daughter, widow of Edward Hamilton, burgess of Dumfries, against Mr. Cuthbert Cunningham for falsifying a deposition, which implies their practising the death of the said Edward Hamilton.

[This act is recorded under the 4th of February, but there is written on margin— "This act is of the date the nynt of Februar."] ]

Complaint by Margaret Maxwell, spouse to Nicoll Thomesoun at the Brigend of Dumfries, the said Nicoll himself, and Jean Thomesoun, their daughter, widow of Edward Hamiltoun, burgess of Dumfreis, as follows:— The said mother and daughter having been summoned before their Lordships "for the alledgit practising of the death and destructioun of the said Edward by witchcraft," they compeared and offered themselves to the most exact trial of law and justice, and they have been examined by those to whom their Lordships committed the cause, truly stating all they knew of the matter, as their depositions show. The chief cause of the proceedings against them was the extract of the process led against Mawsie Aslowane "who wes execute to the death as a witche in Dumfries," viz., her depositions and those of the witnesses in her case, which were subscribed and given out by Mr. Cuthbert Cunnighame, clerk to that process. The complainers objected to that process thus extended and given out as being "farre aganis the trew depositions" then made, and their Lordships thereupon called upon Sir John Charters of Amisfeild, one of the judges who tried the said Mawsie, and who had the original depositions in that case, to produce them in order that they might be compared with the said pretended extract. These were lodged with their Lordships accordingly, but still lie with them "closed and unopened," as they found they could not lawfullie compare them without summoning the said Mr. Cuthbert. Charge was accordingly given to him and also to Claud Hamiltoun of Mauchlinehole, brother of the said Edward, "who hes kythed as ane partie aganis the said compleaners in all this processe and hes compeired in all the dyets that hes bene kept thairin, and they now compearing along with the said Nicoll Thomesone in name of his wife and daughter, the Lords after examining and collating the said extract of process against Mawsie Aslowane, given

Fol. 7, a.

Fol. 7, b.

Decreta,  
January 1630-  
February 1631.  
Fol. 7, b.

out under the hand of the said Mr. Cuthbert Cunninghame, with the minutes of that process as produced by Sir John Charters, find "ane great difference and disconformitie" between them "and that some materiall words and sentences ar insert in the extract whilks ar not in the minuts and depositions, and thairfoir the saids Lords ordains and commands the said Mr. Cuthbert Cunninghame to delete the extract foresaid and the registrat warrand thairof out of his bookes and registers, and to forme and draw up ane new warrand agreeable in all points to the minuts of the processe, and to produce the same before the saids Lords upon Thurisday nixt to the intent the same may be collatiouned and compared with the principall minuts and depositions foresaids; and that he mend the word of the minute bearing *thair* bed and make the same *her* bed according as the minute first boore before the same was altered. And forder the saids Lords finds and declaires that the said Mr. Cuthbert hes committed ane verie great oversight aganis the dewtie of his office in giving out the extract foresaid aganis the words and depositions in the minuts; quhilk offence the said Mr. Cuthbert being personallie present acknowledged, protesting that it proceedit frome errorr and ignorance and not frome anie purpose or intention in him to doe wrong, and he humbelie craved the saids Lords pardoun for the same and promised to be more respectife of his dewtie in tyme comming, quhairwith the saids Lords rested satisfied."

Fol. 9, a.  
Fol. 9, b.

Complaint by Christiane Watt, spous to Andrew Cowben, and Alexander Angus, servants to William Forbes of Monymusk, as follows: —On August last, Patrick Calder in Meikle Abercatie came to the hill of Tillatpowrie, where the said Alexander Angus was peacefully tending his master's cattle, and without any cause violently assailed the said Alexander, "buffeted and punsed him with his hands and feit, and with ane great kent gave him manie bauche, blae and bloodie straikes on his head, shoulders and others parts of his bodie to the effusioun of his blood and perrell of his lyffe, and left him lying for deid." Further, the said Patrick on last came by way of hamesucken to the said Christian Watt's dwelling house in Meikle Abercatie, and with his hands and feit "verie cruellie buffeted and punsed her, to the great effusioun of her blood, shamefullie tirred her naiked of her whole cloathes, and most pitfullie demained her naiked bodie with bauche, blae and bloodie straikes, as she wes not able to stirre, and thereafter caryed her whole cloathes away with him." Alexander Angus compeared with Andrew Cowben in name of his wife, as pursuers, and the defender also being present, and on probation being referred to his oath of verity, he denying the charge, the Lords assoilzie him therefrom.

Complaint by  
Christian  
Watt, spouse  
to Andrew  
Cowben, and  
Alexander  
Angus,  
servants to  
William Forbes  
of Monymusk,  
against Patrick  
Calder for  
assault and  
hamesucken.

Fol. 10, a.

Patrick Calder in Meikle Abercatie, compearing, enacted himself under a penalty of £100, not to molest Andrew Cowben and Alexander Angus, servants to Sir William Forbes of Monymusk, or their wives or families or goods, directly or indirectly, save by form of law.

Caution by the  
above Patrick  
Calder.

Complaint by the magistrates of Glasgow against Hew Sampson in Plymouth, who has required them to arrest Duncan Semple—the said Duncan not being within their bounds.

Complaint by the provost and bailies of Glasgow as follows:—They are charged by second letters of caption at the instance of Hew Sampson in Plimmoth in England to apprehend Duncan Sempill, sometime master of the ship called the *Antilop* of Glasgow, who is alleged to be at the horn, and to ward him in their tolbooth, upon pain of horning; but the said Duncan Sempill has neither wife, bairns, family or residence in Glasgow, has no repair thither, and the complainers know not where he resides; neither are they able to arrest him outwith their own bounds. For obedience, however, they had offered to the messenger, when charged, to go with him to any part of their jurisdiction where he knew the said Duncan to be, but he declined, denying all knowledge of the said Duncan's whereabouts. Moreover, they have found caution that they will arrest him if he should resort to their burgh, and therefore plead that the letters should be suspended. Parties being charged, Gabriel Cunninghame, provost of Glasgow, compeared and produced an instrument under the hand of William Young, notary, showing that Colin Campbell, one of the bailies of Glasgow, for himself and the provost and remanent bailies, offered to go with Duncan Patersoun, the messenger, and arrest Duncan Sempill, as aforesaid, and that the messenger refused; and Hew Sampson, defender, also compearing and producing the letters of caption, the Lords, in respect of the above instrument and the declaration of the said provost that he had never seen the said Duncan Sempill since the charge, and of their promise that they would apprehend him, if he should he come within their bounds, ordain the letters to be suspended.

Decreta,  
January 1630.  
February 1631.  
Fol. 10, a.

The Earl of Caithness.

“The whilk day Williame Dik and Ronnald Murray refuisit to beare the chargeis of imbring the Earle of Caithnes.”

Sederunt.  
November  
1629-January  
1635.  
Fol. 13, a.

James Mowat to be put to liberty.

A warrant past to putt James Mowatt to libertie upoun caution for his compeirance this day xv dayis and productioun of his registeris under the pane of v<sup>c</sup> merkis.”

Mr. Cuthbert Cunningham.

“Ane decreit aganis Mr Cuthbert Cunninghame.”

Holyrood House, 11th February 1630.

*Sederunt*—Chancellor; Treasurer; Præs; Privy Seal; Linlithgow; Air; Dumblane; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Tracquir; Advocate; Justice Clerk; Sir John Scot.

Acta July 1629.  
December  
1630.  
Fol. 213, a.

Royal proclamation granting license to the Lords of Privy Council, Session, and Exchequer to eat flesh in time of Lent.

“Charles be the grace of God, King of Great Britane, France and Ireland, defender of the faith, to all and sindrie our lieges and subjects whome it effeirs to whois knowledge thir our letters sall come, greeting. Forsameekle as we have givin and grantit and be the tennour heirof gives and grants libertie and licence to the Lords of our Privie Counsell, Sessioun and Exchequer, and to suche as sall accompanie thame at table, to eate flesh during this forbiddin tyme of Lent and upon Wednesday, Fryday and Saturday for the space of ane yeere nixt after the dait heirof, notwithstanding of whatsomever acts and proclamatiouns made in the

Acts July 1629-  
December  
1630.  
Fol. 213, a.

contrair, whereanent and all panes conteanit thairin we dispense be thir presents, discharging heirby our Justice, our Advocat and Justice Clerk, and all others our judges, officers and ministers of our lawes of all calling, accusing or anie wayes proceeding aganis the saids Lords of our Privie Counsell, Sessioun and Exchequer, and persouns accompanying thame at thair table, as said is, or anie of thame for the caus foresaid, discharging thame thairof and of thair offices in that pairt *simpliciter* be thir presents. Givin under our Signet at Halyruidhous the ellevint day of Februar and of our raigne the fyft yeere, 1630. *Subscribitur*, Geo. Cancell., Marr Th<sup>rs</sup>, Hadinton, Linlithgow, Areskine, Carnegie, S<sup>r</sup> G. Elphinstoun."

Fol. 213, b.

"Anent the supplication presented to the Lords of Secreit Counsell be George, Marqueis of Huntlie, makand mentioun that where according to ane warrand frome his Majestie it hes pleased the saids Lords to grant and direct ane commissioun to George, Lord Gordoun, and certane uthers his deputs for apprehending certane excommunicat rebellis in the north or using uther executioun aganis thame in maner specified in the said commissioun, and becaus there ar certane of the saids excommunicat rebellis dwelling and residing within the said Marqueis his bounds (whome be the lawes he is obleist to produce or remove) it hes thairfor also pleased the saids Lords to ordaine him to remaine in Melghame or anie part besouth the same and to goe no farther north ay and whill lawfull executioun of the said commissioun be used aganis the saids rebellis dwelling within his bounds, whilk be the said commissioun is appointed to be betuix and the first day of Maij nixtocome; and seing in respect of the said Lord Gordoun his present absence furth of this countrie, the said Marqueis his being in the north would greatlie helpe and further the saids deputs in putting the said commissioun to dew executioun, and speciallie aganis these rebellis within his awin bounds, and that there is great skarsetie and want of victuall or interteanement ather for hors or man, and the same can no wayes convenientlie be had within the said bounds of Melghame, where the said Marqueis presentlie dwellis; humbelie desiring thairfoir the saids Lords to grant libertie and licence to the said Marqueis, his ladie, childrein and familie to repaire and goe to the north and to anie of thair dwelling places there where they may have commodious interteanement for thair familie and followers, and to the intent he may forder and advance the executioun of the commissioun grantit to his said sonne and deputeis aganis suche rebellis as dwell within his awin bounds, lykeas at mair lenth is conteanit in the said supplication: Quhilk being read, heard and considerit be the saids Lords and they being weill advised thairwith, the Lords of Secreit Counsell gives and grants licence to the said Marqueis of Huntlie to resort and repaire to the north and to anie of his dwelling houses there, to the intent he may give his forderance to the executioun of the commissioun abonewrittin, and to remaine in the north

License to the  
Marquis of  
Huntly to  
proceed to the  
North on  
condition of his  
returning by  
the 1st of June  
next.  
See ante, p. 415.

untill the first day of Junij nixt allanerlie, with this speciall provisioun that he returne backe to his place of Melghame or besouth the same conforme to the first ordinance givin thereanent betuixt and the said first day of Junij nixt and remane there whill the saids Lords declare thair forder will and pleasure toward him, and that in the meane tyme he sall not ressett, supplee and intercommoun with anie Jesuits, seminarie nor messe preists nor excommunicat traffiquing papists as he will answer to his Majestie and the saids Lords upon the contrarie at his perrell.”

Acta July 1622  
December  
1630.  
Fol. 213, b.

Anent the dispute between Edinburgh and Leith.

“The Lords of Secreit Counsell having heard and considderit the sevintene articles preferred to his Majestie be Alexander Hay in name of the toun of Leith aganis the burgh of Edinburgh with the answeres and replyes givin in thereanent, they find that ane great pairt of the saids articles concernes the King's Majestie and the Estait, whiche they recommend to the Advocats care to advert to for his Majesteis interesse, speciallie to the chartour grantit to the said burgh in anno 1603; and that others of the articles concerned the barons of West Lothiane who ar now in commouning with the burgh of Edinburgh for sattling of thair differences, and for whilk purpos his Majestie hes givin warrand to the Lords Chancellor, Thesaurar and President; and last that the articles of oppressioun being generall wer not relevant whairupon the burgh of Edinburgh could be brought to thair answer, in respect whair of the Lords ordains the compleaners of Leith to condescend upon the particular wrongs committed be the burgh of Edinburgh and upoun thair interesse to persew for redresse thair of and that they give in and raise thair complaints thairupon betuix and this day twentie dayes. And the Lords declairs that if the burgh of Edinburgh being conveened upon a particular oppressioun sall defend thameselfes and except upon thair liberteis and priviledges, in that case they sall be haldin to produce thair warrand for verifeing of thair alledgeance.”

Fol. 214, a.

The Kirks of St. Giles and Holyrood to be inspected with a view to their fitness for his Majesty's coronation.

“The Lords of Secreit Counsell requeists the Lords Chancellor and President that they with suche others of the Counsell as they sall call unto thame sight and consider Sanct Giles Church in Edinburgh upon Saturday nixt at eight of the clocke in the forenoone, and if the same be convenient for his Majesteis coronatioun, and that same day in the afternoone that they sight and consider the kirk of Halyrudhous for the same purpose.”

Holyrood House, 11th February 1630. Commission to Sir Robert Halket of Pitfirrane and others to try Elspeth Bladderstone in Torrieburn for witchcraft. John M'Gie, now of Balmagie, to be

Commission under the Signet to Sir Robert Halket of Pitfirrane, Robert Colvill, younger of Cleish, Mr. Thomas Wardlaw of Logie, and John Howstoun of Craighfoure, or any two of them, as justices, to hold courts and try Elspeth Bladderstouns in Torrieburne, who has long been suspected of witchcraft. Signed by the Chan<sup>r</sup>, Monteith, Hadintoun, Linlithgow, Air, Carnegie, Traquare, and Scottistarevett.

Commission-  
1624-30.  
Fol. 217, a.

Dispensation under the Signet whairby in terms of a commission under the quarter seal given to the four ordinary macers of Session, or any two of them, as stewards in that part of the stewardry of Kirkcud-

Commissions,  
1621-30.  
Fol. 217, a.

bright, John M<sup>c</sup>Gie, now of Balmagie, notwithstanding his minority, is served heir to his deceased father, Robert M<sup>c</sup>Gie of Balmagie, in all his lands and possessions within the said stewardry, without prejudice, however, to the Crown or the disponee of his ward until he attain the age of 21 years. Signed as above.

Sederunts,  
November  
1629-January  
1635.  
Fol. 13, b.

"Chargeis to be direct aganis the subcommissionaris of all the presby-  
tereis within this kingdome for reporting of thair diligence anent thair  
valuationis within xx dayis after the charge under the pane of horning."

"A missive frome his Majestie in favouris of Capitane Robertsoun  
for letters of reprisall to be grantit unto him aganis the Hamburgaris."

Royal Letters,  
1623-32.  
Fol. 177, b.

"After our verie heartilie commendatiouns. Whereas the Viscount  
of Duppline, Lord High Chancellor of this kingdome, be reasoun of his  
place and necessary attendance upoun the Counsell, Sessioun and  
Exchecker, is disabled to keepe the dyets appointed by yow unto him  
for the mater of the valuatiouns, these ar thairfoir to will and require  
yow to continew and forbear the valuatioun of anie lands or teinds  
concerning his lordship quhill the twentie day of Aprile nixtcome;  
quhairin resting assured of your readie obedience, we committ yow to  
God. Frome Halyrudhous the 12 of Februar 1630. *Subscritur*, Mar,  
Monteith, Hadintoun, Wintoun, Linlithgow, Tracquair, Aire, Areskine,  
S<sup>r</sup> Thomas Hope."

Fol. 178, a.

"After our verie heartilie commendatiouns. Whereas the Justice  
Clerk in regarde of his necessar attendance upoun Counsell and  
Exchecker is disabled to keepe the dyets appointed by yow unto him  
for valuatioun of the lands and teinds wherein he is interested, we have  
thairfoir thought good heirby to will and require yow to forbear and  
continew the tryell and valuatioun of anie lands and teinds concerning  
the Justice Clerk within that presbyterie quhill the fyft day of Apryle  
nixtcome, quhilk dyet he is resolved to keepe; and so resting assured of  
your obedience to this our pleasure we committ yow to God. Frome  
Halyrudhous the twelffe of Februarie 1630. *Subscritur*, Geo. Cancell,  
Mar, Monteith, Hadintoun, Wintoun, Linlithgow, Aire, Areskine, Trac-  
quair, S<sup>r</sup> Thomas Hope."

Acta July 1629  
December  
1630.  
Fol. 214, a.

*Sederunt*—Treasurer: Privy Seal; Murrey; Wintoun; Linlithgow; Holyrood  
Perth; Lauderdaill; Aire; Bishop of Dumblane; Lord Areskine; House, 16th  
Lord Melvill; Lord Carnegie; Lord Tracquair; Clerk Register; February 1630.  
Advocate; Sir John Scot.

"The Lords of Secret Counsell prorogats and continewes the commissioun  
grantit be thame to some speciall gentlemen nominat thairin towards the  
collecting of ane voluntarie benevolence of his Majesteis lieges for releefe  
of these who had thair lands overwhelmed by the Mosse bewest the  
Fawkirke, for the space of ane yeere nixtcome after the dait heiroyf."

Holyrood  
House, 16th  
February 1630.

[Sederunt as recorded above, except that in place of 'Wintoun,'  
"Seafort" is here entered as present.]

Decreta,  
January 1630.  
February 1631.  
Fol. 10, b.

Complaint by  
John Robert-  
son and  
Thomas  
Blythe, tenants  
of Sir Alex-  
ander Gibson  
of Durie,  
against David  
Lindsay, laird  
of Newhall,  
who refuses to  
allow them to  
remove their  
grain and  
straw on the  
ground that  
they are  
indebted to  
him as his late  
tenants.

Complaint by John Robertsoun and Thomas Blythe, tenants to Alexander Gibson of Durie, one of the senators of the Colledge of Justice, as follows:—At Martinmas last they removed from the lands of Auchtermaynie belonging to David Lindsay, sometime of Newhall, and entered the service of the said lord of Durie, for which the said Laird of Newhall molests them by refusing to allow them to carry away their grain and straw from the lands of Auchtermaynie, alleging that they are indebted to him in his rents, and though they have offered him caution for payment thereof and anything else he may justly crave yet he refuses, intending to bring about the death of their cattle for want of provender, and also to reduce the complainers and their families to extreme necessity, while this will also prejudge their master, the said Lord of Durie, of their service and so lay his lands waste which they have undertaken to labour. Both pursuers and defender compearing, the Lords ordain the latter to suffer the pursuers to remove their corn and straw, they finding caution as above mentioned for payment of the rent due and such a penalty as the judge shall determine if it be found that he has been wronged by them; and also to find caution in 500 merks acted in the books of Secret Council not to molest the pursuers.

Fol. 11, a.

Complaint by  
Petrie Cheyne  
in Raithnie  
against John  
Meldrum in  
Reidhill for  
decoying him  
to his house  
and violently  
forcing him to  
subscribe a  
deed.

Complaint by Petrie Cheyne in Raithnie, as follows:—On 9th November last John Meldrum in Reidhill sent William Littlejohn, his servant, to the complainer's house in Raithnie with a letter desiring the complainer to come to him for settlement of the differences between them caused by the said John's violent intrusion upon the complainer's lands of Reidhill. The messenger stayed with him "ane whole day using all the arguments he could to perswade him of his maisters sinceritie and refusing to goe backe without the compleaner, quhairpoun the said compleaner, simplie trusting the upright meaning of the said Johne Meldrum and not suspecting anie wicked practise to be intendit against him he addressed himselfe toward him to his hous in Reidhill, where he found the said Johne accompanied with Johne Meldrum in Thomastoun, his brother in law, and Mr. William Inneis, notar; and how soone the compleaner entered within the hous the persouns foresaids caused locke the doores of the hous, and presented ane dispositioun of the compleaners right to the lands of Reidhill drawin up be the said notar quhilk they urged him to subscriye, threatening and minassing him with all sort of violence if he refused; quhilk the compleaner, having with good reasoun refused to doe, they than closed all the windowes of the hous of purpose to have murdreist the compleaner, patt violent hands in his persoun, buffeted him with their falded neiffes on the face quhairwith they gave him sindrie blaë and bloodie straiques, and the

Fol. 11, b.

Decreta,  
January 1630-  
February 1631.  
Fol. 11, b.

said Johne Meldrum in Reidhill with ane drawn whingear strake the compleaner fyve inche deip in at the shoulder to the great effusioun of his blood, and they had not failed to have murdreist him if be the providence of God he had not beene releved from thair hands." Charge having been given to the said John Meldrum in Reidhill, his brother-in-law, and Mr. William Inneis, and the pursuer and Mr William Inneis compearing, the pursuer passed from his complaint against Inneis, and the Lords ordained the non-compearing defenders to be denounced.

Fol. 12, a.

Complaint by John Scott, indweller in Edinburgh, as follows:—  
About a year since or thereby Margaret Finlason, a common and notorious thief, stole £50 out of his "powtche," which on apprehension she confessed, but promised, if he would not present her to justice, that she would restore the money. He trusted her, but as soon as she was liberated she absconded. Being informed lately that she had been apprehended by John Stevinsoun, bailie at the West Port, and committed to ward by him, he went to the bailie, told him of the theft foresaid, which the said Margaret confessed in the bailie's presence, and again promised shortly to repay the money; but the complainer, not again to be deceived, caused the bailie put her in the stocks and keep her until she should suffer as a thief. The said bailie, however, refused to do justice upon her and desired the complainer "to report ane ticket frome some of the magistrats of Edinburgh with ane of thair ordinarie officiers and he would delyver the theefe to be tryed be the saids magistrats." The complainer obeyed, but instead of her delivery to the officer, "the said baillie, having received frome the said theefe certane gold rings and others stollin goods worth ane hundreth punds, he verie undewtifullie dismissed her and put her to libertie." Pursuer and defender both compearing, the Lords, after hearing witnesses, find "that the said baillie hes beene verie negligent and hes not done the dewtie of his office in dismissing a woman who wes challenged of thift and not attending upon a warrand frome the bailleis of Edinburgh of delyvering of her to be tryed be thame," and ordain him to pay £10 to the complainer, and that letters of horning proceed against him for this effect.

Complaint by  
John Scot,  
indweller in  
Edinburgh,  
against John  
Stevenson,  
bailie at the  
West Port,  
whom he  
accuses of fail-  
ing in the  
duty of his  
office.

[Sederunt as recorded above with the addition of "Seaforte."]

*Sederunt*—Melvill, Præses; Murrey; Wintoun; Linlithgow; Holyrood  
Seafort; Air; Lord Areskine; Lord Carnegie; Tracquair; House, 18th  
Bishop of Dumblane; Clerk of Register; Advocate; Justice February 1630.  
Clerk; Sir John Scot; Sir James Baillie.

"The whilk day the missive underwrittin signed be the Kings Majesty and directed to the Lords of his Majesteis Privie Counsell wes presented to the saids Lords and read in thair audience, of the whilk the Letter from his Majesty anent the circulation of foreign coins.

Sederunta,  
November  
1629-January  
1635.  
Fol. 14, a.  
Acta July 1629-  
December  
1630.  
Fol. 214, b.



tennour followes:—CHARLES R., Right trusty and right weilbelovit Acta July 1629  
 cousine and counsellour, right trustie and right weilbelovit cousines and December  
 counsellours, and trustie and weilbelovit counsellours, we greeete yow 1630.  
 weill. Being credible informed of the prejudice arysing to that our Fol. 214, b.  
 kingdome by the abundance of forraine coyne current there and great  
 skarsetie of our awin we wonder verie muche that yow sould have  
 suffered a thing so hurtfull to our subjects and aganis the custome of  
 all weill governed estaits to have so farre prevailed. These ar thair-  
 foir to require yow that having thought of the premises yow take suche  
 speedie course for redressing of the said abuse and for bringing in the  
 wounted bulzeoun as yow sall thinke most fitt for the good of our said  
 kingdome, whairby no suche absurditie may heerafter be seene at the  
 tyme of our comming to that our kingdome, and that yow acquaint us  
 with your procedings herein. So we bid yow fareweill. From our  
 court at Whitehall, the 3 day of Februarie, 1630. Quhilk missive  
 being heard and considerit be the said Lords and they advised thair-  
 with, they continew the consideratioun thairof till Tuisday nixt.”

Anent the  
 assythment  
 offered by  
 John Grant,  
 apparent of  
 Ballindalach,  
 to the relict  
 and children of  
 the late good-  
 man of Carron.  
 See ante, p. 159.

“ Forsameekle as the Kings Majestie by his letter direct to the Lords  
 of Privie Counsell hes signified his royall will and pleasure that Johne  
 Grant, appearand of Ballindalach, sould betuix and the first of August  
 last deale by all meanes to give contentment and make reasonable offers  
 of assythment to the relict and childrein of the lait goodman of Carroun  
 for a letter of slaynes to be grantit be thame to him for the slaughter of  
 the said goodman of Carroun, and in caise of thair not freindlie agree-  
 ment and satling, as said is, that than the saids Lords out of thair judge-  
 ment and consideratioun of the parteis and circumstances of the fact and  
 of the truthe of the allegatiouns made be the said Johne Grant concern-  
 ing Finlay McGrinnan his guiltines of the slaughter of umquhile  
 John Grant of Dalnabo, and who wes in companie that day with the said  
 Carroun when he was killed, sould sett down and appoint suche reason-  
 able compositioun for assythment to the said wedow and childrein as the  
 saids Lords sould thinke fitting. And whereas the said Johne Grant for  
 obedience and according to the direction of his Majesteis letter hes  
 made offer of assythment and satisfacioun to the said relict and childrein  
 for the slaughter of the said goodman of Carroun whiche they have  
 refused to accept, sua that now the sattling and ordering of these dif-  
 ferences ar devolved in the hands of the saids Lords and ar to be dis-  
 posed of at thair sight and arbitrement, Thairfoir the Lords of Secret  
 Counsell ordains letters to be direct charging the said Johne Grant,  
 appearand of Ballindalach, Margaret Sinclare, relict, and  
 Grants, barnes to the said Carroun, and thair tutors and curators, if they  
 anie have, to compeir personallie before the saids Lords upon the  
 day of Junij nixt, and the said Johne Grant to bring and produce the  
 day foresaid the offers of assythment made be him to the said relict and  
 childrein to be seene and considerit be the saids Lords and both the

Fol. 215, a.

Acta July 1629-  
December  
1630.  
Fol. 215, a.

saidis parteis to heare and see suche a reasonable and faire course takin thairin for the satisfioun of the said relict and childrein as the saids Lords after consideratioun of his Majesteis said letter and verificatioun of the particulars thairin conteanit sall find most agreable to equitie and reason, and that they compear personallie to the effect foresaid under pane of rebellious, etc., with certificatioun, etc."

[Sederunt as recorded above.]

Decreta,  
January 1630-  
February 1631.  
Fol. 12, b.

Supplication by John Jardane of Apilgirth as follows:—"His good-shir, grandshir and father, being addebted to divers persouns in some small sowmes of money, whair of he, being ane young boy of the age of nyne yeeres, is altogidder ignorant," his creditors, not content with the legal proceedings they have taken against his estate, daily threaten him with captioun, whereby "his educatioun in vertew and literature, whilk is the onelie hope left unto him for reparatioun of his estait and fortouns, is altogidder interrupted, and he is lyke to be exposed to all the misereis that ar incident to ignorance, sleuthe and want of learning, whilks will all accompanie him if now in his youth he sall be depryved of the meanes and occasioun of his studeis." Though he is most willing to satisfy these creditors, yet he is a minor and so cannot in law dispose of his estate, nor has he the judgment or discretion necessary for disposing of such matters. Moreover, it has never been seen that minors and pupils, innocent of their predecessors' doings, have been warded for their debts, and therefore he craves that their Lordships will grant him their protection. The Lords grant him a supersedere against arrest for the said debts till he attain the age of fourteen years complete.

Fol. 13, a.

James Ros, notary in Irwing, having been nominated and elected by the subcommissioners of the Presbytery of Irwing to be procurator fiscal at their meeting, and having accepted the same, given his oath for administration thereof, and attended several diets, has now upon some "frivolous and impertinent reasons" deserted that charge, to the great disappointment of the said service. Notwithstanding that he was charged by letters of horning to resume the exercise of the said office he has remained contemptuously at the horn, and not compearing this day, in obedience to a renewed charge, the Lords ordain him to be denounced and escheated.

Complaint by Thomas, Earl of Hadintoun, Lord Privy Seal, as follows:—"The cutting and destroying of green wood, policy and planting, is strictly prohibited, yet in the lands of the lordship of Melros and wood of Sorrolsfeild therein, belonging to the said Earl, Mark Home, son to the deceased Sir John Home of Coldingknowes, and Thomas and John Stewart, brothers, in Ersiltoun, daily cut the green wood and planting there. On January last they brought axes and other instruments and cut down "sax great aik trees and sax birk trees, plucked up the

Fol. 13, b.

Holyrood  
House, 18th  
February 1630.

Supplication  
by John  
Jardine of  
Applegirth, a  
boy of nine, for  
protection  
from warding  
on account of  
his predeces-  
sors' debts.

James Ross,  
notary in  
Irwing, put to  
the horn for  
refusing to  
undertake the  
office of pro-  
curator-fiscal  
to the sub-  
commissioners  
of the Presby-  
tery of Irwing.  
See ante, p. 427.

Complaint by  
the Earl of  
Melrose  
against Mark  
Home and  
Thomas and  
John Stewart  
for cutting  
green wood on  
his lands.

verie roots thairof, and caryed away the same with thame to Ersiltoun." Decreta,  
January 1630.  
February 1631.  
Fol. 13, b.  
The pursuer appears by Mr. David Hepburn, his procurator, but the defenders failing to compear, the Lords ordain them to be put to the horn.

Complaint by  
Katharine  
Hamilton  
against her  
husband,  
James Baillie  
of Park, for  
ill-usage and  
unfaithfulness.

Complaint by Katharine Hamilton, spouse of James Baillie of Park, as follows:—"The said James shaiing aff that naturall respect and dewtie quhilk he aucht unto the said compleaner, his lawfull spous, and being unmyndefull of the manie good offices done be her freinds unto him and of the large portioun of geir he received with her, he hes thir fyve or sax yeeres bygane most unkyndelie and unnaturallie behaved himselffe toward the said compleaner, not onelie by depryving her of the confort and contentment quhilk by the law of God and nature wes to be expected from a kynde and loving husband, speciallie in the interteanement of her and her childrein, bot by the persute and invasioun, hurting and wounding her sundrie tymes and threatning her of her lyffe." The full particulars are so numerous that she is "loath to trouble or impeshe" their Lordships therewith, and will only give "some of the specialls." In \_\_\_\_\_, the complainer "being heavilie visite with ane Fol. 14, a. deidlie disease of the fever and no lyffe being expected for her, it pleased God at that same tyme to call one of her childrein to his mercie frome this mortall lyffe, and her husband being wearie with his daylie attending for her death and fearing she sould convalesce, he to haisten her death tooke the deid corps of her childe and layed it in the bed beside her, the compleaner being at that tyme throw the extremitie of her sicknesse unsensible what he did, and he kepted this deid corps in the bed beside the compleaner two dayes, refusing to give it buriall, thinking that the corruptioun of the corps sould have procured her death. Bot finding his purpose in that disappointed and that he himselffe could not abide in the hous for the smell of the corps he than patt it in the eird, and resolved after her recoverie to doe that by strong hand quhilk he wes not able to procure be policie and craft; as namelie upoun the \_\_\_\_\_ day of \_\_\_\_\_, he girded his sword about him, removed the hail servants with the compleaners childrein out of the hous, not spairing so muche as the young infant lying in the craddell, and all being putt out to the greene, nane being left in the hous bot the compleaner her selffe, he than closed the yetts and come up himselffe with his sword about him to the hall thinking to have found the compleaner there. Bot she perceaving and suspecting the drift and event of his intentioun tymouslie withdrew her selffe to ane chamber and closed the doore quhilk he brasched with all the force and violence he could, resolved at that tyme to have tane her lyffe, quhilk he had not failed to have done wer not she ranforced the doore within and so prevented his violence and the executioun of his detestable resolutioun. And after this he hes continuallie withdrawin him selffe frome the compleaners societie, allowing nothing for interteanyng her and her childrein, laying

Decreta,  
January 1630-  
February 1631.  
Fol. 14, a.

his provisioun of victuall and vivers in ane countrie hous beside where he hes his concubine, so that the compleaner being straited and strest with extreme necessitie and her childrein pinched with famine she wes constrained for preservatioun of thair lyffes to make her addresse to her freinds, with whome she hes remained in the qualitie of a begger, having nothing bot that quhilk throw pitie and commiseratioun of her hard estait they bestow upon her." The said James Baillie being cited and compearing, and the pursuer also being present and both "acknowledging and considering that for the present they cannot cohabite togidder under these matrimoniall bands of love and dewtie whilks aucht to be betuix a man and his wyffe" submit themselves to the decisioun of their lordships as to the aliment to be paid by James Baillie to his said wife "during thair disagreement and not cohabitation, and anent the pane to be imposed upon the said James in caise of his conversing heerafter with Jeane Hendersoun in Parke with whome he hes benee this long tyme bygane suspected to have used over familiar companie." The Lords, "being carefull to sattle the saids parteis in peace and quyetnes till it sall please God to joyne thair hearts and affectiouns togidder in that Christiane harmonie whilk aucht to be betuix married people," accept the submissioun, and having heard the friends who had already laboured between the parties for their reconciliation and understood what they had done, they ordain James Baillie to provide his said wife by a lawful right to the half of his estate and rent out of the lands of Park, Auchintibber and Corsebasket, with the burden of the entertainment of her three daughters and the payment of the interest of a thousand merks of debt, her entry to be as at Candlemas last. Moreover, if the said James shall remove from him and from his house any of his three sons, so that they sall become a burden upon his said spouse, and she accept the burden of their support, he is to pay to her half a chalder of victual, half meal and half bear, for each of the said sons. Further the Lords ordain the said James Baillie "to forbear the companie of the said Jeane Hendersoun and not to converse in secret nor cohabite with her in tyme comming, and for this effect to putt her aff his ground after the separatioun of the nixt crop frome the ground," under the penalty of 3000 merks, which sum is to be paid to his said spouse. For doing this he is ordained to find a sufficient cautioner, but as he could not presently find such the Lords put him personally under caution so to do under the above penalty.

Fol. 14, b.

Fol. 15, a.

Supplication by John Grant, apparent of Ballindallach, as follows:— He has been charged to find caution to appear before the Justice and his deputes on March to answer for the slaughter of John Grant of Carroun, and his pursuers intend to proceed against him if he appear not, even although his Majesty, when the supplicant was cited on that charge before the Justice and the Earl of Moray, his Majesty's lieutenant in the north, had, on learning the circumstances of the case, and that the slaughter

Supplication  
by John Grant,  
apparent of  
Ballindallach,  
that he may be  
relieved from  
appearing  
before the  
Justice and his  
deputes on the  
ground that

his case is under the consideration of the Council.

was unintentional, recommended the investigation of the case and the supplicant's behaviour therein to their Lordships, who had caused the dyet to desert. Now their Lordships had heard witnesses produced by himself and Carroun's widow, and had reported the case to his Majesty, who, after consultation with such of his Scottish councillors as were at Court, had graciously signified his pleasure that the strict rigour of the law against the supplicant and his complices should be forborne, and efforts rather made by satisfaction and assithement to content the widow and children before 1st August last. In the event of this not being accomplished his Majesty directed their Lordships to determine the amount of composition to be paid, taking into account all the circumstances of the case and how Finlay M<sup>c</sup>Grinnan was guilty of the slaughter of Patrick Grant of Lettache, and John Grant of Dalnabo, the supplicant's uncle, "who were in companie with the said Goodman of Carroun the tyme of his slaughter," as his Majesty's letter of 25th March shows. The supplicant had accordingly made offers to the widow of Carroun, pressing them upon her by persons most influential with her, but these had been refused. He had also cited M<sup>c</sup>Grinnan before the Justice for the slaughter of his uncle and kinsmen, but he had failed to compear and been denounced a rebel "whiche wes the onlie lett of his Majesteis favour toward the compleaner"; and by these it will be seen that he has fully satisfied the directions of his Majesty's letter. Since then the said M<sup>c</sup>Grinnone and James Grant, rebels, accompanied by a number of tenants and dependants of Carroun's widow, have raided and laid waste the supplicant's lands, to his "utter disabling to satisfie the said relict and childrein," and yet he is content to abide by their Lordships' judgment with regard to this, so that he may obtain a "letter of slaynes." He therefore craves that their Lordships would dispose of the case as lying now in their charge by the King's desire. The Lords, after reference to the King's letter above mentioned, ordain the Justice to desert the dyet against the supplicant and his accomplices, and discharge him and his deputes from taking any proceedings against them for the foresaid caus until the Lords, after hearing and ordering of the differences between the parties, shall indicate their further pleasure herein.

Supplication by John Stewart of Coldingham for continuance of his protection that he may meet the claims of his creditors.

Supplication by John Stewart of Coldingham as follows:—The occasion of his not settling with his creditors during the time granted to him by their Lordships' late warrant was the opposition made by his Majesty's Treasurer to the passing of his patent for Orkney until he should arrange with the customar in these bounds for his Majesty's customs, "whairunto the Erle of Nithisdail who preceedit the supplicant in this benefite wes no wayes tyed," and also because the ten years' accounts of intromissions with his estate of Coldingham, now in dependence before some of the Lords of Session, are not yet cleared. If these points were settled all his creditors would receive satisfaction and

Decreta,  
January 1630.  
February 1631.  
Fol. 15, a.

Fol. 15, b.

Fol. 16, a.

Decreta,  
January 1630.  
February 1631.  
Fol. 16, a.

until they are settled no such satisfaction is possible. He has used all his diligence to this end, and he now craves a further extension of his protection for other twenty days. The Lords grant him an extension till the 26th of February instant at night.

Complaint by Elizabeth Inglis, spouse to Abraham Stewart, indweller in Cramond, as follows:—Her said husband has without offence on her part in word or deed, shaken off all fear of God and respect unto “these matrimoniall dewteis quhilkis aucht to be betuix ane husband and his wyffe. He hes this long tyme bygane verie inhumanelie and unnaturallie intreated the compleaner, doing what in him lay to procure her death and destructioun. Speciallie upon the        day of August last, within fyve weekes after she had bene delyvered of ane childe unto him, he patt violent hands in her weake persoun, cruellie with his falded neiffes strake her on the head, rashed it to ane dresser, gripped her be the throat and almost wirried her, slang her to the ground and barbarouslie tred upon her with his feit twa severall tymes within the space of ane houre, and she being sitting in ane chaire, he pulled her out thair of, kuist her againe among his feit, held her be the throat and tramped upon her with his feit sax severall tymes togidder, affirming that he used the compleaner after this kynde for her brother and brother in lawes caus and for one Johne Stalker her friends caus. And upon the        day of September thereafter the said Abrahame in the lyke furie with his falded neiffes cruellie buffeted the compleaner on the face and heid; and upon the morne thereafter he come on the morning to her bedside where she was lying sore sicke, and with fearefull and horrible aithes swore that he sould breake her backe and doe her ane evill turne if she left not his companie, and thereafter with ane great sqaire battoun he strake her on the side of the head so as her face swelled and was not cured for the space of ane month thereafter. And in the moneth of October thereafter the compleaner being lying in her bed the said Abrahame verie cruellie bruised her whole ribs, dang in her arme to her side and with his feit punst her out of the bed. And now laitlie upon the fyft day of Februare instant he gave her ane cruell straike with ane great rewle of three quarter long upon the head, gripped her be the necke untill she gasped violentlie, rashed her head to ane post, rashed her doun to the ground upon ane stone, tooke up ane paire of yrne tangs of ane quarter weight to fell her with, and he had not failed to have wirried her be the throat if some persouns with great difficultie had not tane his hand out of her throat, so as for the just feare of her lyffe she is forced to leave him and in a maner to goe as a begger among her freinds.” The said Abraham being cited to answer hereto and to take order for the complainer’s safety and aliment of her and her children, and he and his wife both compearing, the Lords, after hearing the evidence of witnesses, find the complaint of his bad usage of his wife proved against the defender, and commit him

Complaint by  
Elizabeth  
Inglis against  
Abraham  
Stewart, her  
spouse,  
indweller in  
Cramond, for  
ill-usage.

Fol. 16, b.

to ward in the Tolbooth of Edinburgh during their pleasure, and until he find caution for the safety of his wife under such penalties as their Lordships should appoint.

Decreta,  
January 1630  
February 1631.  
Fol. 16, b.

Holyrood  
House, 23rd  
February 1630.

*Sederunt*—Treasurer; Privy Seal; Murrey; Wintoun; Linlithgow; Seafort; Bishop of Dumblane; Lord Areskine; Melvill; Carnegie; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Acta July 1629  
December  
1630.  
Fol. 215, a.

Anent the  
circulation of  
foreign coin.

“The Lords having of new heard and considerit his Majesteis letter anent forrane coyne, and finding the mater to be of great impottance, thairfoir they continew the consideratioun thairof to a more frequent meeting of the Counsell, and for this effect nominats and appoints the Lords Chancellor, Thesaurar, President, Privie Seale, Linlithgow, Carnegie, the Bishops of Dumblane and Brechin, Sir Johne Scot and Sir James Baillie to meet at suche tymes as they sall thinke fitt and to call the maister of the Cunzie hous and some of the cheefe merchants before thame and to consider the best wayes for removing of the present abuse in the course of forrane coyne and for bringing in of bulyeoun to the mint-hous heerafter.

Anent the  
torturers of  
certain  
foreigners.

“The whilk day Alexander, Erle of Linlithgow, Admirall, having craved the Counsellis advice anent the forme and maner of punishment to be inflicted upon the persouns who tortured the strangers by putting a kendled lunt betuix thair toes and fingers, the Lords finds that this mater is not proper to the Counsell bot to the Admirall himselffe, and yett in regarde of the noveltie of the fact whiche in the rigour of law is capitall, the Lords advises the Admirall to consult his Majestie anent the punishment.”

Holyrood  
House, 23rd  
February 1630.

[Sederunt as recorded above.]

Decreta,  
January 1630  
February 1631.  
Fol. 17, a.

Complaint by  
Barbara Gil-  
christ against  
her husband,  
Walter Thom-  
son, for violent  
ill-usage.

Complaint by Barbara Gilchrist, spouse to Walter Thomesoun, merchant burgess of Edinburgh, as follows:—On 1628 she was married to the said Walter, he receiving with her in tocher 5000 merks, besides the sum of 100 merks in yearly rent and the rent of a merchant booth amounting to yearly. She has behaved herself unto him “frome the first houre of her mariage unto this tyme verie dewtifullie, omitting no respect unto him whilk became ane loving spous unto her husband, and using all meanes she could to interteane that love in him towards her whilk he in shew pretendit at thair first mariage. Neverthelesse it is of truthe that within the space of halffe ane yeere thereafter without anie miscarriage on the said compleaners part or violatioun of the meannest point of dewtie toward him he hes so alienated his affectioun frome her, contrare his solemne oath givin at thair mariage, that verie barbarouslie and inhumanelie he hes intreated her sensyne,

Decreta,  
January 1630.  
February 1631.  
Fol. 17, a.

calling her at everie other word commoun whoore and harlot, and stirring up his two eldest daughters and servants to doe the lyke, shamefullie stryking her at diverse tymes with his hands and feit on the head and face and others parts of her bodie to the perrell of her lyffe ; as namelie upon the                    day of                    she being sitting at dinner with him and having offered ane leg of ane foule to his youngest sonne, Johne Thomesoun, being new rissin out of the pockes, he reft the same frome the barne againe, and said if the compleaner did lift anie more he sould rashe the plait on her face. At quhilks words she perceaving him angrie she rose frome the table to eshew his evill, whairupon he presentlie followed her, shamefullie strake her with his falded neiffes on both sides of her head, thereafter callit her ben to the chamber at the end of the hall where verie inhumanelie he slang her down to the ground and with his hands and feete so cruellie and unmercifullie birsed and bruised her upon the head and others parts of her bodie that she lay a long tyme breathlesse and in a swowne upon the ground ; at quhilk tyme his common speeche wes that he would God he could see her goe mad or rid wood and that he might get her in the Dingwell, and find ane caus to gett her scourged throw Edinburgh, and he hes so damneist the compleaners head with straikes that both her sight and hearing hes failed so that she heares not the thrid word that anie persoun speekes to her." By these and other daily abuses she was constrained in fear of her life in November last to seek the interposition of Mr William Struthers, their ordinary pastor, and he with the assistance of "diverse honnest and famous persouns in this burgh," after long dealing and trouble having brought him "to some remorse and acknowledgment of his former miscariage toward her, with ane assurance of ane Christiane and loving behaviour on his part in tyme coming," she hoped to have lived with him "ane peaceable and quyet life hereafter. Bot within short space he returned to his wounted malicious behaviour, and for the space of nyne weekes sensyne hes so cruellie intreated the compleaner as she had never ane houres rest nor ease with him and his daughters, who having usuallie sensyne verie disgracefullie abused her, calling her gracelesse mother and thrawin faced harlot carlein ; and she having modestlie in presence of her said husband inquyred of thame why they did so, he for that onelie caus patt violent hands in her persoun, cruellie strake her on the head and face and with his falded neiffes, doupped her on the breast, dang her backward on the floore, and not content heere-with he reft the keyes of her merchant booth, whilk is her proper heritage, frome her, and hes kepted and deteanned the same be the space of nine weekes sensyne, nather suffering her nor anie others to have accesse thairto, and for no intreatie, ather of the minister or thair neighbours, would he delyver the keyes of the same to the compleaner, nor yitt her clothes quhilks also he hes tane frome her, whairby the

Fol. 17, b.



greatest part of the stufes within the said booth ar consumed and eaten with rats and myce, and she is forced to borrow cloathes for her awin use. And now laitlie upon Moonday, the fyfteene of this instant, the said Walter having sent some propositiouns be Arthur Naismith to be answered be the compleaner she tooke the same to be advised with, and for that effect went to Gilbert Achesoun, lait baillie, her speciall freind, to have sought his advice, who being at supper urged her to stay, and after supper about nyne houres the compleaner having addressed herselfe in companie with the said Gilbert Achesons wyffe to her awin hous, thinking to have gottin entrie thairintill, her said husband, for what caus she knew not, violentlie debarred her, and for no humble intreatie would give her entrie, swearing with manie horrible oathes that she sould never come within his hous againe, so that she was forced to ly out all that night. And upon the morne thereafter in the morning she went up againe to her said hous still desyryng to have had entrie, but he obstinatlie refused the same, so as she wes forced the sameday to have recourse to thair minister who with some honnest freinds dealt with him to give her entrie into her hous, he still refused and suffered her that day and night thereafter and upon Wednesday and Wednesday at night to ly in the turnepycke as ane dog without pitie or commiseratioun; be reasoun whairof and of the cold seasoun of the yeere and of the compleaners infirme and weake bodie altogidder abused by her said husband, she hes contracted suche diseases as they ar lyke to procure her death." He still continues in his violent and malicious disposition towards her, notwithstanding of the dealings of the minister and Bailie William Rid with him thereanent. The said Walter Thomesoun having been cited to appear and provide a suitable maintenance for the complainer out of his estate which is reckoned at 26,000 merks of free money, in addition to what he received with her, and both he and the complainer compearing, the Lords, on the declaration of both made in their presence "that of thair awin consents they were content to divert and seperat frome others for a tyme till it sall please God to joyne thair hearts and affectiouns togidder in that harmonie that becometh," ordain the complainer to receive the sum of 400 merks as aliment for one year from this date, payment to be made thereof by her husband quarterly, and direct him to return to her the keys of her booth and suffer her to have the peaceable possession thereof during the said time and to deliver to her also her whole body and bed clothes.

Complaint by  
Sir John  
Seton of  
Barns against  
a judgment of  
the Justice-  
Court held at  
Haddington.

Complaint by Sir John Seatoun of Barns, as follows:—He was cited to the late Justice Court held at Hadintoun in October last upon forty eight hours' warning, his citation containing no mention of what he was to be charged with. On compearing he learned that he was accused of "bearing, wearing and shooting with hacquebutts and pistolets," and the truth of the accusation was simply referred to his own oath of verity. Though he thought this a somewhat strange procedure in a matter

Decreta,  
January 1630.  
February 1631.  
Fol. 17, a.

Fol. 18, a.

Fol. 18, b.

Decreta,  
January 1630-  
February 1631.  
Fol. 18, b.

touching his person and estate, yet, to give the judges satisfaction and "being loath by his exemple to give occasioun to others to stand out and to contest in point of law aganis the proceedings of the court," he gave his oath that he had never borne these weapons save in his journey to Court and in going to Ireland, "quhilk is ane matter so usuall and commoun without anie controlment that there is none within the kingdome that travells that way without his pistolets for saulfetie of his lyffe." Then as for shooting therewith he deponed that only on one occasion had he done so, that "being once in the yle of May some foure or fyve yeeres agoe and walking alongs the shoare thairof he shott at ane littill foule callit the sketiwaikes." For this simple thing the justices fined him £100, and he has now been charged to pay the said fine to the Treasurer, and Mr. William Chalmers, his deputy-receiver of the fines, and to take a remission for the said crime through the seals within a certain space under pain of horning. Now during the whole course of his life he has striven to the utmost "to conforme himselfe and all his actiones to his Majesteis obedience and lawes of the kingdome, accompting it ane verie great blemish to the honnour and reputatioun of ane gentleman to be ane contemner of the law whereby he may draw himselfe under the compasse of censure." No subject has ever had cause to complain of his conduct; and seeing it is his Majesty's "drift and intentioun in thir circuit courts" only to repress the insolenceis of disorderly broken men, "and not to bring the name and credit of legall and answerable gentlemen in questioun, nor to make thame ane subject and reproache of scandall by paying of fynes and compositionis," which he is sure also the Council do not desire; and, further, seeing the said judges have exceeded their commission, his Majesty having limited their retrospective power to August 1628, whereas this crime that he is charged with "fell out foure yeere before in ane yle of the sea where the said compleaner wes with the allowance of the gentleman owner of the yle, his kinsman, and onelie tooke one shott fo assay if his peece held right and just," which he submits no impartial judge in the kingdome would think an offence deserving of censure; moreover, seeing that in the Act of Parliament under which he is accused it was never the intention of the Estates to prevent the lawful using and handling of armour by the subjects, especially of "fyreworke quhilk now in all estaits and kingdomes is speciallie tane hold of for defence of the countrie," but only that they should not be used against the lawful subjects; seeing also that he is willing if the Lords find that such an action as is above mentioned merits their censure, to abide by their judgment, and to this effect has found caution for payment of the sum foresaid, he craves suspension of the process against him. He further craves to be excused from taking out a remission, "for he will be verie loath that his chartour kist sould be blotted with ane evident of that kynde, he accompting his greatest felicitie and honnour to stand in his

Fol. 19, a.

humble and submissive alledgeance to his Majestie and obedience to the lawes, and will be loath to leave suche ane marke and point of discredite upon his house as the taking of ane remissioun for ane capitall cryme." Sir John Scot and Sir Thomas Hendersoun, the Commissioners of the said circuit court, and the said Mr William Chalmers, having been cited and compearing with Adam Watt, clerk of the said court, who produced the minute of court in the said case "bearing that the said Sir Johne Seatoun upon his refusall to give his oath anent the cryme foresaid layed to his charge, wes haldin as confest and accordingle fynned"; and the pursuer also being present, the Lords after full consideration and advising "earnestlie intreated and desyred the saids judges that seing the said Sir Johne Seatoun his oath is not cleerelie in the minutes that thairfoir they would be content that the said minute concerning his oath and decret following thairupoun sould be delete and no record to be kept thairof nor mentioun made of the same heerafter, and that Sir Johne sould be lyable to be conveyed in the nixt justice court upon the same ground and dittay." To this the said judges agreed and thereupon Sir John Seatoun asked and took instruments.

Decreta,  
January 1630.  
February 1631.  
Fol. 19, b.

Complaint by  
James Mudie,  
merchant  
burgess of  
Glasgow,  
against Hew  
Crawford of  
Clobberhill for  
assault.

Complaint by James Mudie, merchant burgess of Glasgow, as follows :  
—Hew Crawford of Clobberhill had caused denounce the complainer for his alleged disobedience to a charge raised by himself, which, however, the complainer had lawfully suspended, his action for this being presently before the Lords of Session. Crawford to prevent the complainer's appearance in this case took out letters of caption against him so as to "lay him fast in waird" and so get protestation in his absence, and in virtue of these letters on September last, he and some others armed with swords, staves and other weapons, came to Glasgow, put violent hands on the complainer and attempted to carry him off to ward, till on being shown the letters of suspension by the complainer the officer who was executing the caption desisted. Crawford "maligning that his intioun should be thus frustrat, he with manie fearefull oathes swoore that he sould take the compleaner to the gallous; and with that the said Hew, being ane great strong man, he tooke the compleaner be the necke lifted him aff the ground and with his foote gave him ane cruell straike on the backe whairwith he dang him with great violence to the ground; tooke him up agane be the necke and than with his knee gave him ane dangerous straike on the small of the backe whairwith be almost brake his backe so as for the space of twentie dayes thairafter be continuallie cruiked, held him ane long tyme be the craig and with his falded neiffes so dammeist the honnest man by manie bauche and blae straike on the head and backe as he wes not weill for ane long tyme thairafter." They had killed him if the people of the town had not assembled for his relief. Parties having been summoned, and both pursuer and defender compearing, the Lords assoilzie the

Fol. 20, a.

Decreta,  
January 1630.  
February 1631.  
Fol. 20, a.

defender, as the pursuer's witnesses failed to substantiate the complaint, and they ordain the defender to pay 40s to each of his witnesses and £3 to Williame Sheillis, one of them who stayed to receive payment of the expenses of himself and the other witnesses.

Fol. 20, b.

*Sederunt*—Treasurer; Privy Seal; Wintoun; Linlithgow; Seafort; Holyrood House, 25th February 1630.  
Dumblane; Melvill; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Supplication by John Stewart of Coldinghame, as follows:—Since their Lordships' last warrant to him he has made some reasonable progress in settling with his creditors, but the passing through the seals of his tack of Orkney, which has been for some time stopped by the tacksmen of the customs, and the arranging of the accounts of the nine years' intromission with his estate of Coldingham, are the two principal things by which he hopes to satisfy his creditors. The latter is at present before the Session, and longer time is needed for finishing the process and for enabling him to sell the aforesaid tack. His creditors for the most part reside in Edinburgh, which necessitates his also being there, and he craves extension of his protection until the last day of March. The Lords grant him till 4th March at night.

Fol. 21, a.

Complaint by Elizabeth Inglis, widow of Robert Hamiltoun of Brigs, and now spouse to Abraham Stewart, as follows:—Her husband "for his insolent and lewde lyffe" in abusing her is by their Lordships' ordinance [*ante*, p. 463] presently in ward within the tolbooth of Edinburgh for not finding caution for her safety. She now learns that he intends to procure his freedom and dispose of her liferent, which is all she has for the support of herself and three of her children by her first husband, and a young child of the said Abraham's, and it is but a small portion—only 450 merks yearly out of the lands of Brigs—without which, however, she and her four children "will be putt to beggarie." Both pursuer and defender compearing, the Lords find "that there is just caus that thir parteis sall be separat for a yeere, that in the meane [tyme] if so it please God to joyne thair hearts and affectiouns in a more Christiane societie nor formerlie they have lived in they may then cohabite togidder as becometh good Christians." They appoint the sum of 450 merks for the aliment during this period of the said pursuer and her four children, this being her own liferent provided to her by her first husband, and they ordain her to have right to uplift the same from those who formerly paid it, and to have letters hereupon if there should be necessity thereof.

Fol. 21, b.

Complaint by Henry Crie, weaver in Perth, as follows:—On February instant the provost and bailies of Perth apprehended and warded him in their tolbooth, because ignoring them he had gone to the sheriff of Perth and his deputes to have himself served heir in general to . It was a thing he was quite at liberty to do, but only on warding.

that account they detain him in prison in great misery, to his utter wreck and undoing, "he being ane poore craftsman who hes no other thing to live be bot his hand labour." Charge having been given to Andrew Gray, Mr. Robert Mitchell and John Maxtoun, bailies of Perth, to compare and produce the complainer, and the pursuer compearing by Mr. Henrie Kinrosse, advocate, but the defenders neither compearing nor producing the pursuer, nor sending any excuse, the Lords ordain them to be put to the horn.

Decreta,  
January 1630-  
February 1631.  
Fol. 21, b.

Complaint by the King's Advocate, Andrew Spalding in Bordland, and Alexander Reid, *alias* Fleming, in Easter Downe, against Alexander Reid Fleming and others, who, though at the horn at the complainers' instance, openly set at naught the sentence.

Complaint by Sir Thomas Hope of Craighall, knight baronet, King's Advocate, and by Andrew Spalding in Bordland, and Alexander Reid, *alias* Fleeming, in Easter Downe, as follows:—On 25th January last Alexander Reid Fleeming, son of John Reid Fleeming, George Stewart M<sup>c</sup>Alaster V<sup>c</sup>Eane V<sup>c</sup>Robert, Duncan Robertsoun M<sup>c</sup>Phatrik Oig in Brewhous Croft, James M<sup>c</sup>Gillizowhie in Dalnagarne, Duncan M<sup>c</sup>Connie and John Robertsoun *alias* Duellan M<sup>c</sup>Inneillar, tenants and servants to Alexander Robertsoun of Middledownie, Alexander Stewart of Dunteanlich, tenant and servant to William and John Stewart of Dunteanlich, Alexander Fentoun, tenant to Adame in Auchinbishie, and Donald Dowelache, brother to Alexander Dowelache in Wirie, and his domestic servant, were at the complainers' instance put to the horn for failing to find caution to compare before the Justice and underlie the law for houghing and goreing of oxen and certain acts of theft. Notwithstanding thereof they resort openly in the country, and accompany their said masters "at oasting and hunting," which masters ought to answer for them in terms of the General Band and Acts of Parliament. Charge having been given to the said Alexander Robertsoun of Middledownie, William and John Stewart, Adame, and Alexander Dowelache, to compare and produce their respective servants above named, and the pursuer compearing, and of the defenders only Alexander Robertsoun and William Stewart of Dunteanlich, and the depositions of witnesses having been received, the Lords find that Alexander Reid Fleeming, George Stewart M<sup>c</sup>Alaster, Duncan Robertsoun M<sup>c</sup>Phatrik Oig, John Robertsoun *alias* Duellan M<sup>c</sup>Innellar, James M<sup>c</sup>Gillizowhie and Duncan M<sup>c</sup>Connie, are men, tenants and servants of Alexander Robertsoun of Middledownie; that Alexander Stewart is man, servant and removeable tenant to his father, William Stewart of Dunteanliche, and that Donald Dowelache is household man and domestic servant to the said Alexander Dowelache in Wirie, who ought therefore to answer for these rebels, and they accordingly ordain them to present their respective dependants before the Council that they might be delivered to the Justice for the foresaid crimes.

Fol. 22, a.

Fol. 22, b.

Caution by Robert Scot of Well not to molest his spouse, Rachel Scot.

This day compeared Robert Scot of Well and bound himself under the penalty of 1000 merks not to molest Rachel Scot, his spouse, and to do the duty of an honest and loving spouse to her.

Commissions,  
1624-30.  
Fol. 217, b.

Commission under the Signet to the sheriff of Aberdeen and his deutes to search for, apprehend, ward and try Andrew Thomsoun in Longley, who has committed incest with Christian Gray, his daughter-in-law; also Margaret Andersoun, spouse to Alexander Thomsoun in Ally and Thomas Grig at the Burn of Auchley, who are suspected guilty of witchcraft. In the case of the first named being convicted, justice is to be administered upon him conform to law, but on the conviction of the others sentence is to be deferred and the process reported to the Council for advising as to the sentence. Signed by Hadintoun, Areskine, Melvill, Dumblane, Hamiltoun, S<sup>r</sup> Thomas Hope, and Scottistarvett.

Holyrood House, 25th February 1630. Commission to the Sheriff of Aberdeen and his deutes to try Andrew Thomson for incest, and Margaret Anderson and Thomas Greig for witchcraft.

Decreta,  
January 1630.  
February 1631.  
Fol. 23, b.

*Sederunt*—Treasurer; Privy Seal; Wintoun; Linlithgow; Sea-fort; Dumblane; Lord Areskine; Lord Melvill; Clerk Register; Advocate; Justice Clerk; Sir Johne Scot; Sir James Baillie.

Holyrood House, 2nd March 1630.

Complaint by William Sempill of Foulwod, sheriff principal of Dumbarton, as follows:—He has lately been charged at the instance of Hew Sampson in Plimmouth to apprehend Duncan Sempill, burges of Glasgow, sometime master of the ship called the *Antilop* of Glasgow, and presently at the horn, as is alleged, at the said Hew Sampson's instance. If he fail herein Sampson intends to put him to the horn, yet most wrongfully, because he has caused diligent enquiry and search to be made for the said rebel not only throughout the sheriffdom, but also at all the houses in Dumbarton where the said Duncan was wont to lodge when he frequented that town, and he can get no information about him. Moreover it is certainly reported that the said rebel has no residence in Dumbartonshire, and the complainer has no lawful jurisdiction beyond the shire; and besides, the officer who executed the charge gave him no information as to where he might find the said rebel. Yet he is prepared to find caution in 500 merks that if the said Duncan Sempill come to the said sheriffdom, and information is given to him of the fact and where he is, he will apprehend him. He therefore craves suspension of the caption against him. Both complainer and Hew Sampson comparing, the latter alleged that the complainer had had it in his power since he was charged to apprehend the said rebel, but that instead he gave him private notice to escape. This, however, the complainer denied upon oath, whereupon the Lords grant suspension as craved.

Complaint by William Semple of Foulwood, sheriff-principal of Dumbarton, against Hew Sampson in Plymouth, who has taken letters of caption against the complainer for his failure to arrest Duncan Semple, burges of Glasgow. See ante, p. 452.

Fol. 23, b.

Complaint by Alesoun Hamiltoun, spouse to James Lawtie, servitor to M<sup>r</sup> James Lawtie, advocate, and her said husband for his interest, as follows:—On 20th August last the provost and bailies of Lanark apprehended Robert Chancellor of Scheilhill in terms of letters of caption at her instance for a debt due by him to her, and she expected they would have kept him in sure custody till he paid, but instead of this they "use the said Robert not as ane prisouner but as ane free ward of

Complaint by Alison Hamilton, spouse to James Lawtie, against the magistrates of Lanark for their neglect of duty in enforcing the ward of

Robert Chancellor of Sheildhill, a prisoner for debt at her instance.

persoun in so far as they give him libertie to goe everie day to the burgh of Lanark and athort the countrie to doe his effaires als freele if he were not committed to waird, and in derisioun and mockage of justice they caus him come in everie day to their tolbuith and remaine there about ane houre." Charge having been given to James Hamiltoun, Gideon Jacke and James Inglis, bailies of Lanark, to compear and produce the said rebel, and the pursuers compearing and also the said Gideon Jacke in name of the bailies, who produced the said Robert, the Lords ordain the said Robert to be warded in the tolbooth of Edinburgh, there to remain on his own expenses until orderly released

Decreta,  
January 1630.  
February 1631.  
Fol. 23, b.  
Fol. 24, a.

Supplication by Sir John Stewart of Coldingham for continuance of his protection.

Supplication by Sir John Stewart of Coldingham, as follows:—The last warrant he received from their Lordships expires on the 4th instant, and those at whose desire the time was shortened are now willing that it be extended during the remainder of this session. Those who have his affairs in trust have now matters in process before the Session, and he hopes to have all cleared before it rise "if he be not impeded be the rigour of some few of his creditours who cannot with patience behold his endeavours to procure the meanes of their contentment and satisfacioun." He craves a further prorogation; which the Lords grant till the 22nd March instant.

Supplication by James Wright, burgess of Amsterdam, for continuance of his protection that he may satisfy his creditours.

Supplication by James Wright, burgess of Amsterdame, as follows:— Their Lordships' late protection to him for his safe abode in this his native country for dealing with his creditors has enabled a "verie happie progresse" to be made therein, in so far as that he is under "ane solide and effectuall agreement with all his creditours." He hopes to obtain a reduction from the Session of a decret for 7000 merks obtained against him by Thomas Wright while out of the country, which is now near a point. As this his purpose "goes neerer his conscience nor anie worldlie business," he craves a prorogation of his protection. The Lords after hearing a declaration by Sir John Scot, Director of Chancery, and one of the Senators of the College of Justice to the effect that the Lords of Session recommend to the Lords of Privy Council to grant a warrant to the said James Wright, continue his former protection in force until 1st April next.

Fol. 24, b.

Complaint by Alexander Ord, indweller in Edinburgh, against James Grahame and others for hamesucken.

Complaint by Alexander Ord, indweller in Edinburgh, as follows:— On 1st March instant, James Grahame, John Ellon, tailor, John Clerk, town officer, Duncan Campbell, messenger, James Hay, mariner in Leith, and Archibald Dumbar and James Smith, also town officers, with others their accomplices, came by way of hamesucken about 6 in the morning to the complainer's chamber at Bellis Wynde foot, where he was lying in his bed, and without any warrant "they with great forehammers brasched the doores of his chamber, whilk they dang all in stickes, and kuist down ane great number of sklaitis aff the hous so as the same can hold out no raine, and than they entered within his chamber, searched up and down all the corners of his chamber without giving

Fol. 25, a.

Decreta,  
January 1630.  
February 1631.  
Fol. 25, a.

notice unto the compleaner what thair earand was or by what warrand they had thus abused him." Both pursuer and defenders compearing, the Lords after hearing the parties and their witnesses, assoilzie the defenders.

Supplication by Patrick Watsoun, deacon of the fleshers of Glasgow, and Mungo Rid, his servant, as follows :—Their Lordships had on February last warded the said Mungo Rid in the tolbooth of Edinburgh on the complaint of David Williamsoun, candlemaker in Glasgow, that he had hurt and wounded him in his Majesty's service; and on last Council day their Lordships had warded the said Patrick Watsoun in the same tolbooth on the charge of hounding out the said Mungo. This charge was verified before their Lordships by Eastoun, who, on being produced as a witness in this very matter before the magistrates of Glasgow, "cleered the complainers innocence upon his great oath."

Supplication  
by Patrick  
Watson,  
deacon of the  
fleshers of  
Glasgow, and  
Mungo Reid,  
his servant, for  
the release of  
the said Mungo  
Reid from his  
warding in the  
Tolbooth of  
Edinburgh.

Fol. 25, b.

Now, whereas David Williamson alleges that the injury was done to him in his Majesty's service, this is shown not to be true, and that himself was the principal procurer of his trouble, by a letter from David Watsoun, his master, produced. In these circumstances and seeing that Mungo Rid has now been fourteen days in ward they crave enlargement. The Lords ordain the provost and bailies of Edinburgh to liberate them in so far as warded for the above cause, and Patrick Watsoun to pay £40 to the said David Williamsoun, as a fine for the hurt inflicted on him by his said servant, and for hounding him out, to pay also to Eastoun, his servant, his fee remaining due to him, and to find caution in 100 merks that he will convey and present the said Mungo Rid within the next fifteen days to the bailies of Glasgow, to be by them placed in the stocks from 9 in the morning till 12 on a market day, and there, if the partie be present, to confess his fault and crave pardon for the same.

Fol. 51, a.

<sup>1</sup>The Lords having heard and considered the decreet arbitral pronounced by the Clerk Register and Sir John Scot betwixt Dunkintie and Dr. Johnstoun, in terms of their submission, ratify and approve the same and ordain it to be registered in the books of Secret Council, which is here done. It is dated at Edinburgh, 5th November 1629, and is to the following effect:—The differences between Alexander Gordoun of Dunkintie and Doctor Arthur Johnstoun respecting the rental of the lands of Newleslie, pertaining heritably to Gordon and wadset by him to Johnstone having been submitted to Sir John Hamiltoun of Magdalens, Clerk Register, and Sir John Scot of Scottistartvett, Director of Chancery, judges arbitrators appointed by the Lords of Privy Council for the purpose, and they having accepted the same, decide—(1) That Gordon shall be free of the warrandice of the rental of the lands of Newleslie and others wadset by him to Johnstone under reversion for payment of 13,500 merks, and of all actions that may

Decreet  
arbitral  
betwixt Dr.  
Arthur John-  
ston and the  
laird of  
Dunkintie  
anent the place  
of New Leslie  
to be registered  
in the books of  
the Council.  
See ante, p. 336.

Fol. 51, b.

<sup>1</sup> Omitted in its proper date and inserted after 21st April.



follow for upholding the rental during the term of the wadset, notwithstanding that they find the same to be less than was given up, but this without prejudice of the warrandice of the lands themselves and fulfilment of the other heads of the agreement; and in respect hereof they free Dr. Johnstone from paying any annual for 5000 merks as part of the said sum of 13,500 merks due to have been paid by him for the said wadset and as yet remaining in his hands unpaid, and that from Whitsunday last till 18th November instant, on which day they ordain Dr. Johnstone to pay the 5000 merks to Dunkintie in Alexander Rutherford's house in the burgh of Aberdeen, on a discharge being then given to him for the sum of 5250 merks as in full and complete payment of the said sum of 13,500 merks and arrears of interest, the said discharge being that made and subscribed by Dunkintie as principal, and George, Marquis of Huntlie, as cautioner for him, dated at the Canongait on 4th November instant, together with a ratification of the said discharge subscribed by James Sutherland, Tutor of Duffus, as assignee of Dunkintie to the said contract, "in presence of ane famous minister and twa famous witnesses and subscribed be thame as witnesses thairto in maner and forme as the said ratificatioun is formed and writtin be the hand of Robert Pringill, Wrytter to his Majesteis Signet." (2) Dunkintie is to give the keys of the place of Newleslie to Dr. Johnstone so that he may enter into possession thereof and pertinents in terms of the contract during the non-redemption, but excepting the grain standing in the barnyards of Newleslie and Christs Church "with the oxin going thair-upoun." (3) Dr. Johnstone is to give Dunkintie the use of a barn in Newleslie for threshing out the said grain, provided that he thrash out or remove the same from the barnyard of Newleslie before Lammas next; and to this the Dr. is to "make no interruptioun except so muche thairof as may concerne the not payment of the said Doctour his fermes." (4) Dunkintie shall remove his whole goods from the lands of Newleslie. (5) Dunkintie shall deliver to Dr. Johnstone "the fermes and dewteis of the lands and maynes of Newleslie the crop and yeere of God 1629 yeeres, extending to fiftie four bollis victuall, twa part meale and thrid part beir in corne and fodder," one half before 21st December next, and the other half before Candlemas next; and with consent of both parties the Lords appoint William Laing in Drumrowane, and failing him, George Proctour in Inche "to cast the cornes be the prooffe for that effect." (6) Dunkintie is also to pay to Dr. Johnstone "the fermes of the lands of Christs kirk" for the said crop before next Candlemas. (7) Each is to discharge the other of all actions of contravention or "ryot" raised or intended to be raised by them in respect of the above matter, without prejudice, however, to the lawburrows *hinc inde* and actions which might follow on break of them; and all without prejudice to the fulfilment of the other conditions of the contract not hereby modified. This decret both parties bound them-

Decreta,  
January 1630.  
February 1631.  
Fol. 51, b.

Fol. 52, a.

Fol. 52, b.

Decreta,  
January 1630.  
February 1631.  
Fol. 52, b.

selves to obey, either failing herein to pay to the other a penalty of 500 merks in addition to fulfilment, and to submit themselves to the decision of the said Lords in any question between them as to the premises.

Sederunts,  
November  
1629-January  
1635.  
Fol. 14, b.

"Ane letter frome his Majestie for the dispatche of the caus in the mater of the Franche shippis alledgeit to be pryse."

"The Lordis in respect of the not compeirance of James Mowat, shireff clerk of Beruik, conforme to the cautiuon fund be him to that effect decernis him and his cautionar in the pane and superseidis the executioun till the tent of this instant."

Letter from his Majesty anent the French ships.  
See ante, p. 446.  
James Mowat, sheriff-clerk of Berwick, and his cautioner.  
See ante, p. 452.

Acta July 1629-  
December  
1630.  
Fol. 215, b.

*Sederunt*—Treasurer; Privy Seal; Murrey; Wintoun; Linlithgow; Seafort; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Tracquair; Master of Elphinston; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Holyrood House, 4th March 1630.

"The Lords continewes the dyet assigned to the compleaners of Leith for giving in of thair complaints aganis the burght of Edinburgh till Tuisday nixt."

The dispute between Edin- burgh and Leith.

"Forsameekle as the kirk of Inhecalloch is now become altogidder ruinous and decayed without a rooffe and the sid wallis in manie parts brokin and fallin doun so as thir diverse yeeres bygane there hes beene no preaching of the Word, nor ministratioun of the sacraments in that kirk but these divine exercises hes beene used in the Chappell of Buchannan this long tyme bygane as the most commodious place in all the parish for suche exercises; and whereas it hes beene craved be Mr. Archibald Camrone, minister at Inhecalloch, that the exercise of the Word and ministratioun of the sacraments sall be still used at the said chappell till some other course be tane, outhier for repairing of the old parish kirk or bigging of a new kirk in some other more commodious part of the parish, and George Buchannan, appearand of that ilke, and the said Mr. Archibald Camron being at lenth heard heerupon in presence of the Lords of Secreit Counsell, the said George declared that for testificatioun of his good affectioun towards the propagatioun and advancement of the religioun he wes content to make the chappell foresaid of Buchannan patent at all occasiouns for hearing of the Word and ministratioun of the Sacraments for ane interim till the said kirk of Inhecalloch be repaired or another parish kirk built in some commodious part of the parish, but prejudice alwayes of his heretable right unto the said chappell, whairunto this present act shall be no derogatioun. Quhilk declaratioun made be the said Laird of Buchannan being heard and considerit be the saids Lords they gave thair approbatioun and allowance thairunto and ordained this present act to be extendit thairupoun. And accordingle they command and ordaine the said George Buchannan to make his said chappell patent and readie at all

The parish kirk of Inhecalloch being in a ruinous condition, the chapel of Buchanan is to be used till the restoration of the said kirk.

occasions for hearing of the Word and ministratioun of the sacraments for ane interim till the old parish kirk be repaired or another new parish kirk built." Acta July 1622-  
December  
1630.  
Fol. 215, b.

[Sederunt as recorded above.]

Holyrood  
House, 4th  
March 1630.

Complaint by  
Christian  
Johnstone,  
good wife of  
Newton John-  
stone, against  
her son, Robert  
Johnstone, for  
breaking into  
her house  
during her  
absence, steal-  
ing certain  
documents and  
sums of money,  
and excluding  
her and her  
servants from  
the said house.

Complaint by Christian Johnstone, good wife of Newtoun Johnstone, as follows:—On "Robert Johnstone, her eldest and unnaturall son," came with a number of rebels armed with swords, staves and other weapons, and also furnished with "gavelockes, cowtters," and other instruments "for pryzing up of doores," to her dwelling house when she was from home, broke up her doors, entered the house, "brake up her coffers and kists, tooke furth thair of her whole writts and evidents togidder with diverse sowmes of monee," and illegally meddled with her whole furniture and moveables about the said house which he still keeps up from her. He also wounded her servants, thrust them out of the house, and still keeps the complainer and them forth thereof. The said Robert being cited and compearing on 2d March instant with the pursuer, and the matter being referred to his own oath of verity he confessed that his said mother "wes in possessioun of the hous and a part of the lands lybellit, and that he brasched and pryzed up a doore of the hous and tooke out his fathers testament with some other writts belonging to his mother;" whereupon the Lords ordained him to compear personally this day and produce the said writts, continuing sentence until this day. Now defender failing to compear the Lords ordain him to be denounced rebel.

Decreta,  
January 1630-  
February 1631.  
Fol. 23, b.

Fol. 26, a.

Complaint by  
Matthew  
Moffat in  
Sweitschaw  
against Robert  
Baillie, son of  
Matthew  
Baillie in  
Littlegill, for  
illegal horning  
at the instance  
of the said  
Robert Baillie.

Complaint by Matthew Moffat in Sweitschaw as follows:—He is informed that he has been put to the horn at the instance of Robert Baillie, son to Matthew Baillie in Littlegill, for failing to find caution in £500 for the safety of the said Robert and his family. He is wrongfully so denounced, for on receiving the charge, he, "suspecting" that the letters of lawburrows had proceeded on the decret of the Lords of Council and Session, immediately thereafter found caution in the books of Council and Session. His copy of the charge bore no deliverance and he was therefore not aware that the decret was by the Lords of Privy Council. Moreover, the caution is too high for one "of the compleaners ranke and qualitie who is bot ane meane lawborrer of the ground," such being limited by the Act to £40. He has now found caution in the books of Privy Council for payment to the Treasurer, etc., of £20 as his escheat if found liable, and so craves suspension of the horning. Parties being cited, and the pursuer compearing by Sir William Baillie of Lamington, his master, and the defender by John Baillie of Lethane, his procurator, the Lords, after hearing, grant suspension till the principal letters of horning shall be produced and the pursuer warned thereof.

Fol. 26, b.

Fol. 27, a.

Decreta,  
January 1630.  
February 1631.  
Fol. 27, a.

Complaint by Agnes Boyd, , as follows.—Some unfriendly persons having charged her before the Presbytery of Glasgow with witchcraft, the Laird of Minto, bailie of the regality of Glasgow, without any lawful warrant, apprehended her five or six weeks ago and warded her in the tolbooth of Glasgow, where she has since remained in great distress, "in this unseasonable and deid tyme of winter, she being ane woman past fourescore yeeres of age, and hardlie hes she borne out the cold and other misereis whairwith her said warding afflicted her." She is quite innocent of such a crime and has continually offered herself to the most rigorous trial, but this has been shifted from time to time, so that it appears her incarcerators only wish "to hold her in perpetuall warde till by the course of nature the terme of her miserie and pilgrimage take ane end." Charge having been given to Sir Walter Stewart of Minto, bailie foresaid, and Mr. John Bell, moderator of the presbytery of Glasgow, for the presbytery, at whose instance the complainer is imprisoned, either to hear charge given to the provost and bailies of Glasgow to liberate the complainer within twenty-four hours, or to put her to the trial of an assise within fifteen days; and the pursuer compearing by John Stirline, her son, and the said Laird of Minto also compearing, the Lords ordain the said Laird to report to them before the last Council day of March instant a relevant dittay against her signed by the Archbishop of Glasgow, failing which she is to be put to liberty upon caution as use is.

Complaint by Agnes Boyd against the Presbytery and magistrates of Glasgow for retaining her in ward on a charge of witchcraft without bringing her to trial.

Fol. 27, b.

Complaint by the moderator and brethren of the presbytery of Lochmaben, as follows:—It has been "thought verie necessar and expedient be the countrie people of Annerdail that there sould be ane bridge builded over the Water of Milke, quhilke lyes in the hie way betuix Edinburgh and Londoun, and betuix Glasgow and Londoun, whair of the passage is verie dangerous, in so farre as umquhile M<sup>r</sup> Johne Johnestoun, advocat, and his servant laitlie drowned thairin." The complainers had therefore caused the work to be recommended to the country people, and M<sup>r</sup> David Rogers, one of their number, by their allowance, collected several sums of money for the building of the bridge. They had hoped that the heritors of the ground whereon the ends of this bridge would stand would have concurred in so pious a work, but when they sent two of their number for this purpose to John Maxwell of Castelmilk, on whose ground one end of this bridge must be built (being assured of the favour of the Earl of Annerdail, on whose ground the other end must be built), he not only refused concurrence but threatens to prevent and hinder the work so far as in him lies. Parties being cited and Mr. David Roger, minister at Tunergarth, appearing for himself and remanent members of presbytery, and the said John Maxwell also being present, the Lords after hearing both, grant commission with their consent to the Master of Hereis and Sir Robert Greir of Lag to go and take trial of the damage

Complaint by the Moderator and Presbytery of Lochmaben against the heritors of the ground for refusing to contribute to the building of a bridge over the Water of Milk.

Fol. 28, a.

which will accrue to the defender from the building of the said bridge at the place libelled, also of the most commodious place for the said bridge, and to deal between the parties for a settlement of their differences herein; and to report the causes and occasions of their failure herein, if such should fall out, to their Lordships.

Decreta,  
January 1630.  
February 1631.  
Fol. 28, a.

Complaint by William Aslowan in Gilmedowland, Katharine Logan, his spouse, and Patrick Aslowan, his son, against Alexander Grinton and others for hamesucken and robbery.

Complaint by William Aslowane in Gilmedowland, Katharine Logane, his spouse, and Patrick Aslowane, his son, as follows:—On 29th December last, Alexander Grintoun, Alexander Mairshell, Alexander Thomesoun, William Blacke, George Tennent, and Alexander Crawford, tenants to John Livingstoun of Hayning, at their master's instance, came by way of hamesucken to the complainer's dwelling house in Gilmedowland, armed with swords, banded staves and batons, and in the said William's absence, forcibly broke up the doors of the house which were locked, and unlawfully seized two oxen belonging to him, and also "brake up his kists and tooke furth thair of foure score pundis in gold and silver," with other movables. When the complainer's spouse and son tried to prevent them, they set upon and wounded "the poore woman and her sone, being bot ane young boy, strake her upoun the right hand, right knee and others parts of her bodie with ane drawin sword to the great effusioun of her blood, hurt and woundit her said sone upon the face and mouth to the effusioun of his blood, and so birsed and bruised the honest woman with thair battouns and stalffes by bauche and blae straikes in diverse parts of her bodie that she lay a long tyme in swowne deid upon the ground." When, after her recovery, she went to the said Laird of the Hayning to complain of the conduct of his said tenants, the said Laird, taking the deed upon himself, answered very despitefully, "that if he had the compleaner himselfe as he had his wyffe he sould knitt him in ane tow to the balke of the hous." Charge having been given to all the persons complained against, and the pursuers compearing, also the said John Livingstoun of Hayning, but none of his said tenants, the said John took "this day fourtein dayes" to present Alexander Grintoun, Alexander Mairshell and Alexander Crawford; and declared that the other three defenders were in course of agreement with the pursuers, who had subscribed a submission along with them. As for the charge against himself, the Lords, after hearing witnesses, who failed to prove connivance on his part, assoilzie him.

Fol. 28, b.

Holyrood House, 6th March 1630. Letter to the Provost of Dundee requiring his attendance at the meeting of the Commission for the Surrenders and Teinds on the 10th of March.

"Trust freind, after our heartilie commendatiouns. There hes beene ane great delay and hinder in the prosecutioun of this Commission for the Surrenders and Teinds, quhilk his Majestie hes so oft recommendit to those who wer intrusted therewith, be reasoun of the frequent absence of some of the Commissioners quhilk made sindrie dyets to desert without anie doing at all, and this point being objected aganis the burrowes it wes undertane be thair commissioners present for the tyme that heer after thair sould ever be three of thair number readie to attend, quhilk they have accordinglie kept for this last moneth of Februarie. And

Royal Letters  
1623-32.  
Fol. 178, a.

Royal Letters, 1623-32.  
Fol. 178, a.

quhairas yow ar appointed for this moneths attendance, these ar thairfoir to desire yow to keepe this tyme preceislie, and for this effect that yow be heere in dew tyme upon Wednesday nixt, the tent of this instant, prepared and readie to meit with the rest of the Commissioners in the afternoone, and to attend this whole moneth; quhilk looking assuredlie yow will doe so as your absence procure not ane new delay and bring ane imputatioun upoun the burrowes as the hinderers and crossers of this service, we committ yow to God. Frome Halyruidhous 6 Martii 1630. *Subscritur*, Geo. Cancell., Mar, St. Andrewes, Hadintoun, Wintoun, Linlithgow, Areskine, Hamiltoun, S<sup>r</sup> Thomas Hope."

Fol. 178, b.

"After our verie heartilie commendatiouns to your good lordship. Holyrood House, 6th March 1630. Letter to some Commissioners for the Surrenders requiring their attendance at the approaching meeting of the Commission.

Whereas there hes beene sindrie delayes and letts in the prosecutioun of the Commissioun for the Surrenders and Teinds for want of a full number of everie estait to attend the same, and the tent of this instant being appointed for certane importing [*sic*] bussinesses to be treated thairin, to the effect the said dyet desert not for a full number of the clergie to be present with the Archbishop of St. Andrewes, President of the meeting, these ar thairfoir to desire your good lordship to keepe this dyet appointed upoun Wednisday nixt preceislie, and for this effect that your lordship be heere in dew tyme prepared and readie to meete with the rest of the commissioners and to joyne with thame by your best advice and counsell in the ordering of suche things as sall be moved at that meeting, so as your lordships absence procure not a delay at this tyme and thairby bring ane imputatioun upon the clergie as hinderers of the service; quhairin nothing doubting of your lordships readie obedience we committ your lordship to God. Frome Halyruidhous the saxt of Marche, 1630. *Subscritur*, Geo. Cancell., Mar, St. Andrewes, Hadintoun, Wintoun, Linlithgow, Areskine, Hamiltoun, S<sup>r</sup> Thomas Hope."

Acta July 1629-December 1630.  
Fol. 215, b.

*Sederunt*—Treasurer; Privy Seal; Murrey; Linlithgow; Seafort; Holyrood House, 9th March 1630. Clerk Air; Lord Lorne; Lord Melvill; Bishop of Dumblane; Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Fol. 216, a.

"The whilk day the Erle of Seafort his offers anent the plantatioun of Storneway with the Burrowes answers thairto being produced before the Lords of Privie Counsell and read in thair audience, M<sup>r</sup> Johne Hay, toun clerk of Edinburgh, for the Counsellis forder satisfactoun, made offer in name of the Burrowes to plant and people the toun of Storneway with natives onelie and to follow out the trade of fisheing in these bounds and to find caution for performance thairof. The Lords continewes this mater till Thurisday nixt, and in the meane tyme ordains the Justice Clerk and Sir James Baillie to goe to the Lords Chancellor and President of the Counsell and to showe thame the draught of the The dispute between the Earl of Seafort and the Burghs anent Storneway. See ante, p. 423.

missive drawin up be the Erle of Seafort to be subscriyved be thame and sent to his Majestie and to consult thame anent the indifference thair of according to the conference had before thame in that mater, and to inqyre the saids Lords what past thairin and if they would subscriyve the missive in the termes whairin it is conceaved.”

Acta July 1629.  
December  
1630.  
Fol. 216, a.

Anent the dispute between Edinburgh and Leith.  
See *ante*, p. 454.

“The whilk day the compleaners of Leith gave in thair articles of oppressiou aganis the burgh of Edinburgh whair of thair is ane Act made be the provest and bailleis of Edinburgh, discharging the inhabitants of Leith to conveene others before the Shireff of Edinburgh; quhilke the provest and bailleis of Edinburgh alledgit they might lawfullie doe, they being shireffs within Edinburgh and Leith. The Lords ordains their infetment of shirefship grantit in anno 1616 to be produced upon Thurisday nixt, to whilk day continewes the rest of the articles and ordains the same to be given up to the provest and bailleis of Edinburgh to be seene and answered be thame that day.”

Letter from the Presbytery of Caithnes to the Council certifying that the Earl of Caithnes has in all points conformed to the true religion.

“Anent our Soverane Lords letters direct, makand mentiou that where George, Erle of Caithnes, being ane excommunicat Papist and denounced his Majesteis rebell and at the horne for that caus he not onelie continewes under the fearefull sentence of excommunicatioun bot most contempnandlie lyes still at the horne, contemning thairby both his Majesteis auctoritie and the orders and censures of the Kirk, to the encouragement of others to doe the lyke; and anent the charge givin to the said Erle of Caithnes to have compeired personallie before the Lords of Privie Counsell at ane certane day bygane to have answered upon his rebelloun and excommunicatioun and to have underlyne suche order as sould be taine thereanent, with certificatioun to him and he failyied that letters of treason sould be direct aganis him for randerin of his houses and entrie of his persoun in ward, and that he sould be thereafter punished with all extremitie and rigour, lykeas at mair lenth is conteanit in the saids letters executiouns and indorsatiouns thair of: Quhilks being callit and the said Erle of Caithnes compeirand be Rannald Murrey, merchant burges of Edinburgh, who produced ane certificat under the hand and subscriptions of the Moderator and brethrein of the presbyterie of Caithnes of the whilk the tennour followes:—To all and sindrie whome it effeirs, in speciall to the Lords of his Majesteis honourable Privie Counsell and to the reverend fathers in God, my Lord Archbishop of S<sup>t</sup> Andrewes and my Lord Bishop of Caithnes, we the ministers of the presbyterie of Caithnes undersubscriyvers wishes eternall felicitie in Christ and testifie be thir presents that the noble and potent lord, George, Erle of Caithnes, being excommunicat for Poperie and interteaning and receaving of Jesuits, preists and traffiquing Papists hes had frequent conference with us for his lordships better informatioun and resolutioun anent the trew religioun this long tyme bygane and siclyke hes beene a most reverent hearer of divine service at his parish kirk of Weeke without intermissioun this while, notwithstanding of

Fol. 216, b.

Acta July 1629-  
December  
1630.  
Vol. 216, b.

tempestuous weather, far distance frome the kirk and infirmitie and sicknesse of his lordships bodie; and that upon the thrid day of Februarie instant his lordship gave in ane earnest supplicatioun under his lordship's owin handwritt and subscriptioun unto us offering all satisfioun that could be desyred or sould be injoynd to his lordship to the effect his lordship might be relaxt fra the fearefull sentence of excommunicatioun and received agane in the bosome of the trew reformed Kirk of Scotland. For the whilk caus we did appoint ane meeting at the kirk of Weeke upon the tent day of Februarie instant; and accordingly having mett and conveened, offered and presented the Confessioun of Faith to his lordship, to the whiche he did most solemnelie and religiouslie sweare and subscriye in the parish kirk before us and a good number of elders of the parish conveened for that effect, and hes givin ane sufficient band that so soone as we sall receive warrand and power from our ordinarie to relaxe his lordship frome excommunicatioun to communicat at the Lord's Supper, as also to remane ane constant hearer of the Word and defender of the trueth professed. Lykeas his lordship is become obliged to caus his lordships whole familie conforme thameselffes and become obedient to the voice of the Kirk or than to remove thame out of his lordships companie and service before Witsunday nixt in this present yeere. And forder his lordship is become bound and obleist never to receive nor interteane anie Jesuits, seminarie preists nor traffiquing Papists heerafter nor to supplee nor intercommoun with thame be himselffe or others directlie or indirectlie under the pane of ane thowsand pund *toties quoties* as the band of the dait of thir presents more fullie proports. Quhilk to be of trueth and veritie we testifie be thir presents subscriyved with our hands at Weeke, the tenth day of Februarie j<sup>m</sup>vj<sup>c</sup> and threttie yeeres; M<sup>r</sup> Williame Abernethie, moderator for the present; M. Johne Smart, clerk to the presbyterie; M<sup>r</sup> Ric. Merchstone, M<sup>r</sup> at Bowar; M. A. Bruce, minister at Olrik, M<sup>r</sup> Wa. Smythe, minister at Dunet; M. A. Ogstoune, minister at Cannesbey. Quhilk certificat being heard and considerit be the saids lords they rested satisfied thairwith untill they heare forder concerning the said Erle of Caithnes his behaviour in the premisses."

[Sederunt as recorded above.]

Holyrood  
House, 9th  
March 1630.

Secreta,  
January 1630.  
February 1631.  
d. 29, a.

Supplication by Patrick Lyn, lawful son of the deceased Fergus Lyn, litster, burges of Dundie, as follows:—On the occasion of the “unhappie slaughter” by him on 13th January last of John Auchinleck, litster in Dundee, within that burgh, he was apprehended by the provost and magistrates thereof, and warded in their tolbooth where he now remains. The friends of the deceased man, after consideration of all the circumstances of the case and how that the slaughter “wes committed be the supplicant in his awin defence, farre beside his intention and no wayes of

Supplication  
by Patrick  
Lynn, burges  
of Dundee,  
now in ward in  
the Tolbooth  
of that burgh  
for man-  
slaughter, that  
he may be  
relieved from  
ward on the  
ground that he



has received  
a letter of  
slains.

purpose or forethought felonie," have granted to him a letter of slains, Decreta, January 1630. renouncing all procedure against him for the said crime on this among February 1631. other conditions that within twenty days after his liberation from the Fol. 29, a. tolbooth he will depart "furth of this kingdome and never returne againe within the same during his naturall lyffe." If he fail herein the letter of slains is to become void and he and his cautioners are to become liable to a penalty of 20,000 merks. He has hereupon this day procured his remission passed in Exchequer, which he produces. But the provost and bailies of Dundee refuse to liberate him without their Lordships' warrant, which therefore the supplicant craves may be given to them. The Lords, after inspection of the said letter of slains and remission, grant warrant as craved, in so far as the supplicant is warded for the cause above narrated.

Complaint by  
Robert  
Douglas of  
Blaikester  
against John  
Stewart of  
Coldingham  
for violently  
carrying away  
teind sheaves  
that belonged  
to the com-  
plainer.

Complaint by Robert Dowglas of Blaikester, as follows:—All the teind sheaves of Coldinghame are disponed to him by a contract between John Stewart of Coldinghame and the deceased William Dowglas, the complainer's father-in-law, for their relief of great sums of money in which they were engaged for Stewart, and he has ever since intromitted with the said teind sheaves without interruption till that on last, the said John Stewart, "unmyndefull of the good offices done be the compleaner and his said umquhill father-in-law unto him in his great necessitie," directed Francis Stewart, his son, and others with him, to the lands of , where they violently took and carried away the teind sheaves from the complainer's servants to the barnyard of Coldinghame. Parties being summoned and both complainer and the said John Stewart compearing, the latter alleged that he was, as he ever had been, in possession of the teinds libelled and that they were only stacked in Fol. 30, a. the accustomed barnyard. The Lords remit the matter to the decision of the Lords of Council and Session as judges competent in this case, and ordain both parties to find caution in 1000 merks for each other's indemnity.

Complaint by  
Elizabeth  
Inglis against  
Abraham  
Stewart, her  
spouse, for  
refusing to  
give up certain  
goods which  
she declares to  
belong to her  
on the ground  
of the Council's  
decree for their  
separation.

Complaint by Elizabeth Inglis, relict of Robert Hamiltoun of Brigs and now spouse to Abraham Stewart, as follows:—"Where the saids Lords upon verie good and necessar goods [*sic—l.* grounds] have ordained the said Abrahame Stewart and her to be separat for ane yeere [*ante p.* 463], necessar it is thairfoir that the goods and geir being within her hous be made furthcummand be the said Abrahame to her, viz.—ane hall buird, ane round buird, ane dresser, ane meit almerie, twa beds, twa lang saiddellis, sax kists, ellevin pair of scheits, aucht pair of blankets, three matts, fyve coverings, foure fedder beds, foure fedder bowsters, ten fedder cods, three calffe beds, ane dossein naiprie, twa towellis, sax codwairs, three stand of courteins, fourtein plaitts, fourtein stoups, ane tinne flacked, twa pottis, ane chimney, ane satine doublet, and ane skirt of satine, ane seybombesie gowne, ane kow and ane calffe, fourtein sheepe, ane seybombesie doublet, ane paire of plaids, ten pund of wooll, twa

Decreta,  
January 1630.  
February 1631.  
Fol. 30, a.

pund of lint and ane halffe, three spynnell of yarne, ane spynnell of first harden, ane quarter of small tow, three chandlers, twa chaires, ane fitt gang, ane pistoll, ane mortar, ane saltfatt; quhilks goods and geir and others being within the hous will be worth fyve hundreth merkes." And the said Abraham, notwithstanding of their Lordships' decree is to pursue the complainer for adherence before the Commissaries, "and daylie shoares [threatens] her and her freinds." It is therefore necessary that he be charged to compear before their Lordships and be decerned to desist from such pursuit of her before any judge until she with advice of her friends give her own consent thereto, also to make over to her the foresaid goods, and to find caution for her safety. Both parties compearing and having been heard, the Lords ordain the said Abraham to deliver to his said spouse "her abuilyementis and twa furnished beds," and that letters pass hereupon if needful.

Sederunts,  
November  
1629-January  
1635.  
Fol. 15, a.

"A letter from his Majestie in favouris of Peter Laba of Caleis anent the speedie dispatche of the ship challengeit here to be pryse. The Lordis recommendis to the Admirall the summar proceding and administratioun of justice to the strangaris quhenevir the same salbe broght to a heiring before him."

Holyrood  
House, 9th  
March 1630.  
Letter from his  
Majesty anent  
Peter Laba of  
Calais and a  
prize-ship.

Fol. 15, b.

"The quhillk day Adame Scot, servitour to James Mowatt, produceit the register of sasingis of the shirefdome of Beruick, whilk togidder with the formair register of the shirefship produceit be him wer ordanit to be gevin up to the Clerk of Register; and ordains the said James Mowatt to produce upoun Thurisday come aught dayis the inventaris of the extraordinar taxatioun for the aught termes thair of, and continewis the executioun of the act aganis him and Mr. Roger Mowatt, his cautionar, quhill the said day, quhair of the said Adam Scott wes warnit *apud acta* and requirit to mak intimatioun thair of to the said James Mowatt."

James Mowat  
and the  
sasines of the  
Sheriffdom of  
Berwick.  
See *ante*, p. 475.

Acta July 1629-  
December  
1630.  
Fol. 217, a.

*Sederunt*—Treasurer; St. Andrewes; Præses; Privy Seal; Murrey; Linlithgow; Perth; Wigtoun; Seafort; Air; Bishop of Dunblane; Lord Lorne; Lord Areskine; Melvill; Naper; Master of Elphinston; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Holyrood  
House, 11th  
March 1630.

"The Lords of Secret Counsell recommends to the Advocat to consider the infettments grantit be [*sic*] the burgh of Edinburgh and querrelled be the toun of Leith and to report to the Counsell whairin he finds his Majestie or the publict of the Estait to be prejudged."

The dispute  
between Edin-  
burgh and  
Leith.

"The Lords of Secret Counsell continewes the processe of Leith aganis Edinburgh to Tuisday nixt and declares that they will susteane the processe and persute at the instance of suche parteis onelie as sall compeir personallie or be thair procuratouris that day, without prejudice to privat persouns and parteis of thair particular complaints to be raised be thame

Anent the  
same.

heerafter; and ordains as of before the toun of Edinburgh to produce their infetment of shirefship grantit in anno 1616 upon Tuisday nixt.”

Acta July 1629  
December  
1630.  
Fol. 217, a.

The Earl of  
Seaforth.

“ The Lords ordains the toun of Edinburgh to attend the morne after the commissioun anent the Earl of Seafort his signatour.”

Letter from his  
Majesty anent  
Captain David  
Robertson,  
who had been  
robbed of his  
ship and goods  
by two  
captains of  
Hamburg.

“ The whilk day the missive letter underwrittin signed be the Kings Majestie was presented to the Lords of Secreit Counsell and read in their audience, of the whilk the tennour followes:—CHARLES R. Right trusty and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellours, we greit yow weil. Whereas Captane David Robertstone, having made remonstrance unto yow of his losses and wrongs done unto him by the Hamburgers, Captane Longue and Captane Utenhold, and of their disrespect uttered aganis us, and he having petitioned unto yow for letters reprisalls aganis the toun of Hamborough for his satisfioun, yow did recommend him and his caise with his prooffes thair of unto us. Upon consideratioun whair of we caused examine his witnesses in our high court of Admirallitie heere, and upon notice of the depositions we were gratuslie pleased to write and send our royall letters with the same depositions to the Senate of Hamborough requyring satisfioun and restitutioun within the space of one moneth after thair receipt of our letters, whiche wer sollicitid by our ambassader, Sir Robert Anstruther, knight, to whome we wrote for that purpose. And they, having received and perused our saids letters and the saids depositions, have now writtin backe thair answeere unto us, whiche answeere we have herewith sent unto yow with the saids depositions, requyring yow to dewlie weygh and consider the same, and if yow find that justice hes beene ather denyed or delayed unto the said Captane, we do heirby authorize yow to take some suche speedie course for obteaning unto him restitutioun of his shippe and goods and reparatioun of his losses and wrongs by granting unto him letters reprisalls aganis the said toun or otherwayes as shall seeme unto yow most fitting and justifiable in law and equitie; and for your so doing these our letters sall be unto yow and everie of yow ane sufficient warrand. Givin at our Court at Whitehall the eight and twentie day of December 1629. Quhilk missive letter being heard and considerit be the saids Lords and they advised thairwith, the Lords of Secreit Counsell intreats the Lord Chancellor to call unto him the Advocate, Justice Clerk, and Sir Johne Scot and to consider the letter foresaid written be his Majestie in favours of Captane Robertstone with the probatioun deduced anent the wrong susteanned be him of the Hamburgers, and to report to the Counsell what in thair judgement they thinke fitt to be done in suche a caise.”

Fol. 217, b.

Decreta,  
January 1630-  
February 1631.  
Fol. 30, b.

[Sederunt as recorded above, wanting Seafort and Air.]

Holyrood  
House, 11th  
March 1630.

Complaint by Sir George Ogilvie of Banff, knight baronet, commissioner after mentioned, and James Crichtoun of Fendraucht, as follows:—Their Lordships know with what "heavie and greevous oppressiouns and shamefull and disgracefull indigniteis the said Laird of Fendraucht and his freinds have beene prosecute thir diverse yeeres bygane be umquhill Williame Gordoun of Rothemay, Johne Gordoun, his eldest sonne, Thomas Meldrum of Iden," and others, who by all means seek his life by cartels, challenges, and provocations, and sometimes by open force. He has ever striven to overcome all this by patient and peaceable behaviour, so that notwithstanding all temptations to the contrary he has not done anything which would draw him within the compass of censure. But finding them only to become more presumptuous on this account he in end had recourse to the Council and cited these persons to answer there, who in derision and mockery disdaining to appear were put to the horn, at which they yet remain unrelaxed. Afterwards, the said Laird of Fendraucht raised a criminal process against them for wearing hagbutts and pistols, and wounding Robert Crichtoun, his servant, but they also disdained to answer to it and were put to the horn likewise for that cause. Their Lordships then, seeing they could not otherwise be reduced to obedience, gave an ample commission to the said Laird of Banff and some others to convocate the lieges in arms for their apprehension, which, as soon as they knew of it, they resolved to resist "by opin force and as it wer with ane displayed banner to oppose aganis his Majesteis auctoritie." So, "reposing their greatest suretie in the Castell of Rothemay, whilk is ane strong hold, they fortified the same with men and victuallis and with powlder, leade and all other kynde of armour, and kepted the said hous as ane hous of warre, associating to thame-selfes all disorderlie and lawlesse men in the countrie who made thair recourse unto thame." Their Lordships thereupon issued letters of treason against them, which were executed "by ane lyoun herauld with his displayed coate of armes," but this they also disobeyed and were again put to the horn. On receiving the Council's commission the said Laird of Banff, out of sole respect to his Majesty's authority and from no private motives, felt himself bound to accept the same, and having heard that the said deceased William Gordoun had a purpose "to raise fyre in the said Laird of Fendrauchts barn yaird of Cowbardie and to blow up the yetts of Fendraucht, and to come in and take his lyffe and burne his hous upon the day of last, and that he wes come agaitwarde frome his hous for that effect accompanied with ane number of armed men with unlawfull armour," he judged that he could not answer for it to his Majesty's Council if he did not interpose himself against such a lawless proceeding. Therefore he and the Laird of Fendraucht, with a number of friends and servants, "peaceable and lawbydding

Supplication  
by Sir George  
Ogilvie of  
Banff and  
James Cricht-  
ton of Fren-  
draucht that  
they may be  
exonerated  
from the death  
of William  
Gordon of  
Rothiemay, on  
the ground  
that he was  
slain while the  
supplicants  
were endeav-  
ouring to arrest  
him on the  
warrant of the  
Council.

Fol. 31, a.

gentlemen," went towards them for the execution of the foresaid commis-  
 sion, and as soon as they came near they were assailed "with ane verie  
 sharpe and hard rancounter and shotts of hacquebutts, muskets, and  
 pistolets, and they seing nothing before thair eyes bot present death,  
 were constrained for saulfetie of their lyffes to stand to thair just  
 and lawful defence," in which it so happened that Rothemay, elder,  
 received injuries of which he afterwards died, while several of the  
 friends of the Laird of Bamff, gentlemen of good rank and quality, were  
 killed, and himself and others "deidlie hurt." In the circumstances the  
 complainers crave that the Council will grant them exoneration, and in  
 respect that these deaths occurred in the lawful discharge of the said  
 commission. Charge having been given to the said John Gordon of  
 Rothemay and Thomas Meldrum of Iden, and the complainers compar-  
 ing but neither of the defenders, the pursuers produced in proof of  
 their averments the several letters of horning, also the letters of treason  
 executed by William Craig, Ross Herald, "with displayed coate of armes  
 and sound of trumpet;" and also the above mentioned commission, and  
 certain witnesses, whereupon the Lords find that the said deceased  
 William Gordoun of Rothemay, John Gordoun, his son, and Thomas  
 Meldrum of Iden, "with others thair complices, being aucht in nomber,  
 armed with jackes, lances, hacquebutts and pistolets, come out of the  
 place of Rothemay the day lybellit and made thair addresse directlie  
 towards ane hill where the said Laird of Bamff, his Majesteis commis-  
 sioner, accompanied with the said Laird of Fendraucht, was standing in  
 a peaceable maner for the tyme, quhilk hill is distant frome the place  
 of Rothemay the space of halffe ane myle or thairby, and that how  
 soone they come neere the hill within the hearing of a cry, they tooke  
 aff thair hatts, wagged the same about thair head, and shoutted and  
 cryed, making provocatioun to his Majesteis commissioner and these who  
 were in companie with him to come doun the hill, and that his Majesteis  
 said commissioner having come doun the hill of purpose onelie to have  
 taine the rebells they were rancountered with a nomber of shotts of  
 hacquebutts and pistolets, and that Rothemay refused in anie cause to  
 be takin, and that the first shotts were upon Rothemays side," so that  
 all that happened was occasioned by the violent opposition made to the  
 said commissioner. They therefore exoner and discharge him and all  
 who were with him of all crime or danger on that account.

Complaint by  
 Simon, Lord  
 Fraser of  
 Lovat, and  
 Hew, Master of  
 Lovat, against  
 Alexander  
 Fraser,  
 messenger,  
 whom they  
 accuse of  
 giving in a  
 false certificate

Complaint by Simon, Lord Fraser of Lovatt, and Hew, Master of  
 Lovatt, as follows:—In December last Alexander Urquhart in Ballachirie  
 gave in letters to the Council containing an execution written and sub-  
 scribed by Alexander Fraser, messenger, and stamped with his signet,  
 bearing that on 11th November last he charged the complainers, both  
 personally apprehended, to appear before the Council on 15th December  
 thereafter, and exhibit Donald Dow McWilliame, a rebel, alleged to be  
 their man, tenant, and servant; and Urquhart was "verie instant" with

Decreta,  
 January 1630.  
 February 1631.  
 Fol. 31, a.

Fol. 31, b.

Fol. 32, a.

Fol. 32, b.

Fol. 33, a.

Decreta,  
January 1630-  
February 1631.  
Fol. 33, a.

the Council for further execution against the complainers, but their Lordships, knowing their "dispositioun and obedience to law and justice and trewlie suspecting that they would not have sittin ane charge of that kynde," superseded the giving out of the horning against them till 2d February last. On receiving information from Edinburgh of what had taken place, the complainers at once made their journey thither "in this unseasonable and deid tyme of winter, not without hazard and perell of thair lyves," and presenting themselves before their Lordships were assoilzied. On inspecting the execution of the letters foresaids the complainers find that the said Alexander Fraser has given in a false certificate, as he never charged them either personally or at their dwelling place, and left no copy of the charge with them, the first notice of which received by them was, as stated, when word was sent from Edinburgh. If he can so deal with them "it is easie to consider what he will doe against others of meaner qualitie who hes not the meanes to prosecute and follow out the discoverie of suche ane falsset," and therefore he ought to be punished to the terror of others. Charge having been given to the said Alexander Fraser and the pursuers compearing, but not the defender, the Lords, after hearing parties and witnesses, find that the said Alexander Urquhart [*sic*] gave in a false execution under his hand and signet, thereby committing a very great offence, for which they ordain letters to be given charging him to enter in ward in the tolbooth of Edinburgh within fifteen days on pain of horning.

Fol. 33, b.

Complaint by Adam, bishop of Dumblane, for himself and in name of his tenants and other inhabitants of the town of Kilconquhar, as follows:—The loch of Kilconquhar has for some years past had passage to the sea "be ane ordinarie watergang quhilk wes never interrupted nor stopped till this present yeere that Williame Scot, now of Elie, and his tennents of the lands of Balclavie, Carmurie, and his miller at Elie mylne, hes at thair awin hands," without any lawful authority, "closed, stopped, and digged up the passage of the said watergang quhairthrow the said loche hes restangned upon the compleaners toun of Kilconquhar and hes alreadie overflowin and destroyed some yards and houses within the toun, and is lyke to overflow and destroy the hail toun it selffe, consisting neere by of ane hundreth famileis; as alsua the kirk, quhilk is situat in the middes of the toun." Charge having been given to the said Sir William Scot, Arthur Ray, Mr Robert Scot of Balmonth, the tutors and curators of the said William Scot, Thomas Cuike, James and David Peirsoun in Carmurie, George Carstairs, Peter Smith, and William Pepills in Balclevie to compear and see themselves ordained either to make good all damage caused by their action, or suffer the water of the loch to flow as formerly; and the pursuer compearing, and likewise Arthur Rae for himself and the other defenders, the latter promised before "Beltane nixt to red and cleange the water passage foresaid."

Fol. 34, a.

anent the  
arrest of  
Donald Dow  
M<sup>r</sup> William.

Complaint by  
Adam, bishop  
of Dumblane,  
against Wil-  
liam Scott of  
Elie, who has  
stopped a  
waterway from  
the loch of  
Kilconquhar,  
whereby the  
said loch has  
overflowed and  
done much  
damage to the  
said town.

Complaint by John Phillip and others, tenants of the Earl of Murray, and by the said Earl against William Cook and others for hamesucken.

Complaint by John Philpe, John Ashe, Beatrix Mosse, his spouse, John Robertoun, and Robert Nicoll, indwellers in Tarras and tenants to James, Earl of Murray, and the said Earl for his interest, as follows :—  
 On 13th December last, "being Sunday," William Cuike and Andrew Ferquhar in Forres, Alexander Caddell at the Mill of Forres, Robert Caddell and James Rait, his servants, and others, came by way of hamesucken, under cloud and silence of night, to the complainers' dwelling houses in Tarras, armed with staves and other weapons, and "without respect to the Lords day" violently broke up the doors of their houses, wounded the complainers, especially the said Beatrix, whom they gave "ane cruell wound on the forehead," whereby she lost much blood and her life was endangered. They bound the complainers' "hands and foote with cords as if they had been theeves and trators," carried off their goods, and would also have carried themselves away thus bound if the neighbours of the toun of Tarras had not rescued them. Charge having been given to the said William Cuike, Andrew Ferquhar, Alexander and Robert Caddells, and James Rait, and also to Patrik Mairshell, John Forsythe, David Doctour, John Laing, and John Naughtie, burgesses of Forres, as witnesses ; and the said Earl of Murray, John Aschie, and Beatrix Mosse compearing for themselves and in name of the other complainers, and of the defenders only William Cuike, the Lords after hearing the evidence, convict him of having "strake the said Beatrix Mosse upon the head with ane durke," and ordain him to be warded in the tolbooth of Edinburgh till released ; and letters are ordained to be issued to put to the horn the remanent defenders and witnesses charged, who all failed to compear.

Decreta,  
January 1630.  
February 1631.  
Fol. 34, a.

Fol. 34, b.

Supplication by Sir George Home of Eccles for protection against his creditors.

Supplication by Sir George Home of Eckills, as follows :—Sir William Alexander has "employed him in some charge anent the plantation of Nova Scotia" and sent him to Scotland to list men and provide victuals and other things necessary therefor. He is here to follow out the same, but some of his creditors threaten him with horning, so that he cannot go about his duties without licence from their Lordships. This he therefore craves. The Lords grant him till the last day of next April.

Fol. 35, a.

Holyrood House, 11th March 1630.

Commission to the Sheriff of Berwick and others to try Bessie Nisbitt and Janet Kerr for witchcraft.

Commission under the Signet to the sheriff of Berwick and his deutes, and to Alexander Cranstoun of Morestoun and Johne Cranstoun of Thornedykes, or any two of them, Robert Cockburn, one of the sheriff deutes being one of the two, as justices, to search for, apprehend, ward, hold courts, and try Bessie Nisbitt in Bassinden, and Janet Ker in Gordon parish, who have long been suspected of witchcraft. Signed by Mar, Monteith, Hadintoun, Linlithgow, Seafort, Areskine, and Naper.

Commissions,  
1624-30.  
Fol. 218, a.

A similar commission.

Similar commission, dated and signed as above, to Sir George Hamiltoun of Blakeburne, James Clerk of Balbirnie, James Weymes, fiar of Bogie, and the bailies of the burgh of Dysert, for the trial of Bessie Guiddale, William Broun, Helen Bissat, Janet Galbraith, and Janet Scot, in Dysert, for witchcraft.

Fol. 218, b.

Sederunta,  
November  
1629-January  
1635.  
Fol. 16, a.

"The Lordis ordains the Clerk of Counsell to delyver to the Earle of Seaforte ane autentick copie of the letter writtin be the Counsell to the Kingis Majestie concerning the fisheing in the North Ilis."

Holyrood  
House, 11th  
March 1630.  
The Earl of  
Seafort and  
the fishing in  
the North  
Iales.

Acta July 1629-  
December  
1630.  
Fol. 217, b.

*Sederunt*—Treasurer; Præses; Privy Seal; Wintoun; Linlithgow Aire; Lorne; Areskine; Naper; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Holyrood  
House, 13th  
March 1630.

"The Lords of Secretit Counsell continewes the Erle of Seafort and the Burrowes till Tuisday nixt, and in the meane tyme requires Mr. Johne Hay, commissioner for the Burrowes, to advise if he will act himselfe not to make anie use or advantage of the letter writtin be the Counsell to his Majestie in prejudice of Seafort his intendit plantatioun of the Lewes."

Anent the dis-  
pute between  
the Earl of  
Seafort and  
the burghs.  
See ante, p. 479.

*Sederunt*—Treasurer; St. Andrewes; Præses; Privy Seal; Murrey; Wintoun; Linlithgow; Seafort; Air; Bishop of Dumblane; Areskine; Lord Melvill; Lord Naper; Clerk Register; Advocate; Sir John Scot; Sir John Baillie.

Holyrood  
House, 16th  
March 1630.

"Forsameekle as in the complaint persewed be the compleaners of Leith aganis the provest and bailleis of Edinburgh, the Lords of Secretit Counsell, considdering that the compleaners of Leith ar a companie of simple ignorant men and cannot weill speeke for thameselfes in the maters contraverted betuix Edinburgh and thame, thairfoir the saids Lords allowes to the compleaners of Leith thair procuratours to compeir for thame, without prejudice alwayes to his Majesteis Counsell to take suche course anent the compeiring of advocats before thame in tyme coming as they sall thinke fitt; and continewes the maters betuix Edinburgh and Leith till this day aucht dayes, and ordains the compleaners of Leith to condescend that day upon thair particular interesse to persew for redresse of thair greevances conteanned in the articles givin in be thame, and allowes thame to compeir be sax of thair number."

The com-  
plainers of  
Leith against  
Edinburgh to  
be allowed  
procurators to  
appear for  
them before  
the Council.

Fol. 218, a.

Decreta,  
January 1630-  
February 1631.  
Fol. 35, a.

[*Sederunt* as recorded above with the addition of the Justice Clerk.]

Holyrood  
House, 16th  
March 1630.

Complaint by Katharine Chrystie, relict of Andrew Yuile in Dysert, as follows:—"Some malicious and invyfull persouns" having charged her with witchcraft in 1627 they purchased a commission from their Lordships to the bailies of Dysert for her trial, and reporting thereof back to their Lordships. Having just cause to suspect the bailies of malice towards her, she appealed to their Lordships, who summoned the bailies and M<sup>r</sup> William Spittell, minister at Dysert, by whom the said commission was purchased, and after hearing ordained that her trial and examination should be before the Justice and his deutes in the tolbooth

Complaint by  
Katharine  
Christie  
against the  
bailies and  
ministers of  
Dysert for  
illegal  
imprisonment  
on a charge of  
witchcraft.  
See Vol. II.  
(Second series.)



of Edinburgh, and so suspended the commission, and put the complainer under heavy caution to appear before the Justice when charged. Although in terms of this decree the complainer has lived in quietness for the past two years, the said bailies have now again, at the instigation of their ministers, apprehended her and placed her in ward in their tolbooth on "the same bare and naiked suspicioun for the quhilk formerlie they troubled her," and they intend to proceed against her "with all the rigour and extremitie that hes beene inflicted upon the most infamous persouns who have beene apprehended and execute for that cryme," though they have no commission for this effect, their former commission being suspended and discharged. They ought therefore to be punished for thus illegally apprehending and warding her in disregard of the Council's decree; and yet they refuse to liberate her unless compelled to do so. Charge having been given to David Chrystie and Alexander Simsoun, bailies of Dysert, and Mr. William Narne and Mr. William Spittell, ministers of Dysert, either to liberate the pursuer or compear and produce her before the Lords this day, and the pursuer compearing by George Yuile, her son, who produced the decree of suspension above referred to, and the defenders also compearing, who declared that they had put the pursuer to liberty, the Lords of new remit the trial of the pursuer "to his Majesteis High Justice and his deputs," ordaining her to find caution in £1000 for her appearance before the "Lord High Justice" when charged, and in the meantime to be free, and discharge the defenders of all apprehending and warding of her for the above cause.

Decreta,  
January 1631  
February 1631  
Fol. 35, b.

Fol. 36, a.

Complaint by  
Alexander  
Strachan of  
Glenkindie  
against Alex-  
ander Fraser,  
apparent of  
Philorth, for  
assault.

Complaint by Alexander Strauchane of Glenkindie, as follows:—On 12th March instant he was in the tolbooth of Edinburgh "in the Inner hous in presence of the Lords of Sessioun conveanned for the tyme" and was informing certain of the said Lords about the action between

Fraser of Techmurie and his mother on the one part, and Alexander Fraser, apparent of Philorth, on the other, when the said Alexander Fraser came to him "within the bar in the Inner hous, and after he had minassed him with injurious words and givin him ane lee, affirming that he mainteanned ane untruthe, he most shamefullie behind the compleaners backe strake him on the face and immediatlie thereafter fled to the doore and went away." With this unlooked for injury "within the hous of justice" the complainer "comported for the reverence and regard he had to the place." But the said Alexander Fraser, not satisfied with this, accosted him as he was going down the "Hie Streit of Edinburgh, towked him and would not suffer him goe by in peace," and then , servant of the said Alexander Fraser, drew his sword and set fiercely upon the complainer, who had been bereft of his life thereby but for the providence of God and the help of honest men. Parties being cited and compearing, and the proof being referred to the defender's oath of verity, who thereupon denied the charge, the Lords assoilzie him.

Fol. 36, b.

Decreta,  
January 1630-  
February 1631.  
Fol. 36, b.

Counter complaint by Alexander Fraser, younger of Phillorth, as follows:—On 15th March instant about four o'clock in the afternoon he was walking peaceably and quietly "without sword, knyfe, or other armour upon the Hie Streit of the burgh of Edinburgh beside the Lockin boothes thairof, and looking that the respect of the place being so neere to the seate of justice and his Majesteis palace where the saids Lords hes thair ordinar sitting, and so neere to the ordinarie seate of the Lords of Session sould have secured him frome trouble," yet Alexander Strauchane of Glenkindie and John Sibbald, his servant, meeting him thus upon the said street, set upon him unexpectedly with their drawn swords, wounded him in both his hands with great loss of blood, and had killed him if the people of the town had not come to his assistance. Parties being cited, and the pursuer compearing and also the said Alexander Strauchane "who grantit that he gave the said persewer a kuff," and some witnesses having proved that he also "invadit and persewed him with ane sword," the Lords commit the defender to ward in the tolbooth of Edinburgh until they shall take further order with him in this matter.

Counter-complaint by Alexander Fraser, apparent of Phillorth, against Alexander Strachan of Glenkindie for assault.

Fol. 37, a.

"Ane missive frome his Majestie in favouris of the Laird of Crombie for taking notice of his losses sustenit in the leveying and keeping togidder a companie of footeman for the service of the King of Denmark. The Lordis continewis the tryall and ansuering of the letter till Crombie come frome Courte."

Holyrood House, 16th March 1630. The Laird of Crombie.

"The Lordis all in ane voce thocht fitt that thair sould a letter be drawne up to his Majestie remitting to his Majestie the consideration of the differenceis betuix the Earle of Seaforte and the Burrowis, and declairing that thair wes never ony tryall nor probatioun deduceit nor decisioun gevin thairin, and bothe pairtyis declairit that they sould not remove till Fryday."

Letter to be addressed to his Majesty anent the dispute between the Earl of Seaforth and the Burgha.

Acta July 1629-  
December  
1630.  
Fol. 218, a.

[*Sederunt ut die predicto.*]

Holyrood House, 17th March 1630.

"Anent the supplicatioun presented to the Lords of Secretit Counsell be Sir James Balfoure of Kinnaird, knight, makand mentioun that, where it has pleased his Majestie to appoint him Lyoun King of Armes, whairby it is necessar both for accomplishing that pairt of his service whilk aucht to be done the tyme of his Majesteis happie coronatioun in this kingdome and siclyke for accomplishing manie other honnourable services at Parliaments and otherways for the honour of the kingdome, that he be inagurat with all the solemniteis used heeretofore, in respect whair of humbelie desyring the saids Lords to take this mater to thair consideratioun and to give warrand and order that there may be ane crowne made and provydit to the said supplicant, 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 and throughlie

Sir James Balfour of Kinnaird, Lyon King of Arms, to be furnished with a crown of gold in view of his Majesty's coming coronation.

advised, the Lords of Secreit Counsell finds it verie necessar and expedient for the solemnitie of his Majesteis coronatioun and for his manie other honnourable services importing the honnour and credite of the kingdome and properlie belonging to the office foresaid, that the said supplicant sall be provyded and furnished with ane crowne of gold; and thairfoir ordains and commands Sir James Baillie, Sir Henrie Wardlaw, and Mr David Foullertoun, receavers of his Majesteis rents, to give tymous order and directioun for making of the said crowne of gold, and that they bargane and agree for the same at the easiest rate and pryce they can and accordinglie make payment thairof, anent the doing whairof the extract of this act sall be unto thame ane warrand.”

Acta July 1629  
December  
1630.  
Fol. 216, a.

Holyrood  
House, 17th  
March 1630.  
Letter to the  
sub-commissioners of the  
Presbyteries of  
Lanark,  
Glasgow, and  
Peebles, anent  
the Earl of  
Wigtown and  
the valuation  
of his teinds.

“After our verie heartilie commendatiouns. Quhereas the Erle of Wigtown, in regarde of his necessar attendance upon the Sessioun tuicheing diverse acts of great importance presentlie in dependence before the Lords thairof, is disabled to keepe the dyets appointed before yow for tryell of the valuatiouns, quhairin his lordship hes interesse within that presbyterie both for himselfe and Lindsay of Covingtoun, his nephew, we have thairfoir thought good heirby to will and require yow to surceasse and continew the tryell and valuatioun of anie of the lands and teinds quhairin the said Erle or his said nephew hes interesse within your presbyterie as persewer or defender untill the xv day of Apryle nixt that his lordship may be present and attend the discussing thairof; quhairin nothing doubting of your readie obedience we committ yow to God. Halyruidhous, 17 Martij, 1630. *Subscritur*, St. Andrewes, Monteith, Hadintoun, Linlithgow, Areskine, Air, Naper.”

Royal Letters,  
1623-32.  
Fol. 178, b.

Holyrood  
House, 17th  
March [1630].  
Letter to the  
sub-commissioners of the  
Presbytery of  
Stirling anent  
the Earl of  
Linlithgow and  
the valuation  
of his teinds.

“After our verie heartilie commendatiouns. Quhereas the Erle of Linlithgow, in regarde of his necessar attendance heere upon Counsell and Exchecker, is disabled to keepe the dyets appointed before yow for tryell of the worth of the lands and teinds concerning his lordship within that presbyterie, we have thairfoir thought good heirby to will and require yow to surceasse and continew the tryell and valuatiouns of anie lands and teinds quhairin his lordship is interesse quhill the 24 of Apryle nixt, that his lordship may attend and be present at the discussing thairof: quhairin nothing doubting of your conformitie and obedience, we comitt yow to God. Halyruidhous, 17 Martij. *Subscritur*, St. Andrews, Monteith, Air, Naper.”

Holyrood  
House, 18th  
March 1630.

*Sederunt*—Treasurer; Præses; Privy Seal; Murrey; Linlithgow; Seafort; Air; Dumblane; Lord Areskine; Lord Melvill; Lord Naper; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Acta July 1629  
December  
1630.  
Fol. 218, a.

Anent broken  
cannon in the  
Castle of Edinburgh  
which  
his Majesty

“The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Erle of Mar, Captane of the Castell of Edinburgh, and produced and exhibite to the saids Lords ane missive letter directed

Acta July 1629-  
December  
1630.  
Fol. 218, a.

unto him from the Kings Majestie toward the delyverie to M<sup>r</sup> James Hannay of twa brokin cannoun within the Castell of Edinburgh for provision of a pail of bellis to be hung in the Churche of Halyrudhous, and he declared that Sir Harie Bruce, Maister of the Artillerie, had received the lyke warrand frome his Majestie, and that the said Sir Harie and the Maister of Worke had viewed and sighted the whole cannoun within the said Castell, and the said Erle desyred that they might be callit upon and heard tuicheing the truthe of the informatioun made to his Majestie anent the saids twa brokin cannoun. Quhilk desyre being heard be the saids Lords and found reasonable be thame, and the said Sir Harie and the said Maister of Worke being callit and compeirand personallie, they both declared that they had viewed and sighted the cannoun being within the said Castell and that they fand no brokin nor unserviceable cannoun within the same. In respect whair of the saids Lords ordains the said Erle of Mar and Sir Harie Bruce to certifie his Majestie of the truthe of this mater as it hes bene declared and cleered to the saids Lords.”

had ordered to be converted into a peal of bells.

Fol. 218, b.

“The Lords nominats and appoints the Lords President, Privie Seale, the Erles of Murrey and Linlithgow, the Bishop of Dumblane, the Lords Areskine, Melvill, Naper, Clerk of Register, Advocat, Sir Johne Scot, Sir James Baillie, the Lyoun Herald, and Maister of Worke to meit upon Saturday nixt at eight of the clocke in the forenoone in Sanct Giles Kirk, and in the afternoone to meit in Halyrudhous Kirk, and to visite both the kirks and to consider quhilk of thame is most convenient and fitt for his Majesteis coronatioun and to report thair opinioun to the Counsell at thair meeting in Exchecker.”

The Kirks of St. Giles and Holyrood to be inspected as to their relative fitness for his Majesty's coronation.

Sederunts,  
November  
1629-January  
1635.  
Fol. 16, b.

“The Lordis ordains ane letter to be writtin to his Majestie showing thair grite contentment anent his Majesteis resolutioun to repair to this his ancient kingdome about the hinder end of Julij or beginning of August nixt, whilk wes imparted to thame be his Majesteis Thesaurair and President, and humelie to crave his Majesteis opinioun yf he will continew in that resolutioun or change his dyet.”

Holyrood House, 18th March 1630. Letter to be addressed to his Majesty anent his approaching visit.

Fol. 17, a.

“The Lordis ordains the Maister of Worke to veu and consider the Churche of Halyrudhous; quhat pairtis thair of needis to be repaired; quhat chargeis it will require; and in quhat tyme the same may be done and to reporte in the afternoone; and ordanis the Earle of Linlithquo, Sir James Baillie, and M<sup>r</sup> James Hanna to be present at this visitatioun.”

Anent the repairing of the Kirk of Holyrood.

“That the Secretair be writtin to desiring him to acquent the Counsell with the nomber of the Kingis trayne, the placeis that he will visite, and his jestis, and that the Maister Isheair be send in due tyme to provyd suche things as lyis to his charge.”

Anent preparations for his Majesty's visit.

Fol. 17, b.?

“The whilk day his Majesteis Advocat produceit a letter direct to him frome his Majestie, beareing dait at Baghoit the 15 of August last, requiring the Advocat to informe himself and certifie his Majestie how

Letter from his Majesty to the Lord Advocate anent

John Gordon  
of Rothiemay.

far he may proceed in law aganis Johnne Gordoun of Rothiemay for his contempt and rebelloun, and declairit that he had ressavit the letter this day and had not ressavet the petitioun thairin mentiouned."

Sederunt,  
November  
1629-January  
1635.  
Fol. 17, b.

Inventory of  
moneys  
returned  
within the  
Sheriffdom of  
Berwick,  
subscribed by  
James Mowat.

"The quhilk day James Mowat compeirit be Mr. Thomas Gray, who produceit the inventair of the moneis gevin up within the shirefdome of Beruick for the termes of Martymes 1627, Martymes 1628, and Witsunday, 1629, whiche inventair is subscryved be the said James Mowatt. The Lordis ordains James Mowatt to compeir this day aught dayis quhair of intimatioun wes maid to Mr. Roger Mowatt."

The Earl of  
Rothies and  
others against  
the burgh of  
Edinburgh.

"The quhilk day comperit the Earlis of Rothies, Kinghorne, Carrik, Lordis Hay, Lovatt, Ros, Balmerinocht, Torphichine, Maister of Lovatt, the Lairdis of Pitsligo, Balvenie, younger, Lesmoir, younger, Meldrum, Tarbett, Bucky, as perseuaries of the complaint gevin in aganis the burgh of Edinburgh."

Declinature by  
the magistrates  
of Edinburgh  
against the  
Earls of  
Murray and  
Linlithgow and  
Sir John Scott  
in the above  
cause.

"The provest and bailleis of Edinburgh propouned a declinatour aganis the Earlis of Murray and Linlithquo becaus they compeirit as pairtyis aganis thame befor the Lordis of Sessioun in this same caus, and aganis Sir Johnne Scott as being a gentleman duelland benorth Forth, in whose names the supplicatioun is conceaved. The Lordis findis by interloquitour that Sir Johnne Scott, not having behaved him self as a pairtie nor his name exprest in the supplicatioun, haveing purged him self of partiall counsell, cannot be declynned, and thairfoir allowis him to sitt; and findis the declinatour relevant aganis the Earle of Murray inregaird he declairit him self a pairtie, and aganis the Earl of Linlithquo becaus he confest that he concurred with the rest of the noblemen in petitioning the Lordis of Sessioun to stay the extract of the decret recoverit be the toun of Edinburgh aganis Leethe."

Declinature by  
the Earl of  
Rothies and  
others against  
the Lord  
Advocate  
serving the  
burgh of Edin-  
burgh in the  
same cause.

"Alledgeit be the noblemen that the Advocat aught to be removed becaus he hes pleadit for the toun of Edinburgh in the caus contravertit and as assessour to the toun, and gevis counsell and advice to thame in all thair bussynes; and that Sir James Baillie hes sollicitet the Lordis of Sessioun in favours of the toun of Edinburgh. Wherunto it wes ansuerit be the Advocat that he hes consultit and pleadit for the burgh of Edinburgh in the point of richt, bot he never consulted in the point of State, nather did he compeir aganis the desire of thair petitioun gevin in to the Sessioun in regaird the same wes then conceaved to be a mater of State. The Lordis, notwithstanding of the ansuer, findis the declinatour and reasonis thair of relevant aganis the Advocat, and ordanis him to remove, and alsua Sir James Baillie in respect of his sollicitatioun confest be him self."

Fol. 18, a.

Anent the dis-  
pute between  
Edinburgh and  
Leith.

"It is ansuerit be Mr Johnne Hay to the desire of the noblemens bill that thay had no interesse to except aganis the extracting of the decret recoverit be the toun of Edinburgh aganis Leethe, seeing it is thairin provydit, lyke as thay presentlie declair, that the said decret sall not be extendit aganis ony noblemen or gentlemen in the north notwith-

Sederunts,  
November  
1629-January  
1635.  
Fol. 18, a.

standing of ony chartour or infeftment grantit to thame and privedgeis thairin contentit anent the girnelling of victuall; and concerning the chartour 1603 the toun wes content to gif satisfacioun thairanent to the noblemen at the sight of the Counsell. Continewit till Twisday."

"The Lordis ordains the Earlis of Rothes and Murray and Balmerinocht, Order to the Earl of Rothes and others. or ony tua of thame, togidder with the barouns of West Lotheane and the burgh of Edinburgh, to meete the morne at eyght of the cloke in the Chancellours house."

"The Lordis ordains the Lord Arskene and Sir Johnne Scott to Anent the dispute between Edinburgh and Leith. intrate the Lordis of Sessioun in name of the Counsell to be pleasit to gif order for staying the bookeing and extracting of the decreit recoverit be the toun of Edinburgh aganis the inhabitantis of Leethe anent the girnelling of victuall for some few dayis, quhill the Counsell consider the letters send be his Majestie to thame concerning the privilegeis granted to the burgh of Edinburgh by their infeftmentis insofar as the same may concerne the publict of the state, whiche the Lordis will do and signifie to the Lordis of Counsell and Sessioun thair resolutioun with all convenient diligence."

[Repetition of the order to Rothes and the others to meet in the Chancellor's house, it being here added—"Anent the materis contravertit betuix thame."]

Royal Letters,  
1623-32.  
Fol. 179, a.

Most sacred Sovereane. Having understood be your Majesteis letter Holyrood House, 19th March 1630. directed unto us that your Majestie appointed the Erle of Seafort and Letter to his Majesty anent the dispute between the Earl of Seafort and the Burghs. the commissioner for the Burrowes to repaire to your royall presence for the mater of Stornoway contraverted betuix thame betuix and the first of Marche instant, and we being in hope to have brought the parteis to some convenient agreement for preventing your Majesties farther trouble by thair controverses, we deteanned thame till this tyme, and we have long and oftin heard thair debates, yitt so many interruptiouns have occurred that there is no progresse made in thair bussinesses nor anie tryell yitt takin of that whiche either partie can alledge for verifeing the equitie of thair complaints or answers, and so ar forced to remitt the whole mater to your Majesteis most judicious consideratioun, onelie requyring most humbelie that your Majestie in your most sacred resolutioun may more respect the interest importing your Majestie and the whole subjects of this your native kingdome nor the privat ends of either partie; and we have herewith sent up to your Majestie the signature with the processe conteaning the reasouns, answers, replies, duplyes, and quhat ellis wes produced be either partie before us, to the intent your Majestie after perusall thairof and hearing of the parteis, may in the excellencie of your royall judgement goe on in your princelie determinatioun. And so humbelie intreating your Majestie to excuse the saids persouns thair not precise keeping of the first dyet, we pray, etc.

Halyruidhous, 19 *Martij* 1630. *Subscribitur*, Dupline, Mar, Monteth, Royal Letters, 1623-32.  
 Linlithgow, Hadintoun, Air, Areskine, Naper, S<sup>r</sup> Thomas Hope, S. G. Fol. 179, a.  
 Elphinstoun.

Holyrood  
 House, 20th  
 March 1630.

Chancellor; Treasurer; Præsēs; Lynlythqu; Mar; Lord Arskene; Sederunt, November 1629-January 1635.  
 Lord Naper; Clerk of Register; Advocate; Justice Clerk; Sir  
 John Scott; Sir James Baillie. Fol. 18, b.

Gordon of  
 Rothiemay.

“A commissioun ordanit to be exped to the Marques of Huntle aganis Rothemay and his complices, and a missive to be written to him for accepting of the commissioun.”

James and  
 Alaster Grant.

“Ane commissioun to the Laird of Grant aganis James and Allaster Grantis, and a missive with chargeis direct to him for accepting of the commissioun and reporting upoun the day of .”

Resetting of  
 rebels.

“That letters be direct discharging all his Majesteis subjectis to resett, supplee or intercommoun with the rebellis.”

Intercommun-  
 ing with rebels.

“That letters be direct chargeing suche particular personis as salbe gevin in bill to find cautioun not to intercommoun with the rebellis.”

The Lairds of  
 Fren draught  
 and Banff.

“That letters be direct aganis such personis as salbe gevin in bill to find cautioun for the indempnitie of Fren draught and Banff.”

The same.

“Wheras the rebellis ar prepared and in reddynes upoun the returne home of Fren draught and Banff to persew thame of thair lyves at all occasionis, and for this effect bearis and wearis hacquebutis and pistollettis, that thairfoir a warrand to thame and to suche whose names thay sall gif in bill to cary hacquebutis and pistollettis in thair awne necessair defence aganis the rebellis allanerly.”

The Lady of  
 Rothiemay.

“That charges be direct aganis the Ladie Rothemay for hir compeirance befor the Counsell anent the delyverie of the place of Rothiemay.”

Sir William  
 Seton.

“It wes thoght meete that Sir William Setoun sould be im-” [Here the entry stops.]

Holyrood  
 House, 20th  
 March 1630.

Commission under the Signet to Sir George Hamiltoun of Blaikburne, Commission 1624-30.  
 James Clerk of Balbirnie, James Weymes, fiar of Bogie, and the bailies Fol. 218, b.  
 of the burgh of Dysert, or any two of them, one of the bailies being one, as justices, for the trial of Janet Wilkie, spouse to James M<sup>c</sup>Kie, smith in Wester Weymes, who has long been suspected of witchcraft. Signed by Geo. Cancell., Mar, Monteith, Linlithgow, Air, Areskine, Hamiltoun, S<sup>r</sup> Thomas Hope, and Scottistarvett.

Commission to  
 Sir George  
 Hamilton of  
 Blackburn and  
 others to try  
 Janet Wilkie,  
 in Wester  
 Wemys, for  
 witchcraft.

Holyrood  
 House, 23rd  
 March 1630.

Chancellor; Treasurer; President; Privy Seal; Murray; Lyn- Sederunts, November 1629-January 1635.  
 lythqu; Air; Lord Areskine; Lord Melvill; Lord Naper; Master  
 of Elphinstoun; Clerk of Register; Advocate; Justice Clerk. Fol. 19, a.

The Earl of  
 Rothes and  
 others and

“The Lordis assignis Thurisday nixt to the noblemen and gentlemen to gif in thair ressonis and to represent and verifie to the Counsell the pre-

Sederunt,  
November  
1629-January  
1635.  
Fol. 19, a.

judice and inconvenientis whilk thay ar lyke to sustene by the decreit recoverit be the toun of Edinburgh discharginge thair awne vassallis, inhabitantis of Leethe, of girnelling of victuall in Leethe.”

their com-  
plaint against  
Edinburgh.

“In the complaint persewit be the toun of Leethe aganis Edinburgh compeirit Mr. Lues Steuart, one of the burgh of Edinburghis assessouris, and ansuerit to the first article that Edinburgh hes done no wrong in setting down actis for government of Leethe and the inhabitantis thair of, thay being thair superiouris and haveing pouer to do the same; and as toucheing the articlis and particulair actis it is ansuerit that the toun ar shireffis within thame selfis and thairfoir might discharge the inhabitantis of Leethe to conveene otheris befor the shireff, and anent the forceing of the inhabitantis to subscriue blankis and otheris oblismentis, denyis the same, saying that the complenaris may seeke redres thair of by reduction befor the Sessioun judges ordinar; and toucheing that article of the clerk, ansuerit that the toun clerk of Leethe is writter of all the writtis and securityis past betuix the inhabitantis of Leethe and Edinburgh allanarlie; as to the making of malt, ansuerit that the libertie of making of malt is onlie proper and permissable to thame who ar admittit be the toun, who ar thair superiours; and desyrit inregaird the saidis actis ar warranted and dependis and ar grounded upon thair infetmentis, that the tryall thair of be remittit to the Lordis of Sessioun, judgeis competent thairto, according to his Majesteis letter direct to that effect.”

Anent the dis-  
pute between  
Edinburgh and  
Leith.

Fol. 19, b.

“The quhilk day the Earlis of Murray and Linlythgu purgeit thame selfis by thair oathe that thay haif gevin no partiall counsell to the toun of Leethe aganis Edinburgh.”

The Earls of  
Murray and  
Linlithgow.

“The Lordis nominatis and appointis the Advocat, Justice Clerk and Justice Depute to examine Johnne Neill and to reporte his depositionis.”

Case of John  
Neill.

Acta July 1629-  
December  
1630.  
Fol. 218, b.

*Sederunt*—Chancellor; Treasurer; Præses; Privy Seal; Murrey; Linlithgow; Aire; Lord Areskine; Bishop of Dumblane; Lord Melvill; Lord Carnegie; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk; Sir John Scot.

Holyrood  
House, 25th  
March 1630.

“The whilk day the Lords of Secret Counsell having heard the report of some of these who wer appointed to visite Sanct Giles Kirk in Edinburgh and the Abbey Kirk of Halyrudhous, and having at lenth advised whilk of the twa kirks ar most commodious for his Majesteis coronatioun, and the mater being put to the voices of the table, it wes found and declared and accordingle inacted that Sanct Giles Kirk of Edinburgh is the most convenient, eminent, and perspicuous place for his Majesteis coronatioun without removing or casting down of the east wall, and they find that there will be ane great difficultie to gett the Abbey Kirk prepared in dew tyme and in suche a maner as the solemnitie of so great ane action requires; and they ordaine ane missive to be writtin to his Majestie for this effect, whilk wes accordingle done of the tennour following:—

The Kirk of  
St. Giles found  
to be most  
convenient for  
his Majesty's  
coronation.



Letter of  
Council to his  
Majesty to the  
above effect.

Most sacred Soverane, Having to our great contentment heard from your Majesteis Thesaurar and President of your Counsell that your Majestie intends to satisfie the long and heartie wishes of your good and faithfull subjects of this your ancient kingdome by honnouring of the same with your royall presence about the end of July or begining of August nixt, and we being bound in dewtie tymouslie to forsee that all dew provisious and preparatiouns sall be made for your Majesteis contented receptioun whiche the honnour and credite of the kingdome requires, we will thairfoir presooome humbelie to intreate your Majestie to lett us know your royall pleasure anent the keeping of this dyet, or if your Majestie will change the same, whairthrow things may be so orderlie disposed as the tyme and occasiouns sall present. Upon the receipt of your Majesteis letter tuicheing the place of your coronatioun, we appointed some of our awin number, with the Maister of the Ceremoneis, the Lyoun Herauld, and the Maister of Worke, to visite Sanct Giles Church in Edinburgh and the Abbey Church of Halyrudhous to consider whiche of the two churches ar most perspicuous and commodious for the dignitie of suche ane great actioun and for the credite of the countrie, and they having done thair dewtie and reported thair opinioun thereanent, and we having lykewayes heard for certane that there is ane impossibilitie to gett the Abbey Church of Halyrudhous prepared and ordered at this tyme in suche comelie forme as that great actioun requires, it is thairfoir after reasoning and voting found and declared be act of Counsell, and conforme to ane act formerlie made to this effect the last yeere bygane, that Sanct Giles Church of Edinburgh is the most convenient place for that solemnitie and will give the greatest splendor thairunto; and we have givin warrand to the provest and bailleis of Edinburgh to have thair church in readinesse, quhilk they have dewtifullie undertane. And so praying the Almighty God to blesse your Majestie with a long and happie raigne, we rest. Halyrudhous 26 Martij 1630. *Subscribitur*, Dupline, Mar, Monteith, Hadintoun, Linlithgow, Aire, Areskine, Hamilton, S<sup>r</sup> Thomas Hope, S. G. Elphinstoun, Scottistarvet, James Baillie."

Direction to  
the Master of  
Works to  
advise anent  
the preparation  
of St. Giles.

"The Lords of Secreit Counsell ordains the Maister of Worke, who wes personallie present, to assist the provest, bailleis and counsell of Edinburgh with his advice and opinioun anent the preparatiouns requisite to be made and perfytted within thair kirk towards his Majesteis coronatioun."

Anent the dis-  
pute between  
Edinburgh and  
Leith.

"The Lords of Secreit Counsell continewes the actioun and complaint of the toun of Leith aganis the burgh of Edinburgh tuicheing certane oppressiouns alledgit committed be the magistrats of the said burgh aganis certane inhabitants of Leith and exprest in the particular articles givin in thereanent till the first day of Junij nixtcome, of the whilk continuatioun the provest and bailleis of Edinburgh and in name of the compleaners of Leith, being personallie present, ar warned *apud acta*."

Acta July 1629.  
December  
1630.

Fol. 218, b.

Fol. 219, a.

Acta July 1629-  
December  
1630.  
Fol. 219, a.

“The whilk day Williame, Erle of Monteith, Lord High Justice of this kingdome, declared that according to his Majesteis directioun he was to hold a Justice Court at Jedburgh upon the day of Apryle nixt for doing of justice upon some delinquents and offenders within the Middle shyres. Qhilk declaratioun being heard and considerit be the Lords they allow of the said Erle his worthie resolutioun in that point.”

The Earl of  
Monteith to  
hold a justice-  
court at  
Jedburgh.

Decreta,  
January 1630-  
February 1631.  
Fol. 37, a.

[Sederunt as recorded above.]

Holyrood  
House, 25th  
March 1630.

Fol. 37, b.

Complaint by Sir Robert Inneis of Balvenie, knight baronet, as follows:—He had obtained a decree against John Gordoun of Buckie and certain others for their removal from the complainer's lands of Ardwell, and he looked that Gordoun, being “ane gentleman of birth and qualitie,” would, from a regard to his own honour and credit, either have obeyed the charge raised thereon or sought a legal suspension, but instead of this he had caused draw up the copy of a suspension charging the complainer to compare on 10th March instant before the Lords of Council and Session. Relying on the honesty of Gordon, the complainer sent his eldest son, Walter Inneis, to Edinburgh to attend the discussion of the suspension, but as often as it was called, Gordon took a future dyet to produce the principal letters, until the Lords, finding nothing but delays, granted a protestation on the complainer's copy on the 16th. The complainer's son thereupon searched the books of Council and Session for the act of caution mentioned in this pretended copy, intending to proceed against the cautioner therein named, but no such act could be found, the truth being that no such suspension had been granted by the Lords, but Gordon had either himself forged the copy or procured some one else to do it. He has thus abused not only his own credit, and his Majesty and the law, but has drawn the complainer to considerable expense. Parties being called and the pursuer appearing by his said son Walter, and the defender also comparing, and the matter being referred to the defender's oath of verity, who denied what was charged against him, the Lords assoilzie him.

Complaint by  
Sir Robert  
Innes of Bal-  
venie against;  
John Gordon  
of Buckie,  
whom he  
accuses of  
forging an act  
of suspension  
against him.

Fol. 38, a.

Supplication by Sir David Home of Wedderburn, as follows:—His former protection expires this day and he has now fully agreed with the greater part of his creditors, while in order to accomplish a final settlement with the rest he has several actions before the Session. To enable him to attend upon these he craves a further extension of time. This the Lords grant until 1st May next.

Supplication  
for extension  
of protection  
by Sir David  
Home of  
Wedderburn.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir William Baillie of Lamingtoun, as follows:—At the Justice Court for the shire of Lanark held in the tolbooth of Lanark on 10th October last by his Majesty's commissioners, John Tinto in Over Southwod became cautioner for Mr. James Baillie of Crimpcrampt, and William Baillie of

Complaint by  
the Lord  
Advocate and  
Sir William  
Baillie of  
Lamington  
against Thomas  
Baillie of the

Townhead of  
Lamington for  
the wearing of  
hagbuts and  
pistols.

Over Normengill became cautioner for Thomas Baillie in Tounheid of Lamington, each in 500 merks, that these persons would not bear hagbuts or pistols in future. Notwithstanding whereof these persons seldom or never "travell in the countrie nor walke in the feilds without ane hacquebutt in thair hand or pistolet at thair belts, resolved to shoot the said Laird of Lamingtoun thairwith when they sall find occasioun." They and their cautioners ought therefore to be decerned in payment of the said cautions, one half to the Treasurer and depute, and the other half to the said Laird. Parties being cited, and the pursuers compearing personally, but of the defenders only Mr. James Baillie, and the probation being referred to the evidence of witnesses who failed to substantiate any part of the complaint, the Lords grant absolvitor to all the defenders.

Decreta,  
January 1630.  
February 1631.  
Fol. 38, b.

Complaint by  
William, Earl  
Marischal,  
against the  
Bishop of  
Murray, who  
refuses to  
admit to a  
charge in his  
diocese a  
qualified  
minister whom  
the said Earl  
has presented.

Complaint by William, Earl Mairshell, patron of the kirk of Duffus, as follows:—By act of the Parliament held at Edinburgh in October 1612, it is ordained "that all presentatiouns to benefices be directed heerafter to the bishop or archbishop of the diocie where the same benefice lyes, provyding alwayes that incaise the archbishop or bishop sould refuse to admitt ane qualified minister accepting the presentatioun upoun him and who hes beene once received and admitted to the functioun of the ministrie, being than still undepryved, being presented unto thame be the patron, that in that caise the Lords of Privie Counsell sall direct letters charging the ordinar to doe his dewtie in receaving and admitting of suche a persoun as the patron hes presented, upoun the parteis complaint of the refusall both of the bishop and archbishop, and no sufficient reasoun being givin for the same." The parsonage and vicarage of Duffus being now vacant in the said Earl's hands as patron by the death of late parson of Duffus, the Earl presented "M<sup>r</sup> James Guthrie, ane qualified minister" to John, Bishop of Murrey, within whose diocese the said parsonage lies, for his admission and collation thereto. On his refusal the Earl applied to the Archbishop of St. Andrewes, who has likewise refused, and thus the said Earl's right of patronage foresaid is brought in question. The said Bishop of Murrey being summoned to show cause why letters of horning should not be issued against him to give effect to the patron's choice, and the pursuer appearing by Robert Keith, W.S., his procurator, and the defender being personally present, it was stated that the question of the right of patronage of this kirk of Duffus and the admission of Mr. James Guthrie thereto was presently in dependence before the Lords of Council and Session; whereupon the said Robert Keith replied for the Earl that he passed from the action before the Session and would take the benefit of the act of Parliament mentioned, wherein the Lords of Council are ordained to direct letters of horning upon a simple charge of fifteen days. The said Bishop having no further reason to offer for his refusal,

Fol. 39, b.

Decreta,  
January 1630-  
February 1631.  
Fol. 39, b.

the Lords ordain him to grant collation and admission to the said Mr. James Guthrie as desired, within fifteen days after being charged thereto under pain of horning.

Sederunts,  
November  
1629-January  
1635.  
Fol. 19, b.

“The quhilk day the noblemen and gentrie, complenaris aganis Edinburgh, gaif in thair ressonis whilkis thay wer ordanit the last Counsell day to gif in aganis the toun of Edinburgh, whilkis being red and considderit be the Lordis, thay think it meete that thay salbe send to the Lordis of Sessioun to be considerit be thame, and intreatis the Lord Chancellour to present thir ressonis to the Sessioun.”

Holyrood  
House, 25th  
March 1630.  
The disparte  
between the  
Earl of Rothes  
and others and  
the town of  
Edinburgh.

Fol. 20, a.

“Continewis the nobilitie and gentrie and the burgh of Edinburgh to Twisday nixt.”

Royal Letters,  
1623-32.  
Fol. 179, b.

“After our verie heartlie commendatiouns to your good lordship. We have heerwith writtin to his Majestie to understand his resolution tuicheing his comming to this kingdome and anent the tyme thair of, and we will lykewayes request your good lordship to acquaint us thairanent what will be the number of his tryne, the places that he will visite, and his jests, and that your lordship will caus directioun be givin that the Maister Usher be sent down in dew tyme for ordering of suche things as to his charge apperteanes; quhilks recommending to your lordships speedie advertisement with the remembrance of our best and heartie affectiouns, we committ your lordship to God. Frome Halyrudhous the 26 of Marche, 1630. *Subscritur*, Dupline, Mar, Monteith, Hadintoun, Linlithgow, Air, Areskine, Hamiltoun, Sr Thomas Hope, S. G. Elphinstoun, Scottistarvet, James Baillie.”

Holyrood  
House, 26th  
March 1630.  
Letter to Sir  
William Alex-  
ander anent his  
Majesty's visit.

Acta July 1629-  
December  
1630.  
Fol. 219, b.

*Sederunt*—Chancellor; Treasurer; Prases; Murrey; Wintoun; Linlithgow; Aire; Dumblane; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Clerk of Register; Advocate; Justice Clerk; Sir John Scott.

Holyrood  
House, 30th  
March 1630.

“The whilk day the Erle of Monteith, Lord High Justice of this kingdome, produced ane missive direct to him frome his Majestie for holding of Justice Courts in the burgh of Dumfries after the Courts of Jedburgh, whair of the saids Lords allowes and ordains him to proceed accordinglie.”

The Earl of  
Monteith to  
hold justice-  
courts at  
Dumfries.

“Forsameekle as the Lords of Secreit Counsell having tane some course and order with Alexander Strauchane of Glenkindie for the insolence committed be him aganis Alexander Fraser, appearand of Phillorth, by the persute and invasoun of him upon the Hie Streit of the burgh of Edinburgh and hes putt the said Laird of Glenkindie under caution for keeping of his Majesteis peace with the said Laird of Phillorth and for his personall compeirance before the Counsell upon the first day of Junij nixt, and that he sall not direct anie cartall or challenge to the said Laird of Phillorth nor answeere anie cartall

Letters to be  
addressed to  
Alexander  
Fraser,  
apparent of  
Phillorth,  
charging him  
to appear  
before the  
Council on a  
certain date  
and to keep the  
peace with  
Alexander  
Strachan of

Glenkindie  
and his kin.

or challenge to be sent from Phillorth to him under the pane of ten thousand merkes, quhairfoir necessar it is that the lyke course and order be tane with the said Laird of Phillorth; and for this effect the Lords of Secreit Counsell ordains letters to be direct charging the said Alexander Fraser of Phillorth to compeir personallie before the saids Lords upon the first day of Junij nixtocome to underly suche course and order as the saids Lords sall take for sattling of the differences standing betuix him and the said Laird of Glenkindie, under the pane of rebellious etc., with certificatioun, etc.; and siclyke to command and charge the said Alexander Fraser of Phillorth to find caution and souertie actit in the bookes of Secreit Counsell that the said Alexander Strauchane of Glenkindie, his wyffe, barnes, men, tennents and servants sall be harmesse and skaithlesse in thair bodeis, rowmes, possessiouns, cornes, cattell, goods and gear, and on no wayes to be troubled nor molested thairin be the said Laird of Phillorth nor na uthers of his causing, sending, hounding out, command, ressett, assistance nor rathabitoun, whome he may stoppe or latt, directlie nor indirectlie, in tyme comming utherwayes nor be order of law and justice; as alswa that he sall direct no cartall nor challenge to the said Laird of Glenkindie nor answere no cartalls nor challenges that sall be direct be Glenkindie to him, nor keepe no trysts nor meetings to that effect, under the pane of ten thousand merkes incaise he failie in anie point of the premisses; and that he find the said souertie actit in maner foresaid within fyftene dayes nixt after the charge, under the pane of rebellious and putting of him to the horne, and if he failie, the said space being bypast, to denunce, etc., and to escheit, etc."

Acta July 1624  
December  
1630.  
Fol. 219, b.

Letter from his  
Majesty anent  
encroachments  
on the privi-  
leges of the  
offices of  
Admiral and  
Chamberlain.

"The whilk day the missive letter underwrittin signed be the Kings Majestie was 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 cousines and counsellours, right trustie and weilbelovit counsellours, and right trustie counsellours, we greete yow weil. Whereas it hes beene compleanned unto us by our right trustie and right weilbelovit cousine, the Duke of Lennox that diverse of our subjects, especially our burgh of Edinburgh, hath encroached upon the offices of Admiraltie and Chamberlanrie of that our native and ancient kingdome of Scotland, usurping honnours, priviledges and benefites belonging thairunto; and in regarde that Mr. Johne Hay, commissioner for our said burgh, did affirme in our royall presence that they had not acqyred anie thing belonging to the saids offices, and furthermore that if our said burgh had acqyred anie rights in prejudice thair of they would willinglie denude thameselfes of the same in favours of our said cousine, our expresse will and pleasure thairfoir is, that yow conveene before yow the magistrats of Edinburgh, Leith, and all others requisite, requyring thame to give satisfioun to our said cousine or thame entrusted by him according to the said assurance

Fol. 220. a.

Acta July 1629-  
December  
1630.  
Fol. 220, a.

made and givin us by the said Mr. Johne Hay, and that our Advocat concurre with the advocats of our said cousine in doing anie thing that may tend to the recovering of that whiche is wrongfullie deteaned frome him or in secureing of him for that whiche is or sall be condescended upon, as they will answere upon thair trust; and that yow caus speedilie advise and raise summounds for righting our said cousen to be called in the nixt Parliament of that our kingdome aganis anie persouns whatsoever that have wronged and encroached upon the honnours, priviledges and benefites of the saids offices; and that yow provyde and use speedilie all other lawfull meanes for preventing anie inconveniences and redressing of all prejudices that hes or may heerafter ensue and befall to our said cousine heeranent by prescriptioun or otherwayes; the doing and performance whairof we recommend to your special care, and so we bid yow fareweill. Frome our Court at Whitehall the 18 day of Marche 1630. Quhilk letter being heard be the saids Lords and they advised thairwith, they will take notice and consideratioun of the same when maters concerning the said letter occurres."

[Sederunt as recorded above.]

Holyrood  
House, 30th  
March 1630.

Decreta,  
January 1630.  
February 1631.  
Fol. 39, b.

Supplicatioun by Sir Patrick Home of Aittoun, as follows:—Their Lordships' former warrant to him has expired, and he has been very carefull to employ the time granted in arranging with his creditors. He hopes within a short time, if his protection be extended, to come to a full and final settlement, and therefore craves a further prorogation. This the Lords grant until 22d April next.

Supplication  
by Sir Patrick  
Home of Ayton  
for extension  
of protection.

Sederunts,  
November  
1629-January  
1635.  
Fol. 20, a.

"The Lordis nominatis and appointis the Earlis of Menteth, Wynthoun, Lynlithqu, Vicount of Air, Carnegie, Clerk of Register and Advocat, to convene and meete with Sir Williame Seytoun the morne at ten of the cloke in the Exchekquer House for advyseing and resolveing of suche doubtis as he sall propone unto thame toucheing the executioun of the commissioun grantit unto him aganis Rothiemay and his compliceis."

Holyrood  
House, 30th  
March 1630.  
The case of  
Gordon of  
Rothiemay.

"The Lordis recommendis to the Exchekquer the ordour taking for satisfacioun of the Justice Depute his bipast fees."

The Justice-  
depute and his  
fees.

Fol. 20, b.

"The Lordis ordains letters of horning to be direct at the instance of particulair pairtyis for chargeing of witnesses to compeir befor the sub-commissionars anent the valuationis."

Witnesses  
anent the  
valuations

In connection with the charge against the Laird of Philorth, it is here added—"And the Lordis continewis the censuring of Glenkindie till that day."

The Lairds of  
Philorth and  
Glenkindie.

Acta July 1629-  
December  
1630.  
Fol. 220, a.

[Sederunt ut die prædicto.]

Holyrood  
House, 31st  
March 1630.  
Order of  
Council for-

"Forsameekle as it is understand to the Lords of Secret Counsell that

bidding all persons to have communication with John Gordon of Rothiemay and others now at the horn.

upon the fyft day of December 1628 yeeres Johne Gordoun, now of Rothemay, Johne Inneis of Crombie, Johne Young and Alexander Inneis, his servants, and Robert Bruce of Inhecorsie, wer ordourlie denounced rebellis and putt to the horne be vertew of criminall letters raised at the instance of his Majesteis Advocat, for his Majesteis interesse, and Robert Crichtoun of Conland, domestick servitour to James Crichtoun of Fendraucht, for not finding of sufficient and responsall caution and souertie actit in the bookes of Adjournall for thair compeirance before his Majesteis Justice and his deputs at a certane day bygane to have underlyne the lawes for thair bearing and wearing of hacquebuts and pistolets, hurting and wounding the said Robert Crichtoun thairwith in maner and at the tyme specified and conteanit in the said criminall letters; and siclyke upon the sevintene and twentie sevin dayes of November, 1629 yeeres, Patrik Gordoun, sonne to Robert Gordoun of Culluthie, Johne Gordoun, sonne to Patrik Gordoun of Tirnsoule, Johne Gordoun now of Rothemay, Johne Lobane and Robert Bruce, his servitours, Thomas Meldrum sometyme of Iden, M<sup>r</sup> Williame Meldrum, his sonne, Johne Gordoun, sonne to Hew Gordoun of Smithstoun, Johne Gordoun in Inchestomacke, M<sup>r</sup> Thomas Smart, sone to M<sup>r</sup> Alexander Smart, person of Rothemay, Arthure Forbes in Inhecorsie, George Fordyce in Auchinreif, Androw Craig in Meyane, Williame Abirnethie at the kirk of Rothemay and Petre Leg in Dracheley, wer ordourlie denounced his Majesteis rebellis and put to the horne be vertew of criminall letters raised at the instance of his Majesteis Advocat and James Crichtoun of Fendraucht, partie greeved, for not finding of sufficient and responsall caution actit in the bookes of Adjournall for thair compeirance before his Majesteis Justice and his deputs at a certane day bygane to have underlyne the lawes for the oppositioun and resistance made to Williame Seatoun of Meldrum and Sir George Ogilvie of Bamf in the executioun of his Majesteis commissioun with hacquebutts and pistolets, and for dissobeying ane charge of treasoun givin to the saids Lairds of Rothiemay and Crombie for randering of thair houses and entrie of thair persouns in waird, and for diverse other insolenceis committed be the saids persouns with unlawfull weapouns in maner and at the tyme specified and conteanit in the saids criminall letters; and siclyke upon the sevint day of Marche instant Johne Gordoun of Rothemay, Thomas Meldrum of Iden, M<sup>r</sup> Williame Meldrum, his sonne, Johne Gordoun in Knauchlane, Johne Lobane, servitour to umquhill Williame Gordoun of Rothemay, Adame Gordoun, sonne to Sir Adame Gordoun of Parke, Arthure Forbes, brother naturall to Arthure, Lord Forbes, Robert Bruce in Inhecorsie, Thomas Smith in Rothemay, Johne Gordoun in Carnelhill, James Forbes in Knauchlans, Alexander Gray in Corsekellie and Williame Duncane in Rothemay, wer orderlie denounced rebellis and putt to the horne be vertew of criminall letters raised at the instance of his Majesteis Advocat

Acta July 1628  
December  
1630.  
Fol. 220, a.

Fol. 220, b.

Acta July 1629-  
December  
1630.  
Fol. 220, b.

for his Majesteis interesse, and Isobell Keith as relict, M<sup>r</sup> James Gordoun as sonne, Katharine, Jonnet, Elspet, Annas, Beatrix, Issobell, Jeane and Gordouns as daughters, with the remanent kin and freinds of umquhill George Gordoun of Minonie for not finding of sufficient and responsall cautioun and souertie actit in the bookes of Adjournall for thair compeirance before the Justice and his deputs at ane certane day bygane to have underlyne the lawes for the cruell and unmercifull slaughter of the said umquhill George Gordoun, in the companie of Sir George Ogilvie of Bamf, his Majesteis commissioner, and treasonable oppositioun made be thame to his Majesteis said commissioner in the executioun of his commissioun, in maner and at the tyme specified and conteanit in the saids criminall letters ; as the saids three criminall hornings abonewrittin dewlie execute, indorsat and registrat, showin to the Lords of Secreit Counsell at lenth beirs. And siclyke upon the penult day of Januarie, 1618 yceeres, James Grant in Daltaleis was orderlie denounced rebell and putt to the horne be vertew of criminall letters raised at the instance of his Majesteis said Advocat for his Majesteis interesse, and Thomas Grant of Cardellis as father, Johne Grant, appearand of Cardellis as brother, with the remanent kin and freinds of umquhill Patrik Grant in Lettache, for not finding of sufficient and responsall cautioun and souertie actit in the bookes of Adjournall for his compeirance before his Majesteis Justice and his deputs at a certane day bygane, to have underlyne the lawes for the cruell and unmercifull slaughter of the said umquhill Patrik Grant, committed be him in maner and at the tyme specified and conteanit in the saids criminall letters, as the same dewlie execute, indorsat and registrat, showin to the Lords of Privie Counsell, beiris ; at the processe whair of the saids persouns rebellis hes most prouddie and contempnandlie remained since the tymes respective of thair denunciatioun, lykeas they doe yitt unrelaxt, takand no regarde of the saids hornings, bot haunts, frequents, and repaires publictlye and avowedlye in all parts of the countrie as if they wer free and lawfull subjects ; lykeas they ar encouraged to continew in thair rebellious by the ressett, supplee, countenance and connivence quhilk they find amangs thair freinds, familiars and acquaintance, and by the quhilks they ar strenthenned in thair rebellious and violent courses, threatning to prosecute and persew with fyre and sword all suche of his Majesteis good subjects aganis whome they beare anie querrell, to the great disgrace of his Majesteis governement and contempt of law and justice : And thairfoir the Lords of Secreit Counsell ar resolved most exemplarilie to punishe all suche persouns who sall or darre presooome to show anie confort, resset or supplee to the saids rebellis ; and thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects by opin proclamatioun at all places neidfull that nane of thame presooome nor take upon hand to ressett, supplee nor intercommoun

Fol. 221, a.



with the saids rebellis, furnishe thame meit, drinke, hous nor harbourie, nor have intelligence with thame be word, writt nor message during the tyme of thair rebelloun, under the paines conteanit in the acts of Parliament; whilk panes sall be inflicted upon thame with all rigour.”

Acta July 1630  
December  
1630.  
Fol. 221, a

Holyrood  
House, 1st  
April 1630.

*Sederunt*—Chancellor; Treasurer; Præses; Murrey; Wintoun; Linlithgow; Aire; Dumblane; Lord Areskine; Lord Melvill; Lord Naper; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Answers of the  
Baillies, Dean  
of Guild, and  
Treasurer of  
the burgh of  
Edinburgh  
anent the dis-  
pute between  
that burgh  
and Leith.

“The whilk day the provest and bailleis of Edinburgh being required be the Lords of Secreit Counsell to advise with thair toun Counsell if they would willinglie consent to forbear the executioun of the decret recovered be thame aganis certane of thair vassallis of Leith discharging thame of the girnelling of victuall within Leith untill the first day of November nixtocome, and the bailleis of the said burgh with the deane of gild and thesaurar of the same burgh and Maister Alexander Guthrie, thair clerk, compeirand personallie before the saids lords, they gave in thair reasouns in writt for thair refusall to consent to the suspending of the said decret, and thairupoun asked instruments, of the whilk reasouns the tennour followes”—

Answeres and reasouns givin in be the toun of Edinburgh why they can not goodlie consent to the suspending of the decret obtaneid be thame before the Lords of Sessioun aganis certane inhabitants in Leith.

First.—The provest, bailleis and counsell of the said toun of Edinburgh can not imagine who is thair partie in this complaint, for they ar assured it cannot be the Lords of his Majesteis Secreit Counsell, who daylie remitts maters of this kynd to the Lords of Sessioun, nather wer they ever in use to stay the executioun of anie of thair decreits; and if thair partie be some particular noblemen or gentrie they aucht to give in thair supplicatioun and caus warne the provest and bailleis to answer thairto, and give thame ane authentick copie thair of that they may be acquaint with the grounds of thair greevances, whiche not being done the good toun is not haldin to answer to ane complaint without ane partie.

Secundlie.—The good toun cannot consent to the suspending of the said decret, becaus the same is ane decret founded upon thair rights and infettments ratified in Parliament and recovered before the Lords of Sessioun, who are soverane and supreme judges in maters of that nature *in foro contradictorio*, the mater being recommendit to the saids Lords be the Lords of Counsell, and the extracting of the said decret being opposed be ane number of the nobilitie and gentrie, and warrand being givin to the said Lords of Sessioun to extract the said decret notwithstanding of the said nobilitie and gentrie thair oppositioun; whiche warrand is givin out under the hand of my Lord Chancellor being the head of the bodie of the Sessioun, so that thair

Acta July 1629-  
December  
1630.  
Fol. 221, b.

consent to the suspending thair of wer ane expresse acknowledgement of the infirmitie of thair awin right or inquitie done be the Lords of Sessioun; nather could the present magistrats and counsell be ansuerable to thair successours if they sould in that kynde pas fra the benefite of thair right authorised be the sentence of the supreme judge.

Thirdlie.—The said sentence cannot properlie be craved to be suspendit, becaus the sentence is onelie aganis three persons, who hes found caution to obey the charge, and in respect of caution so found be thame the letters ar suspendit alreadie.

Fourthlie.—All that can follow upon this decret is no summar executioun, bot onelie ane ordinar actioun of contraventioun, in whiche actioun so to be intended the Lords hes declared in thair foresaid decret that they will reserve the interpretatioun and extent of the same deid of contraventioun to thameselfes so that no partie can compleane of anie prejudice they can susteane in the meane tyme.

Last.—To satisfie the Lords of his Majesteis most honourable Privie Counsell, the provest, bailleis and counsell of Edinburgh hopes so to carie thameselfes in the haill sequele that may follow upon that decret as they sall be answerable to his Majestie and his lawes for thair proceedings, and sall give als little just offence to the nobilitie and gentrie as they can."

"Forsameeple as the burgh of Edinburgh having laitlie recovered ane decret before the Lords of Sessioun aganis some of thair vassallis inhabitants of the toun of Leith, discharging thame of girnelling of victuall within the said toun, and a number of the nobilitie and gentrie frome the severall parte of this kingdome being heere for the tyme, and upon informatioun givin to thame of the said decret, apprehending thair awin prejudice thairin, seing however it seemes to reflect bot aganis a few number of the vassallis of Leith, yitt the executioun thair of will in consequence reache to the publict of the Estait and draw the whole victuall of the kingdome, whilk formerlie wes coft be the inhabitants of Leith, in the hands of a few number of Edinburgh, to be bought and sauld be thame at thair appetite; and this being represented to the Lords of Secreit Counsell and they havin takin the same to thair consideration as a mater of Estait importing the publict of the kingdome, whiche they ar bound in dewtie and justice to preferre to all privat respects, and having advisedlie examined and remarked what may be the event and consequence of the said decret and how far it may reache and be extendit aganis the publict of the Estait if the executioun thair of be prosecute and followed out, the saids Lords after long reasoning and mature and good advice and deliberatioun hes found and be the tennour heirof finds and declares that the stopping and debarring of the inhabitants of Leith frome girnelling of victuall according to the lawes would be verie prejudiciall to the noblemen and barouns both in the north and west countrie, and will occasioun ane forbearance of buying of

Act of Council  
forbidding the  
present  
execution of  
the decret by  
which the  
burgh of Edin-  
burgh stopped  
the storing of  
victual by  
a certain  
inhabitants of  
Leith.

Fol. 222, a.

victuall frome these in the north and of selling of the same Acta July 1622  
December  
1630.  
Fol. 222, a  
 to these in the west at exorbitant rates, to the great hurt of  
 the commoun weale: And thairfoir the saids Lords hes found it  
 meit and expedient, concludit and ordained, that the executioun of the  
 said decret sall be stayed for ane certane tyme till the saids Lords give  
 forder order and directioun thereanent; and ordains the maissers of  
 Counsell to pas and make intimatioun heirof to the provest and bailleis  
 of Edinburgh, and to command, charge and inhibite thame that they on  
 no wayes presooome to putt the said decret to executioun till the saids  
 Lords give forder directioun thereanent, as they will answeare upoun the  
 contrarie at thair perrell and under all highest pane that by course of  
 law can be inflicted upoun thame for thair disobedience. Followis the  
 missive writtin to his Majestie for this purpose. Fol. 222, b  
 The Burgh of Edinburgh having laitlie recovered ane decret before the  
 Lords of Sessioun discharging certane of their vassalls, inhabitants of  
 Leith, of all girnelling of victuall within the same, the noblemen and  
 barouns (who hitherto hes had the ordinarie dispatche of thair victuall  
 in Leith, quhilk wes customablie bought frome thame by the inhabitants  
 thairof) apprehending, not without just caus, thair awin interesse, and  
 that this restraint of lawfull girnelling of victuall in Leith would neces-  
 sarily enforce upon the inhabitants thairof ane forbearance of buying,  
 whairby thair victuall lying unprofitable in thair hands, they would be  
 constrained to sell the same to the burgesses of Edinburgh at a low  
 rate who would vent the said victuall to these in the west countrie at  
 ane exorbitant pryce to the great hurt of the commoun weale, they  
 thairfoir intreated the Counsell to take some present course for prevent-  
 ing the inconveniences and prejudices whiche wer likelie to ensew  
 upon the executioun of this decret; whiche we having taken to our con-  
 sideratioun and conceaving the harmefull effects whiche the executioun  
 of this sentence might afterwards import to the publict of the Estait, and  
 that it wes aganis the libertie of ane free subject that ane inhabitant of  
 Leith, being vassall to the toun of Edinburgh, sould be thairby depryved  
 of that priviledge and freedome whiche your Majesteis lawes does  
 indifferentlie allow to all your good subjects, we have thairupoun givin  
 warrand for stopping the executioun of the said decret, and have  
 heirby presoomed to acquaint your Majestie with our proceedings and  
 the reasouns thairof, humbelie intreating your Majestie, after your  
 Majestie hes seriouslie considerit of the nature of this bussines and of  
 the extent and consequence thairof, to signifie your royall pleasure con-  
 cerning the same, whiche we perswade our selfes will be exprest with  
 that tender respect towards the publict good of this kingdome as all your  
 Majesteis subjects may have daylie occasioun to powre out thair prayers  
 to God for your Majesteis long and happie raigne, etc. Halyrudhous, 2  
*Aprilis. Subscritur,* Dupline, Mar, Wintoun, Linlithgow, Aire, Areskine,  
 Carnegie, Naper, S. G. Elphinstoun, Scottistarvet, James Baillie."

Letter to his  
 Majesty con-  
 taining the  
 purport of the  
 above Act of  
 Council.

Acta July 1629-  
December  
1630.  
fol. 222, b.

“ The Lords of Secreit Counsell finds and declares that in the commissioun directed aganis Rothemay and others his rebellious complices, the Marqueis of Huntlie, the Lord Ogilvie, the Maister of Forbes, and Sir Williame Seaton ar the principall persouns to whose care and charge the executioun of that service is committed and frome whome the Counsell will crave ane particular accompt of thair diligence done thairin.”

Anent the  
commission  
directed  
against the  
Laird of  
Rothiemay  
and others.

fol. 223, a.

“ In regarde that Sir Williame Seatoun is appointed be the Counsell to be one of the saids commissioners and is speciallie entrusted by thame with this service, thairfoir the Lords gives power to the said Sir Williame, in absence of the Marqueis, to conveene the rest of the commissioners at what tyme he sall thinke fitt and to appoint the places of thair meeting to be at the burgh of Aberdein, Turreff, Bamf, or Elgine or anie of thame, or what other place or part the said Sir Williame sall designe, and there to consider and resolve upon the best and most effectuell meanes for prosecuting of the said commissioun and reduceing of the rebellis to the obedience of the law; and for this effect the saids Lords gives speciall warrand to the said Sir Williame and to suche as sall be appointed be him to meit with the said Laird of Rothemay and to deale and travell with him by all faire meanes for bringing of him to conformitie and sattling of the differences betuix him and the Lairds of Bamf and Fendraucht, and incaise of his refusall to hearken to ane amicable sattling to putt the commissioun to executioun aganis him with all extremitie. The saids Lords gives heirby power and warrand to the said Sir Williame Seaton and to suche others of the commissioners as sall happen to be present with him to call and conveene before thame the keepers of the hous of Rothemay and all and sindrie others persouns having and pretending right to the said hous and to urge thame to find caution under pecuniall panes not to ressett the saids rebellis within the said hous, and incaise of thair refusall to find the said caution to putt the said commissioun to executioun in the full extent thair of by besieging of the said hous and using of all possible meanes for recoverie thair of and apprehending of the rebellis being thairintill. Lykeas the saids Lords ordains the said Sir Williame be himselffe and suche of the commissioners as sall happin to be present with him for the tyme to command and charge in his Majesteis name and auctoritie all and sindrie his Majesteis shireffs and ministers of his lawes, provests and balleis of burrowes, speciallie the provest and balleis of Aberdein, and all others his Majesteis subjects to burgh and land, to ryse and concurre with the saids commissioners and to be effectuellie ayding and assisting unto thame by thair best power, force and meanes for putting of the said commissioun to dew and full executioun aganis the said rebellis; and if they or anie of thame sall prove remisse or negligent in this service so highlie importing his Majesteis honnour and the peace of

Charge to Sir  
William Seton  
anent the Laird  
of Rothiemay.

the countrie, that the said Sir Williame take notice of thair undewtiffull cariage thairin and report the same to the saids Lords, to the effect they may be callit to thair answeres.” Acta July 1629  
December  
1630.  
Fol. 223, a.

Charge to Sir John Grant of Freuchie anent James Grant in Daltaleis.

“ Forsameekle as the Lords of Secreit Counsell hes grantit ane commissioun to Sir Johne Grant of Frewchie for the persute of James Grant, callit in Daltaleis, and Alaster Grant, twa notorious lymmars and offenders, and for exhibitioun of thame to justice, and whereas the said Laird of Grant as cheefe and chiftane of that clan is obleist be the lawes of the kingdome to make these lymmars answerable and obedient to law and justice, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said Laird of Grant to accept the said commissioun upon him and to putt the same to dew executioun in all points conforme to the tennour thairof, and that he compeir personallie befoir the saids Lords upon the twentie twa day of Junij nixtocome to give ane accompt of his diligence in executioun of the said commissioun, under the pane of rebellious, etc., with certificatioun, etc.” Fol. 223, b.

Charge to the Lady of Rothemay to appear before the Council or else to find caution that she will not reset John Gordon of Rothemay and his accomplices.

“ Forsameekle as one of the cheefe causes whilks procure the rebellious and dissobedience of Johne Gordoun of Rothemay and Thomas Meldrum of Iden and thair rebellious complices is the ressett, supplee and confort quhilk they find within the hous of Rothemay, now possess and inhabite be Katharine Forbes, Ladie Rothemay, quhilk hous being ane stronghold and weill provyded and furnished with men, victuall and armour and all warrelyke furnitoure, encourageth thir rebellis in thair rebellious and furnishes unto thame the opportunitie and meanes to harme his Majesteis good subjects at thair pleasure, to the great contempt of law and justice and to the disorder and breake of the countrie. Thairfoir ordains letters to be direct charging the said Ladie Rothemay to compeir personallie before the saids Lords upon the                    day of                    to answer to the premisses and to heare and see suche order tane thereanent as she may be urged ather to rander the said hous, so as the same serve not for ane ressett and beild to the saids rebellis heirafter, or ellis to find caution that nane of thame sall find anie ressett, supplee nor confort within the said hous, under the pane of rebellious, etc., with certificatioun, etc.”

Supplication of Sir Alexander Gordon of Netherdean, knight, that he may be allowed time to settle his religious doubts and scruples.

“ Anent the supplication presented to the Lords of Secreit Counsell be Sir Alexander Gordoun of Neatherdene, knight, makand mentioun, that where he is chargit to compeir before the saids Lords to answer upon his conforming himselfe to the religioun presentlie profest within this kingdome, altho it be of truth that his behaviour and cariage in that particular proceids not upon anie wilfull contempt or dissobedience in him, bot upon some scruples and doubts quhilks he hes in his religioun, whairof if he could be cleered and receive satisfacioun thairin, there is none within the kingdome sould be more willing and readie to give all reall and trew obedience nor he, and he will never declyne anie lawfull meanes whilks may conduce to the cleering and resolutioun of

Acta July 1629- his doubts; and if after reasoning he shall be convinced and shall not  
 December finde that cleere satisfioun quhilk he earnestlie wishes to have, he  
 630. shall than underly what course and order the saids Lords shall injoyne  
 Fol. 223, b. unto him ather by abandoning the countrie or otherwayes as they shall  
 thinke meit. And whereas he hes had the charge and burdein of the  
 Erle of Sutherland his nephewes estait and living during his minoritie,  
 whilk is ane heavie burdein lying upon his head and imports no lesse  
 to him nor his haill estait and fortouns, thairfoir and to the intent the  
 said supplicant may have tyme and leasure to use the ordinarie  
 meanes for his resolutioun in the scruples and doubts of his  
 Fol. 224, a. religioun and that he may have tyme to fitt his compts with the  
 Erle of Sutherland and sattle his others effaires, humbelie desyring  
 the saids Lords to allow unto him ane competent and lawfull tyme  
 for thir twa particulars, lykeas at mair lenth is conteanit in the  
 said supplication. Quhilk being read, heard and considerit be the  
 saids Lords and they weill advised thairwith, and being carefull and  
 willing to give unto the said Sir Alexander all convenient helpe  
 that may conduce to the forderance of his resolutioun anent the  
 scruples and doubts of his religioun, thairfoir the saids Lords hes  
 appointed, allowed and assigned, and be the tennour heirof appoints,  
 allowes and assignes unto him the first Counsell day of November  
 nixtocome, betuix and whilk tyme he may use conference and uthers  
 lawfull meanes for satisfioun and cleering of his scruples and  
 doubts in religioun, and that he may fitt his compts and sattle his  
 others effaires. Becaus Sir Robert Gordoun, knight, his brother, being  
 personallie present, became actit and obleist as cautioner and souertie  
 for him that in this meane tyme he shall not ressett nor supplee anie  
 Jesuits nor priests, that he shall not repaire to the messe nor heare  
 messe, and that he shall admitt and heare conference for his resolutioun  
 in the doubts of his religioun, under the pane of three thowsand  
 merkes."

"Anent the supplicatioun presented to the Lords of Secreit Counsell  
 be Johne Weir, younger of Clenochedykes, makand mentioun that  
 where he hes beene this long tyme bygane prisouner within the  
 tolbuith of Edinburgh upon occasioun of that incestuous mariage made  
 be him with his aunt, and for the quhilk he being criminallie persewed  
 before his Majesteis Justice and convict, and doome of death pro-  
 nounced aganis him for that caus, his Majestie hes beene pleased upon  
 the saids Lords thair letter writtin in his favour gratuslie to extend  
 his clemencie toward him and to change the doome of death in  
 banishment, as his Majesteis letter showin to the saids Lords beiris.  
 And whereas he is content to act himselffe in the bookes of Adjournal  
 to depart furth of his Majesteis dominiouns betuix and suche ane  
 day as the saids Lords [shall] please appoint, and never to returne agane  
 without his Majesteis licence, and that in the meane tyme he shall

Supplication  
 by John Weir,  
 younger, of  
 Clenochdykes,  
 whose sentence  
 for marriage  
 with his aunt  
 had been com-  
 mited from  
 death to  
 banishment, to  
 be allowed to  
 leave the  
 country.

satisfie the Kirk and obteane himselffe relaxt frome the sentence of excommunicatioun pronounced aganis him, under the pane of deid incaise he failyie in anie point of the premisses; and siclyke he is content to act himselffe in the bookes of Secreit Counsell for the indempnitie of the Marqueis of Hamiltoun, his men, tennents and servants, under the pane of fyve hundreth merkes, seing he can gett none who will be cautioun for him conforme to the saids Lords thair ordinance formerlie givin heeranent upon the sevintene day of December last, humbelie desyring thairfoir the saids Lords to give command to the Justice, Justice Clerk and thair deputs to appoint ane certane justice court and to call him before thame and there to pronounce new doome of banishment aganis him and to take him actit in maner foresaid, and this doome being pronounced and he accordingle actit in the bookes of Adjournall and of Secreit Counsell, to give command to the provest and bailleis of Edinburgh to putt him to libertie and freedome and suffer him pas where he please, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords and they weill advised thairwith, and with his Majesteis missive direct to thame in this mater, the Lords of Secreit Counsell ordains the Justice, Justice Clerk and his deputs to appoint and hold ane justice court to the effect abonewrittin and to take this compleaner actit to depart furth of this kingdome betuix and the first day of Junij nixt and never to returne agane without his Majesteis licence, and that in the meane tyme he sall satisfie the Kirk and obteane himselffe relaxt fra the sentence of excommunicatioun used aganis him, under the pane of deid incaise he failyie in anie point of the premisses; and he being actit in maner foresaid and alsua acting himselffe in the bookes of Secreit Counsell for the indempnitie of the Marqueis of Hamiltoun, his men, tennents and servants, under the pane of fyve hundreth merkes, ordains the provest and bailleis of Edinburgh to putt him to libertie and freedome furth of thair tolbuith and suffer him pas where he please, in so far as he is warded for the caus abonewrittin, whereanent thir presents sall be to tbame ane warrand. Followes his Majesteis missive for warrand of the Act abonewrittin.

Letter from his Majesty anent the above John Weir and anent the stealing of a fishing-boat.

“ CHARLES R., Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellouris and right trustie and weilbelovit counsellouris, we greeete yow well. Having considered your letter toucheing the incestuous mariage contracted by one Weir, and perceaving that yow thinke it fitt for some good respects that our clemencie may be extendit to him in causing change the doome of death in his banishment, we inclyne rather to your opinioun than otherwayes to have the rigour of the law putt in executioun aganis him, and thairfoir doe fullie remitt unto yow to take what course yow sall thinke most fitt concerning him; and for your so doing these presents sall be your

Acta July 1629.  
December  
1630.

Fol. 224, a.

Fol. 224, b.

Warrant. And whereas by ane letter frome our right trustie and weil-belovit cousine and counsellar, the Erle of Linlithgow, we have understood of the apprehending there of some persouns borne within this our kingdome for having takin from thence ane fishers boate belonging to some of our subjects heere, our pleasure is that yow caus thame be putt to the ordinarie tryell accustomed in the lyke caises, suspending (if they be found guiltie of that fact) the executioun of justice upon thame till our further pleasure be signified unto yow in that behalffe. So we bid yow fareweill. Frome our Court at Woodstock the 27th of August 1629.

“The whilk day Adame, Bishop of Dumblane, and Sir Thomas Hope of Craighall, knight barounet, his Majesteis Advocat, being personallie present in Counsell, protested that notwithstanding the remitt or discharge grantit be his Majestie to M<sup>r</sup> Robert Phillip, servant to the Queens Majestie, of the sentence of convictioun pronounced aganis him be his Majesteis Justice for maters of religioun and of the panes conteanit thairin, that if the said M<sup>r</sup> Robert sall returne within this kingdome and offend aganis the lawes of the kingdome, that he may be conveyned upon his scandalous behaviour and be punished thairfoir according to the lawes made in that behalffe.”

“The Lords of Secreit Counsell modifies to Johne Neill, Englishman, prisouner in the Tolbuith of Edinburgh, sax shillings aucht pennis daylie for his interteanement during his remaining in the said tolbuith, to be payed be his Majesteis Thesaurar and receavers of his rents.”

[Sederunt as recorded above.]

Complaint by Mr. Walter Quhytfurde, sub-dean of Glasgow, as follows:— He is lawfully provided by his Majesty's presentation under the privy seal to the subdeanery of Glasgow, and to the kirks of Calder and Monkland which are united thereto, and his said presentation is confirmed by collation and institution from his ordinary and a decree of the Lords of Council and Session. He intended “by Gods grace to saddle himselfe at the kirk of Monkland,” which has long been “destitute of ane ordinar pastour,” and expected that “now in this happie tyme of peace under his Majesteis blessed government,” none would have made violent opposition thereto. Yet Sir James Kneil-land of Monkland has resolved by way of “deid, bangsterie and oppressioun” to hinder this, “quhilk is a point verie unseemelie in his persoun, he being knowin to be ane profest and avowed adversar to the truthe.” He “boasts and minasses, shoares and avowes to debarre the compleaner fra entrie to the said kirk, or if he sall preasse to repaire thairunto, to persew him of his lyffe.” He and his accomplices lie in wait for this purpose, and for a long time past “have

Holyrood House, 1st April 1630.

Complaint by Mr. Walter Whiteford, sub-dean of Glasgow, against Sir James Clelland of Monkland, whom he accuses of excluding him from the Kirk of Monkland, to which the complainer had been presented by his Majesty. See Vol. II. (Second Series.)



watched and guarded the kirk with convocatioun of his Majesteis lieges everie Saturday fra night till Sunday after the ordinarie tyme of sermoun" so as to kill the complainer if he should come thither. And thus "the exercise of the ministrie and discipline of the kirk is altogidder interrupted there and the parochiners cassin louse to follow thair awin humours and appetites." Moreover, the said Sir James does what in him lies "to brangle his Majesteis undoubted right of patronage and to intrude himselfe upon his Majesteis right." Parties being called and both compearing, and probation being referred to the defender's oath of verity, who denies, the Lords assoilzie him, but ordain him to find caution in the books of Privy Council in 5000 merks for the safety of the pursuer.

Decreta,  
January 1630.  
February 1631.  
Fol. 40, b.

Complaint by Margaret Home, spouse of Patrick Cranston of Corsebie, against her said husband, who refuses to pay to her the aliment which the Council had ordained during the term of their separation. See ante, p. 101.

Complaint by Marion Home, spouse of Patrick Cranstoun of Corsebie, as follows:—In March 1628 she summoned her husband before their Lordships and proved "manie unnaturall and barbarous insolenceis committed be him against her," when they found that she and her said husband could not cohabit together, and so separated them "untill it pleased God to unite thair hearts and affections in that Christiane harmonie quhilk aucht to be betuix the husband and the wyffe," modifying to her 800 merks as a year's allowance. Her husband's malicious disposition towards her is unchanged, for not only does he "in all publict meetings and societeis" profess himself her avowed enemy, but he has recently "putt away Cranstoun, his sone, ane young boy of threttein yeers of age, so as the poore youth wes forced bare footted and bare legged to come to the burgh of Edinburgh to the compleaner, his mother, and he so miserable intreats the remanent of his childrein, sending some of thame to keepe his sheepe and others to keepe his nolt, as they ar in worse caise and conditioun nor anie beggers." She is willing to keep and maintain her children in Edinburgh at the schools and other virtuous exercises, and she therefore craves that her aliment be continued and increased "for interteaning and educatioun of thair childrein as thair birth and qualitie does require." Both parties compearing, the Lords ordain the said Patrick to pay to his said spouse 800 merks for a year's aliment, viz. to 1st April 1631, in two half yearly sums at Whitsunday and Martinmas next respectively.

Fol. 41, a.

Supplication by David Ros of Balnagowne that he may be released from ward on account of his father's debts. See ante, p. 459.

Supplication by David Ros of Balnagowne, as follows:—"He is now in his young and tender age most heavilie distrest by his fathers creditors," who intend both to apprise his lands and incarcerate his person, which if they do, it will interrupt his "breeding and educatioun at schooles," and prevent him repairing to his friends for the recovery of "his brokin and ruinated estait." He therefore craves their Lordships' protection. The Lords, "finding it ane verie hard mater to ward minors, who ar ignorant and innocent of the causes of thair warding and can doe nothing for thair releefe, and who by thair warding will be deprived

Fol. 41, b.

reta,  
uary 1630-  
bruary 1631.  
41, b.

of the ordinarie helpes of thair educatioun and breeding at schooles," ordain that the supplicant shall not be troubled by hornings nor captions on account of his father's debts for a year to come.

Supplication by Patrick Con of Artrochie and Helen Kinnaird, his spouse, as follows:—"For eschewing of scandall or giving of offence to his Majestie or the Church in maters of religioun" he has found caution in 1000 merks to leave the kingdom before 1st June next, and he intends to take his said wife with him; but he finds the time of preparation too short for disposing of his estate and putting his affairs in such order that they may have wherewith to entertain themselves abroad. He is his Majesty's free subject, and not at the horn, and he therefore craves their Lordships to grant him warrant to dispose of his estate, notwithstanding of any arrestments thereon through his excommunication, and to lengthen the time; also to discharge Lord Gordon or other commissioners from apprehending him or his said bedfellow; for doing of all which he is willing to find additional caution. The Lords extend the time till 1st October next, and discharge the commissioners from putting their commission against them in force till then, the supplicant finding caution in 1000 merks to do as he says and not return without his Majesty's licence, and that meanwhile he shall not reset any Jesuits or priests, nor go to or hear mass. They further ordain him to give to the Advocate a rental of his lands, so that they may modify to him a proportional part out of them.

Supplication  
by Patrick Con  
of Artrochie  
and Helen  
Kinnaird, his  
spouse, both  
excommuni-  
cated for their  
religion, for  
extension of  
protection to  
put their  
affairs in order  
previous to  
quitting the  
kingdom.

42, b.

Supplication by the moderator and brethren of the presbytery of Haddington, as follows:—"On "cleere and pregnant presumptiouns made and givin in be umquhill Alexander Hamiltoun and some others aganis Bessie Duncane, Katherine Kirktoun, Katharine Lawder, Bessie Hepburne, Alesoun Carrick, Margaret Mitchell, Bessie Lawder, Agnes Sinclair, and Margaret Alexander," their Lordships authorised the supplicants to cite and examine these persons on the charge of witchcraft and report their depositions. The supplicants have been both diligent and careful in the execution of this commission, but seeing they have no power to ward these persons, they on that account "ar so obdured in thair denyall as they stifferie gainsay all that is clearlie provin and deponed aganis thame." Moreover, after they have been examined "they have thair awin privat conventicles where eache of thame informe others how to stand to thair denyall, and they ar sworne for secrecie and that none of thame sall depone aganis another." All their labour is thus likely to prove useless unless they have power to ward these persons, "it being constantlie affirmed be all these who hes beene upoun the examinatioun of witches that they will never come to a confessioun so long as they ar free and out of ward." The supplicants therefore crave authority to commit these persons to ward in the tolbooth of Hadintoun, and to keep them apart till they have fully examined them. The Lords grant the

Supplication  
by the  
moderator and  
brethren of the  
Presbytery of  
Haddington  
for power to  
ward Bessie  
Duncan and  
others, accused  
of witchcraft.

powers craved, ordaining the provost and bailies to receive and keep them until lawfully freed, and the supplicants to report the depositions on 20th April instant.

Decreta,  
January 1630  
February 1631  
Fol. 42, b.

Complaint by William Dick, merchant burgesse of Edinburgh, against William Graham, merchant burgesse of Edinburgh.

Complaint by William Dick, merchant burgesse of Edinburgh, "present tacksman of the impost, old and new, and custome of all wynes exported and imported within this realme, and sua having right and interesse to the bookes and rolles of accompt of the samine of the yeeres bygane," as follows:—William Graham, merchant burgesse of Edinburgh, late collector of the impost and custom of all wines exported and imported at Leith, refuses to render to the complainer the books and rolls of his accounts, or to produce them before their Lordships unless he is compelled. Charge having been given to Graham for this end, and both parties compearing, the Lords, after hearing, ordain Graham to deliver the books in question to the pursuer without delay, as he will answer to them upon his obedience.

Fol. 43, a.

Complaint by Sir Robert Hepburn of Aulderston against Sir Michael Preston of Fentonbarns, whom he accuses of wearing hagbutts and pistols, and shouting at the complainer in his chamber.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir Robert Hepburne of Aulderstoun, as follows:—Notwithstanding the prohibition of the wearing and bearing of hagbutts and pistolets, on last Sir Michael Prestoun of Fentonbarns came to the complainer's chamber in Edinburgh, "where his childrein remaine at the schooles," and "discharget ane pistolet in at the windowes of the said chamber, as he had done diverse tymes of before, resolved to have shott the said Sir Robert or his said childrein thairwith." He thus daily threatens their lives "and continuallie goes up and down the calsey of Edinburgh and others parts of the countrie where the necessitie of his adoes invites him, with ane paire of pistolets at his belt," for the molestation of the compleaner and others of the subjects against whom he bears a grudge. Both parties compearing, and probation being referred to the defender's oath of verity, he granted the shooting of a pistol in the close beside the said chamber but not at the window, and that the pistol had no bullet in it; also that he had worn a pistol on two other occasions, but with no intention of harming any one, whereupon the Lords ordain him to be warded in the tolbooth of Edinburgh till he find caution in 3000 merks for the safety of the pursuer.

Fol. 43, b.

Holyrood House, 1st April 1630.

Commission to the Marquis of Huntly and others to arrest and produce before the Council John Gordon of Rothiemay and others.

Commission under the Signet to the Marquis of Huntlie, James, Lord Ogilvie, Alexander, Master of Forbes, Sir William Seatoun of Kyllismure, Sir Robert Gordoun of that Ilk, Sir Robert Innes of that Ilk, Sir Thomas Burnet of Leyes, Andrew Fraser, apparent of Murkill, Sir Alexander Irwing of Drum, Sir George Johnestoun of Caskiben, John Grant, apparent of Ballindallach, James Gordoun, elder, and James Gordoun, younger, of Birkinburn, and George Spence of Tulloch, to convocate the lieges in arms, and search for, apprehend, and present before the Council for delivery to the Justice, John Gordoun, now of Rothiemay, John Inneis of Crombie, John Young and Alexander Inneis, his servants, and Robert Bruce of Incheorsie, who on 1st December 1628 were put to

Commissi-  
1624-30.  
Fol. 219, a.

missions, 14-30. i. 219, a. the horn at the instance of the King's Advocate and Robert Crichtoun of Conland, domestic servitor to James Crichtoun of Fendraucht, for not finding caution to underlie the law for bearing hagbuts and pistols and wounding the said Robert; also Patrick Gordoun, son to Robert Gordoun of Culluthie, John Gordoun, son to Patrick Gordoun in Torresoule, John Gordoun, now of Rothiemay, Johne Lobane and Robert Bruce, his servitours, Thomas Meldrum, sometime of Iden, Mr. William Meldrum, his son, John Gordoun, son to Hew Gordoun of Smithstoun, John Gordoun in Inchestomacke, Mr. Thomas Small, son to Mr. Alexander Small, parson of Rothiemay, Arthur Forbes in Inchevorsie, George Fordyce in Auchincreeff, Andrew Craig in Megane, William Abernethie at the kirk of Rothiemay, and Petrie Leg in Druchley, who on 17th and 27th December 1629 were put to the horn at the instance of the King's Advocate and James Crichtoun of Fendraucht for not finding caution in the books of Adjournal to appear before the Justice and answer for their opposition with hagbuts and pistols to William Seatoun of Meldrum and Sir George Ogilvie of Bamff in the execution of a commission granted to them; as also for disobeying a charge of treason given to them by William Craig, Rothesay Herald, with displayed coat of arms, for the rendering of their houses and entry of their persons in ward, and for other insolences committed by them with unlawful weapons; likewise John Gordoun of Rothiemay, Thomas Meldrum of Iden, Mr. William Meldrum, his son, John Gordoun in Brauchlaus, John Lobane, servitor to the deceased William Gordoun of Rothiemay, Adam Gordoun, son to Sir Adam Gordoun of Park, Arthur Forbes, brother natural to Arthur, Lord Forbes, Robert Bruce in Inchevorsie, Thomas Smith in Rothiemay, John Gordoun of Carnehill, James Forbes in Knaylans, Alexander Gray in Corsekellie, and William Duncan in Rothiemay, who on 7th March instant were put to the horn at the instance of the King's Advocate and of Isabel Keith, as relict, James Gordoun, as son, Catherine, Janet, Elspit, Agnes, Beatrix, Isabel, Jean, Gordoun, as daughters, and remanent kin and friends of the deceased George Gordoun of Minonie, for failing to find caution in the books of Adjournal to underlie the law before the Justice for the slaughter of the said George Gordoun while in the company of Sir George Ogilvie of Bamff, the King's commissioner, and their treasonable opposition made to the said commissioners in the execution of their commission; also James Grant in Deltaleis, who was put to the horn on 30th January 1818 at the instance of the King's Advocate and of Thomas Grant of Cardellis, as father, John Grant, apparent of Cardellis, as brother, and the remanent kin and friends of the deceased Patrick Grant in Lettache, for not finding caution to underlie his trial before the Justice and his deputes for the slaughter of the said Patrick Grant. And these rebels have associated with themselves one Alaster Grant,

i. 219, b.

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a broken Highlander and a notorious malefactor, along with a number of other broken Highlanders, and they threaten the Lairds of Bamff and Fendraucht and their tenants and servants with fire and sword and all kinds of hostility, so that many of the said tenants for fear of their lives have abandoned their farms, which now lie waste, the gentlemen of the parish dare not resort to the kirks for hearing the word, so that there is "ane universall surceasse and cessatioun of divine service at the saids kirks." Power of fire and sword is given, also exoneration in case of injuries or fatalities in the pursuit, and liberty of using hagbuts and pistols in the service only. Signed by Geo. Cancell., Mar, Monteith, Morrey, Wintoun, Linlithgow, and Aire.

Commission to Simon, Lord Fraser of Lovat, and others to apprehend Alaster M'Rorie and John M'Culloch, now at the horn for the slaughter of one M'Ercher.

Commission under the Signet to Simon, Lord Fraser of Lovat, Thomas Fraser of Streachin, Thomas Fraser of Strowie, William Fraser, younger of Kilbockie, Hew Fraser of Belladrum, John Grant of Corriemonie, and James Fraser of Phopachie, jointly and severally, to convocate the lieges in arms, search for, apprehend and present before the Council for delivery to the Justice and his deutes Alaster M'Rorie and John M'Culloch, vagabonds, resorting within the shire of Innernes, and put to the horn on 30th July 1629 at the instance of Ferquhar M'Eane M'Intagart of Trochil, as father, Ferquhar M'Ercher M'Intagart, as brother, John Oig M'Intagart, father's brother, and the remanent kin and friends of the deceased M'Ercher in Tintagall, for not finding caution to underlie the law for the slaughter of the person last named; with indemnification if the said rebels be hurt or slain in the execution of this commission. Signed as above.

Commission to Sir James M'Gill of Cranston-Riddell and others to try Elizabeth Selkirk for witchcraft.

Commission under the Signet to Sir James M'Gill of Cranston-Riddell, knight baronet, Sir Samuel Johnestoun, of Elphinstoun, knight baronet, M' Patrick Hamiltoun of Little Prestoun, and James Rig of Carbarrie, or any two of them, as justices, to hold courts and try Elizabeth Selkirk in Cowsland, who has been long suspected of witchcraft. Signed by Geo. Cancell., Monteith, Morrey, Linlithgow, Aire, Areskine, and Elphinstoun.

Similar commission.

Similar commission of this date to the same commissioners for the trial of Margaret Borthuick, *alias* Berdock, for the crime of witchcraft. Signed by Geo. Cancell., Mar, Monteith, Morrey, Wintoun, Linlithgow, and Aire.

Commission to Sir John Grant of Freuchie to apprehend James Grant in Daltaleis and Alaster Grant, now at the horn.

Commission under the Signet signed by the same Lords to Sir John Grant of Freuchie 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, and for the causes named in the foregoing commission to the Marquis of Huntlie and others; and also Alaster Grant, whom he has associated to himself with some forty or fifty other broken Highland men, some of the Clanronnald, some of the Clangregour, and some out

Commissions,  
1624-30.  
Fol. 221, a.

of the countries of Glencoe, Strathspey, and Strathdoun, all of whom go throughout the country armed with unlawful weapons, sorning and oppressing the subjects, and threatening all with whom they pretend a quarrel with fire and sword and all other rigour and extremity. Sir John Grant is chief to the said James and Alaster, and ought to be responsible for them. He is impowered to use all warlike force, with hagbuts and pistols, and has an indemnification against accidents.

Royal Letters,  
1623-32.  
Fol. 180, a.

"Most sacred Sovereane, The inclosed petitioun being presented unto us be Johne, Bishop of the Isles, desyring us to recommend the same to your Majesteis gracious consideratioun, we have beene moved out of our certane knowledge and commiseratioun of his distresse and dilapidat estate of his bishoprick, quhilks to his great panes and unprofitable charge he hes hitherto beene labouring to recover, to recommend the petitioun to your Majesteis favourable hearing; humblie intreating your Majestie after perusall thair of to take suche a course for the petitiouners releeffe and his reasounable maintenance in tyme comming as your Majestie in the excellencie of your wisdoms sall find the merite of the caus to require. And so, etc. Halyrudhous, *primo Aprilis* 1630. *Subscibitur*, Duppline, Mar, Monteith, Murrey, Wintoun, Linlithgow, Aire, Areskine, Melvill, Carnegie, Naper, Scottistarvet."

Holyrood  
House, 1st  
April 1630.  
Letter to his  
Majesty anent  
the Bishop of  
the Isles.

Fol. 180, b.

"After our verie heartilie commendatiouns to your good lordship. It is not unknowne to your lordship quhat disorderlie insolenceis and proud and lawlesse contempts hes fallin out and ar daylie committed within these bounds upon occasioun of the rebelloun and disobedience of Johne Gordoun of Rothemay and his rebellious complices, who, having shaikin aff all reverence of his Majesteis auctoritie and all feare of law and justice, have in a maner tane and raised up a banner aganis his Majestie, and thair actiouns are so disgracefull to his Majesteis governement as we cannot be answerable to his Majestie if anie longer connivence and oversight be givin thairunto. And quhairas your lordship is the speciall man of power and freindship in these bounds and most able to suppress disorders and insolenceis of this kynde, and we being verie confident of your lordships affectioun to his Majesteis service, and that nothing will be wanting in your lordship quhilk may forder and advance the same, we have thairfoir exped and heerwith sent unto your lordship and some others ane commissioun aganis thir criminallis, the executioun quhair of we will earnestlie recommend to your lordships care and diligence, requesting and desyring your good lordship to accept this commissioun upon yow and to execute the same with that sinceritie and effauldnesse as is answerable to your lordships honnour and to the assurance his Majestie hes of the integritie of your lordships affectioun to his Majesteis service. For if this disorder and insolenceis of thir rebellis be suffered to be of longer continuance we will be forced for our awin exoneratioun to give ane accompt to his Majestie quhat we have done for suppressing thair of. And so committing your lordship to Gods

Holyrood  
House, 1st  
April 1630.  
Letter to  
the Marquis of  
Huntly and  
others for the  
apprehension  
of John Gordon  
of Rothiemay  
and his accom-  
plices.

protectioun, we rest, etc. Frome Halyrudhouse the first of Apryle, 1630. *Subscribitur*, Mar, Monteith, Morrey, Wintoun, Linlithgow, Aire." Royal Letters  
1623-32.  
Fol. 180, b.

Holyrood  
House, 1st  
April 1630.

Commission to  
the Laird of  
Grant for the  
arrest of James  
and Alaster  
Grant.

See ante, p. 518.

"After our verie heartilie commendatiouns. The proud and insolent rebelloun of James and Alaster Grants hes beene of so long continuance and is so disgracefull to his Majesteis governement as we cannot be answerable to his Majestie if they sall be suffered longer to runne louse in thair disorderlie and lawlesse insolenceis. And quhairas yow are cheefe unto thame and chiftane of thair clan and so be the lawes of this kingdome aught and must be answerable for thame, we have thairfoir exped and heere-with sent unto yow ane commissioun aganis thir lymmers, the executioun quhairof we earnestlie recommend to your care and diligence, and so to goe on in the executioun thairof as yow may approve yourselfe answerable to his Majestie and his lawes in this point of service layed upon yow, and quhilk by the lawes of the kingdome yow cannot eshew; assuring yow if yow be remisse and negligent heerin we will not onelie acquaint his Majestie and give him ane accompt of our proceedings bot with that will take suche course and order with yow for making yow answerable for these lymmers as the lawes of the kingdome will allow; but looking that yow will be more respective of your dewtie and credite and that yow will not draw, us to this extremitie, we committ yow to God. Frome Halyrudhous the first of Apryle 1630. *Subscribitur*, Geo. Cancell., Mar, Monteith, Morrey, Wintoun, Linlithgow, Aire."

Holyrood  
House, 2nd  
April 1630.

*Sederunt ut die prædicto* except the Erle of Murrey and Clerk of Register.

Acta July 1630  
December  
1630.  
Fol. 225, a.

Order prohibiting the exportation of victual during the current year in view of the existing dearth.

"Forsameekle as it is understand to the Lords of Privie Counsell that there is ane verie great dearth and skarsetie of victuall within this kingdome this present yeere, and the saids Lords being cairfull to foresee and prevent all occasions quhilks may foster and interteane this skarsetie and dearth they have thairfoir thought meit, concluded, and ordained that there sall be ane restraint of exportatioun of victuall for this present yeere, except where licence is alreadie grantit for transporting of wheate upon assurance and caution for imbringing of the double quantitie of the wheat exported in other graynes of victuall more usefull for the countrie. And the saids Lords declares that there sall be no licence grantit heerafter for exportatioun of victuall bot be the advice and knowledge of the saids Lords and for the seene weale and good of the countrie; and siclyke they declare that the importatioun of victuall for this yeere sall be free to his Majesteis subjects without payment of any custome or other exactioun except the old dewtie and custome of twelffe penneis for the boll. And ordains letters to be direct charging officers of armes to pas to the mercat croces of the heid burrowes of this kingdome and others places neidfull and there be opin proclamatioun to make publicatioun and intimatioun heirof to all his Majesteis lieges

Acta July 1629-  
December  
1630.  
Fol. 225, a.

and subjectis, whairthrow nane pretend ignorance of the same; and to command, charge and inhibite all and sindrie his Majesteis lieges and subjectis and strangers that nane of thame presooome nor take upon hand to carie or transport anie kynde of victuall furth of this kingdome except where licence is alreadie grantit for transporting of wheate upon assurance and caution for imbring of the double quantitie of the said wheat in other graynes, under the pane of confiscatioun of the said victuall and of the haille remanent moveable goods perteaning to the awners and transporters thairof to his Majesteis use; and siclyke to command and charge all provests and bailleis of burrowes, customers, searchers and others whome these presents doe or may concerne, that they and everie ane of thame within thair severall bounds and offices have a speciall care and caus diligent attendance be givin that no victuall be shipped nor transported out of thair bounds, as they and everie ane of thame will answer upon thair obedience at thair highest charge and perrell,"

Fol. 225, b.

"Anent the supplicatioun givin in to the Lords of his Majesteis Secretit Counsell be Leveane Rickleman and Peter Evertson, maisters of the twa shippes of Caleis callit *The Sanct Peter* and *The Sanct Mitchael*, whiche wes taken frome thame be Captane John Andersone and Captane Johne Daw, humbelie craving that the saids Lords would give order and directioun to Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome, to caus his clerk of the Admiraltie to extract and draw furth to the saids compleaners the decretit of spuilye recovered before him at thair instance aganis the saids Captane Johne Andersone and Captane Johne Daw to the effect that the same may be putt to executioun conforme to the lawes of the kingdome; and in respect thairof and that they ar strangers and hes beene deteanned heere in processe of law these ten moneths bygane, that the saids Lords would provyde and take present order for delyverance and restitutioun to be undelayedlie made unto thame of thair saids twa shippes with the whole furniture and apparrelling thairof, victualls, money, goods and geir being thairintill the tyme of the saids captans thair taking of the saids shippes and intromissioun thairwith, conform to the decretit of spuilye recovered before the said Lord Admirall aganis thame, as said is, as at mair lenth is conteanit in the said supplicatioun. The saids compleaners compeirand personallie and the saids Captane Johne Andersone and Captane Johne Daw compeirand be Sir Patrik Hepburne of Wauchtoun, knyght, one of the awners of thair saids shippes, be whome it wes alledgit for and on the behalffe of the saids Captane Andersone and Captane Daw, that they being lawfullie authorized with commissioun from Williame, Erle Mairshell, who hes warrand under his Majesteis great seale to reik out and putt to sea ane certane number of shippes for persute of the commoun enemie and for arresting of all other shippes whome they could deprehend and discover carying forbyddin goods towards the supplee and strenthning

Case of two  
ships of Calais  
which had  
been seized as  
prizes by  
Captain John  
Anderson and  
Captain John  
Daw.



of his Majesteis saids enemeis, and that the saids captans having accordinglie upon verie cleere and undenyable evidences seized upon the saids compleaners thair twa shippes abonenamed and brought the same in to the harbourie of Leith there to have bene tryed and judged as lawfull pryzes, there fell out some contest and difference betuix the said Lord Admirall and the said Erle Mairshell anent the right and priviledge acclaymed be either of thame to the judging of the saids twa shippes, and that induring the dependance of this plea the saids compleaners had obteanit decreit of spuilye aganis the saids Captane Johne Andersone and Captane Johne Daw before the said Lord Admirall, whair of they have now intentit ane reductioun before the Lords of Counsell and Sessioun, and have lykewayes raised ane summons before Mr Thomas Nicolsons, Admirall Depute (who be express ordinance of the Lords of Sessioun is found to be judge in all pryzes taken be vertew of the said Erle Mairshell his commissioun) for declaring of the saids twa shippes to be lawfull pryzes, and that thairfoir the said pretendit decreit whiche wes givin induring the dependance of the plea foresaid be the said Lord Admirall, who wes not judge, and aganis the saids parteis for not compearance can nather be extracted nor putt to executioun. With the whilk desyre of the saids compleaners and with the alledgeance and answeere made thairto be the said Laird of Wauchtoun, and with all that wes propouned be either of the saids parteis in this mater, the saids Lords being weill and throughlie advised, and being thairwithal verie sollicitous and carefull to use the saids strangers with all kynde of courtesie, favour and respect, and to obviat and releve thame of the unavoydable trouble and expenses whilk they behoved necessarilie to undergoe in thair defence and attendance upon the saids twa actiouns presentlie in dependance and whair of the issue wes questionable and doubtfull, Thairfoir the saids Lords, for the ease and liberationn of both the saids parteis, hes decerned and ordained and by these presents decernis and ordains the saids Captane Andersone and Captane Daw and the said Laird of Wauchtoun, who took burdein for thame, and wes personallie present, as said is, to render and delyver unto the saids compleaners thair saids twa shippes with the furniture and apparrelling thair of, goods and geir being thairintill, in the same case and conditioun whairin they presentlie ar and what sall be wanting and enlaiking of that whiche wes within the saids shippes the tyme of thair taking ordains thame to give satisfioun to the saids compleaners for the same at the sight and appointment of the said Lord Admirall and others of his Majesteis Counsell deputed to that effect; as alsua decerns and ordains the said Captane Andersone and Captane Daw and the said Laird of Wauchtoun as taking burdein for thame, as said is, to make full and compleit payment and satisfioun to the saids compleaners betuix and the tent day of this instant

Acta July 1630.  
December  
1630.

Fol. 225, b.

Fol. 226, a.

Acta July 1629-  
December  
1630.  
Fol. 226, a.

Fol. 226, b.

of the sowme of eightein hundreth dollours, being within the saids shippes and whiche wer intrometted with and taken furth thair of be the saids Captans; and siclyke to make payment and delyverance to the saids compleaners and to everie ane of thame of the sowme of ane thowsand merkes in full and plenarie satisfioun of all that can be craved frome the saids Captans for the victuallis being within either of the saids twa shippes. And the saids Lords freethes and releeves the saids Captane Johne Andersoun and Captane Johne Daw of all actioun and instance competent to the saids compleaners aganis thame for damage and interesse in respect of the dependance of the actioun of reducioun; and that it wes found be the saids Lords that they tooke the saids twa shippes be vertew of thair commissioun upon probable grounds of suspicioun that the saids shippes and goods perteaned to his Majesteis enemies or wes carying forbiddin goods for supplee of thame; and declaires the saids Captans and the companie and equippage of thair shippes to be free and on no wayes to be lyable nor subject in anie further burdein or satisfioun to be givin be thame to the saids compleaners more than is decerned and appointed by this present decret, notwithstanding of the sentence of spuiylie recovered be the saids compleaners aganis thame as said is, exonerig thame thair of and of the haill heids, clausis and articles conteanit thairintill; and ordains both the saids parteis to discharge others *hinc inde*; lykeas the saids Lords heirby discharges all actionns alreadye intentit and depending or whiche are dew and competent to either of thame aganis others, and to grant acquittances and discharges to others thairupoun, and upon performance of the premises in most warrantable maner. And becaus it is understood to the saids Lords that the said Captane Johne Daw and his shippe and goods ar arrested in Burdeaulx upon occasioun of the taking and stay of the said Leveane Rickleman his shippe heir and proces depending aganis him thereanent, thairfoir the saids Lords ordains the said Leveane Rickleman himselffe or otherwayes [his] shippe to stay and remaine heere and not to louse nor depart furth of this kingdome whill the said Captane Johne Daw and his shippe be first releevd in Burdeaulx, or that the said Leveane Rickleman report ane sufficient and lawfull certificat frome the magistrats of Burdeaulx testifeing the said Captane Daw his release-ment and that his shippe and goods ar restored saulfelie unto him. And further the saids Lords decernis and ordains the said Laird of Wauchtoun to have his releefe of the saids Captane Johne Andersone and Captane Johne Daw and of the awners of thair said shippes according to his interesse and undertaking in this mater; and ordains letters to be direct heirupoun if neid beis in forme as effeirs."

"Forsameekle as Johne Gordoun of Rothemay being oft tymes rebell and at the horne als weill for civill as criminall causes, and he being most obstinat and contemptuous in his rebelloun

Warrant to Sir  
George Ogilvie  
of Banff and  
others to wear  
hagbuts and

pistols in self-defence against John Gordon of Rothiemay and others.

without respect or regarde to law or justice bot carying himselfe in all respects as if he lived not under the obedience of a soverane lord and king, the Lords of Secreit Counsell thairfoir grantit ane commissioun to Sir George Ogilvie of Bamf, knight baronnet, and certane others for the persute and apprehensioun of the said Johne Gordoun and his rebellious complices and exhibitioun of thame to justice; and the said Sir George being laitlie in the executioun of the said commissioun accompanied with James Crichtoun of Fendraucht, James Leslie of Achorthes, Alexander Gordoun of Normand Leslie at the Mylne of Quhythauche, George Spence of Tulloche, Robert Crichtoun of Conland, James Clerk in Pennyburne, Alexander Moresone in Bogrie, Mr John Horne in , Alexander Fordyce in Knichtmylne, Alexander Leslie in Mannelie, John there, Williame Fordyce in Auchshalloch, James Gordoun at the Kirk of Forge, Williame Horne in Bogewine, George and Johne Sinclars in Haddomylne, Robert Ridfurde in Pardarge, Alexander Umphra at the Mylne of Forge, M<sup>r</sup> James Clerk in Bognie, James Ogilvie in Kinnardie, Alexander Gordoun in Ardfoure, Johne Meldrum in Reidhill, George Crichtoun, younger of Crichtie, Williame Irwing, soun to M<sup>r</sup> Robert Irwing, persoun at Innerkeithnie, Alexander Gordoun in Sandla, Robert Gordoun, soun to umquhill George Gordoun in Mininie, Patrik Stewart, servitour to the said Sir George Ogilvie, David Seatoun, James Wischart, and Alexander Alschoner, servitours to the said James Crichtoun of Fendraucht, Alexander Jacke in Fendraucht, and George Gordoun there, resolved allanerlie to have apprehendit the said Johne Gordoun and his rebellious complices without anie purpose to have done them harme, they wer violentlie resisted and the executioun of the commissioun foresaid directlie opposed unto be the said Johne Gordoun and his complices, whairupon great slaughter, bloodshed and others inconveniences fell out, to the disturbance of his Majesteis peace. And the said Johne Gordoun being incensed and in the pryde and malice of his heart stirred up to ane violent and cruell revenge aganis the saids Lairds of Bamf and Fendraucht, and disdaining that they durst undertake or presume to execute anie suche commissioun aganis thame, they have for that onelie caus resolved not onelie to have thair lyffes bot the lyves of the others persouns particularlie abonewritin that assisted thame in the executioun of the commissioun foresaid; and for executioun thairof they daylie beare and wear hacquebuts and pistolets, rydes and ganges thairwith in all parts, awaiting the tyme and occasioun to rancounter the persouns foresaids and persew thame of thaire lyffes, so as they, who out of thair dewtie and obedience to his Majestie and reverence of his Majesteis lawes forbearis suche unlawfull weapouns ar layed open as a prey to the saids rebellis, and hardlie darre they repaire in any part of the countrie for feare of their lyffes. And whereas it

Acta July 1629  
December  
1630.  
Fol. 226, b.

Fol. 227, a.

Acta July 1629-  
December  
1630.  
Fol. 227, a.

can not stand with reason nor justice that his Majesties peaceable and good subjects shall be exposed to the injurie and malice of thir rebellious persons who hunt after nothing but blood and revenge, Thairfor the Lords of Secret Counsell hes givin and grantit, and be the tennour heirof gives and grants, libertie and licence to the saids Sir George Ogilvie of Bamff, James Crichtoun of Fendraucht, and to the remanent persons particularlie abonewrittin, as alsua to suche others person or persons as shall happin to be in companie with the saids Lairds of Bamff and Fendraucht for the tyme, to beare and weare hacquebutts and pistolets in thair awin necessar, just and lawfull defence of thair lyffes aganis the said Johne Gordoun and his rebellious complices allanerlie, without pane, cryme, skaith or danger to be incurred be thame thairthrow in thair persons, lands and goods, notwithstanding whatsoever acts and proclamatiouns made in the contrair, whereanent and [all] panes conteanit thairin the saids Lords in his Majesties name dispenses be thir presents; provyding alwayes that the persons particularlie abonewrittin doe not beare nor weare hacquebutts nor pistolets aganis anie of our soverane lords good and lawfull subjects nor in no other actioun nor caus bot in thair awin defence aganis the said Johne Gordoun and his rebellious complices; otherwayes this present licence to be of no avall, force nor effect."

Fol. 227, b.

"The Lords of Secret Counsell according to ane warrand and directioun in writt signed be the Kings Majestie and sent unto thame ordains ane commissioun or letters of reprysall to be past and exped under his Majesties great seale to Captane David Robertsons aganis the town of Hamburg for the causes mentiouned in his Majesties said letter, and ordains ane missive to be writtin to his Majestie concerning this mater, and that the commissioun or letters of reprysall be sent to his Majestie to be used as his Majestie shall direct and command. Followes the missive abonementiouned writtin be the Counsell to his Majestie:—Most sacred Soverane, According to the directioun of your Majesties letter writtin unto us in favours of Captane Robertsons we have dewlie weyghed and carefullie considerit the depositiouns and tryell taken by your Majesties warrand in your High Court of Admiraltie there concerning the losses and wrongs done to the said Captane by the two Hamburgers, Captane Longue and Captane Utenhold; and having lykewayes perused your Majesties letters direct to the Senate of Hamburg requyring redresse and satisfioun to be made to the said Captane Robertsons within the space of one moneth after the receipt of your Majesties letters, we finde the answer returned be thame to your Majestie thereanent to be no wayes satisfactorie to your Majesties royall desire, and that they have delayed justice beyond the tyme prefixt unto thame be your Majesties letters; in respect quhairof and to the intent the Hamburgers may be the more readilie enduced to resolve upon some present

Letters of  
reprisal to be  
granted to  
Captain David  
Robertson  
against the  
town of  
Hamburg.  
See ante, p. 484.

and speedie course for satisfioun of your Majesteis heavilie distressed subject, we have grantit and exped letters of reprisall to the said Captane Robertsoun against the toun of Hamburgh, whiche, notwithstanding, we have forborne to delyver to the partie, and we have heere-with sent up the same to your Majestie to be so used and disposed of as your Majestie after tryell sall finde the merite of thair behaviour and your awin honnour in suche a caise to require. And so, etc., praying God to blesse your Majestie with a long and happie raigne, we rest. Halyrudhous, 3 *Aprilis* 1630. *Subscribitur*, Dupline, Murrey, Linlithgow, Aire, Naper, S<sup>r</sup> G. Elphinston, Scottistarvet, James Baillie.”

Acta July 1629-  
December  
1630.  
Fol. 227, b.

Case of  
puniahment for  
usury.

“Forsameekle as David Smith in West Fentoun wes decerned in ane fyne of fyve hundreth merkes to his Majestie in the lait justice and circuit court haldin at the burgh of Hadinton in the moneth of October last, and that for the cryme of usurie and mutilatioun of Williame Duncane, servant to the Laird of Congiltoun, as in the indytement and convictioun following thereupon at lenth is conteanit, for payment of the whilk sowme of fyve hundreth merkes togidder with the sowme of three score merkes borrowed be the said David fra Mr. Williame Chalmer, Clerk of the Thesaurarie, and depute appointed be the Lord High Thesaurar of this kingdome to attend the said justice court and uplift the fynes thairof, the said David Smith gave his band upon borrowed money and fand Williame Smith, his brother, as cautioner for him for payment of the said sowme betuix the dait of the said band, which wes at Hadinton the tent of October last, and the first day of November nixt thereafter following and now bygane as the said band at lenth beiris; neverthelesse the Lords of Secreit Counsell for some speciall consideratiouns moving thame hes modified and be the tennour heirof modifies the said sowme of fyve hundreth merkes quhairin the said David Smith wes fynned in the justice court foresaid to the sowme of three hundreth merkes, and ordains the said Mr. Williame Chalmers to receave fra the said David Smith the said sowme of three hundreth merkes in full satisfioun and payment of the sowme foresaid of fyve hundreth merkes conteanit in the said band, and to delyver to the said David his band and obligatioun givin for payment of the said sowme of fyve hundreth and threescore merkes at the least ane sufficient acquittance and discharge thairof, whereanent the extract of this Act sall be unto the said Mr. Williame ane sufficient warrand.”

Fol. 228, a.

Approval of an  
act of the  
Burgh Court  
of the Canon-  
gate ordaining  
a monthly  
contribution  
for the benefit  
of the poor of  
the said burgh.

“The whilk day Mr. James Hannay, minister at Halyrudhous, compeirand personallie before the Lords of Privie Counsell, gave in the act of court of the Burgh of the Cannogait underwrittin tuicheing a contribution to be monethlie taken of thair parochiners for interteanement of thair awin proper poore, and craved the saids Lords thair approbatioun and allowance of the said act, of the whilk act the tennour followes:—

*Vicesimo die mensis Martij anno Domini millesimo sexcentesimo tricesimo.*  
The whilk day the bailleis and counsell of the Burgh of the Cannogait

cta July 1629-  
December  
1630.  
ol. 228, a.

sittand in counsell for the tyme, compeired Mr. James Hannay, minister of Halyrudhous, and requyred thair consents to ane monethlie contribution to be takin of all the parochioners for the interteanement of thair awin poore, as it is in other weill governed commoun weales and wes heirto amongs thameselffis; and so mucche the rather becaus his Majestie being of purpose to come to this ancient kingdome this sommer it will be ane verie unchristiane thing that strangers sould see our poore starving and dying in our streits, and that his Majesteis nobilitie and gentry of both kingdomes sould be troubled with thair importunitie. The bailleis and counsell considdering the premises, as also the danger they ly under by vertew of the Lords of Secreit Counsell thair charge givin to thame for removing of sturdie beggers and curbing of the insolenceis and importunitie of thair awin who still trouble thair Lordships as they goe and returne frome the Counsell, have thought it most reasonable and condescends to the samine. *Extractum de libris actorum consilii dicti burgi Vici Canoniorum per me Walterum Logane, notarium publicum ac communem clericum ejusdem burgi testantem his meis signo et subscriptione manualibus.*—W. LOGANE. Quhilk act being read, heard, and considerit be the saids Lords, and they finding the same to be agreeable to order, policie and government, thairfoir the saids Lords hes allowed and approvin, and be the tennour heirof allows and approves, the said act in the forme as it is conceaved and sett down."

[Sederunt as recorded above.]

Decreta,  
January 1630.  
February 1631.  
Fol. 43, b.

Holyrood  
House, 2nd  
April 1630.

Fol. 44, a.

Supplication by Sir Michael Prestoun of Fentounbarns, knight, as follows:—Their Lordships had been pleased to ward him in the tolbooth of Edinburgh for wearing pistols, which he did from no design to harm any man, far less Sir Robert Hepburne, his brother-in-law, on whose complaint he is warded, his only intention being to send these pistols to London to Mr. Mureheid, factor, his special friend. Sir Robert has the gift of the supplicant's escheat and liferent in his hands, so that he can have no means but from him, and he can get none to act as cautioner for him. As his imprisonment will tend to his utter ruin he is willing in order to obtain his freedom to undergo perpetual banishment if their Lordships so please. Parties being cited and both compearing, the Lords, after hearing, ordain the provost and baillies of Edinburgh to set the supplicant at liberty, because John, Earl of Mar, being personally present, became cautioner for him in 3000 merks that he would not molest the said Sir Robert, nor his family, etc.; the supplicant binding himself to relieve his cautioner, and in case of failure to undergo perpetual banishment or imprisonment.

Supplication  
by Sir Michael  
Preston of  
Fentonbarns  
for his release  
from the  
Tolbooth of  
Edinburgh,  
where he is in  
ward for wear-  
ing pistols with  
a design to  
harm his  
brother-in-law,  
Sir Robert  
Hepburn.

Fol. 44, b.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and John Gordoun of Buckie, his informer, as follows:—Notwithstanding the frequent prohibition of wearing hagbuts and pistols, and that the

Complaint by  
John Gordon  
of Buckie  
against Walter  
Innes,

apparent of Balvenie, whom he accuses of wearing hagbutts and pistols, and behaving in a disorderly manner.

contempt of the law is the greater when these are borne in the public places of judicatory, yet in the burgh of Inverness, which is the head burgh of the shire, where the sheriff of Inverness, his Majesty's justices of peace and other judges have their ordinary courts, and where very often there is a great concourse of people attending the sheriff courts, "and some privat grudges and miscontentments being standing betuix thame quhilks by the authoritie of the shireff and his deputs for the tyme wer snubbed and haldin doun," yet Walter Innes, apparent of Balvenie, accompanied with a number of his servants, armed with hagbutts and pistols, whenever his affairs draw him thither comes ordinarily in "ane braving maner," seeking occasion against any with whom he has a quarrel. "This bragging and brawling forme he used verie frequentlie" during the time the said John Gordon was sheriff depute; but especially in May last, when there was a horse race at Inverness, the said Walter came accompanied with a number of the rebellious Clan Chattan, and armed, as said is, "went in bragging maner up and doun the said burgh and the countrie about," whereby he not only violated the law, but "gave verie great and publict offence to others to doe the lyke." Both parties compearing and probation being referred to the defender's oath of verity, which was a denial of the charge, the Lords assolzie the defender.

Decreta,  
January 1630.  
February 1631  
Fol. 44, b.

Fol. 45, a.

Supplication by Dr. Leslie, physician to the Queen, for continuance of his protection.

Supplication by Leslie, physician to the Queen, as follows:— When last he was before their Lordships he enacted himself in a penalty of £1000 to leave the country before 1st May next; but such is his condition and the poor means he has "is sparpled in the hands of irresponsible persouns that if he be not present himselfe at the terme to attend the ingaddering thairof, the same will be irrecoverable lost to him." He craves the postponement of the above date to some convenient time after the term, and the discharge of his penalty so far as concerns the 1st May. The Lords grant him an extension of time till 10th June next.

Supplication by Thomas Lidderdale in St. Mary's Isle and others for the banishment of John M'Lean in Darriboun, who has been convicted of repeated theft.

Supplication by Thomas Lidderdail in Sanct Marie Yle, Thomas M'Cllellane in Coline, and Patrick Forrester, bailie of Kirkcudbright, steward deutes of the stewartry of Kirkcudbright, as follows:—John M'Claine in Darriboun was accused before them of theft, and being put to the trial of an assise was convicted of stealing two hogs from John Milligan, servitor to Alexander Livingstone of Cullenoch, about Beltane last, a ewe from the lands of Culdreoche about three years since, a lamb belonging to Roger Gordoun of Croydail at Beltane last, and a ewe belonging to Thomesoun, son to John Thomesoun in Eckiehill, about four years ago. These being but "some little pittie thifts whairunto he wes driven upon necessitie and throw meere povertie for interteaning his naturall lyffe," the supplicants deferred sentence until they should consult their Lordships, whose opinion they now crave, but humbly suggest withal that he be banished. The Lords grant the crave

and direct the petitioners to pronounce this sentence, allowing the man a short time to prepare for his departure, and taking him acted to leave the kingdom under the pain of death.

Supplication by Mr. Rodger Mowat, advocate, as follows:—Their Lordships ordained him to present James Mowat of Fawsyde before them this day, and he had sent his own servant to the said James to inform him of their command and to desire his compearance, but he has excused himself on account of the sickness by which he has been detained this month back. The servant also reports that the said James is not able to travel, both on account of his said sickness, and also because “of the great storme quhilk hes continewed this long tyme.” The supplicant is cautioner for the said James, and therefore he craves that their Lordships would fix some day in June next for the compearance of the said James. This their Lordships do, appointing the first Council day in June for his production.

Complaint by John Corsane in Kirkcudbright, as follows:—He understands that he has been denounced rebel at the instance of Thomas Aslowane in Templeland of Gairtuey and Thomas Lidderdaill of Yle, his master, for failing to compear and answer to a charge of hurting the said Thomas Aslowane. Now he is wrongfully denounced, for he was never lawfully charged to compear, being absent in the kingdom of Ireland, and having learned the same only lately on his return, as also that Lidderdaill had procured the horning without the knowledge or consent of Aslowane. He has found caution to compear on 25th March next under the penalty of 300 merks and payment of £20 as his escheat if found liable therein, and therefore craves suspension. Parties being cited, and the pursuer compearing and also Thomas Lidderdaill for himself and Aslowane, the horning was produced bearing that the pursuer was charged as follows, viz.:—That in November last, when Aslowane was about his lawful business in the town of Kirkcudbright on an ordinary market day, he was assailed by the said John Corsan and “struckin throw the shoulder” with a drawn whinger “to the heft of the whinger,” who also struck him again therewith in at the neck, and gave him several other wounds; and Lidderdaill referred the proof to the pursuer’s oath. He, being sworn, confessed “the hurting of the said Thomas Aslowane in the shoulder with ane whinger, he being provoked thairunto be his injurious words”; and he produced an instrument under the hand of Thomas Inglis, notary, proporting that on 13th February last, Edward Forrester, Commissary of Kirkcudbright, “having past to the personall presence of the said Thomas Aslowane and demanded of him if it wer his will and pleasure that the said John Corsane sould be denounced rebel and putt to the horne be vertew of the letters of horning abonewrittin, the said Thomas Aslowane ansuered and said that as he sould ansuere to God he never knew of the raising of the saids letters aganis the said John



Corsane, and that it wes sore aganis his will that they wer raised, and that he nor nane in his name sould never compeir in the persute of that complaint, and that he had nothing to say or alledge aganis the said John bot goodwill, freindship and honestie." This instrument was dated at Kirkcudbright. Thomas Lidderdail, however, produced another instrument under the hand of Robert Glendinning, notary, also dated at Kirkcudbright, bearing that on the 17th of the same month of February "the said Thomas Aslowane declared upon his great oath to James Lidderdail, appearand of Ile, that he wes never of intentioun to have agreed with the said John Corsane without the advice of the said Thomas Lidderdail, his maister, and of the said James Lidderdail, his procurator, and that he never past anie conditioun of agreement to the said John Corsane nor to no others in his name, and that he never past fra the persute of his actioun intentit be him before his Majesteis Counsell aganis the said John Corsane, and that he sould never pas fra the said actioun untill the finall ending and decisioun thair of, without the advice of the said Thomas and James Lidderdails conjunctlie." The Lords, after consideration of the whole matter, ordain John Corsane to pay £20 to the said Aslowane by appointment of the bailies of Kirkcudbright, who are to see if any satisfaction has already been given by the said John to him for his hurt; and in respect of the said John's compearance they suspend the letters of horning.

Complaint by Elizabeth Inglis, spouse to Abraham Stewart, against James Hamilton of Brigs, who refuses to pay her the alimient which the Council had allocated to her during her separation from her husband.

Complaint by Elizabeth Inglis, widow of Robert Hamilton of Brigs, and now spouse to Abraham Stewart, as follows:—On 20th February last (*ante*, p. 469) their Lordships gave decree that she should be separated from her husband for a year, and granted to her the sum of 450 merks yearly, being the liferent provided to her by her first husband, for the maintenance of herself and her children, ordaining that she should have right to uplift the same from those indebted therein. But James Hamiltoun of Brigs, refuses to obey the said decree unless he is compelled thereto. Parties being cited, and the pursuer compearing by

Inglis, her brother, the defender not compearing, and Abraham Stewart, the pursuer's spouse, compearing by Mr. David Heriot, his procurator, who stated that the annual rent due for the Martinmas term last and the half of this term was arrested in the hands of the said James by Abraham Stewart's creditors, their Lordships in these circumstances ordain James Hamiltoun to pay to Elizabeth Inglis the one half of this term's annual and duty, and the whole thereof in time coming until she is fully paid of the said 450 merks.

The export of wheat.

"Ordanis Williame Dik and others who sall haif a licence to trans-  
porte quhyte to find caution for inbringing of the double in other  
grayne."

Sederunt.  
November  
1629-Januar  
1635.  
Fol. 21, a.

Holyrood  
House, 16th  
April 1630.

"After our verie heartilie commendatiouns. Whereas for the better  
executioun of the commissioun direct aganis Rothemay and his rebellious

Royal Lett.  
1623-32.  
Fol. 151. a.

royal Letters, 623-32.  
Vol. 181, a.

complices, we have made choise of yow as one whome we cheefelie intrust; we have thairfoir thought good heirby to intrate yow to accept the commissioun upon yow and to concurre with the rest of the commissiouners by your best advice, power and freindship for the reall performance of quhat the Counsell hes thairby committed to your charge, whiche yow will more particularlie understand frome Sir William Seatoun, quhome the Counsell hes intrusted with speciall instructioun towards the right cariage and prosecutioun of the said commissioun; quhairin resting assured of your effauld concurrence, and that yow will not be deficient nor wanting in anie thing that may concerne the furtherance and advancement of this service, so highlie importing his Majesteis honour and the peace and quyet of the countrie, we committ yow to God. Frome Halyrudhous the saxt day of Apryle 1630. *Subscribitur*, Geo. Cancell., Monteith, Aire, Naper, S<sup>r</sup> Thomas Hope, S. G. Elphinstoun."

Letter to certain persons appointed to the commissioun against the Laird of Rothiemay.

Vol. 187, a.

"CHARLES R., Right trustie and weilbelovit cousine and counsellour, we greit yow weill. Having preferred our trustie and weil belovit Sir James Balfour of Kynnard, knight, to be our King of Armes in that our kingdome, and being willing that no honnour belonging to that place and office sould be diminished and impaired, it is our royall pleasure and will that yow with all convenient diligence inaugurat him with all ceremonie dew and requisite in als goodlie forme and maner and als solemnely in all respects as ever anie Lyoun King of Armes hes beene crowned heeretofore in that our said kingdome; for doing quhairof these presents sall be to yow a sufficient warrand. So we bid yow farewell. Frome our Court at Whitehall the 20 day of Apryle 1630."

Whitehall, 20th April 1630.

Letter from his Majesty to the Lord Chancellor anent the inauguration of the Lyon-King-of-Arms.

Secreta, January 1630.  
February 1631.  
Vol. 47, b.

*Sederunt*—Wintoun; Lord Areskine; Lord Naper; Secretary; Clerk of Register; Advocate; Sir James Baillie.

Holyrood House, 21st April 1630.

Complaint by Robert Maxwell in Kaveance, Mr. Robert Broun, minister at Kirkbeane, John Watsoun, tailor in Prestoun, Richard Ewart in Gaitsyde, and Isat Wilsoun, his spouse, as follows:—On 21st February last, "being Sunday," Francis Lindsay, brother to Rodger Lindsay of Maynes, and Cuthbert Broun, sometime of Lands, "having profanelie spent the Lords day in drinking," came afterwards to the said Richard's house and struck him through the hand with a whinger, besides other wounds, causing much loss of blood. They also gave the said John Watsoun, who was in the house, "ane cruell and bloodie wound on the forehead betuix his eyes with ane whinger knyffe," and "chaist the saids compleaners and whole people being in the hous to the doores with forbiddin weapouns. Quhairupoun the said minister, who dwellis nearest to the said Richart, and the said Robert Maxwell, baillie of Prestoun, having at the desire of the said Richart addressed thameselfes to thir disorderlie persouns and be vertew of thair offices and callings

Complaint by Robert Maxwell in Cavens, Mr. Robert Brown, minister at Kirkbeane, and others against Francis Lindsay and others for disorderly conduct on a Sunday and for assault.

desyred thame to forbear anie forder troubling of the honest mans hous upon the Lords day, objecting unto thame thair profanatioun of the same by thair inordinat drinking, they wer so farre frome ane reverence toward thair pastour or obedience to the said baillie that they avowed publictly that in despite of thame both they sould not onlie drinke all that night in the said Richarts hous bot lykewayes the nixt Sabbath thereafter in tyme of divine service, quhilk they accordinglie performed: lykeas the said Francis threatned the said minister with ane drawin whinger and battoun in presence of a number of his parochiners, fearefullie swearing that if he sould presume to hinder him frome suche abuses he sould make him that he sould never preache agane, calling him dastard coward loon." Parties being cited, and the pursuers compearing, with the exception of Isat Wilsoun, who was represented by her husband, but the defenders not compearing, the Lords, after hearing witnesses, find that the said Francis Lindsay wounded Richard Ewart with a whinger on the head, and John Watsoun on the head with a knife, and that he gave Mr. Robert Broun "manie injurious and threatning speeches," and "threatened him with ane stalffe quhilk he had in his hand; and that the said Cuthbert Broun strake and dang the said Richart Ewart with his neiffes," wherefore they ordain them to be charged to enter into ward in the tolbooth of Edinburgh within six days and abide therein until further order be taken with them on pain of rebellion. They further grant the witnesses each £10 for their expenses, to be paid by the defenders or either of them, which is to be enforced by letters of horning and pointing.

Decreta,  
January 1630  
February 1631  
Fol. 48, a.

Fol. 48, b.

Complaint by Janet Beverage, spouse to David Geddie, baker in Dysart, against the bailies and ministers of Dysart for illegal warding on a charge of witchcraft.

Complaint by Janet Beverage, spouse to David Geddie, baker in Dysert, and by him for his interest, as follows:—On some sinister information supplied to the ministers of Dysert by some of her "unfreinds" the said Janet had been arrested on a charge of witchcraft on April instant by the bailies of Dysart, who have since then kept her in ward in their tolbooth in great misery, though in Dysert "the said Jonnet is and ever hes beene repute and esteemed ane honest woman and was never stained with that nor no other suche wicked cryme." Taking advantage of the recent discovery of some witches in Dysert, her enemies have maliciously slandered her as one. To clear her innocence she has offered herself to the severest trial, and to find substantial caution to abide the same, but they will neither put her to liberty nor trial, purposing to wreck her person and good name, and her husband's mean estate, unless remedy be provided. Charge having been given to Alexander Simsoun and David Crystie, bailies of Dysert, and Mr. William Narne and Mr. William Spittell, ministers of Dysert, to compear and produce the complainer, and David Geddie compearing, and also the defenders, who gave in the depositions taken against the said Janet with their charges, the Lords ordain the defenders to finish their trial and examination of her before the next Council day,

Fol. 49, a.

Decreta,  
January 1630.  
February 1631.  
Fol. 49, a.

which is appointed for 26th May next, and to show the depositions to the Archbishop of St. Andrews, so that his opinion thereon may be obtained by the Lords the next Council day, and that meanwhile the said Janet be kept in ward and her friends allowed no access to her.<sup>1</sup>

Fol. 49, b.

Supplication by Sir David Home of Wedderburne, as follows:—  
The protection granted to him for settling with his creditors in Edinburgh expires on the last day of this month, and he has given contentment to all his creditors, excepting a few with whom he is involved in some small sum as cautioner for friends. The approaching term is the fittest season for settling these, and he has several actions before the Session which require his personal attention and consultation with his advocates. He therefore craves a continuation of his protection, which the Lords grant until 1st July next.

Supplication by Mr. Matthew Crawford, brother to George Crawford of Lochnoeis, as follows:—Out of affection to his said brother he became cautioner for him in several great sums of money, from the burden of which he has long striven to free himself, but finds he can only do so by selling his lands. This he is willing to do, and he has accordingly entered into negotiations with some gentlemen for that effect, and some of his chief creditors have consented to his obtaining a protection for two months. Others of his creditors, however, are in different parts of the country, and he is unable to obtain their consent without incurring such delay as will frustrate his purpose. Further, the gentlemen who propose buying his lands will only do so "by advice of thair lawyers heere in Edinburgh," and the supplicant must be present at the making of the securities. He therefore craves their Lordships' protection for the period stated. The Lords grant him this till 1st July next.

Fol. 50, a.

Supplication by John, Earl of Cassillis, bailie principal of Carrick, and , his bailie depute, as follows:—The latter has apprehended and imprisoned a number of "vagabound theeves callit Egyptians going athort the countrie," but as "they ar not tane with ane fang and none challenges thame for anie crymes," they crave direction as to their disposal. The Lords ordain them "to putt the Act of Parliament made aganis thir counterfoote theeves and lymmars callit Egyptians to dew and full executioun aganis so manie of thir persouns as ar men and weomen conforme to the tennour thair of in all points, or ellis to exhibite thame before his Majesteis Justice to underly thair deserved punishement."

Another supplication by the same persons, as follows:—The said bailie depute in this present April apprehended John M'Clure in Clauchrie "with ane fang of foure sheepe skinnes and certane muttoun, whair of twa of the saids sheepe skinnes wer the skinnes of twa

<sup>1</sup> This Act is again registered under the same date at fols. 52, b, and 53, a.

Clauchrie, who has been found guilty of sheep-stealing for the first time, and who had pleaded necessity for the crime.

sheepe stollin be the said Johne fra Gilbert Baird in Farten, and Decreta, January 1630  
the other twa the skinnes of other twa sheepe stollin be the said February 1630  
Johne fra Thomas Mortoun in Quhytrow," of which thefts he was on Fol. 50, b.  
his own confession convicted by an assise. This appears to be the first crime of this nature committed by this man, inasmuch as the said bailie depute having caused public intimation of his trial to be made at all the parish kirks within the bailiarie, and warned all who had anything against him to appear, none appeared save these two from whom he stole the said sheep; and this theft was occasioned only by his poverty and necessity. They therefore deferred sentence until they might have the advice of their Lordships regarding "this poore fellow," which they now crave. The Lords ordain that they sentence him "to be scourged, brunt in the cheeke, and banished the baillierie of Carrick during the whole dayes of his lyfetye," taking the said John M<sup>c</sup>Clure acted not to return thither under the pain of death.

Supplication by Sir John Ogilvie of Craig that the date of his banishment may be postponed till he has acquired the means for his alimant abroad.

Supplication by Sir John Ogilvie of Craig, as follows:—He has found caution for leaving the kingdom before 1st June next and for not resetting Jesuits or mass or seminary priests, under the penalty of 1000 merks. He cannot go without ready money for provision and furnishing, and this money he cannot obtain until the approaching term of Whitsunday, when "there sall be no default in him to mak the best shifts and moyen he can for his provisioun and furnishing abroad." He therefore craves an extension of the time. The Lords, having considered the petition and "lykewayes read, heard and considerit ane missive letter writtin unto thame<sup>1</sup> conteaning his approbatioun and allowance of the granting of ane prorogatioun to the said Sir Johne," grant an extension till 15th July next, Francis Ogilvie of Newgrange having become cautioner for him in 5000 merks that he will leave the country before then and not return without his Majesty's licence, and that meanwhile he will not hear mass, nor reset priests or Jesuits, but behave himself "soberlie and without scandall or offence," and that he will "keepe his hous of Craig and foure myles about the same and not transcend the bounds thair of without licence of the Archbishop of S<sup>t</sup> Andrewes."

Holyrood House, 21st April 1630.  
Commission to Sir Samuel Johnstone of Elphinstone and others to try Margaret Allan and others for witchcraft.

Commission under the Signet to Sir Samuel Johnstone of Elphin-  
stoun, knight baronet, Mr. Patrick Hamiltoun of Little Prestoun, 1624-30.  
James Rig of Carbarrie, and Mr Robert Cas, apparent of Fordell, Fol. 222. 1.  
or any two of them, as justices, to hold courts and try Margaret Allane, Margaret Veitche and Janet Patersoun, prisoners in the tolbooth of Cowsland, who have been long suspected of witchcraft. Signed by Wintoun, Areskine, Naper, S. Arch. Achesone, Hamiltoun, Advocat, S<sup>r</sup> James Baillie.

<sup>1</sup> It is not stated by whom.

Commissions,  
1624-30.  
Fol. 222, a.

Similar commission of same date and signed as above to Sir George Forrester of Corstorphine, knight, for the trial of Patrick Murrey in Clerkingtoun for witchcraft. A similar commission. ✓

Another commission dated and subscribed as above to James Clerk of Balbirnie, Crichtoun, fiar of Lugtoun, James Weymes, apparent of Bogie, and the bailies of Dysert, or any one of them with the said bailies, for the trial of Margaret Dasoun and Alison Neving in Dysert for witchcraft. A similar commission. ✓

Another commission dated and subscribed as the foregoing to William, Lord Ramsay, and his bailies, for whom he shall be responsible, for the trial of Margaret Heriot in Caringtoun Walkemylnes for witchcraft. A similar commission. ✓

Fol. 222, b.

Commission under the Signet to John, Earl of Wigtoun, and his bailies, for whom he is to answer, to try William Watsoun, indweller in Bankeir, who, having been apprehended for theft and imprisoned in the place of Cumbernauld, where he now lies, has freely confessed several points of theft. Signed by Wintoun, Areskine, Naper, S. Arch. Achesoun, Clerk Register, S. Thomas Hope, and James Baillie. Commission to John, Earl of Wigtoun, and others to try William Watson in Bankeir for theft.

Sederunts,  
November  
1629-January  
1635.  
Fol. 21, b.

"Ane missive frome his Majestie for prorogatioun of the Parliament till the first of August and letters ordanit to be writtin to the commissioners for that effect." Holyrood House, 21st April 1630.

"The Lordis prorogatis the commissioun grantit to the presbyterie of Hadintoun anent the tryall and examinatioun of witcheis until the next Counsell day, and ordanis thame to send the depositionis to the Bishop of St. Androis to be sene and considerit be his Lordship, and to reporte the same to the Counsell the said day." Meeting of Parliament to be postponed. Witches in Haddington. ✓

"The Lordis appointis the next Counsell day to be upoun the xxvi day of May next." The next meeting of Council.

Royal Letters,  
1623-32.  
Fol. 187, a.

CHARLES R., etc. We wer heeretofore pleased to recommend unto your consideratiouns two petitionis of Margaret Bellendein, whiche we sent unto yow inclosed within our letter dated the thrid of Apryle 1628, willing yow to try the grounds thair of and take speedie course to give suche satisfactioun to her as in equitie sould be by yow found fitt, or otherwayes to certifie us quhat yow sould thinke fitt to be done thairin; nevertheles nothing as we ar informed being done, and we taking notice againe of the petitioners demands and her povertie and also of the losse of her brothers lyfe in our service at the Yle of Rey, doe heerby will and require yow furthwith to take the same to your consideratiouns and, according to our former letter, that yow take speedie course for her releeffe, or ellis certifie us what yow thinke fitt to be done thairin, that thairupoun we may take some forder order for her releeffe. Givin at our Court at Whitehall this 24 of Apryle 1630." Whitehall, 24th April 1630. Letter from his Majesty anent Margaret Bellenden.

Holyrood  
House,  
April 1630.

Letter from  
the Council to  
the Bishop of  
Orkney anent  
the failure of  
justice in  
Orkney.

“ After our verie heartilie commendatiouns to your good lordship, Royal Letter. 1623-32. Fol. 182, b. Complaint hes beene made to his Majesteis Counsell that the course of justice both in civill and criminall maters hes beene verie far interrupted and hindered thir manie yeeres bygane within the bounds of Orkney be reason that nather is there ane convenient place for the judges and magistrats of the countrie to sitt in for administratioun of justice to his Majesteis subjects, nor yitt is there anie sure hous and prisoun for keeping of rebellis and delinquents within the saids bounds, so that offenders escapes with impunitie and his Majesteis good subjects ar frustrat of justice, and encouragement is givin to persouns insolentlie disposed to follow thair unreulie appetites without controlment or feare of punishment. And understanding that there is manie good rowmes in the place callit The Yairds, built be the lait Erle of Orkney, whair of one may be weill spaired for the judges of the countrie to keepe thair courts Fol. 183, a. in, and some vaults may be lykeweyes spaired for keeping of offenders, these ar thairfoir to requeist and desire your good lordship to single out and appoint some convenient and commodious rowme within the said palace [*sic*] for the seate of justice, and some vaults for keeping of offenders, till his Majesteis coffers, quhilks ar now straited and pinched with manie urgent occasiouns, be better provyded and furnished with moneyes for bigging of ane jayle and wairdhou. And looking that in this so important ane bussines for his Majesteis honnour and furtherance of justice to his subjects your lordship will not be deficient, we committ your lordship to God. Frome Halyrudhous the day of Apryle 1630. *Subscritur*, Geo. Cancell., Monteith, Hadintoun, Wintoun, Linlithgow, Aire, Hamiltoun, S<sup>r</sup> Thomas Hope, S. G. Elphinstoun, Scottistarvet, S<sup>r</sup> James Baillie.”

Edinburgh,  
10th May 1630.

Charge to  
John Hamilton  
of Carlowrie  
and Alexander  
Inglis of  
Rottonraw,  
who have fallen  
out about a  
seat in the  
kirk of Kirk-  
liston, to  
appear before  
the Council,  
and meanwhile  
to keep the  
peace.

“ Forsameekle as the Lords of Secreit Counsell ar informed that there Acta July 1629-  
December  
1630.  
Fol. 222, b. is great appearance of trouble and unquyetnes lyke to fall out betuix Johne Hamilton of Carlowrie, on the ane pairt, and Alexander Inglis of Rottounraw, and James Inglis, his sonne, on the other pairt, anent ane seat and desk in the kirk of Kirklistoun acclamed be either of the saids parteis to perteane to thame, and both the saids parteis intends to make convocatioun of thair freinds and suche as will doe for thame in armes for mainteaning of thair pretendit possessioun of the said desk, whair-upon manie inconvenients will not faile to follow to the breake of his Majesteis peace and disturbance of the countrie without remeid be provydit; thairfoir the saids Lords ordains letters to be direct charging both the saids parteis to compeir personallie before the saids Lords upon the twentie sax day of May instant to answer to the premisses and to underly suche order as sall be tane with thame for the peace and quyet of the countrie, under the pane of rebelloun, etc., with certificatioun; and in the meane tyme to command and charge both the saids parteis to observe our soverane Lords peace,

keepe good rule and quyetnes in the countrie, and that they nor name of thame presooome nor take upon hand to invade nor persew ane another, nor to convocat his Majesteis lieges in armes, nor yitt to resort nor repaire to the said kirk till the saids Lords take forder order in the mater, ilke ane of thame under the pane of three thousand merkes; certifeing thame that sall doe in the contrair that they sall be decerned to have incurred and to incurre the said pane, and letters sall be direct aganis thame for payment thairrof to his Majesteis thesaurar in his Majesteis name and to his Majesteis use in forme as effeirs."

"After our verie heartilie commendatiouns to your good lordship. Whereas the Kings Majestie upon some great and speciall consideratiouns hes givin warrand and directioun for prorogatioun of the High Court of Parliament of this kingdome, quhilk wes appointed to have begun upon the first of Junij nixt, untill the first day of August now approacheing, and his Majestie hes writtin to the commissioners of Parliament for that effect, quhairby his Majestie may have some more tyme and leasure to be heere in persoun at the said Parliament and to receave his croun for the peace and securitie of this his ancient kingdome; and quhairas your lordship is one of the commissioners nominat be his Majestie for this prorogatioun, these ar thairfoir to requeist and desire your good lordship to keepe the first day of Junij preciselie, and that yow be heere in dew tyme in 'the fore noone the day foresaid and be readie to concurre and joyne with the rest of the commissioners to see this prorogatioun dewlie and formallie made; quhilk looking assuredlie your lordship will doe, quhairthrow this important service be not throw your lordships absence miscaryed, we committ your lordship to God. Frome Halyrudhous the fyftene day of May 1630. *Subscribitur*, Geo. Cancell., Mar.

Holyrood House, 15th May 1630.  
Letter from the Council to the Commissioners for the Parliament anent the postponement of its meeting.

Commission under the Signet to Sir John Charters of Amisfield, James Johnstoun of that Ilk, and Robert Maxwell of Dinwoddie, jointly and severally, to search for, apprehend and keep in sure custody Robert Johnstoun of Middlegill and Adam Glendinning and Thomas Langtoun, his servants, who on April last, learning that John Grahame of Langboddome was in the town of Moffat, lay in wait for him under silence of night in the highway between Moffat and his house, resolved to kill him. Meeting him "within a pair of butts to his hous," they assailed him with three drawn swords and so wounded him therewith and with a whinger that they left him for dead on the ground. "He hes lyin bedfast in great pane and miserie sensyne under the cure of chirurgans, who being despared of his health and recoverie, and finding his wounds deidlie, they have left him and givin him over, so as now he hes lost his speche, hearing, his sight, and all others his senses, and the

Holyrood House, 17th May 1630.  
Commission to Sir John Charters of Amisfield and others to keep in custody Robert Johnstoun of Middlegill and others, who are accused of a deadly assault on John Grahame of Langboddome.

Acta July 1629-  
December  
630.  
Vol. 228, b.

Royal Letters,  
1623-52.  
Fol. 183, a.

Commissions,  
1624-30.  
Fol. 223, a.



period of his dissolving is hourlie expected." His assailants knowing this, have made disposition of their lands and goods and are on the point of leaving for Ireland, where they hope to escape punishment. They are to be kept in ward till they find caution for underlying their trial before the Justice for the aforesaid slaughter. Signed by Geo. Cancell., Mar, Areskine, Naper, and S<sup>r</sup> Thomas Hope.

Commission: 1624-30.  
Fol. 223, a.

Holyrood House, 26th May 1630.

*Scederunt*—Chancellor; Mar; Wintoun; Linlithgow; Wigtoun; Air; Lord Areskine; Lord Naper; Clerk Register; Advocate.

Acta July 1623.  
December 1630.  
Fol. 228, b.

Ratification of an Act of Session made anent the interruption of the Act of prescription.

"The whilk day in presence of the Lords of Secret Counsell compeired personallie Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, and gave in the act of Sessioun underwrittin made in favour of his Majestie anent the interruption of the act of prescription and desyred the same to be insert and registrat in the bookes of Privie Counsell and the Lordes auctoritie to be interpouned thairto; whiche act of Sessioun being read, heard and considerit be the saids Lords, and they being thairwith and with the desyre of the said Advocat weill advised, the Lords of Secret Counsell thinkes the course and order taken be the saids Lords of Sessioun for interrupting of the said act of prescriptioun to be just and reasounable, and thairfoir they ordaine the said act of Sessioun to be insert and registrat in the bookes of Privie Counsell, whairof the tennour follows:—At Edinburgh the penult day of Marche the yeere of God j<sup>m</sup>vj<sup>c</sup> threttie yeeres, the whilk day in presence of the Lords of Counsell compeired persounallie Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, and presented ane letter direct from his sacred Majestie whairof the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, and right trustie and weilbelovit, we greit yow weill. Whereas be act of Parliament made in the moneth of Junij j<sup>m</sup>vj<sup>c</sup> sevintene yeeres<sup>1</sup> all heritable rights cled with fourtie yeeres possessioun ar declared to be irreducible in all tyme comming except the same be querrelled within the space of fourtie yeeres, and by the same act there is libertie grantit to all persons who might be prejudged by the same prescriptioun of fourtie yeeres alreadie run and expyred before the dait of the said act to intend their actionis within the space of threitein yeeres after the dait of the said act; and whereas we, shortlie after the deceasse of our darrest father of eternall memorie, made our generall revocatioun in the moneth of October 1625 yeeres, which revocatioun we by twa speciall letters of declaratioun, ane of the dait at Whitehall the twentie sax day of Januar j<sup>m</sup>vj<sup>c</sup> tuentie sax yeeres and registrat in the bookes of Secret Counsell the nynt day of Februarie j<sup>m</sup>vj<sup>c</sup> tuentie sax yeeres, and the other of the dait at Wanstead the ellevint day of Julij j<sup>m</sup>vj<sup>c</sup> tuentie sax yeeres and registrat in the bookes of Secret Counsell upoun the tuentie ane day of

Fol. 229, a.

Letter from his Majesty requiring proclamation to be made of his Majesty's intentions anent the Act of Parliament of June, 1617, which declared all heritable rights of forty years' possession to be irreducible except they be challenged within that period.

<sup>1</sup> Acts of Parliament of Scotland, IV., 548.

Acta July 1629. December 630. Fol. 229, a.

Julij j<sup>m</sup>v<sup>j</sup>c<sup>e</sup> tuentie sax yeeres, have restricted to the annulling of rights of the propertie of our Crowne als weill annexed as unannexed, whairof accompt hes beene made in our Exchecker and of the principalitie unlawfullie dispoune be our predecessours aganis the lawes and acts then standing, and to the annulling of erectiouns and others dispositiouns of whatsomever lands, teinds, patronages and benefices formerlie belonging to the Kirk and since annexed to the Crowne, and of anie others lands and patronages whiche anie wayes sould justlie belong to the Kirk or Croun, and of whatsomever lands and benefices mortified and devoted to pious uses; and of regaliteis and heretable offices and of the change of holdings from the ancient holding of waird and releeffe to blenshe or taxt waird, since the yeere of God j<sup>m</sup>v<sup>j</sup>c<sup>e</sup> fourtie yeeres. And becaus we wer unwilling to enter in process with our subjects anent the premises, bot rather desyred to take a faire course with all suche as would voluntarilie treate with us or our commissioners thereanent, thairfoir we wer pleased by our commissioun of the dait at Whitehall the sevintene day of Januar j<sup>m</sup>v<sup>j</sup>c<sup>e</sup> tuentie sevin yeeres to appoint certane of our nobilitie, clergie, gentrie, barons and burrowes to be commissioners to treate and deale betuix us and our subjects anent the premises. And albeit the said commissioun hath made ane good progresse in the said mater of erectiouns and teinds, and that ane great number of our subjects having interesse thairin have subscriyved unto us generall submissiouns, whereupon we have givin furth our severall determinatiouns for the good of our subjects and establishing the perpetuall quyetnes and peace of that our ancient kingdome, yitt it is certane that manie of these who have interesse in erectiouns and teinds lyes furth and hes not subscriyved the saids generall submissiouns; lykeas also the remanent points of our said commissioun anent the patronage of kirks, rights, infetments of our propertie and principalitie, regaliteis, heretable offices, and changed tennours of holdings in blenshe or taxt wards ar not as yitt begun to be handled and treatted and cannot possiblie be finished and closed before the expyring of the tyme and yeeres of interruptioun allowed by the said act; and becaus we will not suffer our selfies or our successours to be prejudged by delay of the executioun of the said commissioun of the lawfull actiouns competent to us and thame for reduceing of suche rights of the premises unto the whiche we have undoubtedt interesse, and seing ane multitude cannot be commodiouslie summond and warned personallie and at thair dwelling places in so short tyme as is to rin of the said tyme of prescriptioun; Thairfoir and for preservatioun of our rights and actiouns competent to us and our successours anent the premises, necessar it is that some solemn act be done by us to testifie our will and resolutioun to prosecute our saids actiouns in the owne tyme, if the same be not taken away and removed by the said commissioun, whilk we thinke cannot be more properlie and convenientlie done nor be inserting of that our declaratioun in your bookes of Sessioun and

directing of letters of publicatioun thairupoun, certifeing all our lieges who have interesse in the premises be opin proclamatioun at the mercat croces of Edinburgh and others places neidfull of that our pleasure, will and declaratioun, and that the samine be declared by yow to have the strenth, force, vertew and power of ane legall and perfyte interruptioun. And thairfoir we requyre yow immediatlie after the sight heirof to caus insert thir presents in your bookes of Sessioun and to declare the same to have the force of ane legall and lawfull interruption and to direct letters of publicatioun thairupon in forme as effeirs, whiche not doubting yow will doe, we bid yow farewell. Frome our Court at Whitehall the 29 day of November 1629. With the quhilk letter, tennour, contents and desyre thairof, after that the samine with the act of Parliament whairunto it is relative wer read in thair hail presence, the saids Lords, being weill and rypelie advised, and having considerit the justice and equitie of his Majesteis will and declaratioun thairin conteanit, they have ordained and ordains the said letter and declaratioun thairin conteanit to be insert and registrat in thair Bookes of Sederunt, and ordains letters of publicatioun to be direct and pas thairupoun ; certifeing all his Majesteis lieges who hes interesse be opin proclamatioun at the mercat croce of Edinburgh and other mercat croces of the kingdome where the lands, baroneis and others lyes or where the persouns and subjects dwellis and remains aganis whome the said declaratioun is to have the effect of ane legall interruptioun in maner following, and be opin proclamatioun at the said mercat croce of Edinburgh, pier and shoare of Leith for all suche of his Majesteis subjects as ar furth of this realme, of his Majesteis pleasure, will and declaratioun, and of the saids Lords thair decreit and auctoritie interpouned thairto. Lykeas the saids Lords declares that the said declaratioun registrat, as said is, and to be published in maner foresaid, sall have the strength, force and power of ane legall and perfyte interruptioun aganis all parteis having interesse, and that in sua far allanerlie as may be extendit to the particulars following, viz., to his Majesties annexed propertie and his Majesteis propertie unannexed whairof the ferme dewteis or few fermes hes beene compted in his Majesteis Exchecker since the moneth of August j<sup>m</sup> iii<sup>j</sup>° fiftie fyve yeers, and unlawfullie dispouned be his Majesteis predecessours aganis the acts of Parliament and lawes of this kingdome, and to the reductioun of whatsomever erectiouns of quhatsomever benefices, spiritualitie or temporalitie thairof, aganis the lawes and acts of Parliament, and to the reductioun of whatsomever patronages of kirks perteaning to his Majestie and his predecessours and unlawfullie dispouned be thame aganis the acts of Parliament, and aganis unlawfull dispositiouns of whatsomever teinds, lands or rents dotted to hospitalls and massindewes and unlawfullie dispouned aganis the acts of Parliament, and aganis regaliteis and heretable offices unlawfullie dispouned contrair the acts of Parliaments, and aganis all changit tennours of

Acta July 1629  
December  
1630.  
Fol. 229, b.

Fol. 230, a.

ct. July 1629-  
December  
1630.  
fol. 230, a.

holdings frome waird to blenshe or taxt waird grantit be the kings and princes in thair minoriteis and not grantit or ratified be anie king or prince being major: with this declaratioun, lykeas the saids Lords declares, that the samine sall not prejudge anie persoun whatsomever of thair lawfull defences competent to thame aganis anie actioun to be intended heerafter at his Majesteis instance and his successours except in sua far as concernes the said act of prescriptioun, whairupoun the saids Lords declares that no exceptioun sall be foundit in prejudice of his Majestie and his successours concerning the premises. *Extractum de libro actorum per me Dominum Joannem Hamilton de Magdalens, militem, clericum rotulorum, registri ac consilij S. D. N. regis, sub meis signo et subscriptione manualibus. Sic subscribitur, J. Hamilton, Cls. Regri.*"

Fol. 230, b.

"Forsameekle as John Neill, prisouner in the tolbooth of Edinburgh for witchcraft, hes made some report and depositioun aganis Home, Ladie Samwelstoun, in maters tuicheing her verie neere in her credite, especiallie for consulting anent the death and destructioun of her lait husband be witchcraft, for cleering whair of necessar it is that she be confronted with the said Johne upon these reports made be him aganis her; thairfoir the Lords of Secret Counsell ordains letters to be direct charging the said Ladie Samwelstoun to compeir personallie before the saids Lords upon the tent day of Junij nixt, to the intent she may be confronted with the said Johne upon the depositions made be him aganis her, under the pane of rebelloun, etc., with certificatioun, etc."

Order to Lady Samuelston to appear before the Council to answer a charge of witchcraft brought against her by John Neill.

Decreta,  
January 1630-  
February 1631.  
Fol. 53, a.

[Sederunt as recorded above.]

Fol. 53, b.

Supplication by Adam Bothwell and James Aittoun, bailies of the Cannogait, and in name of the community of the burgh, as follows:— Conform to the act of Parliament "and old use and custome" among them for many years past without interruption they caused make "publicatioun be sound of trumpet throw thair burgh of the Cannogait, that all the inhabitants within the same give and show thair mustours upon the nynt day of Junij nixt." When last year they did the like, "being all in readinesse to have givin thair mustours, and everie persoun in thair severall places being provydit with all things necessar for the advancement of the honnour of the said burgh," the bailie of the regality of Broughtoun and others in name of the Earl of Roxburgh, on sinister information to their Lordships the very day the mustour should have taken place, purchased a warrant and stopped the same, whereby the supplicants "and everie particular man within thair burgh wer greitumlie damnified and discredited." They crave their Lordships to grant warrant to them for "thair mustours this yeere conforme to the said acts of Parliament, thair ancient priviledges and liberteis and consuetude observed be thame of before thir manie yeeres without

Holyrood House, 28th May 1630.

Supplication by Adam Bothwell and James Ayton, bailies of the Canongate, that the said burgh may be allowed to hold its musters, which had been stopped the previous year by the bailie of the barony of Broughton and others.

See ante, p. 166.

interruption, and that they may not be impeded thairin, seing they are all well disposed and resolved to thair powers what lyes in thame to expresse and make manifest thair loyaltie to his Majestie, and to mainteane and defend thair ancient liberteis." James Aittoun, bailie of the Cannogait, and William Sinclare, baron bailie of the regality of Broughtoun, compearing and being heard, the Lords understanding that there is a likelihood of trouble arising between the parties "anent thair weapounshawing, and the forme and ordour of thair ranking and marching and carying of thair cullours," therefore inhibit both and all under their charge from making their waponschawing, or displaying colours or tucking drums for that effect, until the return within the kingdom of the Earl of Roxburgh, who is baron of the barony of Broughtoun and superior to both the parties, so that he may be present at the settlement of the matter, but this without prejudice to "the liberteis and priviledges of the toun of the Cannogait anent the keeping of thair weapounshawing thereafter."

Decreta,  
January 1631.  
February 1631.  
Fol. 53, b.

Supplication  
by Katharine  
Christie in  
Dysert, who  
lies under the  
suspicion of  
witchcraft,  
that certain  
persons may be  
removed from  
the number of  
her judges, as  
they are her  
personal  
enemies.  
*See ante*, p. 480.

Supplication by Katharine Chrystie, widow of Andrew Yuile in Dysert, as follows:—Their Lordships remitted her trial and examination on a charge of witchcraft to his Majesty's Justice and his deputes, and it has pleased the Lord Chief Justice to grant a deputation to Sir George Hamiltoun of Blaikburne, David Crichtoun, fiar of Lugtoun, James Wemes, fiar of Bogie, James Clerk of Balbirnie, and David Chrystie and Alexander Simsoun, bailies of Dysert, to try and examine her, receive probation, and upon presumption of her guilt to commit her to ward to abide her trial for the said crime. To the first three she will willingly submit herself for trial in this charge with which "she hes beene most innocentlie slaundered," but the other three she objects to, "because the first brute that ever wes raised aganis her in this mater wes done be David Clerk, mariner in Dysert, and speciall kinsman and freind of the said James Clerk of Balbirnie," for which she summoned him before the Presbytery of Kirkaldie, who appointed commissioners from their number to meet with the Kirk-Session of Dysert and try the case, and they found that she "wes innocent of these scandalls, and ordained the said David Clerk to acknowledge his offence done to the said supplicant in presence of the Sessioun, and to testifie that he knew no thing of her bot honestie, as ane act under the hand of Mr. Johne Wemes, minister at Tullos, at lenth beiris." Because the supplicant followed out this matter against him he and his whole kin and friends, and specially the said James Clerk of Balbirnie, and the said Alexander Simsoun, who is cousin-german to the said David Clerk, and the said David Chrystie, who is his kinsman, have conceived a deadly hatred and malice against her and seek by all means her destruction, "although it be knowin unto thame that the haill persouns brunt within the burgh of Dysert for witchcraft declared the supplicant

Fol. 54, a.

Decreta,  
January 1630.  
February 1631.  
Fol. 54, a.

to be free of that detestable cryme both before thair tryell and convictioun and at the tyme of thair death." She is "ane responsall and answerable persoun who will not declayne her tryell," and for these causes craves the discharge from the commission of these three persons. The Lords recommend the trial of the truth of this exception against these three to the other three commissioners, whom the Lords command to proceed and determine therein according to justice.

Fol. 54, b.

Complaint by James Lessils as follows:—He has remained in great misery in the tolbooth of Edinburgh for the past six weeks at the instance of Adam Watt, Writer to the Signet, for not paying him £100; yet, for testification of "his honest and willing mynde" to satisfy him so far as his poor estate may, he has offered to grant a perfect assignation of all his goods, which, however, Watt refuses. Charge having been given to Edward Edgar, one of the bailies of Edinburgh, in name of the provost and bailies, to produce the complainer, and he being now brought by one of the town officers, and the defender also being present, the Lords, with the latter's consent, ordain the provost and bailies to liberate the pursuer, who has enacted himself to use his best endeavours and credit to pay the £100 to Watt before Michaelmas next or else to re-enter himself in ward by that term.

Fol. 55, a.

Supplication by William Watts, merchant tailor of London, as follows:—Sir James Home of Eckills and Sir George Home, his son, are indebted to the supplicant in large sums of money contracted by them at London, for recovery of which he has proceeded against them with all ordinary legal execution without avail, as they have "transmitted the titles of thair lands and goods into the persons of thair confident freinds to thair behoove," and they avoid apprehension by the entertainment they have among their friends and countrymen. Lately the said Sir George, pretending his want of liberty to repair openly to the burgh of Edinburgh to be the hindrance to the settlement of this debt, obtained a protection from their Lordships, under cover of which he convoyed himself and wife and children to Nova Scotia *animo remanendi*; and his father stays "at home in his hous of Eckills, repairing to kirk and mercat." He craves that their Lordships would pass an act declaring that the said Sir George nor his father shall have never a protection hereafter but upon condition of paying the supplicant and with his special consent. The Lords declare that they will grant no protection to the said Sir James Home and his said son till the supplicant be first warned to the granting thereof.

Fol. 55, b.

This day compeared personally Andrew Darling, servitor to Mr. George Fletcher, advocate, and obliged himself to warrant and relieve Bessie Daill, lawful daughter to the deceased Thomas Daill, maltman, indweller in Leith, of all debts wherewith she may be burdened and charged as heir to the deceased John Daill, portioner

Complaint by James Lessells against Adam Watt, Writer to the Signet, whom he accuses of detaining him in ward for a debt which the complainer undertakes to pay.

Supplication by William Watts, merchant tailor of London, that protection be refused to Sir James Home of Eccles and Sir George Home, his son, who have hitherto evaded discharging their debts to the supplicant.

Obligation by Andrew Darling, servitor to Mr. George Fletcher, advocate, to relieve Bessie Dale of certain debts.

of Bara, and to the deceased John Dail, his only lawful son, in Decrets, January 1630  
 case the depositions made by the said Bessie Dail to the said February 1631  
 Andrew Darling stand in force. Fol. 55, b.

Complaint by James Naismith of Coldingknowes, as follows<sup>1</sup>.— Fol. 73, a.  
 The cutting and destroying of greenwood, policy and planting is  
 strictly prohibited by law, yet in his wood of the lands of Colding-  
 knowes Andrew Home in Ridpeth, Thomas Stewart iu Ersiltoun,  
 John Kyle, bastard, Henry Gray at the Walkemyne, John Brown,  
 younger, in Smailholme, Mark Home there, Nicol Carneeroce in  
 Ridpeth, John Stewart in Ersiltoun, and James Thomesoun there,  
 have, at the instigation of Ruthven, relict of the deceased  
 Laird of Coldingknowes, come with axes and other instruments in  
 January, February, March, and April last, and cut, destroyed, and  
 taken away great numbers of trees, young and old, and disposed of  
 the same at their pleasure. Consequently the said wood is very Fol. 73, b.  
 much destroyed. These persons being cited, but none of them  
 compearing, and the pursuer appearing by Arthur Naismith, his  
 procurator, the Lords ordain the said defenders to be put to the  
 horn and escheat.

Complaint by James Naismith of Coldingknowes against Andrew Home in Redpath and others for cutting wood on his lands.

Holyrood House, 26th May 1630.

Commission to the Sheriff of Haddington and others to try Bessie Duncan and others for witchcraft.

A similar commission.

Commission under the Signet to the Sheriff of Hadintoun and his Commissions, 1624-30.  
 depute, Sir John Hamiltoun of Prestoun, Douglas of Kilspindie, Fol. 223, b.  
 and Sir John Sinclair, apparent of Hirdmistoun, or any three of them, as  
 justices, to hold courts and try Bessie Duncane in Walkerland, Katharine  
 Kirktoun, Katharine Lawder, and Alison Carrick, who have long been  
 suspected of witchcraft. Signed by Wintoun, Linlithgow, Air, Areskine,  
 Naper, Hamiltoun, and Sr Thomas Hope.

Commission under the Signet signed by the same Lords to Sir Samuel  
 Johnestoun of Elphinstone, Mr. Patrick Hamiltoun of Little Prestoun,  
 James Rig of Carbarrie, and the moderator and brethren of the presby-  
 tery of Dalkeith, jointly and severally, to search for, apprehend, ward and  
 examine John Phenick, tailor in Cousland, Marion Bankes, his spouse,  
 Agnes Phenick, his daughter, Janet Richardson, spouse to Alexander  
 Nicolsoun, weaver in Cowsland, Marioun Andersoun, spouse to Andrew Fol. 224, a.  
 McCallum, piper there, Christian Steill there, and Giles Swintoun there,  
 who have long been suspected to be guilty of witchcraft, some of whom  
 have confessed, but others "stands out in ane wilfull and obstinat denyall  
 to obscure the trueth of thair devilish practises and to eshew both tryell  
 and punishment," though several persons already convicted and executed  
 for this crime have clearly deponed against them. They are to report  
 the results of their examination in writing to the Council, who will  
 thereupon take such further course as justice may require.

"The quhilk day Sir Williame Setoun reported his procedinges in Sederants, November 1629-January 1635.  
 satling of the differenceis betuix Fren draught and Rothiemay, quhairwith  
 the Counsell rested satisfied." Fol. 22, a.

<sup>1</sup> Omitted at its proper place in the Register.

Sederunts,  
November  
1629-January  
1635.  
Fol. 22, a.

"The quhilk day the Laird of Cluny send in and caused exhibitte to the Counsell a new roll of the names of suche excommunicat personis as hes gevin satisfioun to the Kirk."

"Ane letter frome his Majestie concerning Sir George Home of Manderstoun for a protectioun to be grantit to him."

Royal Letters,  
1623-32.  
Fol. 183, a.

"After our verie heartilie commendatiouns to your good lordship. Whereas Wednesday nixt the secund of Junij now approcheing is appointed for the nixt meeting of the Commissioners for the Surrenders and Teinds, and there being sindrie maters to be intreated and handled that day quhilks will require your lordships presence and advice, these ar thairfoir to requeist and desire your good lordship to keepe the said dyet preciselie, and that your lordship take some course that other three of your lordships number of the clergie be lykewayes present, so as the hinder of his Majesteis service be not impute to the absence of anie of your nomber; and so with the remembrance of our best affectiouns, committing your lordship to God, we rest. Halyrudhous, 27 May 1630. *Subscribitur*, Geo. Cancell., Mar, Wintoun."

Holyrood  
House, 27th  
May 1630.  
Letter to the  
Commissioners  
for the Sur-  
runders.

Acta July 1629-  
December  
1630.  
Fol. 230, b.

*Sederunt*—Chancellor; Privy Seal; Wintoun; Linlithgow; Air; Holyrood House, 1st June 1630.  
Lord Gordoun; Lord Areskine; Lord Naper; Sir Archibald Achesone; Clerk of Register; Advocate; Sir James Baillie.

"Forsameekle as his Majesteis missive directed to the Lords of Secret Counsell and commissioners for prorogatioun of the Parliament bearis that the Parliament sall be continowed to the first day of August now approcheing, whilk day will fall to be upon the Sunday, and the Lords considering that this hes beene bot ane simple mistaking of the day, and they being loath that this mistaking sall be anie hinder or prejudice to his Majesteis service, thairfoir they ordaine the said Parliament to be fenced and continowed to the thrid day of the said moneth of August nixtocome."

Parliament to  
meet on the  
3rd of August  
instead of the  
1st of that  
month, which  
is a Sunday.

"Forsameekle as the soverane and high court of Parliament of this kingdome wes by warrand and directioun frome the Kings Majestie continued to the first day of Junij instant, and his Majestie wes resolved to have keepped that dyet in persoun for receaving of his crowne and doing of sindrie other things tending to the peace and securitie of this his ancient kingdome, yitt there hes so manie great and weightie occasiouns interveenned<sup>1</sup> in this meane tyme as his Majestie cannot convenientlie keepe this dyet, bot hes givin warrand and directioun for prorogatioun of his said Parliament unto the thrid day of August now approcheing, quhairby his Majestie may have more

Proclamation  
to be made of  
the postpone-  
ment of the  
meeting of  
Parliament  
owing to his  
Majesty's  
detention in  
England.

<sup>1</sup> Charles had quarrelled with his last Parliament, which he dissolved in March, 1629; and, now attempting the experiment of personal government, with the support of Wentworth and Laud, was



tyme and leasure to outred and dispatche these great and weightie Acta July 1625  
 affaires whilks are to be intreated and handled at the said Parlia- December  
 ment; thairfoir the Lords of Secreit Counsell, according to his 1630.  
 Majesteis warrand and directioun sent unto thame for this purpose, Fol. 230, b.  
 ordains letters to be direct charging heralds, pursevants and officars  
 of armes to pas to the mercat croce of Edinburgh and others places  
 neidfull and there be open proclamatioun to make intimatioun and pub-  
 licatioun of the prorogatioun and continewing of the said high court of  
 Parliament untill the said thrid day of August nixtcome, with continua-  
 tioun of dayes, and to warne all and sindrie prelates, noblemen, commis-  
 sioners for the small barons and burrowes, and all others having place,  
 vote or service, or owing attendance at the said Parliament, to attend  
 and await upon the same the said thrid day of August nixtcome, with  
 continuatioun of dayes, and to doe and performe all and everie thing  
 whilk to thair severall places, charges, and offices apperteanes, with  
 intimatioun as effeirs. Followes his Majesteis missive for warrand  
 of the Act abonewrittin.—CHARLES R. Right trustie and right Fol. 231, a.  
 weilbelovit cousine and counsellour, right trustie and right weil-  
 belovit cousines and counsellours, right trustie and weilbelovit coun-  
 sellours and trustie and weilbelovit counsellours, we greete yow  
 weill. Whereas we have writtin our princelie directioun unto our  
 commissioners of Parliament to prorogat and continew the same  
 unto the first day of August nixtcome whairby we may have  
 some more tyme and leasure to be there in persoun at the said  
 Parliament and to receave our crowne for the peace and securitie  
 of that our native and ancient kingdome, our pleasure thairfoir  
 is and we doe heirby authorize, will and requyre yow that, after the  
 said Parliament sall be so prorogated and continewed as said is, yow caus  
 intimat the said prorogatioun and continuatioun to all our good lieges  
 within our said kingdome by opin proclamatioun at the mercat croce of  
 Edinburgh and other places neidfull, and warne all prelates, noblemen,  
 commissioners for barons and burrowes, and all others having place or  
 owing attendance in the said supreme court of Parliament to attend  
 and await upon the same the foresaid day with continuatioun of dayes,  
 and to performe all and sindrie suche other things as to thair places  
 and offices doeth apperteane; and for doing of the premises these our  
 letters sall be unto yow and everie of yow frome tyme to tyme your  
 sufficient warrand and discharge in that behalf. And so we bid yow  
 heartilie fareweill. Frome our Court at Whitehall the tenth day of  
 Marche 1630."

Letter from  
 his Majesty in  
 which he  
 desires that no  
 further pro-  
 ceedings be  
 taken against  
 Archibald Tod

"The whilk day the missive letter underwrittin signed be the Kings  
 Majestie being exhibite to the Lords of Secreit Counsell be David  
 Aikinheid, provest of Edinburgh, and read in their audience, the saids  
 Lords humbelie acquiescing to his Majesteis royall pleasure in this  
 mater, they ordaine the said letter to be insert and registrat in the

cta July 1629. bookes of Privie Counsell, of the whilk the tennour followes :—CHARLES for his misdemeanours  
 ecember 1630. R. Right trustie and weilbelovit cousine and counsellour, right trustie against the  
 ol. 231, a. and weilbelovit cousines and counsellours, and right trustie and weil- Earl of Linlithgow.  
 belovit counsellours, we greete yow weill. Whereas we ar informed that See ante, Vol. II., Second Series, p. 451.  
 one Archibald Tod in Edinburgh hes beene censured by yow for some misdemeanours used by him aganis our right trustie and weilbelovit  
 misdemeanours used by him aganis our right trustie and weilbelovit counsellour, the Erle of Linlithgow, and that some persoun would have  
 him censured againe before yow for the same, being confident that yow have procedit thairin as yow at first found just caus, and holding it not  
 fitt that he sould be anie further troubled for what by yow hath beene already considered, without there be new grounds of ane further com-  
 plaint aganis him for some other offence or misdemeavour committed be him, our pleasure is that frome hencefurth he be not further persewed  
 nor callit in questioun for that purpose, and to that effect that yow give order to our Advocat not to insist thairin ; whiche recommending to  
 your care we bid yow farewell. Frome our Court at S<sup>t</sup> James the 21 of May 1630. And the saids Lords according to the directioun of the  
 said letter dischargeis his Majesteis Advocat to insist anie forder in that mater till his Majesteis pleasure thereanent be knowin, and leaves to the  
 ol. 231, b. parteis to acquaint his Majestie with the trew estait of the bussines, and for this effect ordains thame to have the extract of the missive and of  
 this interloquoutour givin thairupon. Lykeas his Majesteis Advocat, being personallie present, protested for a copie of the said missive for the  
 warrand of his cariage in this bussines in tyme comming.”

“ The Lords of Secreit Counsell having heard George, Lord Gordoun, Report of Lord Gordon anent the execution of his commission against Papists.  
 and M<sup>r</sup> Williame Guild and M<sup>r</sup> Johne Logie, commissioners for the dioceis of Aberdein and Murrey, anent the said Lord Gordoun his diligence in  
 the executioun of the commissioun grantit unto him aganis rebellious and excommunicat Papists in the north and aganis seminarie and messe  
 preists, the said Lord made his report following, to wit, That M<sup>r</sup> Robert Bissat of Lessindrum, Patrik Gordoun of Terrisoule, Johne Gordoun at  
 the Mylne of Rathven, Alexander Gordoun of Drumquhail, Alaster Gordoun in Badzenoch, Hew Hill and Johne Spence and his spous,  
 Johne Gordoun of Troupe Mylne and his spous, Alexander Gardin, hes all givin obedience and reconciled thameselfes to the Kirk ; and that  
 , spous to the said M<sup>r</sup> Robert Bissat of Lessindrum,  
 Gordoun of Carneborrow, James Gordon of Letterfoure, Margaret Gordoun, goodwyfe of Cormellat, Malcolme Laing and M<sup>r</sup> Adame  
 Strauchane, Angus M<sup>c</sup>Eane, Johne Gordoun of Cohorrache, James Forbes of Blacktoun and his spous, Margaret Gordoun, spous to Robert  
 Inneis of Elgine, James Con at Knockmylne, Alexander Leslie in Conrache, , spous to Thomas Meinzeis of Balgownie, and that  
 M<sup>r</sup> Alexander Irwing his wyfe and brother ar not conforme bot stands out in thair obstinat dissobedience to the Churche ; and that Johne  
 Gordon of Craig and Johne Gordon, his eldest sonne, offers to find

cautioun to pas out of the countrie; that Margaret Gordon is confynned in Bamf, and that Thomas Meinzeis of Balgownie is out of the countrie. Quhilk report made be the said Lord Gordoun in the presence of the commissioners of the dioceis foresaids being heard and considerit be the Lords and they weill advised thairwith, the Lords of Secreit Counsell continewis the making of the said report till Thurisday nixt, and ordains the said Mr Williame Guild to give in to the Counsell ane roll of the names of suche excommunicat rebellis as hes not conformed nor past out of the countrie.”

Acta July 1630  
December  
1630.  
Fol. 231, b.

[Sederunt as recorded above.]

Holyrood  
House, 1st  
June 1630.

Complaint by  
Bessie  
Heppburn in  
Haddington  
against the  
Presbytery of  
Haddington  
for detaining  
her in the  
Tolbooth of the  
said burgh  
without bring-  
ing her to trial.

Complaint by Bessie Heppburn in Hadintoun, as follows:—The moderator and brethren of the presbytery of Hadintoun, having obtained a commission from their Lordships to try her and some others on a charge of witchcraft, about seven weeks since committed her to ward in the tolbooth of Hadintoun, and have kept her there, though during all this time nothing of that nature is laid to her charge or can be verified against her; yet the said presbytery have never reported what they have found against her, and the provost and bailies of Hadintoun refuse to liberate her unless compelled. Charge having been given to Mr. James Cockeburne, provost, John Cockeburne, Patrick Broun and James Bartrum, bailies of Hadintoun, to compear and produce the complainer, and she being brought by the said James Bartrum, who compeared for himself and the other defenders, the Lords ordain the provost and bailies to put the complainer to liberty, because Patrick Young, her son, who also compeared, became cautioner in 3000 merks for her appearing before their Lordships on lawful summons to answer upon the charge of withcraft alleged against her.

Decreta,  
January 1630  
February 1630.  
Fol. 55, b.

Fol. 56, a.

Supplication  
by James  
Johnstone of  
that ilk for a  
commission to  
try three com-  
mon thieves.

Supplication by James Johnstoun of that ilk, as follows:—He recently apprehended William Littill in Kirsneis, James Johnstoun there, and John Corrie in Parkecleuchefitt, three common and notorious thieves, and has them lying in his pit in Newbie. The Commissioners for the Middle Shires will not hold a court for punishment of such malefactors for some time, and he therefore craves that the Lords would either grant him a commission for their trial, or else letters charging the provost and bailies of Jedburgh to receive and ward them until the time of their trial by the ordinary judges. The Lords grant a commission to the supplicant to examine his three prisoners on the charge of theft laid against them, and to report their depositions with all convenient diligence so that their Lordships may then ordain such further order anent them as is meet.

Supplication  
by Mr. Archi-  
bald Pearson  
in Chappelton  
and others, who

Supplication by Mr. Archibald Persoun in Chappelton, John Ogilvie in Balmadeis, and Laurence Oliphant of Drynnie, as follows:—On the occasion of the “unhappie slaughter” of David Lindsey, eldest lawful

Fol. 56, a.

son of Mr. John Lindsey, minister at Abirlemno, and of Alexander Neva, burgess of Forfar, which happened "upon meere accident," the supplicants were apprehended and sent to Edinburgh and warded in the tolbooth there, where they remained till they, on petitioning their Lordships, were released on finding caution each in 4000 merks for their re-entry on 4th June instant. They have now given full assythment to the father, brothers, relict, kin and friends of the two slain men, as their discharge bears, and have been received by them again "in sure amitie, love and freindship," so that their re-entry in ward is no longer necessary, and their cautioners ought to be relieved. They therefore crave their Lordships' act to this effect. The Lords, after perusing the "letter of slaynes," and having heard a report by George, Viscount of Dupline, Lord High Chancellor, of his efforts for settling this business in the interests of the peace of the country, grant relief to the supplicants respecting their re-entry in ward, and discharge the bonds given by their cautioners for that effect.

In the action by Andrew Quhyte, keeper of the tolbooth of Edinburgh, against John M'Gowne of Veioche for the sum of £317 due by the deceased George Maxwell of Garrarie to the said Andrew, "for the dewes of the hous and for furnishing and interteanyng made be the said Andrew to the said umquhile George a little before his deceasse, and in the verie meane tyme he wes in waird made unto the said Johne ane pretendit dispositioun of his estait and living." The said John has meddled therewith, "and hes more of the said umquhile George his rents and living in his hands, nor will satisfie the said Andrew, quhilk the said Andrew offered him to prove." Both parties being present and heard, "the said Andrew did no diligence for proving of the said alledgeance bot suffered the terme to be circumduced," wherefore the Lords assoilzie the defender and ordain the writs produced by him to be delivered up to him.

Complaint by Gabriel Blair, procurator in the Cannogait, and Janet Galbraith, his mother, as follows:—On 27th April last, when the said Gabriel was in a peaceable manner in the chamber of Walter Logane, clerk of the Cannogait, Thomas Lamb, messenger, set fiercely upon him with a drawn whinger, with which he wounded him on the head and face to the effusion of blood, "gave him sindrie bauche and blae straiques with his feit and hands," and thereafter "shamefullie abused the said compleaner in open court by allowance and directioun of James Aytone, baillie of the Cannogait." When, after the said court was ended, the complainer went to the house of the said clerk, Lamb followed him and again struck him on the head with his drawn whinger, to the effusion of his blood, and gave him many other strokes on other parts on his body, to the peril of his life. Though he complained thereupon to the said James Aittoun, bailie, he utterly refused to hear him. Further, on 19th May last, in a fenced court and within the bar, the said Thomas Lamb,

have made full assythment for the slaughter of David Lindsey and Alexander Neva, that they may be relieved from re-entry into ward.

Action by Andrew Whyte, keeper of the Tolbooth of Edinburgh, against John M'Gowan for a sum due to the said Andrew.

Complaint by Gabriel Blair, procurator in the Canongate, against Thomas Lamb, messenger, for repeated assault, and against James Aytoun, bailie of the Canon-gate, for abetting him.

secreta,  
January 1630-  
February 1631.  
ol. 56, b.

ol. 57, a.

ol. 57, b.

by allowance and direction of the said bailie, struck the complainer on the face "with his falded neiff," and "verie disgracefullie abused him with contumelious speeches," whereupon he again complained to the said bailie, who not only refused to hear him, but also moved the said Thomas Lamb to raise a complaint against him, before the said bailie, who without hearing any probation fined the complainer £10, and warded him in "the yrnehous," where he was for four days and four nights, none of his friends being permitted to see him. Moreover, "the said bailie having used all meanes to be avenged on the said Janet Galbraith and to compell her to desist frome persute of ane actioun quhilk she hes aganis him for inlaikie of ane false mett, he caused Nicoll Barrie, officiar, and James Jacksone, his servant, about Yuile last be the space of aucht nights togidder to cast in great stones nightlie upon her and her familie, who hurt her thairwith on the shoulder and patt the samine out of joynt; quhilks twa persouns wer at last tane with the fact, bot the said baillie, being looking on to see the event of things, caused sett them at libertie and tooke thame to his hous, allowing all that wes done." Both pursuers and defenders compearing, and witnesses having been produced and examined, whose evidence failed to substantiate the complaints, the Lords assoilzie the said bailie.

Decreta,  
January 1630.  
February 1630.  
Vol. 57, b.

Holyrood House, 1st June 1630.  
Commission to the bailie of Carrick and his deputes to try John M'Clure in Clauchrie for sheep-stealing.  
See ante, p. 533.

Commission under the Signet to the bailie of Carrick and his deputes, jointly and severally, as justices, to hold courts and try John M'Clure in Clauchrie, who, having been apprehended by the said bailie with the fang of some stolen sheep skins and mutton, was on his own confession convicted, but it being apparently his first offence, the said bailie consulted the Council as to his punishment, who ordained him to be scourged, burned in the cheek, and banished from Carrick for ever. But the said John "tuiched in conscience with a remorse and feeling of his former wicked and unhappie lyfe, he hes freelie and willinglie confest ane number of thifts committed be him, quhilks require exemplarie punishment." Signed by Geo. Cancell, Hadinton, Wintoun, Linlithgow, Gordon, Air, and Naper.

Commissions,  
1624-30.  
Vol. 224, a.

Commission to Sir John Hamilton of Grange and others to try John Ur, a common and notorious thief.

Commission under the Signet, signed by the same Lords, to Sir John Hamilton of Grange, Mr. Alexander Hamiltoun of Kinglaissie, Walter Cornewall of Ballinhard, Alexander Bruce of Alva, and John Hamiltoun, chamberlain of Kinneill, or any two of them, as justices, to hold courts and try John Ur, a common and notorious thief, who has long lived upon open theft, stouthreif and oppression of the subjects, and who on May last was apprehended in the town of Borrowstounesse and is in ward there.

Vol. 224, b.

Commission to Sir Robert Grier of Lag and others to try Janet Herries in

Commission under the Signet, signed as above, to Sir Robert Greir of Lag, sheriff principal of Dumfreis, Sir John Charters of Amisfeild, and the provost and bailies of Dumfreis, or any two of them, the sheriff being one, to hold courts and try Janet Herreis in Stelingtree, Janet Fergus-

Commissions,  
624-30.  
Vol. 224, b.

soun in Torskechane, Isobel Moffat, spouse to John Wright, candlemaker in Dumfreis, Agnes Weir and John Ray in Dumfreis, and Janet Sinclare in Larbreck, who have been long suspected guilty of witchcraft.

Stellingtree  
and others for  
witchcraft.

Sederunts,  
November  
629-January  
635.  
Vol. 22, b.

Lord Gordon's report is here given with somewhat less ambiguity:—"To witt, that Lessindrum wes conforme, that his wyfe had not as yitt satisfied; that the Laird of Craig and his sone offeris caution to pas oute of the cuntrey; that Carnbarrow and Letterfouris ar not conforme nor hes not past out of the cuntrey; that Margaret Gordoun is confynned in Banff; that Patrick Gordoun in Terrisoull, Johne Gordoun at the Miln of Rathven, and Alexander Gordoun in Drumphaill are conforme; and that Margaret Gordoun, goodewyffe of Cormellat, is not conforme; that Malcome Layng and M<sup>r</sup> Adam Strauchane ar not conforme; that Allaster Gordoun in Badyenauch is conforme; that Angus M<sup>e</sup>Eane is not conforme; that Johne Gordoun of Coharroch is not conforme and at Bervik; that Hew Hill is conforme; that Johne Spens and his spous ar conforme; that Johne Gordoun of Troupismilne and his spous ar conforme; that James Forbes of Blaktoun and his spous ar not conforme; that Margaret Gordoun, spous to Robert Inneis in Elgin, is not conforme; that Alexander Garn is conforme; that James Con in Knockiemilne is not conforme; that Alexander Leslie in Conrache is not conforme; that Thomas Menyees of Balgowne is out of the cuntrey; that his spous is not conforme; that M<sup>r</sup> Alexander Irwing, his wyffe and brother, ar not conforme."

Report of Lord  
Gordon anent  
his commission  
against  
Papists.

Fol. 23, a.

Acta July 1629-  
December  
1630.  
Vol. 231, b.

*Sederunt*—Chancellor; Privy Seal; Mar; Linlithgow; Air; Lord Gordoun; Lord Areskine; Lord Naper; Bishop of Dumblane; Secretary; Clerk of Register; Advocate.

Holyrood  
House, 2nd  
June 1630.

"The whilk day George, Vicount of Duppline, Lord High Chancellor of this kingdome, produced and exhibite unto the Lords of Privie Counsell the missive letter underwritin, signed be the Kings Majestie and direct unto the saids Lords, of the quhilk the tennour followes:—

Letter from  
his Majesty  
announcing  
the birth of a  
son, afterwards  
Charles II.

CHARLES R. Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit and trustie and weilbelovit counsellours, we greit yow weil. Understanding what contentment it will give to yow and to all our loving subjects to know that it hath pleased God to blesse us with a sonne, we have thought good with all diligence to advertise yow heirof to the effect that publict notice being givin heirof they may expresse thair joy in suche a solemne maner as is requisite or at anie tyme heretofore used; in doing whairof we ar verie confident of your heartie affectioun, and we bid yow fareweill. Frome our Court at Whitehall the 29 of May 1630. Quhilk letter being read, heard and considerit be the saids Lords, and they with most humble and thankefull hearts to God, acknowledging the great and inestimable

Fol. 232, a.

blessing showin by his Divine Majestie to this whole yland by blessing his Majestie with a sonne, they ordained notice to be givin thair of the burgh of Edinburgh, and ordains missives to be writtin to the burrowes of Perth, Dundie, Aberdein, Linlithgow, Stirlin, Glasgow, Air, advertising thame of thir most joyfull and happie tydings and desyring thame to expresse thair joy and thankfulnessse after the most solemne maner they can.”

Acta July 1629.  
December  
1630.  
Fol. 232, a.

A volley to be fired from Edinburgh Castle in honour of the occasion.

“The Lords ordains Sir Harie Bruce, maister of the ordinance, and James Murrey, maister of worke, who wes personallie present, to caus shoote a volie out of the Castell of Edinburgh at foure of the clocke in the afternoone.”

Whitehall, 2nd June 1630.

Letter from his Majesty anent certain persons who have done injury to the tenants of Sir James Lockhart of Lee.

“CHARLES, etc. Whereas complaint hes beene made unto us be Sir James Lokhart, gentleman of our privie chamber in ordinarie, that one Portous of Hakshaw and his eldest sonne, being outlawes and ordinarilie sheltering thameselfes frome justice in the Borders of this our kingdome, did in contempt of our auctoritie and lawes abuse his tennents of the lands of Fingland and Carterhope, beate and spoyle thair cattell and goods and thrust thame frome thair possessionns, our pleasure is, if yow find anie just caus quhairupon this complaint is grounded, that yow caus those persouns come before yow, and if yow find that they have offended in this kynde that yow caus inflict suche exemplarie punishement upon thame as may terrifie others to committ the lyke heerafter, and if they will not compeir that yow give suche speedie order for imbringing of thame as yow sall thinke fitt, taking the most expedient course our lawes will permitt for his repossession in these lands. Quhiche recommending to your care, we bid yow farewell. Frome our Court at Whitehall the second day of June 1630.”

Royal Letters.  
1623-32.  
Fol. 198, b.

Holyrood House, 3rd June 1630.

*Sederunt*—Chancellor; Privy Seal; Mar; Wintoun; Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Gordoun; Lord Areskine; Lord Carnegie; Lord Naper; Lord Jedburgh; Secretary; Advocat; Sir James Baillie.

Acta July 1629.  
December  
1630.  
Fol. 232, a.

Excommunicated persons.

“The whilk day M<sup>r</sup> Williame Guild gave in ane roll of the excommunicat persons who hes nather conformed nor left the countrie.”

Prorogation of Lord Gordon's commission.

“The Lords prorogats the Lord Gordouns commissioun aganis excommunicat rebels and papists, jesuits and preists till the fyftene day of Julij next.”

The Marquis of Huntly permitted to return to his estates in the North.

“Anent the supplication presented to the Lords of Secret Counsell be George, Marqueis of Huntly, makand mentioun that where for keeping of his word and promise to the saids Lords, he hes returned to the place of Melghame, being loath to violat his word to the saids Lords in the smallest point that concernes him; and whereas the saids Lords entrusted the Lord Gordoun, sonne to the said Marqueis, with ane ample commissioun in suche things whilks procured his confynning who is now to

Acta July 1629-  
December  
630.  
Vol. 232, a.

give a compt to the saids Lords of his diligence in the executioun of that commissioun ; and seing the short tyme that the said Marqueis remained in the north, his residence and abode there wes verie usefull for the peace of the countrie and preventing of manie inconveniences whilks would have fallen out if he had not beene there, and whereas yitt his presence will be more stedable in these bounds nor his residence and remaining at Melghame ; humbelie desyring thairfoir the saids Lords to give and grant unto the said Marqueis warrand and licence to resort and repaire to the north and to his awin dwelling there and to remaine there at his pleasure, lykeas at mair lenth is conteanit in the said applicatioun. Quhilk being read, heard and considerit be the saids Lords and they being thairwith weill advised, the Lords of Secreit Counsell gives and grants libertie and licence to the said Marqueis of Huntlie to resort and repaire to the north and to his awin dwellings there and to remaine there at his pleasure without pane or danger to be incurred be him thairthrow, notwithstanding whatsomever acts and directiouns givin to him in the contrair, quhereanent the saids Lords dispenses be thir presents. Becaus George, Lord Gordoun, sonne to the said Marqueis, compeirand personallie before the saids Lords this present day, promeist and undertooke to purge the Marqueis his bounds of excommunicat rebellis, and ather to exhibite thame or to cause thame leave the countrie betuix and the fyftene day of Julij nixtcome."

Fol. 232, b.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Alexander Fraser of Phillorth, on the ane part, and Alexander Strauchane of Glenkindie, on the other part, and submitted, lykeas be the tennour of this present act both the saids parteis for thameselffes and takand the burdein on thame for thair freinds and partakers submitts the present variance and contraversie standing betuix thame, and the satisfioun to be made and givin be the said Alexander Strauchane of Glenkindie to the said Alexander Fraser of Phillorth for the insolence committed be him aganis the said Laird of Phillorth upon the hie streit of the burgh of Edinburgh a little abone the mercat croce thairof in the moneth of March last, by the persute and invasioun of him for his bodilie harme and slaughter, and hurting and wounding of him to the effusioun of his blood in great quantitie, to the honorable persons underwrittin, they ar to say, James, Lord Ogilvie of Airlie, Sir Alexander Gordon of Clunie, knight baronnet, Androw Fraser of Muckalls, Williame Forbes of Tolquhon and Thomas Fraser of Streachin, and to the decret and sentence to be givin be thame thereanent ; and what ever the saids judges all agreing in one voice sall pronounce, decerne and delyver heerin, both the saids parteis for thameselffes and takand the burdein on thame as said is, binds and obleises thame to stand and abide thereat, underly and fulfill the same, but appellatioun, reclamatioun or againe calling whatsomever. Lykeas the saids Lords with consent of both the saids parteis hes appointed the

Alexander Fraser of Phillorth and Alexander Strachan of Glenkindie agree to accept the arbitration of certain judges in their quarrel.  
See ante, p. 501.



meeting of the saids judges to be within the burgh of Aberdein as the most fitt and convenient place for sattling of this busines, and the saids judges ar to pronounce and give furth thair sentence and decreit arbit-rall thairin betuix and the fyftene day of August nixtcome; with power to the saids judges or anie foure of thame to prorogat this submissioun to suche a tyme thereafter as they sall thinke good; and incaise the saids judges sall not agree in this mater and give furth thair decreit and sentence thereanent, the saids Lords in that caise commands both the saids parteis to compeir before the saids Lords upon the first Counsell day of December nixtcome and underly the saids Lords forder direc-tioun and pleasure thereanent.”

Acta July 1629  
December  
1630.  
Fol. 232, b.

[Sederunt as recorded above.]

Holyrood  
House, 3rd  
June 1630.

Supplication  
by Duncan  
Campbell of  
Glenlyon that  
his trial for the  
slaughter of  
John M'Neil,  
of which he is  
unjustly  
accused, may  
be postponed.

Supplication by Duncan Campbell of Glenlyon, as follows:—He has been charged at the instance of Neil M<sup>c</sup>Neill of Barra, and others, the kin and friends of the deceased John M<sup>c</sup>Neill, to appear before the Justice and his deutes in the tolbooth of Edinburgh on 4th June instant to underlie the law for the slaughter of the said John, where if he appear not, Neil M<sup>c</sup>Neill intends to follow out “all the ordinar forme that the course of law and justice in suche a caise will require, and so will draw the said supplicant, who is ane innocent man, in great vexatioun and trouble, and bring him under the danger of a criminall processe in a point whairunto he wes never accessorie and had never hand nor dealing thairin.” The alleged slaughter took place about thirty-two years ago when the supplicant was “bot a verie young boy not past the twelffe yeare of his age, and had nather the judgement strinth nor abilitie to assist in suche ane actioun,” and he had nothing to do with it. It is a matter of great consequence to the supplicant to bring his “lyfe, estait and fortouns in questioun and under the uncertane determinatioun of ane assise who will be summoned be the partie to his best advantage and the supplicants great prejudice.” Moreover the Lord Chief Justice and his ordinary depute are now at Court, and many questions will arise in the discussion of this case which will require “the best advice and judgement that can be had and whairin the subdeputs will hardlie take upon thame to determine.” He therefore craves that the diet for his trial be continued until 22nd July next; and this the Lords grant, taking new caution of the supplicant for his compearance at that date under the penalties contained in his former caution, and the Justice, Justice Clerk, and their deutes are hereby discharged in the meantime from proceeding with the case.

Decreta,  
January 1630  
February 1631.  
Fol. 53, a.

The Viscount  
of Melgund  
and John  
Gordon of  
Bountie.

“That chargeis be direct aganis the Vicount of Melgund and Johne Gordoun of Bountie for thair compearance befor the Counsell upoun the 29 of this instant, to answer concerning M<sup>r</sup> Robert Mortymer.”

Sederunta,  
November  
1629-Januar  
1635.  
Fol. 23, b.

"A protection to Letterfourie and his brether for thair compeirance upoun Twisday nixt to find caution for thair departing oute of the kingdome, and the lyke warrand grantit to Craig of Achindoir and his sone for thair compeirance upoun the 22 of this instant to the effect abone-writtin."

"The quhilk day the Lord of Spynie and Duncany became cautionaris for Sir George Keethe that he sall keepe warde in his chalmer till Twisday, under the pane of twa thousand merkis besydis the payment of the wholl soumes for whilkis he is wardit or arrested in the tolbuthe of Edinburgh."

"The quhilk day Sir George Keethe, on the ane pairt, and James Stirlin of Braky, Robert Keethe, provest of Monros, and M<sup>r</sup> Williame Keethe, submittit all thair differenceis to the Lordis Chancellour, Previe Seale, and Lord Arskeene."

*Sederunt*—Chancellor; Privy Seal; Mar; Wintoun; Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Areskine; Lord Carnegie; Lord Naper; Secretary; Clerk of Register; Advocate; Sir Johne Scot.

"The whilk day Sir James Balfoure of Kynnaird, knight, produced ane commissioun under his Majesteis hand, givand power to him to rectifie, visite and reforme all abuses in armorie; whiche being read and considered be the Counsell they past the same with this speciall provisioun and declaratioun that if anie questioun sall arise in the executioun of the said commissioun that the said Sir James sall be reuled and directed thairin be his Majesteis Counsell; quhairunto the said Sir James, being personallie present, acquiesced and rested content thairwith."

[*Sederunt* as recorded above.]

Supplication by Patrick Coasten, tenant to Mr. Archibald Persoun in Chappeltoun, and David Espline and Thomas Proctour, tenants to Laurence Oliphant of Drynnie, as follows:—They were charged to find caution for appearing before the Justice and his deutes in the tolbooth of Edinburgh on 16th June instant to answer for the alleged slaughter of David Lindsey, son to Mr. John Lindsey, minister at Abirlemno, and Alexander Neva, burgess of Forfar, and for testifying their innocence thereof found the said caution. Their prosecutors, having on further investigation satisfied themselves that they had nothing to do with the said slaughter, have, by a letter subscribed by them, passed from the charge against them, declared them free and innocent thereof, and consented that the criminal pursuit of them should cease. The letter is produced, and the supplicants crave that the diet appointed for their trial be deserted. The Lords having considered the matter, and

*Sederunt*,  
November  
1629-January  
1635.  
Fol. 28, b.

*Acta* July 1629-  
December  
1630.  
Fol. 232, b.

*Decreta*,  
January 1630-  
February 1631.  
Fol. 58, b.

Protection to  
Letterfourie  
and others.

Caution by the  
Lord of  
Spynie and  
Duncany for  
Sir George  
Keeth.

Submission of  
their differ-  
ences by Sir  
George Keith  
and James  
Stirling of  
Brakie and  
others.

Holyrood  
House, 8th  
June 1630.

Anent the  
Lyon's patent  
for rectifying  
abuses in  
armes.

Holyrood  
House, 8th  
June 1630.

Supplication  
by Patrick  
Coasten,  
tenant to Mr.  
Archibald  
Pearson in  
Chappelton,  
and others,  
that they may  
be relieved  
from appearing  
before the  
Justice and his  
deutes in the  
Tolbooth of  
Edinburgh  
for reasons  
which they  
adduce.

"knowing assuredlie that the feede and querrell arysing upon the said slaughter is fullie sattled, removed and tane away," direct the Justice, Justice Clerk, and their deputes to sist procedure in this case. Decreta, January 1630, February 1631. Fol. 58, b.

Supplication  
by Bessie  
Duncan in  
Walkerland  
and others,  
who are all  
accused of  
witchcraft,  
anent the form  
and place of  
their trial.

Supplication by Bessie Duncane in Walkerland, Katharine Kirktown, Katharine Lawder, and Alisone Carrick in Hadinton, as follows:—They are informed that their Lordships have recently granted a commission to the sheriff of Hadintoun and his deputes, and to the Lairds of Prestoun and Kilspindie, and the young Laird of Hirdmistoun, or any three of them, the sheriff and his depute being two, for trial by an assise of the supplicants for the crime of witchcraft, "whairwith they ar most innocentlie and maliciouslie burdenned." Some of these commissioners intend to proceed against them "most summarlie and to take thame out of the tolbuith to the pannell without acquainting thame with thair dittay or giving thame some competent tyme and leasure to seeke advice and counsell" in a matter which touches them in life and fortune. And though it is true that their Lordships, recognising the danger of unskilled though honest persons sitting upon the lives of the subjects, limited this commission to any three of the commissioners, the sheriff and his depute being two, yet the said sheriff and Mr. James Cockeburne, his depute, who is also provost of the burgh of Hadintoun, seeing "the drift and policie of the supplicants adversars, who by thair hail power, credite and freindship, seekes thair wracke and destructioun," have utterly refused to accept the commission; "and the Laird of Hirdmistoun, younger, is a young gentleman of a good and worthie dispositioun, bot hes never beene acquainted with maters of this kynde, and his age furnishes not experience to him to determine thairin; and the Laird of Kilspindie is of the same dispositioun and als little foreseene or acquainted with thir maters as the other; and thair is none behind bot the Laird of Prestoun, who cannot sitt himselfe in that mater seing the commissioun is restricted to three." The law of God and nature allows to all persons their just defences in matters affecting their lives, and of this they are deprived by the concealing of "thair dittayes" with the "sattled purpose to bring thame abruptlie frome their waird to the barre." The supplicants desire nothing more earnestly than a lawful trial, and are willing to find whatever caution their Lordships may appoint for their appearing before the Justice and his deputes; and they therefore crave that the said commission may be recalled and discharged, their trial remitted to the Justice and his deputes in the tolbooth of Edinburgh, the said commissioners suspended, save the said sheriff and Mr. James Cockeburn, and that they may have exact copies of their "dittayes" and six days to be advised about them. The Lords ordain the said commission to stand, but that the sheriff principal only be one of the quorum, and that exact copies of their indictments be given to the supplicants six days before the day fixed for their trial. Fol. 59, b.

Supplication by John Gordoun of Lochinvar, James Gordoun of But-  
 hill, Alexander Gordoun of Auchletnie, William Gordoun of Airds,  
 Robert Gordoun of Burnese, Alexander Gordoun of Erlestoun,  
 Gordoun, his brother, Sir Patrik M<sup>c</sup>Kie of Larg, Hew Gordoun of  
 Grange, David Arnott of Chappell, William Gordoun, appearand of  
 Grange, Harie Gordoun of Kilsture, Michael M<sup>c</sup>Kie in Kirkland, Alex-  
 ander M<sup>c</sup>Kie of Brooth, Patrik Agnew of Barthvennen, Johne Logane in  
 Monygoiff, Williame Gordoun of Kirkconnell, Greirsoun in  
 Dattoun, Johne Blaine in Halfe Merkland, Broun of Carsluce,  
 Gilbert Broun, his brother, Johne M<sup>c</sup>Culloch of Balholme, Thomas  
 Kennedie of Ardmillan, Hew Kennedie, appearand of Ardmillan, Sir  
 Johne M<sup>c</sup>Dougall of Garthland, Duncane Crawford of Drumsey, John  
 Gordoun of Hessilfeild, Patrik Vaus of Lybrack, Sir Johne Vaus of  
 Barnbarrow, Patrik Vaus, appearand of Barnbarrow, Johne M<sup>c</sup>Culloch  
 of Ardwell, James M<sup>c</sup>Culloch of Drummorrell, Robert M<sup>c</sup>Culloch,  
 appearand of Drummorrell, Patrik Hannay, burgess of Wigtoun, Patrik  
 Hannay of Kirkdaill, Alexander Lennox of Poltoun, Lennox,  
 his brother, Robert Mure, appearand of Cassincarie, and Johne Glen-  
 doning in Monygoiff, as follows:—Alexander, Earl of Galloway, as  
 alleged master, Marion Duncan, relict of Robert Stewart in Clarie,  
 and Walter and James Stewart, brothers of the deceased Alexander  
 Stewart, alleged domestic servant to the said Earl, having put William  
 Gordoun of Pennyghame and Archibald M<sup>c</sup>Kie, his servant, to the horn  
 for failing to find caution to appear before the Justice and his deutes  
 in the tolbooth of Edinburgh to underlie the law for the slaughter of  
 the said Alexander Stewart, had obtained proclamation to be made at  
 the market crosses of Dumfreis, Kirkcudbright, and Wigtoun, discharg-  
 ing all persons from resetting the said rebels under pain of confiscation  
 of all their movable goods, and alleging that the supplicants have dis-  
 obeyed the same, they have charged or intend to charge them to find  
 caution acted in the Books of Adjournal that they will appear before his  
 Majesty's Justice and his deutes in the tolbooth of Edinburgh on 16th  
 July next and answer thereto. Now this is most wrongful, because (1)  
 the foresaid prohibition was never intimated to any of the supplicants  
 personally or at their dwellings, so that they were altogether ignorant  
 of it, for if they had been aware of it they would have been very  
 careful to obey the law, and to avoid the "snare and danger" of the  
 breach thereof; (2) if any publication was made of the said prohibition,  
 "the same wes quyetlie airtie in the morning before the people raise  
 frome their beds purposlie to conceale the said prohibitioun and to  
 ensnare his Majesteis good subjects who never heard nor knew thair of";  
 (3) the matter has been in treaty for settlement, and offers of satisfac-  
 tion have been several times made to the said Earl for the slaughter of  
 the said Alexander, "who wes a poore gairdner in , and had nothing  
 to do with the said Erle of Galloway, altho now he clames him to be his

Decreta,  
 January 1630-  
 February 1631.  
 Fol. 59, b.

Supplication  
 by John  
 Gordon of  
 Lochinvar and  
 others that  
 they may be  
 relieved from  
 appearing  
 before the  
 Justice and his  
 deutes in the  
 Tolbooth of  
 Edinburgh, as  
 they had not  
 received due  
 intimation of  
 the summons  
 from their  
 accusers, the  
 Earl of  
 Galloway and  
 others. The  
 Council post-  
 pones the date  
 of the trial of  
 the suppli-  
 cants.

Fol. 60, a.

man," and in order to these offers taking effect the said Earl gave several assurances "to the partie" freely to travel and do business in the country, so that if any reset or favour was shown him by the supplicants or by the country people (which is not granted) it was done within the time of the said assurance; and (4) their Lordships know that the said John Gordoun of Lochinvar has his residence in England, and the necessities of his affairs are presently such that without great hazard to his estate he dare not neglect going thither, the most important time for his being there being this 16th of July. It is he who is aimed at in this whole business, "and the rest of the gentlemen his freinds ar onelie cassin in the letters to vexie and wearie thame." They therefore humbly crave that their Lordships will instruct the Justice, Justice Clerk, and their deputes to postpone the diet. This the Lords do, ordaining the Justice, Justice Clerk, and their deputes to continue the appearance of the supplicants till 10th December next and to take new caution of them for their appearance on that day. They also ordain John Gordon of Lochinvar to intimate this decision to the Earl of Galloway within twenty days, so that he be not drawn to unnecessary travel and expense.

Decreta,  
January 1631.  
February 1631.  
Fol. 60, a.

Fol. 60, b.

Complaint by  
Sir Thomas  
Hope of Craighall,  
King's Advocate, and  
others against  
Sir George  
Keith of  
Drumtochy,  
whom they  
accuse of  
resisting in  
arms his legal  
arrest.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and James Stirline of Brakie and James Caddell of Aslowane, commissioners aftermentioned, as follows:—Sir George Keith of Drumtochy having been put to the horn at the instance of the King's Advocate and Robert Keith of Bredistoun and William Lawsoun, his tenant of the lands of Powburne, for failing to find caution to answer before the Justice and his deputes on a charge of wearing hagbuts and pistols and invading therewith the said Robert Keith and William Lawsoun, and there being several other hornings raised against him for riots and oppressions against Robert and Mr. William Keith, the Lords granted a commission to the said Lairds of Brakie and Aslowane to apprehend and present him before the Council, the said commission containing a clause of indemnity to them. The said commissioners ascertaining that Sir George intended "to sett fire in the barne yaird" of the said Robert and Mr. William Keith, and feeling bound to endeavour to defeat the same, on 1st January last, accompanied by some of their friends and country people, made search for the said Sir George. Being informed that he was on the hill of Garvock, accompanied by twenty-four persons armed with jacks, lances, hagbuts and pistols they proceeded thither, "and by entreatie and faire and gentle termes in his Majesteis name desyred the said Sir George to be takin, whois ansuer wes with the shott of a pistoll quhilk he caryed in his hand and shott directlie at the said James Stirline, saying in mockage and derisioun—"Take yow that for my first answer." Providentially he, "seing the peece fyred, wrayed his bodie about and so escaped the shott." Sir George thereupon drew another pistol, and fired it at them, "crying with a loude voice—" Will I

Fol. 61, a.

Decreta,  
January 1630-  
February 1631.  
Fol. 61, a.

not get one of these tratours lyfes," and his shotts being past he cryed to Johne Symond his servant, who caried a long musket in his hand charged with sax musket bullets, commanding him to shoote at the saids commissioners, quhilk he accordinglie did; lykeas the said Sir George his sonnes, haveing sevin or aucht shott of muskets and hacquebutts with thame, discharged thame all at the saids commissioners, and thair shotts being past, thay than with thair swords cruellie and barbarouslie persegued the saids commissioners of thair lyffes, the commissioners still crying to thame to be tane and to observe his Majesteis peace. Bot the more they sought for peace they grew so nuचे the more fierce and violent," and the commissioners found that to preserve their lives they must either yield, which would disgrace his Majesty's commission, or "exchange some straikes with thame." In the conflict Sir George was wounded, but of his safety the commissioners "wer so respective and careful as upon thair awne proper charges they imployed the most skilfull physicians and chirurgians in the countrie to attend the said Sir George till he wes cured and till he wes exhibite heere to the saids Lords and be thair directioun committed to the Tolbuith of Edinburgh, where he now remaines fullie and weill recovered of his wounds." This fell out in the due discharge of their commission and no otherwise. Charge having been given to the said Sir George Keith, and he compear- ing along with the pursuers, the Lords, after hearing them and certain witnesses, find the case to be as stated by the pursuers and exoner them and all who assisted them from all danger of pursuit for what had taken place in the execution of the said commission.

Fol. 61, b.

Fol. 62, a.

Complaint by Francis Stewart at the east side of the New Mylneburn of Culros, as follows:—On 22d May last George Meecklejohnne, elder, miller at the said mill, and George Meecklejohnne, younger, his son, came to his dwelling house, where finding him "in a peaceable and quyet maner, they sent Marioun Miller, spous to the said George Meecklejohnne, elder, to Torriburne," about a quarter of a mile distant, to fetch one Robert Callendar in Torriburne and Andrew Callendar there, and then, all armed with swords, staves and other weapons, entered by the way of hamesuckin into his house, where he was lying in bed, "and as he wes coming out over his bed the said Androw Callendar with ane drawin sword" wounded him on the left hand and on the arm, causing great loss of blood and apparent mutilation of the hand and arm, and George Meecklejohnne, younger, "gave him a number of bauche and blaе straikes with ane rung upon the armes" and elsewhere, and they left him "as ane dead persoun." Charge having been given to the said Andro Callendar, and he failing to compear, and the pursuer appearing, the Lords ordain the said Andro Callender to be denounced.

Fol. 62, b.

Complaint by Francis Stewart in Culross against George Meiklejohn and others for hamesucken.

Complaint by Mr. James Stewart of Ladywell, Commissary of Dunkeld, and John Bruche, messenger, as follows:—On 23d February last David Murray, son to the late Earl of Tullibardin, James Brimmer, Commissary of

Dunkeld, and John Burgh, messenger, against David Murray and others for violently taking an arrested rebel from the said John Burgh.

servitor to John, Earl of Atholl, Andrew Oyne in Blair, John M<sup>c</sup>Inrossie there, and M<sup>c</sup>Onilglasse, servitor to Robert Stewart of Toldamf, were denounced at the complainer's instance for not compearing before the Council to answer to a complaint of deforcing the said messenger when executing a caption raised by the said commissary against Malcolme Burghe, a rebel. They violently took the said rebel from the messenger's hands and wounded him and his witnesses to the effusion of blood, and they pay no heed to the horning. Now M<sup>c</sup>Onilglasse is servant to the said Robert Stewart, and the others are servants to the said Earl of Atholl, "eates at his table, duellis upon his land, payes him maill and dewtie, and accompanies him at oasting and hunting," and they ought therefore to answer for them. Charge having been given to the said Earl of Atholl and Robert Stewart, and the pursuers compearing by William Stewart, writer in Edinburgh, their procurator, but neither the defenders nor the said rebels, the Lords ordain that the Earl of Atholl and Robert Stewart be put to the horn.

Decreta,  
January 1551.  
February 1551.  
Fol. 62, b.

Fol. 63, a.

Supplication by John Stewart of Coldingham for protection that he may satisfy his creditors.

Supplication by John Stewart of Coldingham, as follows:—The chief cause of the delay of the settling with his creditors was the absence of his brother, Francis Stewart, from the country, their affairs being so intermixed as that nothing could be completed without the presence of both. He has now returned, and "they intend, God willing, with joynt advice and concurrence so to sattle thair effaires as nane with reasoun sall have caus to compleane of the said supplicant." But he cannot freely meet with his brother on this business, "quhilk is onlie for the weale of his creditors," without their Lordships' warrant, which he accordingly craves. They grant him protection until 8th July next.

Fol. 63, b.

Supplication by Sir George Home of Manderstoun for protection that he may take proceedings against certain persons who have been engaged in devilish practices against his life.

Supplication by Sir George Home of Manderstoun, as follows:—Having lately petitioned his Majesty for commissions against certain persons "who hes had diverse devilish practises aganis his lyfe," and his Majesty having been pleased to recommend the same to their Lordships and to grant him their protection for some time for prosecuting that business, he craves their warrant accordingly. The Lords grant him until 1st August next, providing that he appear before them on the 17th instant and produce the titles of his lady's conjoint fee lands whereupon she has recovered decree, so that they may be "sequestrat in the Clerkes hands or otherwayes disposed of as the Counsell after hearing of the parteis sall thinke fitting"; otherwise this protection to be null.

Supplication by William, Earl of Morton, Lord High Treasurer of Scotland, and others, anent a claim made by Mr. John Sharp of Houston on part of the Mint-house.

Supplication by William, Earl of Mortoun, Lord High Treasurer of Scotland; Archibald, Lord Naper of Merchinstoun, Deputy Treasurer; Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate; and George Foulles, his Majesty's Master-Coiner, for his Majesty's interest, as follows:—Mr. John Achesone, sometime of Newtownleyes, having disponed to his Majesty and his successors "the cunziehous possess be the said George Foulles" in perpetuity, and being bound in absolute warrandice thereof, yet Mr. John Scharpe of Howstoun,

Fol. 64, a.

advocate, maintains that there are due to him therefrom and from "that loodging and tenement of land lying at the foote of Blackefrier Wynde callit the Cardinalls loodging<sup>1</sup>," adjoining the said "cunziehous," the sum of 520 merks of annual rents. This he was wont to uplift from the said Cardinal's lodging, never from the cunziehous; but the former, "now being waist and not poyndable" for this money, he troubles the possessors of his Majesty's cunziehous and the goods therein for payment of this sum, and intends so to continue to do in time coming. Now the said Mr. John Scharpe granted discharge and renunciation to the said Mr. John Acheson of all action he might have against the said cunziehouse for the said money in time coming, and the said cunziehouse was acquired from the said Mr. John Acheson during the time the late Sir Gideon Murray was Treasurer Depute, so that the old titles of the property and the contract of alienation received by him therewith were in Sir Gideon's custody at the time of his death, but cannot now be found. Lest his Majesty be prejudiced in regard to his right in the cunziehouse, it is necessary in the circumstances that the said Mr. John Acheson, who has the duplicate of the said contract and old writs made to him thereon, be summoned to produce the same before their Lordships, seeing no other person knows the truth of the matter. He is presently in Ireland and dare not appear here on account of being under some civil hornings, unless their Lordships grant him their protection for that effect; and the supplicants accordingly crave that this may be granted, permitting him to repair to Edinburgh and other places in this kingdom to attend such actions as may be raised in this business. This the Lords grant until 1st August next.

Commission under the Signet to Sir Hew Wallace of Cragie, knight baronet; David Blair, elder of Adametoun; Robert Wallace of Galriggis, Archibald Dunbar of Mainholme, James Blair, late provost of Air, and John Osburne, younger, bailie of Air, or any three of them, as justices, to hold courts and try Marion Ritchie in the Newtoun of Air, who has long been suspected of witchcraft. Signed by Geo. Cancell., Hadintoun, Air, Areskine, Dunkelden, Carnegie, and Naper.

"The quhilk day a gift was past to Sir James Balfoure, knight, of the office of Lyoun King of Armes."

"The quhilk day the Lord of Spynie and Dunkany become cautionaris for Sir George Keethe that he sall remayne and keepe ward within the burgh of Edinburgh, and that he sall compeir befor the Counsell upoun the xv day of Julij nixt, and for the indempnitie of James Sterlyne of Brakie, Robert and M<sup>r</sup> Williame Keethis, under the pane of twa thowsand merkis by and attour the payment of the wholl soumes for whilkis the said Sir George wes wardit or arrested in warde within the

Holyrood House, 8th June 1630.

Commission to Sir Hew Wallace of Cragie and others to try Marion Ritchie in the Newton of Ayr for witchcraft.

Sir James Balfour appointed Lyon King-of-Arms. Caution by the Lord of Spynie and Dunkany for Sir George Keith.

<sup>1</sup> The town-house of Cardinal Beaton.



tolbuith of Edinburgh, incaise he breck ward furth of the burgh of Edinburgh; and Sir George promeist to caus M<sup>r</sup> Andro Ramsay, minister, become ane other of thir cautionaris.”

Submission by Sir George Keith and others of their dispute to the Lord Chancellor and others.

“The quhilk day Sir George Keethe, on the ane pairt, and Braky, Robert and M<sup>r</sup> [William] Keethis, on the other pairt, of new submittit thair differenceis to the Lordis Chancellour, Previe Seale and Lord Arskene, and to thair decret and sentence.”

“Dunkany, Robert and M<sup>r</sup> William Keethis, every one of thame cautionar for otheris for Sir George indempntie, every one under the pane of ij<sup>m</sup> merkis.”

Letterfourie and his brother.

“Continowis Letterfourie and his brother thair compeirance till Thurisday nixt.”

Holyrood House, 10th June 1630.

*Sederunt*—Chancellor; Privy Seal; Air; Bishop of Dunkeld; Lord Carnegie; Master of Elphinston; Secretary; Clerk of Register; Advocate; Sir John Scot.

*Sederunts*,  
November  
1629-January  
1635.  
Fol. 24, a.

Acta July 1624-  
December  
1630.  
Fol. 233, a.

Date of Doctor William Leslie's exile postponed.

“The Lords of Secreit Counsell prorogats the warrand grantit to Doctour Williame Leslie for his departure furth of this realme till the fyftene day of Julij nixtocome; and the said Doctour, being personallie present, actit himselffe to depart betuix and the day foresaid, and in the meane tyme that he sall not resset Jesuits, seminarie nor messe preists, and that he sall not heare messe, under the pane of ane thowsand pund.”

Holyrood House, 10th June 1630.

[*Sederunt* as recorded above.]

Complaint by John Wilson, merchant-burgess of Edinburgh, against John M<sup>r</sup>Ilroy in Kelso, whom he had accused of offering him pieces of clipped gold, and of further illegal conduct in connection therewith.

Complaint by John Wilson, merchant burgess of Edinburgh, as follows:—On February 1629, when the complainer was in Kelso on his lawful business, John M<sup>r</sup>Ilroy, indweller there, “offered unto him sindrie peeces of clipped gold about sax drop weight and desyred him to buy the same, bot the compleaner knowing the unlawfulness of that sort of merchandice and the danger whilk may follow thairupoun, he, according to the dewtie of ane good subject, past immediatlie thereafter to Androw Ker, baillie of Kelso, and informed him of this mater.” The said baillie thereupon put M<sup>r</sup>Ilroy under caution to answer before him for the said clipped gold. M<sup>r</sup>Ilroy persuaded the baillie to get the complainer to have the trial in Kelso, and knowing that the complainer had come to the burgh on December last to sell some wares, M<sup>r</sup>Ilroy sent for him and so threatened him with warding that for fear thereof he signed a bond for £100 to pursue the case before the baillie at Kelso. The matter, however, is one that cannot be dealt with by the said baillie, but must come before a higher court. Charge having been given to the said John M<sup>r</sup>Ilroy, and both pursuer and defender compearing, and witnesses produced by the pursuer having been heard, who could not establish the complaint, the Lords assoilzie the defender, and ordain

Decreta,  
January 1630.  
February 1631.  
Fol. 64, b.

Fol. 65, a.

the pursuer to pay £4 to each of his witnesses for their expenses, viz. John Greeve, John Aldcorne, Alexander Sinclare, and John Dickson, indwellers in Kelso, and John Quhyte, merchant in Paisley.

John Neill, prisoner in the Tolbooth of Edinburgh for witchcraft, has made certain depositions against Home, Lady Samwelstoun, "for consulting anent the death and destructioun of her lait husband be witchcraft," and it is necessary for clearing the truth that she be confronted with the said John Neill. Charge having accordingly been given her to this end, and she compearing, the Lords ordain her to remain within the burgh of Edinburgh until they give her leave to depart, under the penalty of 1000 merks, in which she enacted herself; and they appoint Adam, Bishop of Dumblane; Sir Archibald Achesone, Secretary; Sir John Hamilton, Clerk Register; Sir Thomas Hope of Craighall, his Majesty's Advocate; and Sir John Scot, Director of Chancery, as commissioners to examine Lady Samwelstoun and confront her with John Neill.

John Denholme in the House of the Mure, and James Logane in Dalhowssie, become cautioners, jointly and severally, that William Andro in Clerkingtoun will appear personally before the Lords when lawfully charged and answer to a charge of witchcraft, under the penalty of 100 merks. William Andro, being also personally present with his cautioners, obliges himself to relieve them of all danger in this cautionry.

Complaint by Sir John Maxwell of Conhaith, and William Wilson, collier, his servant, as follows:—On 31st May last John Ramsay, called of Cockpen, came to Sir John's lands of Southside and to his "coale-hewes" there and sought for the said William Wilson for the purpose of taking his life. "Missing him, he cutted the towes, brake the buckets and others instruments made for drawing away the water from the coale, and hes thairby drowned the compleaners whole coale, so as the saids coalehewes, quhilks wer verie abundant in all sort of good coale and verie usefull to the countrie people about, are by this meanes lyke to be made unprofitable to the compleaner, to his heavie hurt and prejudice." Both pursuers and defender compearing and being heard, the Lords "continewes the tryell of the wrong lybellit till the heretable right to the coale be first decyded before the Lords of Sessioun." They also ordain the parties to find lawburrows to each other in the sum of £1000.

Lord Ramsay, compearing personally, becomes cautioner in £1000 for James Ramsay of Cockpen that he will not molest Sir John Maxwell of Conhaith, nor his wife, family, nor possessions; with clause of relief by James Ramsay.

Archibald Maxwell of Cowhill, compearing personally, becomes cautioner in £1000 that Sir John Maxwell of Conhaith will not molest James Ramsay of Cockpen, nor his wife, family, nor possessions; Sir John giving bond of relief.

Case of Lady Samuelston, who is accused by John Neill of compassing the death of her husband by witchcraft.

Caution by John Denholm and James Logan for William Andrew in Clerkington, who is accused of witchcraft.

Complaint by Sir John Maxwell of Conhaith against John Ramsay of Cockpen whom he accuses of damaging his coalpits on the compleaner's lands of Southside.

Caution by Lord Ramsay for the above-named James Ramsay.

Caution by Archibald Maxwell of Cowhill for the aforesaid Sir John Maxwell.

Secreta,  
January 1630.  
February 1631.  
Vol. 65, a.

Vol. 65, b.

Vol. 66, a.

Complaint by James Hay, gunner and mariner in Leith, who alleges that he is illegally warded in the Tolbooth of Edinburgh for what was an accident and not a crime—viz., the injury of a person by the bursting of a cannon which the complainer fired.

Complaint by James Hay, gunner and mariner in Leith, as follows:—  
 “ Upon Wednesday last he being desired be the Lord Admirall to shoote some peeces of ordinance lying upon the shoare of Leith as a token of joy for the happy delyverie of the Queens Majestie, and he being clennging one of the saids peeces and boaring the tuiche hole to have givin fyre thereat the peece would not shoot, so as he boared the peece of new and patt in more powder, and having givin warning to the people about to bewar and to retire thame selffes frome the danger, the peece tooke suddantie fire at the tuiche hole, fyred the horne, hurt the compleaners right hand and face, rave the horne, and the boddome thairof flew aff and unhappilie hurt one . . . Hislop, sonne to Andrew Hislop in Leith.” He was thereupon apprehended and warded in the Tolbooth of Edinburgh, where he still is, “ farre frome his awin dwelling hous, being thairby frustrat both of his service and voyage,” and having nothing to sustain himself. The boy's father and mother and the boy himself, convinced of the complainer's innocence, have freely forgiven him; and seeing the accident can in no way be imputed to him as a crime or offence, “ whairin he did nothing bot to testifie his readie and willing dispositioun to serve the Lord Admirall in so important and extraordinarie ane service,” he ought to be liberated. But this the provost and bailies of Edinburgh will not do unless they are compelled. Charge having been given to Andrew Ainslie and Edward Edgar, bailies of Edinburgh, for the magistrates thereof, and to the said Andrew Hislop, Francis Hislop, his son, and Smith, his mother, and the pursuer being produced by James Cochrane and Andrew Ainslie, bailies of Edinburgh, and Andrew Hislop being also present, the Lords after hearing parties, considering the accidental nature of the occurrence, and that the pursuer had sustained “ ane great hurt in his hand,” ordain the provost and bailies of Edinburgh to put him to liberty. At the same time they put him under caution personally in 200 merks to appear before the Council or his Majesty's Justice whenever lawfully charged to that effect and underlie his trial “ for the cryme foresaid,” and they ordain the provost and bailies of Edinburgh to “ take tryell and cognitioun in this mater and how the same fell out, and of the forme, maner and circumstances thairof, and to report to the saids Lords upon Tuisday nixt what they find thairin.”

Complaint by Robert Charteris of Kelwood against Thomas Kirkpatrick of Closeburn, now at the horn at the instance of the complainer, whom he accuses of

Complaint at the instance of Robert Charters of Kelwod, brother german to Sir John Charters of Amisfeild, as follows<sup>1</sup>:—At his instance Thomas Kirkpatrick, now of Closburne, had been put to the horn for non-payment of a debt of 5530 merks of principal, besides interest, and their Lordships had further summoned him to compear before them to answer for his rebellion, charging the Sheriff of Dumfreis and his deputes to apprehend him and seize his house in case of disobedience. On 25th February last John Fleeming, messenger, passed to the personal

<sup>1</sup> Omitted at its proper place in the Register.

Decreta,  
January 1630.  
February 1631  
Fol. 66, a.

Fol. 66, b.

Fol. 73, b.

Decreta,  
January 1630-  
February 1631.  
Fol. 74, a.

presence of Sir Robert Greir of Lag, Sheriff-principal of Dumfreis, and John Lindsey of Laggane, his depute, and charged them to give effect to their Lordships' decret, and the said Sheriff-depute, after searching through all the bounds of the sherifffdom, passed "to the place and fortalice of Closburne," when he found that the said rebel had "convoied himselfe furth of the said place" and "caused locke up the office houses and door of the same and tooke the keyes thair of with him, so as the said shireff depute could have no entrie within the said place except to ane laich hall where there wer certane young childrein." This contempt is not only prejudicial to the complainer, but may prove a very bad example to others. The pursuer compearing, but not the defender, the Lords ordain letters to be issued against him for entering his person within the Castle of Blacknes, and commanding the keepers of his tower of Closburne to render the same to the officer and remove themselves thence within six days under pain of being declared traitors and incurring forfeiture.

refusing to  
surrender him-  
self to justice.

Acta July 1622-  
December  
1630.  
Fol. 233, a.

*Sederunt*—Chancellor; Privy Seal; Mar; Wintoun; Air; Bishop of Dunkeld; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Master of Elphinstoun; Secretary; Clerk of Register; Advocate; Sir John Scot; Sir James Baillie.

Holyrood  
House, 15th  
June 1630.

"The whilk day in presence of the Lords of Secretit Counsell compeired personallie James Gordoun of Letterfourie, and actit and obleist himselfe that betuix and the first day of August nixt he sall conforme himselfe to the religioun presentlie profest and be law established within this kingdome, and failyeing thair of that he sall depairt his Majesteis dominions and not returne agane within the same without his Majesteis licence had and obteanned to that effect; and in the meane tyme that he sall admitt conference, resort to churche and heare preaching, under the pane of three thowsand merkes. And the saids Lords with consent of M<sup>r</sup> Williame Guild and M<sup>r</sup> Johne Logie, commissioners for the diocie of Aberdein, declares and promises that upon the said James Gordoun his good behaviour and reporting ane testimoniall frome his minister that he is ane ordinar hearer of the Word, the saids Lords will prorogat his warrand till Pasche nixt."

Obligation by  
James Gordon  
of Letterfourie  
either to  
embrace the  
true religion  
or to leave his  
Majesty's  
dominions.

"The whilk day Home, Ladie Samwelstoun, actit and obleist her selfe to remaine within the burgh of Edinburgh, and not to depart furth thair of whill she be releevd be the Counsell, under the pane of ane thowsand merkes."

Lady Samuel-  
ston's act.

Decreta,  
January 1630-  
February 1631.  
Fol. 67, a.

[Sederunt as recorded above.]

Holyrood  
House, 15th  
June 1630.

Complaint by Alexander Gordon in Killihuntlie, *alias* of Baldorne, in the parish of Kingussie, as follows:—He is informed he has been put to

Complaint by  
Alexander  
Gordon in

Killihuntly, who alleges that he is now reconciled to the Church and should be released from the horn.

the horn at the instance of Mr. Robert Craig, procurator for the Kirk, for failing to compear before the High Commission of the Kirk and answer for his wilfully absenting himself "frome hearing of the Word of God, participatioun of the sacraments, and for hearing of messe, resetting of preists, and presenting of his childrein to be baptized by suche as have received orders frome the Church of Rome." From this process of horning he ought now to be relaxed, because he has now reconciled himself to the Kirk, and submitted to the discipline thereof, "and that be daylie hearing of Gods Word, communicating and deepelie swearing to the articles of faith and to defend the trew religioun presentlie profest throughout this kingdome," thus fulfilling the tenor of the letters of horning in all points, as a testimonial subscribed by John, Bishop of Murrey, and the Moderator and some of the brethren of the Presbytery of Inverness, now produced, shows. The pursuer compearing, and the said Mr. Robert Craig being represented by George Watsone, Writer to his Majesty's Signet, the Lords, on hearing parties, suspend the horning.

Decreta,  
January 1631.  
February 1631.  
of Fol. 67, a.

Complaint by William M<sup>c</sup>Onil Dowie M<sup>c</sup>Clounvakie and others, who crave release from the horn to which they had been put for resetting the rebel Donald Dow M<sup>c</sup>William M<sup>c</sup>Caine in Ardblair, who has since been slain.<sup>1</sup>

Complaint by William M<sup>c</sup>Onil Dowie M<sup>c</sup>Clounvakie, John Dow M<sup>c</sup>Ean Dow in Glenchonache, Donald Keill M<sup>c</sup>Caine V<sup>c</sup>Oneill Doune there, Donald Dow M<sup>c</sup>Caine there, Finlay M<sup>c</sup>Finlay in Findblair, John M<sup>c</sup>Oneill V<sup>c</sup>Cantray in Glenchonache, Donald M<sup>c</sup>Cain Roy there, John Dow Beg M<sup>c</sup>Finlay Roy, John Fraser of Clanvakie, Donald M<sup>c</sup>Finlay M<sup>c</sup>Connell Roy there, Hutcheoun M<sup>c</sup>Finlay M<sup>c</sup>Onill Roy in Urquhart, Donald Dow M<sup>c</sup>William V<sup>c</sup>Onill Doune in Kellache, and Hew Fraser of Belladrum, as follows:—They are informed that they have been put to the horn at the instance of Alexander Urquhart of Ballachirie, as father, James and Henry Urquhart, as brothers, and the remanent kin and friends of the deceased Alexander Urquhart, sometime servitor to Lord Lovat, for their failure to appear and answer before their Lordships to the charge of resetting Donald Dow M<sup>c</sup>William M<sup>c</sup>Caine in Ardblair, who is at the horn for the slaughter of the said Alexander Urquhart. "Being simple, ignorant men and labourers of the ground, not acquaint with the nature of charges of this kynde, they simplie abode at home, thinking ane new charge sould have beene used aganis thame before they had beene denounced," otherwise they would at once have compeared for testifying their obedience. "And now the caus and ground of that complaint is removed in so farre as that rebell in Gods justice being persewed, and in the guilt of his awin conscience refusing to be takin, he wes slaine and his head stricken frome his bodie and sett upon the Tolbuith of Inverness, where it now stands"; and seeing that nothing further can be done in this matter, and that the complainers have severally found caution for the payment of twenty merks as their escheat to his Majesteis Treasurer, etc., if it shall be found that they are liable therein, they crave suspension of the said horning. Charge having been given to the said Alexander, James, and Henry Urquhart, who failed to compear,

Fol. 74, b.

Fol. 75, a.

<sup>1</sup> Omitted at its proper place in the Register.

and the pursuers compearing by their procurator, James Gibson, who, in addition to his pleadings, produced a testimonial under the hands of the provost and bailies of Innerness certifying "that the said Hew Fraser of Belladrum wes one of the cheefe commissioneris authorized with warrand to apprehend the said Donnald Dow McWilliamme V<sup>c</sup>Eane, and that he wes present when he wes persewed, and in respect of his refusall to be takin wes killed, and that the said umquhill Donnald his head wes cutt off frome his shoulders and affixt upon the Tolbuith of the burgh of Innernes upon the twelffe day of Februarie last, where it now stands, to the terrour of others to committ the lyke evill deids heirafter," and it being "lykewayes affirmed be the said James that of his knowledge the said Hew Fraser wes in the executioun of this service in the meane tyme when he sould have givin his compeirance before the saids Lords," and that the said John Fraser was actually present before their Lordships at that dyet as a witness in another case at the instance of the said Alexander Urquhart against Lord Lovat, "but simplie beleeving that both the saids actiouns wer but one caus and that his compeirance in the first sould have fred him frome the other, he sleuthfullie and negligentlie forgatt to compeir and ansuer upoun the secund letters;" the Lords grant suspension as craved.

*Sederunt*—Chancellor; Privy Seal; Mar; Wintoun; Air; Bishop of Dunkeld; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Master of Elphinstoun; Clerk of Register; Advocate; Sir John Scot; Sir James Baillie.

"Anent the supplicatioun presented to the Lords of Secreit Counsell be Johne, Vicount of Melghame, makand mentioun that where he is laitlie chargit be vertew of letters raised at the instance of Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, to compeir personallie before the saids Lords upon the twentie nynt day of this instant, and to bring and exhibite with him Johne Gordoun in Bountie, ane alledgit excommunicat rebell for poperie, to answeare upoun some informatiounis made to the saids Lords aganis the said Johne tuicheing some threatning speeches alledgit uttered be him in the said Vicounts audience and hearing aganis some of the ministrie, quhilk dyet is verie hard and difficill for the said Vicount to keepe, not onelie in respect of his manie great and urgent effaires whilks requires his presence at home at this dyet, bot lykewayes in respect the said Johne Gordoun upon some feare apprehended be him hes withdrawin himselffe frome his hous and familie, and is now lurking among his freinds, keeping himselffe in obscure and darke places to eshew apprehensioun; lykeas the said Vicount is using all the moyen and diligence be can to gett the said Johne in his hands, and he hopes within some few dayes after this dyet appointed be the saids Lords to gett the said Johne in his hands;

Decreta,  
January 1630-  
February 1631.  
Vol. 75, a.

Acta July 1629-  
December  
1630.  
Fol. 233, a.

Holyrood  
House, 17th  
June 1630.

Supplication  
by John,  
Viscount of  
Melgum,  
that the day  
appointed for  
his appearing  
before the  
Council and  
exhibiting  
John Gordon,  
at the horn as  
an excommuni-  
cated Papist,  
may be post-  
poned.

Fol. 233, b.

humbelie desyryng thairfoir the saids Lords to prorogat the dyet foresaid appointed for the said supplicants compeirance before thame untill the saxt day of Julij nixtocome, whilk dyet he sall, God willing, keepe ; and forder to the intent that all pretext of excuse may be takin fra the said Johne for his not compeirance be reason of the excommunicatioun and horning led aganis him, humbelie desyryng the saids Lords that they would grant ane warrand to the said Johne to come heere for cleering himselfe of these imputatiouns givin out aganis him, and that he be not troubled for his excommunicatioun or horning following thairupon, bot that he be free to come and gang at his pleasure ; lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords and they weill advised thairwith, the Lords of Secreit Counsell prorogats and continewes the dyet foresaid appointed to the said Vicount of Melghame for his compeirance before the saids Lords untill the saxt day of Julij nixtocome ; and the saids Lords declaires that if the said Johne Gordoun sall cleere himselfe of the informations made aganis him in the mater foresaid that he sall not be troubled nor warded for his horning nor excommunicatioun following thairupon, bot that he sall be free to come and gang at his pleasure till the twelffe day of the said moneth of Julij nixt."

Acta July 1630.  
December  
1630.  
Fol. 223, b.

Obligation by  
Sir John  
Ogilvie of  
Craig to  
remain within  
Edinburgh and  
Leith till the  
Council relieve  
him.

"The whilk day Sir Johne Ogilvie of Craig compeirand personallie before his Majesteis Counsell actit himselfe to remaine within the burgh of Edinburgh or toun of Leith on the south syde thairof and not to remove thairfra till he be fred and releevd be his Majesteis Counsell, and in the meane tyme that he sall admitt conference with the ministrie, that he sall not heare messe, nor resett nor intercommoun with preists, jesuits, nor traffiquing papists under the pane of ane thowsand pundis."

Obligation by  
Edward Cowie  
and others to  
appear before  
the Council  
when summoned.

"The whilk day Edward Cowie, Archibald Walker and Johne Simsone, indwellers in Innerkeithing, actit thameselfis to compeir before his Majesteis Counsell when ever they sall be lawfullie chargit to that effect and answeere to anie thing sall be layed to thair charge tuicheing thair wilfull casting away of the said Edwards barke, ilke ane of thame under the pane of fyve hundreth merkes."

[Sederunt as recorded above.]

Holyrood  
House, 17th  
June 1630.

Supplication  
by Michael  
Elphinstone  
and others  
that they may  
receive a share  
of the subscrip-  
tion raised for  
the sufferers  
by the slipping  
of the moss on  
their lands.

See ante, p. 37.

Supplication by Michael Elphinstoun of Querrell and Alexander Mure of Skaithmure, as follows:—Their Lordships lately granted a recommendation in favour of David Rollock of Powes, Robert Johnestoun of Powmilne, Thomas Bruce of Wodside, and Robert Bruce of Corsebruike to the benevolence of his Majesty's subjects towards their relief in respect of the alleged damage sustained by them by the overflowing and covering of their lands by the moss. They are informed that "the recommendatioun hes provin verie effectuall, and great sowmes of money ar collected for that earand, whilk thir foure persouns intends to convert totallie to

Decreta,  
January 1630.  
February 1631.  
Fol. 67, b.

thair awin privat use." Yet the supplicants' lands, "lying betuix thame and the mosse, wer first overflowed and covered with the mosse, and thair losse is als important to thame as thairs," but at the time this took place and the recommendation was granted, the supplicants were in the north country, and knew nothing either of the one or the other; and though these four persons knew well the loss sustained by the supplicants by this catastrophe, they concealed it from their Lordships, causing them to believe that they only had sustained damage thereby. The supplicants are persuaded that their Lordships' intention was that all those injured should share the benefit of their recommendation in proportion to their losses, and they crave that some persons might be appointed to inspect their properties and report the damaged condition thereof to their Lordships, that they may determine the satisfaction to be given to the supplicants out of the first and readiest of the money collected as above. The Lords appoint Alexander, Earl of Linlithgow, John, Lord Areskine, and Archibald, Lord Naper of Merchinstoun, or any two of them, to go and ascertain the losses sustained by the supplicants through the moss breaking, and report to their Lordships within fifteen days to the end above craved.

Complaint by Thomas Kae in Belhill, tenant to Sir John Charters of Amisfeild, and Sir John for his interest, as follows:—On February last Robert Maxwell of Dinwoddie, Archibald Maxwell of Cowhill, John Corsane, burges of Dumfreis, Alexander Maxwell, brother to John Maxwell of Castelmilk, Thomas Kirkpatrick, servitor to the said Archibald Maxwell, and David Mureheid, servitor to the said Robert Maxwell, all armed with swords and other weapons, came by way of hamesucken to the said Thomas Kae's dwelling-house in Belhill, put violent hands on him, and forcibly carried him sixteen miles to the place of Kirkconnell, where they kept him as a prisoner for forty-eight hours, he being his Majesty's free liege, "ane honest man of good credite and estimatioun in the bounds where he dwellis," having committed no crime nor offence, and his assailants having no power nor commission against him. Charge having been given to the said Robert Maxwell, Thomas Kirkpatrick, David Mureheid, and Alexander Maxwell, and they, with the exception of Alexander Maxwell, compearing along with the pursuers, the Lords, after hearing parties, and also a statement by the said Robert Maxwell of Dinwoddie to the effect that he had received a roll of persons to be apprehended from the Earl of Nithsdale, one of the Commissioners of the Middle Shires, containing the name of one Thomas Kae, and believing the pursuer to be the person intended, apprehended and detained him as libelled, find "that there hes beene ane great errour and mistaking in the said Thomas Kae," and though the said Robert Maxwell believed truly that he was the person intended, yet "the defenders hes not used the said Laird of Amisfeild with that respect that becometh, he being ane of the Commissioners of the Middle

secrets,  
January 1630.  
February 1631.  
Vol. 67, b.

Fol. 68, a.

Complaint by  
Thomas Kay in  
Belhill against  
Robert  
Maxwell of  
Dinwiddie and  
others for  
hamesucken  
and detention  
of him as a  
prisoner.

Fol. 68, b.



Shires," and who would have been answerable for exhibiting his own man whenever charged, and they therefore continue the matter till new warning. Meanwhile Robert Maxwell finds caution in 1000 merks to compear and answer to this complaint when cited to do so, and in the same penalty to produce Alexander Maxwell, brother to John Maxwell of Castelmilk, he having a protection for his compearance, which the Lords granted.

Holyrood House, 17th June 1630.  
Commission to Alexander Gordon of Earliston and others to try Janet Wilson and others for witchcraft.  
Similar commission.

Commission to Alexander Gordoun of Erlistoun, John Fullertoun of Carletoun, and John Broun of Carsluther, or any two of them, for the trial of Janet Wilsoun in Almernes, Margaret Halyday in Craigtoun, Isobel McNaucht in Auchlayne, and Katharine Major at the Abbey of Dundrennan, for witchcraft. Signed by Geo. Cancell., Hadintoun, Wintoun, Air, Dunkelden, Melvill, Carnegie, and Naper.

Another commission signed as above to Sir James Pringill of Galloscheillis, James Pringill of Buckholme, George Pringle of Torwodlie, and the bailies of Selkirk, or any three of them, the said Sir James being one, for the trial of Alexander Baillie in Gaitonsyde, Janet Anderson, *alias* Clinker, Bessie Dagleishe in Tinneis Burne, Malie Scot in Southbynehill, and Helen Beatie, sometime in Fawsyde, for witchcraft.

Missives to be directed to the Archbishop of St. Andrews and others requiring them to attend the Commission.

"The Lordis ordanis missives to be direct to the Archiebishop of St Androis, the Bishoppis of Dunkeld, Ros, Caithnes, Dunblane, and Johne Cowane, Gabriel Cuninghame, Johne Arnott, Robert Alexander, to attend the Commissioun the last of this instant, with certificatioun to thame and they failyee, letters of horning salbe direct chargeing thame to that effect."

Sir George Hume of Manderston and his lady.

"The quhilk day Sir George Hume of Manderstoun produceit ellevin peeceis of writs concerning his Ladyis conjunct fee landis whilkis ho wes ordanit to see in the Clerkis handis, and sho ordanit to be warnit to Twisday nixt."

James Mowat.

"The Lordis continewis the exhibitioun of James Mowatt till Twisday nixt."

Holyrood House, 17th June 1630.  
Letter to the Commissioners for the Surrenders requiring their attendance at a meeting of the Commission to be held at Holyrood on the 30th of June.

"After our verie heartilie commendatiouns to your good lordship. There hes beene ane great delay and hinder in the progresse of the Commissioun anent the Teinds by reasoun of the frequent absence of some of the commissioners, quhilk hes caused a number of the dyets of the Commissioun to desert, highlie to his Majesteis offence and dis-appointing of this good worke, quhilk his Majestie out of his princelie regarde of the weale of his subjects hes so earnestlie affected; and whereas we cannot be answerable to his Majestie for thir frequent intermissiouns of the ordinarie meetings of the Commissioun, and whereas lykeways we expect daylie some new directiouns frome his Majestie concerning this bussines quhilk will require the presence and hearing of ane full number of the Commissioners, we have thairfoir appointed ane solemne meeting of the commissiouners to be heere at Halyrudhous upoun the last of this instant, als weill for resolving upon

Decreta.  
January 1630.  
February 1630.  
Vol. 63, a.

Commission.  
1624-30.  
Vol. 225, a.

Vol. 225, b.

Sederunts.  
November 1629-January 1635.  
Vol. 25, a.

Royal Letters.  
1623-32.  
Vol. 153, b.

Royal Letters, some certane and sure course how this bygane intermissioun may be repaired as for receaving the directiouns quhilks we daylie attend frome his Majestie; and thairfoir these ar to requeist and desire your good lordship to keepe this dyet preciselie, for we will be constrained for our awin exoneratioun to direct letters of horning aganis these who heere-after sall neglect the ordinarie tymes of meeting. And so resting assured of your lordships precise keeping of this dyet, we committ your lordship to God. From Halyrudhous the sevintene day of Junij 1630. *Subscritur*, Geo. Cancell., Mar, Hadintoun, Hamiltoun, S<sup>r</sup> Thomas Hope, Scottistarvet."

Acta July 1629-  
December  
630.  
fol. 233, b.

*Sederunt*—Chancellor; Mar; Linlithgow; Bishop of Dunkeld; Bishop of Dumblane; Lord Areskine; Lord Carnegie; Lord Naper; Secretary; Clerk of Register; Sir John Scot; Sir James Baillie.

Holyrood  
House, 22nd  
June 1630.

fol. 234, a.

"Forsameekle as Johne Smith and Alesone Coline in Duncce being suspected and delate to be guiltie of the detestable cryme of witchcraft, and whereas some dittayes ar to be gevin in aganis thame upon the penult day of this instant, necessar it is that they be present the said day to answeere to the saids dittayes and to underly suche order as sall be tane thereanent; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids persons to compeir before the saids Lords the said penult day to answeere to the premises and to heare and see order tane thairin as apperteanes, under the pane of rebellious, etc., with certificatioun, etc."

John Smith  
and Alison  
Colin to appear  
before the  
Council to  
answer certain  
charges of  
witchcraft.

"The whilk day Sir George Home of Manderston tooke this day aucht dayes to produce the dittayes whairwith he will burdein Johne Smith, Katharine Willson and Alesone Coline; and ordains letters to be direct aganis Johne Smith and Alesone Coline for thair compeirance before the Counsell that day; and ordains James Roughheid to be requyred as cautioner for Katharine Willson to exhibite her the said day, to the effect they may be examined upon thair guiltines of the said cryme."

Sir George  
Home of  
Manderston to  
produce the  
indictments  
against John  
Smith, Kathar-  
ine Wilson, and  
Alison Colin.

"The whilk day Johne Tailliour in Inverkeithing actit himselffe to compeir before his Majesteis Counsell when ever he sall be lawfullie charged and answeere to anie thing sall be layed to his charge tuicheing the away casting of Edward Cowyes barke under the pane of fyve hundreth merkes."

Obligation by  
John Taylor in  
Inverkeithing  
to appear  
before the  
Council when  
summoned.

[Sederunt as recorded above.]

Decreta,  
January 1630-  
February 1631.  
fol. 68, b.

Complaint by Margaret Broun, as follows:—Their Lordships in February last committed her to ward in the Tolbooth of Edinburgh, to remain there till she renounced the decree of adherence recovered by her

Holyrood  
House, 22nd  
June 1630.

Complaint by  
Margaret  
Broun, who  
alleges that

fol. 69, a.

she is unable to find caution in £500, but undertakes, if relieved from ward, not to cohabit with Thomas Paterson—the crime for which she is in ward.

against Thomas Paterson in Auchingry, and found caution in £500 not to cohabit or live with him hereafter, "the finding of the quhilk cautioun is ane mater altogidder impossible to her, for she has nather freindship, credite nor abilitie to gett ane cautioner, being bot ane poore simple woman." She has no means longer to support herself in ward, having already sold her abiliaments and clothing for maintaining her natural life. As for the renouncing of the decret of adherence, "she will willinglie doe that same in presence of the saids Lords and sall act herselfe not to cohabite nor live with the said Thomas Paterson, whilk is all that possiblie lyes in her power." Charge having been given to the provost and bailies of Edinburgh to produce the complainer for the above effect and then to set her at liberty, and they producing her, she renounced the said decret and enacted herself under a penalty of £500 not to cohabit hereafter with Thomas Paterson. The Lords therefore ordain the said provost and bailies to liberate her.

Decreta,  
January 1631.  
February 1631  
Fol. 69, a.

Supplication by Mr. Matthew Crawford for continuance of protection that he may satisfy his creditors.

Supplication by Mr. Matthew Crawford, brother to the Laird of Lochnoeis, as follows:—To enable him to pay his debts and satisfy his creditors, their Lordships granted him a protection for his safely coming to this kingdom and remaining there till 1st July next. At the time of the granting thereof on 21st April last the supplicant was in Ireland and the warrant only reached him within the last five or six days, so that he has not had time to accomplish what was intended. He has now come hither "purposelie to sattle his adoes," and craves an extension of his protection. This the Lords grant till 1st August next.

Fol. 69, b.

Complaint by Elizabeth Ramsay, spouse to William Bishop in Currie, against James Whitehead and his son, John Whitehead, whom she accuses of forcibly taking possession of her dwelling-house.

Complaint by Elizabeth Ramsay, spouse to William Bishop in Currie, and by him for his interest, as follows:—On June instant, being Sunday, James Quhytheid in Currie, and John Quhytheid, his son, came "in the morning before the preaching to ane dwelling hous in Currie perteaning to the said Elizabeth, and without respect to the Lords Sabbboth forcible brake up the doores of the hous," entered therein and took possession, where they remain and will not remove nor suffer the complainers to have access. The pursuers compearing, but not the defenders, the latter are ordained to be put to the horn.

Complaint by Sir Robert Innes of Balvenie against Patrick Christie, whom he accuses of illegally summoning him before the Council.

Complaint by Sir Robert Innes of Balvenie, knight baronet, as follows:—On last Patrick Chrystie, sometime servitor to John Gordoun of Buckie, "and now resident in the Einzie," came to his house, and by a forged copy, "without the warrand of a principall signet letter," he summoned the complainer to compear before the Lords of Council and Session on 10th March last, and to produce a decret of removing alleged to have been obtained at the instance of John, Lord Saltoun, against the said John Gordoun of Buckie and the tenants of Over Ardwell, with a decret of transference obtained by the complainer thereon, and protestations and suspension alleged to have been obtained at his instance against the Marquis of Huntly and the said John Gordoun, and horning thereupon. The complainer accordingly sent

Fol. 70, a.

Walter Inneis, his eldest son, to Edinburgh to attend the Session on this business, and the production of the principal suspension being demanded and put off from day to day, the complainer protested that his suspension was orderly proceeded with, and obtained it to be confirmed against the suspenders and their cautioner. Thereupon his said son made diligent search through the "registers of the Session" for the act of caution, and "at the Signet for the warrand of the suspension," but could find neither, from which it is plain that the copy was forged in order to elude justice and wrong the complainer. Parties being cited, and the said Walter Inneis compearing for the pursuer, but Patrick Chrystie not appearing, the Lords ordain that he be put to the horn.

Commission to Mr. Patrick Hamiltoun of Little Prestoun, Adam Wauchop of Caikmure, Mr. Robert Cas, apparent of Fordell, and Mr. Patrick Edmistoun of Schanke, or any two of them, for the trial of Bessie Mitchell in the parish of Crichtoun for witchcraft. Signed by Geo. Cancell., Mar, Carnegie, Areskine, Naper, Dunkelden, Arch. Achesoun, Hamiltoun.

Commission to Mr. Patrick Hamilton of Little Preston and others to try Bessie Mitchell, in the parish of Crichton, for witchcraft.

CHARLES R. Right, etc. Whereas we wer importunned by diverse petitionous from Alexander Hay, indweller in Leith, compleaning of a wrong done by letters directed frome us, considering how mucche this did concerne us in honnour and justice if anie suche just cause had beene givin, and not onelie us and our ministers heere bot lykewayes yow of our Counsell and Sessioun to whom our letters wer directed if yow or they had found anie suche thing and not acquainted us thairwith, we wer pleased to give order to suche of our Counsell as wer heere for the tyme to call him before thame and to peruse the extracts of these letters; frome whome it wes reported to us that his complaint proceeded upon a meere calummie without anie just caus. And as, if we had found it otherwayes we would have takin order thairwith accordinglie, so having understood that suche seditious persouns deserve to be punished, we gave order and caused declare our pleasure tuicheing the sending of him to that our kingdome, whiche since he hath neglected and doeth absent himselfe heere, thairby adding contempt of our royall directioun to his former fault, our pleasure is that yow caus apprehend him at his comming there and committ him to prissoun till yow have conferred tuicheing this purpose with some of our Privie Counsell who wer heere, and thereafter that yow censure and caus inflict suche punishment upon him as yow sall find his offence to deserve, taking assurance of him that upon no occasion quhatsoever he sall repaire to our Court; whiche recommending to your care we bid yow farewell. Frome our Court at Whitehall the 22 of June 1630."

Whitehall,  
22nd June  
1630.

Letter from his Majesty to the Council requiring them to arrest Alexander Hay and to punish him as his crime may deserve.

secret, January 1630.  
February 1631.  
ol. 70, a.

Commissions,  
624-30.  
ol. 225, b.

Royal Letters,  
623-32.  
fol. 187, b.

Acts July 1629  
December  
1630.  
fol. 234, a.

*Sederunt*—Chancellor; Mar; Linlithgow; Air; Lord Areskine; Holyrood House, 24th June 1630.  
Lord Melvill; Lord Carnegie; Lord Naper; Secretary; Clerk  
Register; Advocate; Sir John Scot; Sir James Baillie.

A Convention of the Estates to be summoned.

"The whilk day the Lords of Secreit Counsell, according to his Majesteis directioun sent unto thame, ordained missives to be directed to the nobilitie, prelats, barons and burrowes for a Conventioun of the Estaits to be at Edinburgh upon the tuentie aucht of Julij nixt."

Acta July 1630  
December 1630.  
Fol. 234, a.

Holyrood House, 24th June 1630.

[Sederunt as recorded above.]

Decreta,  
January 1631  
February 1631.  
Fol. 70, b.

Complaint by James Mowat of Ardo against Sir William Forbes of Monymusk, whom he accuses of having defaced the complainer's marches and encroached on his lands.

Complaint by James Mowat of Ardo, burges of Aberdein, as follows :

—He is heritable proprietor of the lands of Ardo and pertinents, as his writs, and as lawful entry given to him therein by the late Sir William Forbes of Monymusk, testify, yet after he had been in possession for several years, Alexander Gordoun, then of Banchrie, "began to molest and trouble him" therein. When it seemed that the result would be a lawsuit between them, some of their friends interposed and persuaded them to submit the matter to the arbitration of two friends from each side, with the deceased Mr. Thomas Nicolson, Commissary of Aberdein, as oversman. After considerable labour "they, to the great contentment and lyking of both parteis," by their decree arbitral "sett down the meiths and merches of the saids lands of Ardo, marching the same with the kirktown of Banchrie frome the Water of Dee to the Meikle Calsey, and twentie or threttie kairns of stoness wer sett up to be the proper meiths and merches of the saids lands," in terms of which the complainer peacefully possessed his saids lands without question till on April last Sir William Forbes, now of Monymusk, and John Forbes of Leslie, his uncle, at least John M<sup>c</sup>Kie, John Schairp, and John Porter, domestic servants to the said Sir William, with John Wilsoun, Alexander Robertsou, elder and younger, Adam Cadinheid, and Andro Donnald, tenants of Banchrie, and Thomas Lud and Andrew Buchan, in the Kirk-toun of Banchrie, at their hounding out, came to the said lands of Ardo and "kuist doun and rave up the hail merches sett upon the saids lands," and "they have so defaced the saids merches as hardlie it will be knowin where they stood and wer sett." Thereafter and since these persons and others, the tenants and possessors of the lands of Kirk-toun and Banchrie, "hes usurped upon thame libertie to pastour, hold and hird thair bestiall and goods upon the arable lands and growing cornes of the compleaners said lands," and intend by "bangsterie and oppressioun to debarre and seclude the compleaner peace [*sic*] and peece fra his saids lands and to appropriat the same to the said Sir Williame himselffe." The complainer is "ane aged man and hes ever lived under the obedience of his Majestie and his lawes, and is not of power to mainteane his just and lawfull possessioun aganis the violent, lawlesse and maisterfull oppressioun of the said Laird of Monymusk," and has therefore been compelled to have recourse to their Lordships, "that by his Majesteis auctoritie resting in thair hands he may be secured and armed 'against the violence of Sir William and his tenants. Charge

Fol. 71, a.

having been given to the said Sir William Forbes and John Forbes of Leslie, and both pursuer and defenders compearing, the latter alleged that what had been done in this matter "wes verie lawfullie and orderlie done be way of ane civill interruption allanerlie," and from no intention to oppress the pursuer, but only to maintain their own right and title, "becaus thir marche stones wer farre sett within thair bounds and to thair hurt and prejudice, and by the quhilks merches they tooke aff thair lands and heritage meekle of ane myle and ane halfe of ground." The Lords ordain that it shall be lawful to the pursuer to replace the march stones without prejudice to the said interruption, and forbid the defenders to remove the same till the matter be discussed and determined before the Judge ordinary, both parties to possess the contraverted bounds "at thair hazard and perrill without removing the marche stones in anie cause."

Complaint by Laurence Keltie of Knockintynnie, as follows:—On 10th June instant, as he was riding towards the town of Tillibole in company with Robert Kid in the Crooke, having dismounted from his horse be the way and laid his sword by him, the said Robert Kid ran and took up the sword, drew it, and before the complainer was aware "gave him tua deip and deidlie wounds thairwith upon the head throw the harne panne, to the effusioun of his blood in great quantitie and perrell of his lyfe, and left him lying as ane deid person upon the ground." He has since lain and still lies bedfast, with uncertainty of recovery. Charge having been given to the said Robert Kid, and the pursuer compearing by Halyday of Tillibole, his master, but the defender not appearing, the Lords ordain him to be put to the horn.

Complaint by Laurence Keltie of Knockintynnie against Robert Kid in the Crooke for assault.

Supplication by Sir David Home of Wedderburn as follows<sup>1</sup>:—His protection for safely coming to Edinburgh and dealing with his creditors expires on 1st July next, and he has been "so solist and carefull" in the business "that he hes givin full contentment to all his creditours except some few to whome he is ingadged as cautioner for some of his freinds in some small sowmes of money." Moreover, he has several actions presently depending before the Lords of Session which require his personal attention, and which are for the expediting of the said business. He therefore craves a further extension of his protection. This the Lords grant till 1st August next.

Supplication by Sir David Home of Wedderburn for continuance of his protection that he may satisfy the rest of his creditors.

"The Lordis ordanis Williame Dik and Williame Wilky to be warnit to Twisday nixt anent the transport and raising the priceis of victuall, and to answeere upoun the not inbringing of the double quantitie in peis of the quhyte transportit."

William Dick and William Wilkie.

"After our verie heartlie commendatiouns to your good lordship. Whereas the Kings Majestie, out of ane earnest desire to see this his ancient kingdome where he wes borne, had resolved to have beene heere againe the tyme appointed for his parliament, with ane intentioun after

Holyrood House, 24th June 1630. Letter of Council announcing

<sup>1</sup> Omitted at the proper place in the Register.

creta,  
uary 1630.  
bruary 1631.  
71, a.

ol. 71, b.

ol. 75, b.

ederunts,  
ovember  
629-January  
635.  
ol. 25, b.

oyal Letters,  
623-32.  
ol. 183, b.

the meeting of  
the Estates on  
July 28th.

the receaving of his crowne to have sattled suche things as imported the good of his said kingdome, yitt be reasoun of some interveening occasiouns his Majestie hes beene hindered frome comming heere till the nixt spring. And considdering with himselffe how necessar it is to have maters to be treated of maturelie discust and prepared so farre as convenientlie may be before his comming, that his Majestie may without anie long stay bring the same to ane full perfectioun, thairfoir his Majestie hes appointed ane meeting of his Estaits to be heere at Edinburgh upon the twentie aucht day of July nixt<sup>1</sup> to come for consulting upon suche things as sall be propouned be his Majestie for the good of the kingdome ; and whereas your lordships presence at this meeting is verie requisite and necessar, these ar thairfoir to requeist and desire your good lordship to keepe this dyet and meeting preciselie, and that yow be heere upoun the twentie sevin day of the said moneth at night at the farthest, prepared to conveene with the rest of the Estats upoun the morne thereafter and to concurre and joyne with thame by your best advice and counsell in suche things as sall be than propouned unto yow. And so resting assured of your lordships precise keeping of this dyet as yow respect his Majesteis obedience and the good of the countrie, we committ your lordship to God. Frome Halyrudhous the twentie foure day of Junij 1630.

Royal Letters  
1623-32  
Vol. 133, b.

Whitehall,  
28th June 1630.  
Letter from his  
Majesty anent  
a commission  
to the Earl of  
Tullibardine.

" CHARLES, etc. Right, etc., we greeete yow weill. Whereas our right trustie and weilbelovit cousine, the Erle of Tullibardin, intendeth upon some speciall occasiouns for the good of our service, quhairwith he will particularlie acquaint yow, to repaire to Lochaber, Mule and other adjacent places, seing for the better and more speedie advancement of that service we ar pleased to imploy him and his associats (of whois judgment and abiliteis to bring suche purposes to perfectioun we have beene informed), our pleasure is that yow seriouslie write in thair behalfe to anie of our officiers in these bounds and to suche noblemen and others of qualitie remaining or having power thairin, whois helpe they may have occasioun to use, for assisting the said Erle and his partners in anie thing that may advance our said service in so far as yow sall thinke they may lawfullie or convenientlie doe; and in respect that none (as we ar informed) having former commissiouns for these purposes have brought the same to anie perfectioun, bot have long since left the prosecutioun thairof, we further require that what sall thereby be pretended be thame for anie respect or occasioun whatsoever be no hinderance to our present intendit service heerin. Whiche recommending to your speciall care, we bid yow farewell. Frome our Court at Whitehall the 28 of Junij 1630."

Fol. 185, a.

Fol. 185, b.

Whitehall,  
28th June 1630.  
Letter from his  
Majesty anent  
the neglect of

" CHARLES R. Right, etc. Being informed by Edward Kellie, our servant, of the insufficiencie, nonresidence, and dissobedience of some having charge in our Chappell Royall to the orders prescribed be the

Fol. 187, a.

<sup>1</sup> This Convention actually met at Holyrood on the day appointed.—Acts of the Parliament of Scotland, V., 208.

royal Letters, 123-32, ol. 187, a. Deane thairof and his assistants for settling the same in a fitt and decent maner, assuming unto thameselfes by former gifts of thair offices quhat freedome and immunitie they thinke fitt, quhairby the service to be performed by thame is neglected; our pleasure is, after dew examinatioun and finding of quhat is heerin alleged to be trew, that yow discharge suche insufficient and refractorie persouns, if they sall not be found (after suche tryell as yow sall thinke requisite) able to discharge a dewtie in their services and most willing heerafter both to better thair judgements in thair professionns and to obtemper to all the good orders alreadie and heerafter to be prescribed by the Deane and his assistants; and for your so doing these presents sall be to yow sufficient warrand. So we bid yow farewell. From our Court at Whitehall the 28 of June 1630.”

their duties by the prebendaries of the Chapel Royal.

cta July 1629-  
December  
130.  
ol. 234, a.

*Sederunt*—Chancellor; Monteith, præses; Mar; Wintoun; Lord Areskine; Bishop of Dumblane; Lord Melvill; Lord Napier; Secretary; Clerk of Register; Advocate; Sir John Scot.

Holyrood House, 29th June 1630.

ol. 234, b.

“Forsameekle as it hes pleased the Kings Majestie upon perusall of the depositions and precognitioun takin be his Majesteis Counsell and sent up to his Majestie concerning the causes and circumstances of the slaughter of the lait goodman of Carroun to signifie by his letters to his Counsell his royall will and pleasure that Johne Grant of Ballindallache sould deale by all faire wayes and meanes for giving contentment and satisfioun to the relict and childrein of the said Carroun, and incaise of thair not freindlie agreement that his Majesteis Counsell sould appoint and sett doun the compositioun and assythemment to be givin to thame for that slaughter, and that induring the dependance and ordering of this bussines thair sould be ane forbearance of all criminall proceedour aganis the said Johne Grant and his complices for that caus; in regarde whairof and that the differences foresaids ar not yitt sattled nor composed, the Lords of Secretit Counsell, according to the warrand and directioun of his Majesteis said letter, dischargeis his Majesteis Justice, Justice Clerk, and thair deputs and all others his Majesteis judges and officers in criminall maters within this kingdome, of all directing and executing of anie letters aganis the said Laird of Ballindallache and his complices for the slaughter foresaid and of all proceeding aganis thame or anie of thame be vertew of the same, discharging thame thairof and of thair offices in that part whill the secund day of Februarie nixtcome.”

Protection granted to the Laird of Ballindalloch pending the settlement of the assythemment to be given to the relict and children of the slaughtered Laird of Carron.

“Forsameekle as the Lords of Secretit Counsell having past and exped ane commissioun to George, Marqueis of Huntlie, for the persute and apprehensioun of James Grant in Daltaleis and Allaster Grant in Tulloche, who ar twa notorious rebellis and brokin Hieland men by whome the peace of the countrie is mightilie disturbed and troubled,

Charge to the Marquis of Huntly to appear before the Council to give an account of his commission for the



apprehension  
of James Grant  
in Daltaies  
and Alaster  
Grant in  
Tulloch.

and the saids Lords looking that the said Marqueis sould have made and givin ane accompt unto thame of his diligence in the executioun of the said commissioun, nevertheles he hes made no accompt nor report at all, bot, as appeares, the executioun of the said commissioun hes beene slighted and neglected be him, quhilk hes givin encouragement to the saids James and Alaster Grants and to one Finlay M<sup>c</sup>Grinnan in Fetter-letter, one of thair rebellious complices, and who by ane lawfull probatioun and tryell and decreit and sentence following thairupon is found to be man, tennent and servant to the said Marqueis, and suche ane persoun as he aucht to answeere for be the lawes of this kingdome and Acts of Parliament, to breake louse and to committ all kynde of insolenceis and oppressiouns upon his Majesteis peaceable and good subjects within the countrie of Stradoun and others parts nixt adjacent, within the quhilkis bounds, especiallie in Stradoun (whilk is the said Marqueis proper bounds), the saids lymmars hes thair speciall ressett and residence, and without controlment goes athort the countrie in great troupes and companeis sorning and oppressing in all parts where they may be maisters and commanders, highlie to his Majesteis offence and contempt, disgrace of his gouvernement, and to the heavie hurt and greefe of his Majesteis good subjects who ar not able to withstand and resist thame. Thairfoir the saids Lords ordains letters to be direct charging the said Marqueis to compeir personallie before the saids Lords upon the twentie twa day of Julij nixtcome to give ane cleere accompt of his diligence in the executioun of the commissioun, and that he bring and exhibite with him the said day the said Finlay M<sup>c</sup>Grinnan, who by ane lawfull decreit and sentence proceeding upon probatioun and tryell is found and declared to be his man, tennent and servant, to the intent order may be tane with him for his misdemeanour as accords.”

Acta July 1630.  
December  
Fol. 231, b.

Proclamation  
forbidding the  
export of grain  
during the  
current year.

“ Forsameekle as it is understand to the Lords of Secreit Counsell that there is ane great skarsetie of victuall within this kingdome whilk hes procured ane extraordinarie dearth of the same this yeere, and the bread, especiallie wheat, is verie farre diminished both in quantitie and qualitie, so as the noblemen and others his Majesteis subjects attending his Majesteis Counsell and Sessioun cannot be furnished with sufficient and good bread as formerlie they wer wount to be; and the Lords of Secreit Counsell being carefull to foresee and prevent the forder growth of this dearth and skarsetie, they have thairfoir concluded and ordained that there sall be ane restraint of exportatioun of all kynde of victuall for this present yeere, except some little quantitie perteaning to William Dik and Williame Wilkie already shipped in twa barkes lying at Dumbar attending the first commoditie of wind and weather. And thairfoir ordains letters to be direct to make publicatioun heirop be opin proclamatioun at all places neidfull, whairthrow nane pretend ignorance of the same, and to command, charge and inhibite all and sindrie his Majesteis lieges and subjects and strangers that nane of

Fol. 235, a.

cta July 1629-  
December  
830.  
ol. 235, a.

thame presume nor take upon hand to carie or transport anie victuall furth of this kingdome, except the quantitie foresaid shipped in twa barkes and lying at Dumbar, under the pane of confiscatioun of the said victuall and of the hail remanent moveable goods perteaning to the awners and transporters thair of to his Majesteis use. And siclyke to command and charge all provests and bailleis of burrowes, customers, searchers and others whome these presents doe or may concerne, that they and everie ane of thame within thair severall bounds and offices have a special care, and caus diligent attendance be givin, that no victuall be shipped nor transported out of thair bounds, as they and everie ane of thame will answere upon thair obedience at thair highest charge and perrell."

"Anent our Sovereane Lords letters direct makand mentioun, Forsamekle as his Majestie be his letter direct to the Lords of Privie Counsell, having signified his royall will and pleasure that Johne Grant, appearand of Ballindallach, sould betuix and the first day of August last have dealt by all meanes to have givin contentment and to have made reasounable offers of assythement to the relict and childrein of the lait goodman of Carroun, and incaise of thair not freindlie agreement and sattling, as said is, that than the saids Lords, out of thair judgment and consideratioun of the parteis and circumstances of the fact and of the trueth of the allegatiouns made be the said Johne Grant concerning Finlay McGrinnan his guiltines of the slaughter of umquhile Johne Grant of Dalnabo, and who wes in companie that day with the said Carroun when he wes killed, sould sett down and appoint suche reasounable compositioun for assythement to the said wedow and childrein as the saids Lords sould thinke fitting. And whereas the said Johne Grant of Ballindallache for obedience and according to the directioun of his Majesteis said letter hes made offers of assythement and satisfioun to the said relict and childrein for the slaughter of the said goodman of Carroun, whiche they have refused to accept, thairfoir the sattling and ordering of these differences ar devolved in the hands of the Lords of Privie Counsell and ar to be disposed of at thair sight and arbitrement. And anent the charge givin to the said Johne Grant of Ballindallache, Margaret Sinclare, relict of the lait goodman of Carroun, Johne Grant now of Carroun, Patrik Grant, his brother, and Patrik Grant and thair tutours and curatours to have compeired personallie before the Lords of Privie Counsell at ane certane day bygane, and the said Johne Grant of Ballindallach to have brought and produced the day foresaid the offers of assythement made be him to the saids relict and childrein to have bene seene and considerit be the saids Lords, and both the saids parteis to have heard and seene suche ane resounable and faire course takin thairin for satisfioun of the said relict and childrein as the said Lords, after consideratioun of his Majesteis said letter and verificatioun of the particulars thairin containit, sall find most agreeable to equitie and reason, and that they sould

The relict and children of the slaughtered Laird of Carron having refused offers of assythment by John Grant, apparent of Ballindalloch, the Lords of Council take the case into their own hands.

have compeired personallie to the effect foresaid under the pane of Acta July 1628  
 rebelloun and putting of thame to the horne, with certificatioun to thame December  
 and they failyied letters sould be direct simpliciter to put thame thairto, 1630.  
 lykeas at mair lenth is conteanit in the saids letters, executiouns and Fol. 235, l.  
 indorsations thairrof. Quhilks being callit and the said Johne Grant,  
 appearand of Ballindallach, and Margaret Sinclare, relict foresaid, com-  
 peirand both personallie, and the saids Lords having signified unto thame  
 his Majesteis earnest care to have the troubles and contraversies standing  
 betuix thame sattled by ane freindlie agreement and reasonable offers of  
 assythement and satisfacioun to be made be the said Johne Grant, the  
 said Margaret Sinclare refused to heare of anie offers or to receave anie  
 assythement till his Majestie be first certified that Finlay M<sup>c</sup>Grinnan  
 wes not conteanit in the commissioun direct aganis James Grant, nather  
 wes denounced to the horne nor declared a complice of James Grants in  
 the slaughter of Dalnabo the tyme that the goodman of Carroun wes  
 killed be Ballindallach. Upon the whilk declaratioun made be the said  
 Margaret Sinclare the said Johne Grant of Ballindallach asked instru-  
 ments."

Charge by his  
 Majesty's  
 Advocate  
 against John  
 Gordoun in  
 Bountie for  
 showing  
 contumacy,  
 though a rebel  
 at the horn for  
 Popery. The  
 said John  
 Gordoun pro-  
 duces a certifi-  
 cate of his  
 reconciliation  
 with the Kirk.

"Anent our Soverane Lords letters raised at the instance of Sir  
 Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat,  
 for his Majesteis interesse, makand mentioun that where,  
 albeit the ressett of jesuits, seminarie and messe preists, and hearing  
 of messe hes beene verie straitlie prohibite and dischargit be the  
 lawes of this kingdome, notwithstanding it is of truth that Johne  
 Gordoun in Bountie, ane excommunicat rebell for poperie, and who hes  
 his dwelling upon the lands perteaning to John, Vicount of Melghame,  
 and hard at his yett, is not onelie ane commoun, avowed and publict  
 ressetter of jesuits and messe preists, and speciallie of one M<sup>r</sup> Robert  
 Mortimer, preist, bot with that he hes publict and solemne meetings in  
 his hous for Popish service, and speciallie upon Good Fryday last there  
 wes ane great nomber of people conveenned in the said Johnes house,  
 where the said M<sup>r</sup> Robert Mortimer said Popish service unto thame;  
 whairupon M<sup>r</sup> Johne Ros, moderator of the presbyterie of Kincardin  
 O'Neill, and M<sup>r</sup> William Dowglas, minister at Aboyne, being directed  
 frome the said presbyterie of Kincardin to compleane to the said Vicount  
 of Melghame of this proud and high contempt of his Majesteis auctoritie  
 committed and avowed so neere his awin yett, and the said Johne  
 Gordoun being callit upon be the said Vicount and this point being  
 layed to his charge and so cleerelie verified and qualified aganis him in  
 presence of the said Vicount as he could not deny it, he than in the  
 said Vicounts awin presence and hearing brake out in most outrageous  
 and revylling speeches, saying that he sould indeid leave the countrie, but  
 before he did the same he swore with manie fearefull and execrable  
 oathes that he sould have the lyffes of the said M<sup>r</sup> Johne Ros and M<sup>r</sup>  
 Williame Dowglas, who upon the uttering of thir speeches tooke the said

acta July 1629-  
 December  
 1630.  
 fol. 235, b.

Vicount, George Gordoun, his maister houshold, and English Williame, his page, to be witnesses. And altho the said Johne Gordoun his publict and avowed ressett of jesuits and preists and hearing of messe in his awin hous, for the whilk he is ane excommunicat rebell, wes cleerlelie verified aganis him in the said Vicount his presence and hearing, and that the speeches and horrible oathes foresaids wer lykewayes uttered be the said Johne Gordoun in the said Vicounts presence, yitt he never tooke hold thair of, at least tooke no order with the said Johne, who is his awin man, tennent, and dwellis at his yett; quhairby it is most cleere and evident that the said Vicount his connivence givin to the said Johne in a mater of this kynde is ane encouragement to him not onelie to continew in his Popish opiniouns and under his excommunicatioun and rebellious for that caus, bot lykewayes stirres him up to his desperat and violent courses and resolutions aganis the ministrie, quhereas it is verie weill knowin that if the said Vicount discharged that dewtie whilk in conscience and alledgeance he aucht to doe for reteaning his awin men and tennents and suche as he is answerable for under the obedience of his Majesteis lawes they nather would nor durst fall out in suche publict and avowed contempts so disgracefull to his Majesteis government. And anent the charge givin to the saids Viscount of Melghame and Johne Gordoun in Bountie to have compeired personallie before the Lords of Privie Counsell this present twentie nyne day of Junij instant, and the said Vicount to have brought and exhibite the said Johne Gordoun before the saids Lords the day foresaid to have answered to the premises and to have heard and seene suche order tane thereanent as apperteained, under the pane of rebellious and putting of thame to the horne, with certificatioun to thame and they failyied letters sould be direct *simpliciter* to putt thame thairto, lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thair of; quhilks being callit and his Majesteis said Advocat compeirand personallie, and the said Vicount of Melghame compeirand be Sir Alexander Gordoun of Clunie, knight, and the said Johne Gordoun in Bountie compeirand personallie, who produced and exhibite before the saids Lords ane testificatt in writt under the hand of the Bishop of Aberdein testifeing his reconciliatioun to the Kirk and relaxation frome the processe of excommunicatioun execute aganis him; quhilk testificat being read and considerit be the saids Lords, they rested satisfied thairwith."

"The whilk day, in presence of the Lords of Secretit Counsell, com-  
 peired personallie Johne Gordoun in Bountie and actit and obleist him  
 that he sall not make defectioun frome the trew religioun presentlie  
 profest and be law established within this kingdome, that he sall not  
 resett Jesuits nor preists, and that he sall compeir before the saids  
 Lords whenever he sall be lawfullie charged, under the pane of five  
 hundredth merkes."

Obligation by  
 John Gordon  
 of Bountie to  
 abide by his  
 reconciliation  
 with the Kirk  
 and to appear  
 before the  
 Council when  
 summoned.

Obligation by John Smith and Katharine Wilson in Duns not to leave Edinburgh till they receive licence from the Council.

Obligation by Sir George Home of Manderstoun not to molest his wife, men, tenants and servants.

Holyrood House, 29th June 1630.

Complaint by Janet Grant, as mother of the deceased Thomas Grant of Dalvey, and others, as relatives of the said Thomas, against the Marquis of Huntly and others for not presenting to justice Finlay M<sup>c</sup>Grinnan and others who are at the horn for the slaughter of the deceased Thomas Grant, and for whom they are responsible.

“The whilk day Johne Smith and Katharine Wilson in Duncce compeirand personallie before the Lords of Secretit Counsell actit thameselffes to remaine within Edinburgh or the Cannogait, and not to depart till they be fred be his Majesteis Counsell, either of thame under the pane of five hundredth merkes.”

Acta July 1622-  
December  
1630.  
Fol. 236, a.

“The whilk day, in presence of the Lords of Secretit Counsell, compeired personallie Sir George Home of Manderstoun and actit and obleist himselfe that Dame Helene Arnot, his spous, her men, tennents and servants, sall be harmelesse and skathelesse in their bodeis, lands, rowmes, possessiouns, cornes, cattell, goods and geir, and in no wayes to be troubled nor molested thairin be the said Sir George, nor no others of his causing, sending, hounding out, command, resett, assistance nor ratihabitoun whome he may stoppe or latt directlie nor indirectlie in tyme comming, utherwayes nor be order of law and justice, under the pane of ane thowsand pundis. And the saids Lords declaires that this Act sall be without prejudice of the horning execute aganis the said Sir George for not finding of lawburrows to his said spous to sute executioun thairupon as accords of the law after the expyring of the protection grantit to the said Sir George for persute of certane persons alledgit guiltie of witchcraft.”

Fol. 236, b.

Complaint by Janet Grant as mother, Patrick Grant as brother, and Patrick Grant of Strahauche as uncle of the deceased Thomas Grant of Dalvey, as follows:—On 30th September 1628 Finlay M<sup>c</sup>Grinnan in Fetterletter, Alaster Grant in Tulloche, Robert M<sup>c</sup>William M<sup>c</sup>Grinnan in Belledine, James M<sup>c</sup>Grinnan, his brother, there, William M<sup>c</sup>William M<sup>c</sup>Grinnan there, and James Grant in Inneroure, were put to the horn at the complainers' instance for not compearing before James, Earl of Murrey, Lieutenant and Justice in the North, and his deputes, to underlie the law for the slaughter of the said deceased Thomas Grant and Lachlan M<sup>c</sup>Intoshe, son to the deceased Thomas M<sup>c</sup>Intoshe in Roakmore. Now the said Finlay M<sup>c</sup>Grinnan is tenant to George, Marquis of Huntlie, Alaster Grant in Tulloche is tenant to Sir John Grant of Frewchie, and the others are tenants to Margaret Sinclair, goodwife of Carroun, John Grant, now of Carroun, and Alexander Grant, his uncle, and they dwell upon their lands, pay them rent, and accompany them “at oasting and hunting,” and so the said landlords should answer for them and exhibit them, which they will not do unless compelled. Charge having been given to the said Marquis of Huntlie, the Laird of Grant, the goodwife of Carroun, “tutrix testamentar,” John Grant, her son, and Alaster Grant, his uncle, to the effect foresaid, and the said Patrick Grant, one of the pursuers, compearing by Archibald Grant, his brother, and the Marquis being represented by John Gordon of Buckie, and Sir John Grant and the goodwife of Carron appearing personally, the defenders pled that the pursuers had no title to sue seeing they had by a deed under their hands confessed that the

Decreta.  
January 1631  
February 1631.  
Fol. 71, b.

Fol. 72, a.

summons was purchased by and at the direction and cost of John Grant, fiar of Ballindallach, and was executed at his charges, and they altogether free thereof, and declaring that they therefore passed from all pursuit thereupon, which deed was produced to the Lords, and bore to be dated at Frewchie, 8th and 9th June 1630. Archibald Grant replied that Patrick Grant, for whom he appeared, had not signed this document, nor had it been done for him by anyone in his name, and therefore he had right to sue. This the Lords granted, and thereafter the said Archibald Grant produced certain witnesses who proved that Finlay M'Grinnan is a dependant of the Marquis of Huntlie, and holds ground of him which is laboured either by himself or by others in his behalf; also that Alaster Grant's wife, children and goods are still upon the Laird of Grant's ground. The Lords therefore assign the 22nd of July next to these two defenders for the exhibition of these persons for whom they are responsible. In respect, however, of "the notour inabilityie of the goodwife of Carroun to exhibite the rebellis dwelling upon her land," and as she has renounced her conjunct-fee right of the said lands in favour of her sou's tutor, who has now departed this life, the Lords relieve her.

In the matter of the commission exped to Sir John Grant of Freuchie for the apprehension of James Grant, called in Daltaleis, and Alaster Grant, "twa notorious lymmars and offenders," whom "as cheefe and chiftane of that clan" he is bound to exhibit to justice, and charge having been given to him to undertake the commission and give in a report of his diligence therein, the said Laird of Grant, compearing personally, gave in a written report of his diligence in the matter, containing reasons why he should not be burdened with searching for and apprehending these rebels outwith his own bounds. The Lords, after consideration of the said reasons, repel the same and prorogate the said commission until the the 22nd July next, when he is ordained to appear again before the Council and report further what he has done therein.

Acta July 1629-  
December  
630.  
Vol. 236, b.

*Apud Halyruidhous primo die mensis Julij 1630.*

Holyrood  
House, 1st  
July 1630.

*Sederunt*—Chancellor; Præses; Privy Seal; Mar; Wintoun; Bishop of Dunblane; Lord Areskine; Lord Melvill; Carnegie; Naper; Secretary; Clerk of Register; Advocate; Sir John Scot.

"Forsameekle as the Lords of Secreit Counsell hes heard sindrie reports and informatiouns aganis Elie Nisbit, midwyfe, concerning her practising of witchcraft to the hurt and prejudice of diverse his Majesteis good subjects, and whereas it is verie necessar that the truthes of her practises in this kynde be tryed and cleered, thairfoir the Lords of Secreit Counsell hes givin and grantit, and be the tennour heirof gives and grants, commissioun and warrand be thir presents to Sir Williame Cockburne of Langtoun, shireff of Berwick, and his deputs, to pas, searche,

Commission to  
the Sheriff of  
Berwick to  
exhibit Elie  
Nisbit, who is  
accused of  
witchcraft,  
before the  
Council.

seeke and take the said Elie Nisbet where ever she may be apprehendit and to bring and exhibite her to the saids Lords, to the intent directioun and order may be givin for her examinatioun as accords; and all things necessar for her apprehensioun to doe and use whilkis for executioun of this commissioun ar requisite and necessar. Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin."

Acta July 1629  
December  
1630.  
Fol. 236, b.

Commission to the Bishop of Dumblane and others to examine John Neill and others, who are accused of witchcraft.

"The Lords of Secretit Counsell gives and grants commissioun be thir presents to Adame, Bishop of Dumblane, Sir Archibald Achesone, Secretar, Sir Johne Hamiltoun, Clerk of Register, Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, Sir Johne Scot of Scottistarvet, and the Justice Depute, or anie twa of thame, his Majesteis Advocat being one, to examine Johne Neill, Johne Smith, and Katharine Wilsonne upon thair practising of witchcraft, with power to thame to give warrand for examinatioun of suche other persons in the countrie aganis whome anie dittayes sall be givin in."

Holyrood House, 1st July 1630.

[Sederunt as recorded above.]

Decreta,  
January 1630.  
February 1631.  
Fol. 75, b.

Obligation by George White not to cut trees on the estate of the Earl of Haddington.

George Quhyte, portioner of Smailholme, compearing, enacted himself not to cut nor destroy any of the trees or planting within the Wood of Sorrollesfeild belonging to Thomas, Earl of Hadintoun, Lord Privy Seal, in time to come, under the penalty of 500 merks.

Complaint by Mr. Richard Merchiston, minister, for illegal horning at the instance of Sir William Sinclair. He craves suspension of the said horning.

Complaint by Mr. Richard Merchinstoun, minister, as follows:—He is informed that he has been put to the horn at the instance of Sir William Sinclare of Catbole, first, for failing to find caution in the books of Privy Council not to intercommune with Francis Sinclare, base son to the Earl of Caithnes, who is at the horn for not compearing to answer to a charge of sending cartels and challenges to the said Sir William, and secondly, for failing to find lawborrows for the safety of the said Sir Williame, each of the said cautions being in 400 merks. These hornings the complainer alleges to be illegal, because he was never lawfully charged to find the said cautions or he would at once have done so. As he has now done this, and also found caution for payment to his Majesty's Treasurer, etc., for payment of £20 as his escheat if found liable therein, he craves that these hornings may be suspended. The pursuer compearing but the defender not, the Lords grant suspension as craved.

Fol. 76, a.

Complaint by James and John Waugh against Robert Scot, bailie of Selkirk, for illegal warding.

Complaint at the instance of James and John Wauch, brothers, burgesses of Selkirk, as follows:—Robert Scot, one of the bailies of Selkirk, "being heavilie bruted to be the author of the death of umquhill Robert Wauche, the compleaner's brother, who deceast upon the saxt of Junij last, and alledging that the said James Wauche moved his said umquhill brother to lay his death upon him on his death bed, and that the said John Wauche said to him, 'Yee thinke to doe with us as

Fol. 76, b.

Decreta,  
January 1630-  
February 1631.  
Fol. 76, b.

ye did with our brother,'” summoned them before the bailies and Council of Selkirk on June last, by whom James was fined ten merks and John five merks. These fines they offered instantly to pay, but, because they refused to “forgive and discharge thair brothers death to the said Robert Scot, who is vehementlie suspected to be the author thair of throughout the whole shirefdome of Selkirk, they for this onelie caus committed the compleaners to waird within thair Tolbuith, and hes kepted and deteanned thame in closse prisoun sensyne be the space of aucht dayes, not suffering thair freinds nor anie of thair acquaintance to come neere thame or to minister unto thame meate or drinke, whairby they ar lyke to starve for famine without remeid be provydit.” Charge having been given to William Scot and William Elliot, bailies of Selkirk, to compear and produce the complainers, and the said William Scot, compearing and producing the said James Wauche, produced also to the Lords an act of court of the burgh of Selkirk subscribed by Mr. John Ker, clerk of the burgh, stating that the said James Wauche was committed to ward “for troubling the Commissar Court of Selkirk and for revylling and miscalling the Commissar deputs and procuratour fiscall of the said court, and for brawling and disobeying Williame Elliot, baillie of the said burgh” and for not paying the fines imposed upon him. The said bailie also declared that there were other fines imposed on him for troubling the town, and that he was arrested and warded for certain debts due by him. The Lords, after hearing both parties, ordain the said bailie to take the said James Wauche back again to his ward and to keep him therein till he satisfy the arreistments made upon him and the fines imposed, and also till he pay £10 more to the said bailie and Mr. John Ker for the trouble to which he has put them in this matter.

Fol. 77, a.

Complaint by Edward Glencorse, servitor to Thomas Kirkpatrick, younger of Closburne, Michael Glencorse, his brother, and the said Laird, for his interest, as follows:—On May last the said Michael appeared as a witness before the Commissary of Dumfreis, and gave his sworn testimony in an action against Thomas Gowdie, called of Burne, burgess of Dumfreis, who, displeased that his evidence went against him, “out of the pride and malice of his heart, and in contempt and misregarde of the judge sitting in judgement, verie reproachefullie revyllled the said Michael, calling him mensworne knave with others contumelious speeches. And the said Edward having in a sober and modest maner craved libertie of the judge to speeke somewhat, not giving anie other caus of offence to anie persoun, the said Thomas Gowdie for that onelie caus, in presence of the judge, with his elbow in most despitefull maner, hearted the said Edward upon the breast and dang him backward upoun a doore where he lay deid a great space, so as he behoved to be caried home be the officers of the toun, and being so weakened with the stroke as he wes not able to draw his breath, nor

Complaint by  
Michael Glen-  
corse against  
Thomas  
Gowdie for  
assault in the  
Commissary  
Court of Dum-  
fries.



stirre his bodie, he fell be the way in ane great water, and sensyne he hes continuallie remained in great pane and dollour as he does yitt, to the hazard and perell of his lyfe." Both pursuers and defender compearing, the Lords, after hearing the witnesses produced for establishing the complaint, assoilzie the defender, and ordain the producers to pay the sum of 40s. to each of their witnesses.

Decreta,  
January 1630.  
February 1631.  
Fol. 77, b.

Complaint by  
John Home of  
Renton against  
Patrick Home  
of Ayton and  
others for  
injuring the  
lands of the  
complainer on  
various  
occasions.

Complaint by Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, and John Home of Renton, as follows:—The said John Home is proprietor of the lands of Easter and Wester Presse as his writs can testify, and he and his tenants have been in peaceful occupation of the same these many years, till that lately Sir Patrick Home of Aittoun, Patrick Home of Law, and Alexander Home of Quhyt-hills, pretending some rights thereto and disdaining to pursue their claim in a legal way, "have resolved by way of deid, bangsterie and oppres-sioun to debarre and seclude the compleaner thairfra and to appropriat the same to thameselffes." In violation of the law prohibiting the wearing of firearms and convocation of the lieges in arms, they on 23rd June last came to the said lands accompanied by Alexander Home in Aittoun, James Crow, Alexander Home of Blakhills, and other persons to the number of three score, armed with swords, spears, hagbutts, pistols and other weapons, and "yocked twelffe men with spaidis, mattocks and others instruments, who at thair command and direction rave and kaist up ane great part of the same lands," rendering them unprofitable to the complainer. Again on the 25th "the said Sir Patrik sent his whole tennents and servants to the number of twentie persons," armed as above, with two hundred head of nolt to that part of the said lands which were not so destroyed, and there they "hirded and pastoured the said nolt," driving the complainer's goods off the same, and threaten-ing the lives of his servants. On the same day Patrick Home of Law, accompanied by twelve persons in arms, came to the said lands with forty head of nolt, and did likewise. And further, on the 26th of the said month, the said Patrick Home, Alexander Home and James Crow, with sixty persons similarly armed, repeated this conduct, "quhairby they have made more then ane myle of the saids lands unprofitable to the compleaner." Charge having been given to the said Patrick Home of Law, Alexander Home of Aittoun, Alexander Home of Blakhill and James Crow, and both pursuers and defenders compearing, and that part of the complaint relating to the 23rd and 25th June being referred by pursuers for probation to the oath of verity of the said Alexander Home in Aittoun and Alexander Home in Blakhill, who denied it, and the other part respecting the 26th being referred to the evidence of witnesses who failed in establishing the complaint, the Lords assoilzie the defenders. As to the competing claims to the lands, the Lords remit the trial thereof to the Lords of Council and Session, to whom it appertains.

Fol. 78, a.

Decreta,  
January 1630.  
February 1631.  
Fol. 78, b.

Complaint by Thomas Greir of Baljarge, John Greir of Neather Keir, John Dalrumpell of Waterside, and Mr. John Corsane, provost of Dum-freis, as follows:—William, Viscount of Drumlanrig, having appraised the £20 land of Duncow, the £16 land of Keir and some other lands from Robert, Earl of Nithsdail, for a debt of 10,000 merks, the complainers also appraised the same lands and the legal reversion thereof from the said Earl for the debt of 11,800 merks which he was due to them. They thereupon proceeded to redeem the lands from the said Viscount, but he refused to receive the said sum of 10,000 merks from them, whereupon they consigned the money to be forthcoming to him and his heirs and assignees, and raised action of declarator thereupon before the Lords of Session, which is now depending. They have since passed and expd an infeftment of part of these lands through the whole registers except the Chancery and Great Seal, where it is stopped because the said Viscount, on sinister information in April last, purchased their Lordships' warrant for stopping it till he were first paid his comprising, or else that his signature and infeftment should be first passed through the registers and seals. Now as they have paid this, his interest to crave infeftment ceases, and they crave that the Director of Chancery may be ordained to deliver to the complainers their charter and infeftment, and that the Lord Chancellor may be ordained to append the great seal thereto. Both pursuers and defender compearing, the Lords find that the difference between the parties proceeds from the form of the renunciation sought by the pursuers from the said Viscount, and their other conditions, and they remit the matter to the decision of the Lords of Counsell and Session as proper judges thereof.

Sederunts,  
November  
1629-January  
1635.  
Fol. 26, b.

"That a missive be writtin to the Lady Bass requiring her to delyver Holyrood House, 1st July 1630. Johnne Smith, hir servand, to Sir Johnne Hooome of North Beruick to Lady Bass and her servant, John Smith, who is accused of witchcraft. be broght in be him to his Majesteis Counsell to be examined upoun the cryme of witchecraft whereof he is suspect."

"A missive to North Beruick to ressave Johnne Smith fra the Ladie Bass and to bring him in heir."

Royal Letters,  
1623-32.  
Fol. 184, a.

"Most sacred Soverane, Remonstrance hes beene exhibite unto us by Holyrood House, 2nd July 1630. Duncane Campbell of Glenlyoun, ane gentleman of good qualitie and Letter of Council to his Majesty in favour of Duncane Campbell of Glenlyoun. ane ancient hous in this kingdome, making mentioun that he humbelie prayeth to be respitted or pardouned for his being some threttie fyve yeeres agoe in his minoritie of threttein yeeres of age casualle in companie with some of his fathers men when in rescue of his fathers cattell stollin be one Johne McMurchie McNeill and others his complices, commoun theeves and brokin Ilismen, the said Johne McMurchie McNeill and some of his companie wer killed in the conflict as commour theeves having thair prey with thame; and in regarde it doeth appeare unto us that this gentleman wes than bot ane young boy and not able to doe anie harme, and that the said McNeill and some of his companie

Complaint by Thomas Greir of Baljarge and others against the Earl of Nithsdale for refusing to deliver the charter and infeftment of certain lands.

Holyrood House, 1st July 1630. Lady Bass and her servant, John Smith, who is accused of witchcraft. The same.

Holyrood House, 2nd July 1630. Letter of Council to his Majesty in favour of Duncane Campbell of Glenlyoun.

wer killed in the cryme by the gentlemans fathers servants, and that this gentleman can hardlie be troubled for that fact or persewed before anie judge after so manie yeeres silence, and considering that if anie of these old done deids sould be now rypped up and called in questioun the exemple by consequence may prove dangerous and terrible to your Majesteis good subjects, who long have lived in quyetnes since the begining of your Majesteis lait faithers happie entrance into the governement of your Majesteis kingdome of England; thairfoir at the intreatie of the gentleman we ar heereby bold humbelie to recommend his caise unto your Majesteis grace and favour and to your mercifull protectioun by respitt or remissioun as your Majestie in your princelie judgement may thinke most fitting and as may seeme best to quadrat with the antiquitie of the fact, innocencie of this gentleman, and lawfulnessse of the rescue of the stollin goods out of the hands of suche barbarous and notorious theeves. And so praying God to blesse your Majestie with a long and happie raigne over us we sall ever rest, etc. Halyrudhous, 2 July 1630. *Subscritur*, Duppline, Monteith, Mar, Linlithgow, Hadintoun, Wintoun, Areskine, Carnegie, Naper." Royal Letters.  
1623-32.  
Fol. 184, a.

Whitehall, 5th July 1630. Letter from his Majesty anent Mr. William Kellie. "CHARLES R.—Right trustie and right, etc. Whereas we ar informed that one Mr. William Kellie useth meanes to stoppe the deputie of our servant, Robert Dowglas, our baillie of the lordship of Dumbar, frome holding courts there in our name, intruding himselfe by indirect meanes in the superioritie thairof, quhairby to oppresse the vassalls of the same and to wrest frome our Crowne a priviledge so ancientlie belonging thairto; our pleasure is that yow informe your selfe of the trew estait heirof and that yow use your best endeavours for causing him leave that course, otherwayes that in our name yow require our Advocat to insist by law for reducing of anie right he pretendeth in that kynde over these vassalls. Whiche speciallie recommending to your care, we bid you farewell. Givin at our Court at Whitehall the 5 of July 1630." Fol. 186, a.  
Fol. 186, b.

Holyrood House, 6th July 1630.

*Sederunt* :—Chancellor; Treasurer; President; Privy Seal; Wintoun; Linlithgow; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Lord Tracquair; Secretary; Clerk of Register; Advocate. Acta July 1629-  
December  
1630.  
Fol. 236, b.

Request by John Gordon in Bountie that the bond of his adherence to the Kirk of Scotland may be inserted in the Books of the Council.—Granted.

"The whilk day in presence of the Lords of Secretit Counsell compeired personallie M<sup>r</sup> Johne Paip, younger, advocat, as procurator underwrittin, and gave in the band underwrittin desyring the same to be insert and registrat in the bookes of Secretit Counsell to have the strenth of ane judiciall decret thairof, with executorialls to pas thairupon upon ane simple charge of ten dayes; quhilk desyre the saids Lords fand reasonable and hes thairfoir ordained the said band to be insert and registrat in the saids bookes of Privie

Acta July 1629.  
December  
1630.  
Fol. 237, a.

Counsell in maner and to the effect abone and after mentiouned, of the whilk band the tennour followes:—Be it kend till all men whome it effeirs, me, Johne Gordoun in Bountie, forsameikle as upon my humble petitioun it hes pleased the Bishop and kirk of Aberdein to absolve me from the sentence of excommunicatioun, and upon my repentance to receave me againe to the communioun of the Church, for thair full assurance of my constant abyding in the professioun, thairfoir to be bound and obleist for my selffe, and ane noble and potent lord, Johne, Viscount of Melghame, as cautioner for and with me, conjunctlie and severallie, that I sall constantlie abide all the dayes of my lyfe in the communioun of the Kirk of Scotland, whairunto I have now joynned my selffe by my great oath and subscriptioun, and never to resile thairfra; and also that I sall compeir before the Lords of his Majesteis Privie Counsell when and how oft so ever I sall be cited, upon fyftene dayes warning, for anie breache of this present band, under the pane of fyve hundreth merkes *toties quoties*. And I, the said Johne Gordoun, binds and obliges me, my airis, executors and assigneyes, to releave the said noble lord of all the contents of this band and sequele thairof. And for the mair securitie we ar content and consents that thir presents be insert and registrat in the bookes of Counsell to have the full strenth of ane judiciall act and decret thairof, with executorialls to pas thairupon upon ane single charge of ten dayes, and to that effect constituts M<sup>r</sup> Johne Paip, younger, advocat, etc., our verie lawfull and undoubted procuratours, etc., *promitten de rata*. In witnes whairof we have subscribed thir presents (writtin be the hand of M<sup>r</sup> William Dowglas, minister at Aboyne), with our hands at the Bishops place of Aberdein, the nyntein day of Junij, 1630 yeeres, before thir witnesses, Thomas Crombie of Kemnay, Williame Gordoun of Saquhan, M<sup>r</sup> Johne Ros, minister at Birse, and M<sup>r</sup> Williame Dowglas, minister at Aboyne, wrytter heirof. *Sic subscribitur*—Johne Gordoune v<sup>t</sup> my hand; Melghame; T. Cromby, witnes; Saqwhane, witnes; M. Jo. Ross, witnes; M<sup>r</sup> Williame Douglas, witnes.”

“Anent the supplicatioun presented to the Lords of Secret Counsell be Leveane Rickleman, maister of the shippe callit the *Sanct Peter* of Caleis, makand mentioun that where the said supplicant having dewtifullie performed all that wes injoynned unto him by the decret givin and pronounced be the saids Lords betuix him and Captane Johne Andersone and Captane Johne Daw, and having reported ane discharge thairof subscribed be Sir Patrik Hepburne of Wauchtoun, who compeired for the saids Captane Johne Andersone and Captane Johne Daw and tooke burdein for thame in the said decret; and the said supplicant, according to the appointment of the said decret and libertie grantit to him be vertew thairof, having to his great charges repaired, manned and victualled this shippe and being resolved to have dispatched her with ane loading of coales to the toun

Supplication  
by Leveane  
Rickleman,  
maister of the  
“*St. Peter* of  
Calais,” that  
the Lord  
Admiral may  
receive war-  
rant to allow  
the supplicant  
to sail for  
Bordeaux—the  
said Admiral  
having hitherto  
prevented him  
from doing so.  
—Granted on  
certain con-  
ditions.

of Caleis and to have remained heere himselfe in persoun untill suche tyme as the said Captane Daw (who for his caus was deteanned prisoner in Burdeaulx) sould be first released and his shipp and goods delyvered unto him, notwithstanding whair of the Lord Admirall (upon what ground and occasioun the supplicant knowes not) hes givin order to his officers for arreisting the said supplicant his ship, and hes caused take the sales fra the raes, whairby the said ship be reasoun of her ballast and dry lying within the harbourie is lyke to be made wracke. And whereas he is content to find caution that he himselfe sall remaine heere and sall not depart till Captane Daw be first releevd, humbelie desyring thairfoir the saids Lords to give warrand and direction to the said Lord Admirall and his officers for delyverie to the said supplicant of the saillis of his ship to the effect he may follow out his voyage conforme to the tennour of the said decret, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read and considerit be the saids Lords, and they having lykewayes heard Alexander Cunninghame of Barns, who compeired for himselfe and the remanent awneris of the said Captane Dawes ship, and being weill advised with all that wes propouned and alledgit be either of the saids parteis, the Lords of Secreit Counsell ordains and commands the said Lord Admirall and James Dowglas, his officiar of the Admiraltie, to make present delyverie to the said supplicant of the saillis of his ship and to suffer her to louse and to goe to sea without forder trouble, charges or impediment. And to the effect the said Captane Daw may be the more courteouslie used and speedilie released the saids Lords, with consent of the said Laird of Barns, who compeired as said is, allowes the said supplicant to depart with his said shippe the better to facilitat and further the releefe of the said Captane Daw, and that notwithstanding of the said decret whairby the said supplicant himselfe or otherwayes his shippe ar ordained to remaine; becaus Johne Trotter, younger, merchant burges of Edinburgh, compeirand this day personallie before the saids Lords, become actit and obleist as cautioner and souertie for the said Leveane Rickleman that the said Leveane and his said shippe, being fred of thair arreistment heere and suffered to depart at thair pleasure, that betuix and the first day of November nixtcome the said Captane Johne Daw (who upon occasioun of the said Leveane Rickleman his detentioun herre is arreisted in Burdeaulx) sall be released and sett at libertie, and that no challenge, trouble, latt nor impediment sall be made unto him for anie fact or deid whairwith he can be burdenned at the instance of the said Leveane Rickleman nor of Peter Evertson, maister of the shippe of Caleis callit the *Sanct Michael*, thair factours, procuratours or awners of thair saids shippes; and siclyke that payment and delyverance sall be made to the said Captane Daw of the pryce of his shippe according to the worth and avail whairunto she wes apprysed, and whiche is conteanit in the arreistment made thairupon be the said Leveane Rickleman

Acta July 1623  
December  
1630.

Fol. 237, a.

Fol. 237, b.

Acta July 1629-  
December  
1630.  
Fol. 237, b.

and Peter Evertson and thair foresaids, and that he sall report ane testificat lawfullie subscriyved be the Magistrats of Burdeaulx testifeing the said Captane Daw his releasement and that the pryce of his shippe is delyvered unto him in maner and within the tyme abone prefixed under the pane of eight thowsand pundis money of this realme incaise he failzie in anie point of the premises. And the said Leveane Rickleman, being lykewayes personallie present, faithfullie promiseist upon his credite and honestie to use his best care, diligence and instance with the awners of his said ship and others whome it concernes for furthering of the said Captane Daw his tymous releefe and restitutioun making to him of his ship. Lykeas the said Leveane compeirand judiciallie, as said is, obliged himselfe and his ship to be lyable and furthcummand to the said Johne Trotter for releefe of his cautionerie and of all pane, danger and inconvenient whiche he sall happin to incurre thairthrow at anie tyme heerafter. And the saids Lords declaires that if it sall happen the said Captane Johne Daw not to be releevd and the pryce of his shippe not to be delyvered unto him and report made thair of in maner abone prescryved, that in that caise the said Johne Trotter sall be allanerlie subject in payment of the said failie and penaltie of aucht thowsand pundis and sall be fred and releevd of all forder pane, trouble or hazard whiche the tennour of his obligation may import agains him or whairwith he can be burdenned be vertew thair of. In witnes whair of the saids Lords hes ordained his Majesteis cashett to be affixed hearunto."

Fol. 238, a.

Decreta,  
January 1630-  
February 1631.  
Fol. 79, a.

[Sederunt as recorded above, with the addition of S<sup>t</sup> Andrewes, Holyrood House, 6th Lord Naper, and Sir John Scot, and omitting Wintoun, Lord July 1630. Lorne, and Lord Tracquir.]

Supplication by Agnes Maxwell, Lady Stenhous, and Cuthbert Hamiltoun of Cander, now her spouse, as follows:—She is tutrix testamentrix nominated by her late husband, James Hamiltoun of Stenhous, to her son, James Hamiltoun, now of Stenhous, and has undertaken the payment of her husband's debts. To preserve her son's estate she has given bond for 7000 merks, and she has already paid in partial liquidation of the debts thereon 10,000 merks. She and her said husband are most willing to dispose of a great part of their lands to satisfy the rest, but cannot "saulfelie repaire in the countrie to blocke or bargane with anie persouns" on account of some hornings under which they lie, and they therefore crave their Lordships' protection. This the Lords grant to them "untill Lambmes nixtcome."

Fol. 79, b.

Supplication by John Stewart of Coldinghame, as follows:—He has already received several warrants and protections from their Lordships for attending and clearing accounts with his creditors. The last of these expires on the 8th instant, and the business is being

Supplication by Agnes Maxwell, Lady Stenhous, and Cuthbert Hamilton, her spouse, for protection that they may pay their debts.

Similar supplication by John Stewart of Coldingham.

vigorously attended to, but without his presence those engaged in it will never be able to complete it. He therefore craves a further extension, which the Lords grant to him "till Lambmesse nixt."

Decreta,  
January 1630.  
February 1631.  
Fol. 79, b.

Similar sup-  
plication by  
James Mowat  
of Fawsyde.

Supplication by James Mowat of Fawsyde, as follows:—He is under caution to compear before their Lordships "to underly thair pleasure anent these depositions of Hamiltoun quhilks wer writtin be him," but some hornings he lies under disable him from compearing "to his great greefe and trouble of his cautioner," who is indangered thereby. He therefore craves their Lordships' protection, which is granted for the purpose specified until 13th July instant.

Fol. 80, a.

Complaint by  
Fergus  
M'Cubbin in  
Maybole  
against Gilbert  
Baird for  
assault.

Complaint by Fergus M'Cubine in Maybole, as follows:—On June last, in his returning to the town of Maybole, he met with Gilbert Baird, sometime of Kilquhinzie, who without any cause "fiercelie sett upon him with ane drawin sword, strake out diverse straiques at him thairwith, cutted his cloathes, and had not failed to have slaine him," had he not resisted. Since then he ceases not to threaten the complainer with injury either from himself or his friends, so that he cannot safely go about his lawful affairs. The pursuer compearing, but not the defender, the Lords ordain the said Gilbert Baird to be put to the horn.

Fol. 80, b.

Complaint by  
Robert Mercer,  
messenger,  
against Patrick  
Fraser of  
Balbredie and  
others for  
assault on the  
complainer  
while in the  
discharge of  
his duty.

Complaint by Mr. William Davidson, advocate, and Robert Mercer, messenger, as follows:—Davidson had employed Mercer to execute letters of pointing against Mr. Patrick Fraser of Balbredie for non-payment of certain debts, and on 21st January last Mercer went to the lands of Balbredeis and apprised "three ky, ane quyacke and twa steirs," belonging to the said Mr. Patrick. He had driven them a mile towards the burgh of Aberdein, when he and his assistants were assailed by James Fraser, brother of the said Mr. Patrick, John Stewart, his servant, and others to the number of sixteen, all armed with swords, staves and other weapons, who pursued and struck at them with their drawn swords, "hounded out great mastish dogges at the goods, fearefullie swearing that if they randered not the saids goods they sould kill thame all," and violently carrying away the said goods they deforced the said messenger in the execution of his office. The pursuer, Mr. William Davidson, compearing for himself and Mercer, but the defenders not compearing, the Lords ordain the latter to be put to the horn.

Holyrood  
House, 6th  
July 1630.  
Commission to  
the Sheriff of  
Berwick and  
his deputes to  
try Robert  
Halyburtoun  
for sheep-  
stealing.

Commission under the Signet to the sheriff of Bervick and his deputes, as justices, to hold courts and try Robert Halyburtoun, sometime in Dryburgh, who has been apprehended and warded in the tolbooth of Duncce for stealing twenty-five sheep, nine of which he confesses he took from Stanypeth edge about 24th May last, and the other sixteen from the lands of Nunraw about eight days afterwards, and that he brought them to the town of Duncce and sold them to William Guild, gardener in Duns Castle. Signed by Geo. Cancell., S<sup>t</sup> Andrewes, Monteith, Hadintoun, Linlithgow, Areskine, and Arch. Achesoun.

Commissions,  
1624-30.  
Fol. 225, b.

Commissions, 624-30.  
Vol. 226, a.

Commission under the Signet to John Grant, fiar of Ballindallache Commission to John Grant, fiar in Ballindallach, and others to apprehend Finlay M<sup>c</sup>Grinnan and others, now at the horn for the slaughter of Thomas Grant and Lauchlan M<sup>c</sup>Intosh.

William Grant of Cardellis, Patrick Grant, son to the deceased John Grant of Phones, William M<sup>c</sup>Clauchlane of Tomettin, Donald M<sup>c</sup>Intoshe, son to John Angussone, and James Leslie, son to the deceased William Leslie of Aberlowre, jointly and severally, to search for and apprehend for presentation to justice, Finlay M<sup>c</sup>Grinnan in Fetterletter, Robert M<sup>c</sup>William M<sup>c</sup>Grinnan in Belledine, James M<sup>c</sup>Grinnan, his brother, there, William W<sup>c</sup>William M<sup>c</sup>Grinnan there, James Grant in Inneroure, John Gordoun, younger, there, John Beg Baine there, Allan Bayne M<sup>c</sup>Finlay in Innerloche, John M<sup>c</sup>William V<sup>c</sup>Eane there, Robert M<sup>c</sup>William V<sup>c</sup>Eane, his brother, there, John Riache M<sup>c</sup>Inraour in Cleuchrie, Alaster Dow M<sup>c</sup>Inraour in Glenconiglas, William Stewart in Tommachlagane, John M<sup>c</sup>Alaster V<sup>c</sup>Jeane Riache, younger, in Auchinlechine, William M<sup>c</sup>James M<sup>c</sup>Gibboun in Kirkmichaell, Ferquhar M<sup>c</sup>Jeane Riache in Ballintrewane, John M<sup>c</sup>Lauchlane in Innerchebbet, Patrick Gordoun and M<sup>c</sup>Cagie in Inneroure, John Dow M<sup>c</sup>Gibbounche in Creuchlie, John Cuming there, John Dow M<sup>c</sup>Inraour in Drimmachuriche, Robert Grant in Glen and Patrick Grant, son to Alaster Grant in Lenochoorne, and servant to the deceased John Grant of Carroun, who on 30th September 1628 were put to the horn at the instance of Janet Grant as mother, Patrick and Archibald Grant as brothers, and Patrick Grant of Stralouche as uncle of the deceased Thomas Grant of Dalvey, for their not comparing before James, Earl of Murray, lieutenant and justice in the north part of Scotland, to underlie the law for the slaughter of the said Thomas Grant, and Lauchlan M<sup>c</sup>Intosh, son to the deceased Thomas M<sup>c</sup>Intoshe, in Reakmore. Though rebels, they go about at large and assist James and Alaster Grant, two notorious rebels, in their depredations. Liberty is given to use fire and sword, with immunity in case of accidents. This commission is granted without prejudice of the decreet recovered against the Marquis of Huntlie for exhibition of the said Finlay M<sup>c</sup>Grinnan in Fetterletter. Signed as the last.

Vol. 226, b.

Vol. 227, a.

Commission under the Signet to the Vicount of Air, Robert, Lord Dalyell, and John M<sup>c</sup>Math of Dalpedder, or any two of them, for the trial of Marion Aroane in Catloche for witchcraft. Signed by Geo. Cancell., S<sup>t</sup> Andrewes, Monteith, Hadintoun, Linlithgow, Areskine, and Arch. Achesoun. Commission to the Viscount of Ayr and others to try Marion Aroane in Catloche for witchcraft.

In the Sederunt S<sup>t</sup> Andrewes, Naper and Scotstarvet are included, and Wintoun, Lorne and Tracquir omitted.

Sederunt—Chancellor; S<sup>t</sup> Andrewes; Præses; Privy Seal; Mar; Linlithgow; Air; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Lord Naper; Lord Tracquir; Secretary; Clerk of Register; Advocate; Sir John Scot; Sir James Baillie. Holyrood House, 8th July 1630



William, Earl  
of Morton,  
appointed  
Lord High  
Treasurer.

“The whilk day George, Viscount of Dupline, Lord High Chancellor of this kingdome, produced and exhibite before his Majesteis Counsell ane patent under his Majesteis great seale, bearing dait at Whitehall the ellevint of Apryle last, whairby his Majestie hes maid choice of Williame, Erle of Morton, to be Lord High Thesaurar of this kingdome, and desyred that the said Erlemight be call it upon and that his patent, togidder with the staffe and masse as the badges of his office sould be delyvered unto him. Quhairupoun the said Erle compeirand personallie before his Majesteis Counsell and his patent with the stalffe and masse foresaid being delyvered unto him, viz. the stalffe to be caryed by himselfe and the masse to be borne before him as badges and ensignes of his office, he with all dew reverence acknowledging his Majesteis gracious favour in preferring him to the said place, he accepted his patent and badges foresaids and promiseist to discharge a faithfull dewtie in the charge foresaid whairwith it hes pleased his Majestie to intrust him.”

Acta J. 1630.  
December  
1630.  
Fol. 235. a.

Act in favour  
of the Lyon  
King-of-Arms  
against  
painters, gold-  
smiths, and  
others, who  
issue coats of  
arms to  
persons not  
privileged to  
wear them.

“Forsameekle as the Lords of Secretit Counsell ar informed that diverse painters and goldsmiths, gravers, cutters and others artisans takes upon thame without anie lawfull warrand or auctorite to grave, paint, cutt and give armes to all rankes of persons promiscuouslie at thair pleasure, and oft tymes to suche person sas ar not privileged by the law of armes or be warrand frome his Majestie to weare coate armour or cognoissance of gentrie, and thir painters at the funeralls of noblemen, barons and gentlemen, usurpes upon thame libertie to draw thair armes and cognoissances in suche forme and order as they please, sometymes giving to persons of base birth and qualitie the armes of noblemen in haill or in part, and sometymes giving to noblemen under the degree and rankes of marqueises and dukes and to knights some part of the armes onlie dew to marqueises and dukes, so as thir ignorant painters, following the directioun of these who imployes thame at thair funeralls, and without anie knowledge in thameselfes what is right or wrong, drawes thair armes accordinglie, quhairby the nobilitie and gentrie of good ranke and qualitie ar verie farre wronged and persons ignoble be directioun of thir ignorant painters assumes to thameselfes the armes in haill or in part of noblemen and barons of qualitie; quhilk abuse is most disgracefull to this kingdome and caryes with it ane foule imputatioun, as if there wer nather order nor rankes of persons within the same. And thairfoir the Lords of Secretit Counsell, following his Majesteis directioun and command in this mater, hes recommendit and recommends to the Lyoun King of Armes and to his care and diligence the reformatioun of this abuse throughout the haill parts of this kingdome; and for the better executioun heirof ordains and commands the haill painters within this kingdome to exhibite to the said Lyoun King of Armes all thair bookes of armes, genealogeis, papers and others draughts concerning this purpose to be seene and considerit be

Fol. 235. b.

him, to the intent that after his perusall thair of and notice of the samine made to the Lords of his Majesteis Privie Counsell, he may rectifie suche abuses and errours as is thairin and destroy and cancell suche bookes and papers as sall be found be him to be erroneous: Commanding and inhibiting heirby all painters within this kingdome that nane of thame presooome at anie tyme heerafter to paint or give coate of armes, standard, pennoun or escutcheouns to anie noblemen or gentlemen or to anie others of whatsomever qualitie, and that they meddle not with interments nor funeralls without the speciall consent and advice of the said Lyoun herald or his depute had and obtained to that effect, under all highest pane, charge, cryme and offence that they by thair dissobediencie may incurre in this behalffe. And siclyke ordains and commands all goldsmiths, gravers and cutters to exhibite thair saids bookes, draughts and papers to the said Lyoun to be seene, reformed and rectified be him; and ordains that no goldsmiths, gravers nor cutters within burgh sall have anie bookes of armes, papers or draughts tuicheing this purpose bot onelie the deacoun of the craft, who sall have ane perfyte booke of armes allowed and approvin be the Lyoun, and all the rest of the craft sall follow the armes and draught allowed and approvin be the Lyoun in the deacons booke as said is: Discharging heirby all painters, gravers, cutters and goldsmiths and others artisans of all painting, drawing, cutting or carving anie armes bot according to the forme allowed be the law and order of armes, or where the samine is deficient, to be prescryved and allowed be the said Lyoun King of Armes, and ordains letters of publicatioun to be direct heerupon: Commanding all his Majesteis lieges and subjects whome it concernes to conforme thameselfes to this present act and ordinance, and that they on no wayes presooome nor take upon hand to violat the same in anie point, as they and everie ane of thame will answeere upon the contrarie and under all highest pane and charge, cryme and offence, that they may incurre in that behalffe. Follows his Majesteis missive for warrand of the act abonewritten:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greete yow weill. Whereas we ar informed that diverse painters, goldsmiths, gravers, cutters and others artisans take upon thame to grave, paint, cutt and give coates of armes to suche persons as ar not privileged by the law of armes nor anie way warranted by us to weare coate armour or cognoissance of gentrie, whiche disorder we will not suffer anie longer to be continued, seing that both we, our ancient nobilitie and gentrie of that our kingdome ar heirby wronged, and in particular our King of Armes, whois cheefe maintenance hes ever heeretofore depended (as we ar informed) upon the lyke services; thairfoir our pleasure is, and we doe heirby require yow to call before yow all suche persons who sall be

cta July 1629-  
 cember  
 1630.  
 ol. 238, b.

ol. 239, a.

alleged by our said King of Armes to transgresse in that kynde, ordain-  
ing thame to delyver up to him all bookes of armes, genealogeis, papers  
and all others draughts tuicheing that purpose which can be found be  
yow to be in thair hands or custodie. Lykewayes our pleasure is that  
yow fyne and imprissoun all offenders in this kynde according as the  
nature of the offence sall require; ordaining thame to find suretie and  
cautioun under suche paines as yow sall thinke most expedient that they  
doe not at any tyme heerafter transgresse in this maner. And for your  
so doing these presents sall be your sufficient warrant. So we bid  
yow fareweill. From our Court at Whitehall the twentie day of  
Apryle 1630.”

Commission to  
Adam, Bishop  
of Dumblane,  
and others to  
examine and  
report on the  
Latin gram-  
mer of Mr.  
Alexander  
Home.

“Forsameekle as M<sup>r</sup> Alexander Home, schoolemaister at Dumbar,  
having composed ane grammar, worthie (as he affirmes) to be received  
throughout all the schooles of this kingdome, and his Majestie having by  
his letter directed to the Lords of his Privie Counsell recommendit unto  
thame the appointing of some learned, indifferent men, not interest in  
that business, to peruse, examine and try the said grammar and to heare  
the objectiouns of parteis aganis the same, and upon thair approbatioun  
or disallowing thairof to caus authorize or suppress the same  
accordinglie, the Lords of Secreit Counsell according unto the warrand  
and directioun givin unto thame hes givin and grantit and be the  
tennour heirof gives and grants full power and commissioun be thir  
presents to Adame, Bishop of Dumblane, Sir Thomas Hope of Craig-  
hall, knight baronnet, his Majesteis Advocat, Sir Johne Scott of Scottis-  
tarvet, Directour of the Chancellarie, Sir Thomas Hendersone of  
Chesters, M<sup>r</sup> Alexander Moresone of Prestongrange, M<sup>r</sup> James  
Barclay, regent in St. Andrewes, M<sup>r</sup> Andrew Ramsay, minister at Edin-  
burgh, M<sup>r</sup> Robert Younger, advocat, M<sup>r</sup> Patrik Nisbit, advocat, M<sup>r</sup>  
Johne Adamesone and M<sup>r</sup> Patrik Sands, or anie fyve of thame, the said  
Bishop of Dumblane, and in his absence the said Sir John Scot, being  
always one and conveenner, to conveene and meit so oft and in suche  
places as they sall thinke meit, and there to peruse the said grammar  
and to examine and try the same, and to hear the objectiouns of parteis  
thereanent, and to report unto the saids Lords thair opinioun and  
judgement concerning the said grammar; and ordains the said commis-  
sioners to have thair first meeting upon Tuisday nixt the thretein day  
of this instant, in the laich Counselhous of Edinburgh. And whereas it  
is requisite and necessar that some of the maisters of the principall  
grammar schooles of this kingdome sall be heard anent this mater, thair-  
foir the Lords of Secreit Counsell ordains letters to be direct charging  
the maisters of the grammar schooles of Edinburgh, Dundie, S<sup>t</sup> Andrewes,  
Monrose, Aberdein, Stirlin and Glasgow to compeir personallie before  
the saids commissioners at Edinburgh the twentie-twa day of July  
instant, provyded and instructed to propone what they have to

Acts July 1630  
December  
1630.  
Fol. 239, a.

cta July 1629-  
 eember  
 130.  
 ol. 239, a.

ol. 239, b.

say aganis the said grammar, and to heare and see order tane there-  
 anent as apperteanes under the pane of rebelloun, etc., with certifica-  
 tioun to thame and they failzie that report sall be made of thair diss-  
 obedience to the Lords of Privie Counsell, be whome letters sall be direct  
 to denunce thame rebels and put thame to the horne. 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, trustie and weilbelovit  
 cousines and counsellours, and trustie and weilbelovit counsellours, we  
 greit yow weill. Whereas we ar informed that in our lait deir fathers  
 tyme there wes ane order made by him in that our kingdome for making  
 of a new grammar to be taught in the grammar schooles for the better  
 proficiencie of young students, and that in prosecutioun of the said  
 order M<sup>r</sup> Alexander Home, schoolemaster in Dumbar, did learnedlie and  
 painefullie compose a new grammar to the good lyking, approbatioun and  
 commendatioun of suche learned men unto whome the tryell and exami-  
 natioun thair of wes committed; and for als muche as after the said  
 approbatioun the Lords of Counsell did by proclamatioun publishe and  
 did further order the said grammar onelie to be taught in the grammar  
 schooles, and no other grammar, under penalteis conteaned in the said  
 proclamatioun, and within a short tyme thereafter complaints being  
 exhibite by some persons suggesting the obscuritie and difficultie of the  
 said grammar, the executioun of the said proclamatioun wes stayed and  
 suspended untill ane tryell sould be takin of the truthe of the said  
 allegatioun and of the sufficiencie and facilitie of the said grammar;  
 and we, being most unwilling that either the saids young students sould  
 be anie longer frustrated of the helpe of the said grammar or the said  
 M<sup>r</sup> Alexander of the fruicts of his labours thairupon bestowed, if the  
 same sall be thought meit to be taught, thairfoir we ar gratuslie  
 pleased and doe heirby will and require yow to appoint ane committee  
 of some learned and indifferent men not interessed in the bussines to  
 peruse, examine and try the said grammar and to heare the objectiouns  
 of parteis aganis the same, and upon thair approbatioun or disallowing  
 thair of yow caus authorize or suppress the same accordingle by all the  
 lawfull wayes and meanes that yow sall thinke most fitting and agree-  
 able to reasoun and the good of the posteritie of that our kingdome; and  
 that the said former order may be putt in dew executioun if the said  
 grammar sall be found fitt by the said committee and approvin by yow  
 after proclamatioun made to give intimatioun to all parteis having or  
 pretending interest to compeir, oppose and object against the sufficiencie  
 and facilitie of the said grammar at a certane day and place to be  
 prescryved by yow, with certificatioun as yow sall thinke fitt; and  
 for your so doing these our letters sall be frome tyme to tyme your  
 sufficient warrand. From our Court at Windsore the 16 day of July  
 1629."

Supplication  
by Sir John  
Ogilvie of  
Craig that he  
may be allowed  
to take up his  
abode in his  
own house, as  
while residing  
in Edinburgh  
he is perse-  
cuted by his  
creditors.

" Anent the supplicatioun presented to the Lords of Secreit Counsell be Sir Johne Ogilvie of Craig, makand mentioun that where it pleased the saids Lords laitlie in respect of the supplicants notour and knowne age and the infirmitie and debilitie of his persoun and manie others accidents whilks accompaneis crazed and decrepit age, to dispense with the terme appointit for his departing out of this kingdome, and to take himselfe actit for remaining and keeping waird within the burgh of Edinburgh or toun of Leith upon the south side thair of till he be fred be the saids Lords, quhilk act the said supplicant hes preciselie kepte sensyne; bot some of his rigorous creditours, taking thair advantage of his residence and remaining heere, notwithstanding of all former agreements passed betuix thame, they seeke him with all the rigour and extremitie that the course of law can affoord thame, and nothing will content thame bot present payment or warding of the supplicants persoun, whairwith he is daylie threatned, and throw just feare of thair violent and rigorous courses agains him he darre not show himselfe in publict, nather darre he frequent the ministrie to have conference with thame, nor yitt darre he frequent the kirk for hearing of sermon; and if it would please the saids Lords out of pitie and compassioun of the supplicants knowin and notour distresse to grant him libertie to goe to his awin hous he will not onelie use all the ordinarie meanes for his resolution in the doubts and scruples of his religioun and endeavour himselfe, so farre as God will assist him, to give satisfactioun to the Kirk, bot with that he is in good hope and hes verie great possibilitie to give unto all his creditours satisfactioun; humbelie desyring thairfoir the saids Lords to grant to the said supplicant libertie and licence to depart and pas home upon suche conditiouns as they sall prescrive, 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 gives and grants libertie and licence to the said Sir Johne Ogilvie of Craig to resort and repaire to the citie of S<sup>t</sup> Andrewes and to remaine there and a myle about the same till Candlemes nixt, he finding caution upon the conditions specified in his former act and conforme to the tennour thair of in all points."

Holyrood  
House, 8th  
July 1630.

[Sederunt as recorded above.]

Supplication  
by George Faw  
and others,  
with their  
wives and  
children, all  
from Ireland,  
that they may  
be relieved  
from ward in  
the Tolbooth

Supplication by George Faw, and William and Andrew Baillie for themselves, their three wives and their children, as follows:—They reside in Ireland, and came lately to this kingdom for the dispatch of some business, intending to return home again with all convenient diligence; but as they were walking peaceably through Carrick, they were apprehended and imprisoned for some weeks by the bailies depute of that quarter, who forthwith invited from all parts of their bailiary informa-

Acta Julij 1630.  
December  
1630.  
Fol. 229, b.

Fol. 276, a.

Decreta  
January 1630  
February 1630  
Fol. 81, a.

Decreta,  
January 1630.  
February 1631.  
Vol. 81, a.

tions or charges against them, but without success. The supplicants were then sent in to Edinburgh, and for the past weeks they have been imprisoned "in miserable captivitie in the theeves hole" of the Tolbooth. They are "poore simple people, and wer upon the point of thair return backe to Ireland when they wer apprehendit." They offer to enact themselves to leave the kingdom and never return under pain of death, and therefore crave that their Lordships, accepting this, will ordain the provost and bailies of Edinburgh to liberate them. The said George Faw, Katharine Brown, his spouse, and Margaret Faw, his daughter, William Baillie, called Mekell Willie, and Helen Faw, his spouse, and Andrew Baillie and Janet Baillie, his spouse, all compearing, and giving their bonds to leave the country within fifteen days after their release, the Lords ordain the provost and bailies of Edinburgh to put them to liberty.

of Edinburgh  
and allowed to  
return to  
Ireland.

Fol. 81, b.

Supplication by Mr. Robert Bruce of Kinnaird,<sup>1</sup> as follows:—He has several important actions presently depending before the Lords of Council and Session in which his own presence for instructing his advocates and other necessary occasions is imperative, but because of his warding he cannot come to this burgh without their Lordships' warrant, which accordingly he craves for this session only. The Lords grant him the permission desired until 6th August next.

Supplication  
by Mr. Robert  
Bruce of  
Kinnaird that  
he may be  
allowed to  
come to Edin-  
burgh on legal  
business.

Complaint by Mr. James Hannay, minister at Halyrudhous, Arthur Rae, tutor to the children of the deceased Mr. John Rae, William Foster, tailor, William Quhyte, and other heritors and possessors of the lands lying above and adjacent to "ane laich hous in the heid of Leith Wynde perteaning to M<sup>r</sup> Johne Hairt," as follows:—The said Mr. John Hairt has leased the said house to James Elder, baker, at the head of Leith Wynde, who intends to build an oven in the ground of the said house, "whilk is ane fore hous and upon the fore streit of Leith Wynde," and he has already set a number of workmen to this work, resolved to accomplish it with all possible diligence. If this be done, "not onlie will his Majesteis subjects of all rankes and qualiteis and strangers going up and doun Leith Wynde be continuallie offended and troubled with the unwholesome smooke of that oven, quhilk is verie unseeinlie in suche ane perspicuous and publict place, and whairof the lyke is not used in anie civill burgh within the kingdome, bot with that all the compleaners houses nixt adjacent to that oven, quhilk hes no vent for the fyre bot that whilk is constrained and drivin hard by the ends of the geisting of the said hous, ar in great danger of burning." Unwilling to appear to be dealing hardly with their neighbours, the complainers desired the Master of H.M. Works to inspect the said work and report "if it might stand without danger to the compleaners and others nighbours and conse-

Complaint by  
Mr. James  
Hannay,  
minister at  
Holyrood-  
house, and  
others against  
Mr. John  
Hart, who is  
erecting a  
baker's oven in  
an unsuitable  
part of the  
Canongate.

Fol. 82, a.

<sup>1</sup> This is the famous Rev. Robert Bruce who withstood James VI. in the affair of the Gowrie conspiracy. Charles had inherited his father's grudge at Bruce, and had strictly confined him to the limits of his estate at Kinnaird.—See Index to Vol. I. (Second Series).

quentlie to the hail toun," who, having examined the same, declares Decreta,  
January 1631.  
February 1631  
Fol. 82, a.  
"that it cannot stand without the seene danger of all the adjacent houses, and consequentlie of the hail toun of the Cannogait." Thereupon they represented the case to the bailies and council of the Cannogait and petitioned them to discharge the said work; but nothing has been done, and the said James Elder, with the assistance of the said Mr. John Hairt, are proceeding with the building of the oven, refusing to desist unless their Lordships require them so to do. Charge having been given to the said James Elder and Mr. John Hairt, who compeared, and the said Mr. James Hannay, William Foster and William Quhyte also compearing for themselves and remanent complainers, and both parties having been heard, the Lords remit the whole matter to the decision of the Lords of Counsell and Session, whom they recommend and intreat to give order with all convenient diligence for the inspection of the said work, whereby they may be the better enabled to ascertain "the hurt and prejudice that may arise to the saids persewers by the building of the said oven."

Complaint by Alexander Young in Harbertshire against John Livingstone and John Graham, his servant, for assault.

Complaint by Alexander Young in Harbertshyre, as follows:—On 23rd June last John Livingstone of Cassilcarie and John Grahame, his servant, came to the lands of Binkeside where the complainer was, and without any provocation assailed him with drawn swords, gave him a long wound therewith on his forehead, and also wounded him in both Fol. 82, b. his hands to the great effusion of his blood. The pursuer compearing, but the defenders failing to compear, the Lords ordain the latter to be put to the horn.

Complaint by James Keltie, servitor to John Erskine of Balgownie, against Andrew Callander and others for assault.

Complaint by James Keltie, servitor to John Erskine of Balgownie, as follows:—On 1st August last he was returning home from the Lambmesse fair at Innerkeithing to his dwelling-house in Balgownie when "Andro Callender in Torriburne and Andro Mitchel in Torripans, accompanied with three great strong weomen, sett upon the compleaner in the hie way whilk leads throw the lands of Gellerts, and with great rungs drave him and his hors the lenth of ane rig in upon the growing cornes of the saids lands of Gellerts, and than drew thair swords whairwith they hurt and woundit the compleaner on the head and face to the effusion of his blood, strake him aff his hors, kuist him to the ground, and with thair saids rungs and thair hands, feit and knees so birsed and bruised him with bauche and blae straiques that he lay bedfast a long tyme thereafter; and tooke frome him his sword, plaid, bonnet and purse with the money being thairin, and drave away his hors before thame, and they had not failed to have murdreist him if some people had not releevd him." The said Andrew Callendar and Andrew Mitchell having been cited and not compearing, and the pursuer being present, the Lords ordain the defenders to be put to the horn.

Complaint by Sir William Murray of

Complaint by Sir William Murrey of Touchadame, knight, Mr. Fol. 83, a. Alexander Seatoune of Kilcreuche, one of the senators of the Colledge of

Decreta,  
January 1630-  
February 1631.  
Fol. 83, a.

Justice, Sir John Stirline of Carden, William Stirline of Ardoche, and John Edmiston of Newtoun, as follows:—Out of their affection to the deceased Sir John Edmiston of that Ilk they engaged themselves as cautioners for him for over 80,000 merks, and for their relief he granted them a tack of all his lands, viz., his lands of Fawla and Fawlahall, by virtue of which they, since the death of the said Sir John Edmiston, have dealt with these lands, by leasing the same to tenants, uplifting the rents, etc., and that without intermission until the death of Sir Archibald Stirline of Keir, knight, “being ane who wes speciallie interest with the compleaners in thir ingadgements and unto whome during his lyfetye some respect wes caried by these who now hes kythed thair violent and indirect courses aganis the saids compleaners,” yet David Crichtoun, fiar of Lugtoun, designing to acquire the lands of Fawlahall by violent and extraordinary means, disdainng the ordinary course of law, on 10th June last, convocated and assembled together William Johnestoun, collier in Gilmertoun, John Crichtoun, his servitor, David M<sup>c</sup>Culloche, William Cockeburne, James Weche, William Archibald, John Young, Alexander Borthwick and others, all in arms, with whom he came to the houses of Fawlahall, “and with forehammers forcible brake up the yetts of the saids houses, entered within the same, and in mockage and derisioun of justice tooke instruments that the yetts wer opened unto him, and hes manned and fortified the hous with twentie-foure musketters and furnished the same with all warrelyke furniture and provisioun, shooting daylie muskets out at the hous to terrifie the tennents and uthers approachers, and he keepes the said hous as ane hous of warre, and being maister thair of he conveennes the tennents of the ground before him, threatens thame to give him bands for payment of thair dewteis, and holds courts within the said hous; and upon the same verie day of the said Laird of Keir his buriall he kept ane court within the said hous.” By this means and also by destroying the growing corn and grass of the said lands he intends to lay the same waste and render them unprofitable to the complainers. Charge having been given to the persons named, with the exception of Alexander Borthwick, and both pursuers and defenders compearing, the Lords, after hearing parties, “in regarde of the Laird of Lugtoun his unorderlie possessing himselfe within the hous foresaid, and seing lykewayes the saids persewers thair possessioun of the said hous is not sufficientlie cleered,” ordain the said Laird of Lugtoun “to remove frome the said hous and to consigne the keyes thair of in the hands of the Clerk of his Majesteis Counsell betuix and Tuisday nixt, the threttein day of Julij instant, to remaine with him and in his keeping whill the right of the said hous be discust be the judge ordinar, and the saids Lords declaires the possessioun apprehendit be the said Laird of Lugtoun to be voide; and ordains the said Laird of Lugtoun during his abode heere to remaine in companie with the Vicount of Air, and the said Sir Williame Murrey

Touchadam  
and others  
against David  
Crichton, fiar  
of Lugtoun, for  
violently tak-  
ing possession  
of the house  
and lands of  
Falaball, which  
are under the  
trust of the  
complainers.

Fol. 83, b.



of Towchadame to remaine in companie with the Lord Durie, his father in law, and the said Johne Edmiston and Sir Johne Stirlin to remaine in companie with Johne, Erle of Mar, during thair abode heere. And forder the saids Lords ordains the said Laird of Lugtoun, on the ane part, and the saids Sir Johne Stirlin of Carden and Sir Williame Murrey of Towchadame, on the other part, to find lawburrowes to others *hinc inde* actit in the bookes of Secreit Counsell, ilke ane of thame under the pane of fyve thowsand merkes.”

Decreta.  
January 1630.  
February 1631.  
Fol. 83, b.

Cautioun by John, Earl of Rothes, and others for David Crichton, fiar of Lugton.

Act of cautioun by John, Earl of Rothesse, Master of Air, and Sir James Pringill of Gallasheills, jointly and severally, for David Crichton, fiar of Lugtoun, in 5000 merks, that he will not in any way otherwise than by course of law molest or trouble Sir William Murrey of Towchadame, or Sir John Stirlin of Carden, or their households, etc., with clause of relief.

Similar cautioun by James, Lord of Ross.

Similar act of cautioun by James, Lord Rosse, in the like sum, for Sir John Stirlin of Carden, with respect to David Crichton, fiar of Lugtoun, and his household, etc., and with clause of relief.

Fol. 84, a.

Similar cautioun by John Hamilton of Pardowie.

Similar act of cautioun by John Hamiltoun of Pardowie in the like sum for Sir William Murrey of Towchadame, not to harm David Crichton, fiar of Lugtoun, nor his household, etc., with clause of relief.

Holyrood House, 8th July 1630.

Commission to Sir Samuel Johnstone of Elphinstone and others to try John Fenwick for witchcraft.

Commission under the Signet to Sir Samuel Johnstoun of Elphinstoun, knight baronet, James Rig of Carbarrie, and Mr. Robert Cas, apparent of Fordell, or any two of them, as justices, to hold courts and try John Phinnick in Cowsland, who has been long suspected of witchcraft. Signed by Geo. Cancell., S<sup>t</sup> Andrewes, Monteith, Hadintoun, Linlithgow, Areskine, and Arch. Achesoun.

Commissions  
1624-30.  
Fol. 226, b.

Similar commission.

Similar commission to Sir George Hamiltoun of Blaikburne, James Clerk of Balbirnie, and David Crichton of Cluny, or any one of them, with the bailies of Dysert, for the trial of Elspet Watsoun in Dysert for witchcraft. Signed by Geo. Cancell., Mortoun, Hadintoun, Linlithgow, Air, and Arch. Achesoun.

Fol. 227, a.

Commission to the bailies of Selkirk to try John Welsh, a notorious thief.

Commission under the Signet to the bailies of Selkirk as justices, to hold courts and try John Welshe, indweller in Selkirk, a notorious thief, now prisoner in their tolbooth, who was lately apprehended “with ane fang of twelfe stollin sheip, twa lambes, three stone of wooll, and halfe ane boll of beir stollin be him fra diverse inhabitants within the toun of Selkirk.” Signed by Geo. Cancell., S<sup>t</sup> Andrewes, Monteith, Hadintoun, Linlithgow, Areskine, and Arch. Achesoun.

Fol. 228, a.

The commission for the Middle Shires.

“Ordanis the extent of the Commissioun for the Middleshyris and prejudice aryseing thairby to the liegis to be represented to the Conventioun.”

Sederunts  
November  
1629-January  
1635.  
Fol. 27, b.

“Act in favouris of M<sup>r</sup> Robert Bruce.”

Holyrood House, 10th July 1630.

Chancellor ; Treasurer ; Præsès ; Privy Seal ; Mar ; Secretary ; Clerk of Register ; Advocate ; Sir John Scott.

Sederunts,  
November  
1629-January  
1635.  
Fol. 27, b.

"The quhilk day the Laird of Langtoun send in Alie Nesbitt to the Ailie Nisbet  
Counsall conforme to the commissioun direct to him for that effect, and exhibited  
sho, being exhibite, wes send prisouner to the tolbuthe of Edinburgh, and before the  
vs. in the day allowit unto hir, to be payed be his Majesteis Thesaurair." Council by the  
Laird of  
Langton.

"The whilk day Sir Johnne Hoome of North Beruick send in to the John Smith  
Counsall Johnne Smith, who wes delyverit to him be the Ladie Bass, con- produced  
forme to the missive direct to hir for that effect. This Johnne Smith before the  
was ordanit to find caution under the pane of tua hundreth [*sic*] that he Council by Sir  
John Home of  
North Berwick.  
sall remayne within the burgh of Edinburgh till he be fred."

Acta July 1629-  
December  
1630.  
Fol. 240, a.

*Sederunt*—Chancellor; Treasurer; President; Privy Seal; Wintoun; Holyrood  
House, 13th  
Linlithgow; Bishop of Dumblane; Lord Lorne; Lord Areskine; July 1630.  
Lord Melvill; Lord Tracquair; Secretary; Clerk Register;  
Advocate.

"Forsameekle as George Tyllirae, having of lait most cruellie and bar- Charge for the  
barouslie murdreist James Gibsone upon the Linkes of Leith, he fled with conveyance of  
the bloodie hand till he come to Aberdein, where he wes apprehendit, Tyllirae, guilty  
and upon examinatioun confest the foule murder, and is now in waird of a murder on  
within the tolbuith of the said burgh: And, whereas the nature and cir- the Links of  
cumstances of this foule murder requires both exemplar and severe Leith, from the  
punishment, it is thought meit that he sall be brought heere to undergoe Tolbooth of  
his tryell where the murder wes committed; and thairfoir the Lords of Aberdeen to  
Secret Counsell ordains letters to be direct charging the provest and the Tolbooth  
of Edinburgh.  
bailleis of Aberdein to delyver the said George Tyllirae to the shireff of  
Aberdein and his deputs within sax houres nixt after they be chargit  
thairto; and to command and charge the said sheriff and his deputs to  
receave the said George frome the saids provost and bailleis of Aberdein  
within twa houres nixt after he beis presented unto thame, and to convoy  
and bring him in suretie to the shireff of Kincardin and his deputs, and to  
delyver him to the said shireff of Kincardin and his deputs within  
twentie foure houres thereafter, under the pane of rebelloun, etc.; and  
to command and charge the shireff of Kincardin and his deputs to receave  
the said George fra the shireff of Aberdein and his deputs within twa  
houres nixt after he beis presented unto thame, and to convoy and bring  
him in suretie to the provost and bailleis of Monrose within twentie  
foure houres thereafter, under the pane of rebelloun, etc.; and to com-  
mand and charge the provest and bailleis of Monrose to receave the said  
George Tyllirae fra the shireff of Kincardin and his deputs within twa  
houres nixt after he beis presented unto thame, and to convoy and bring  
him in suretie to the provest and bailleis of Dundie and to delyver him  
to thame within twentie four houres thereafter, under the pane of rebel-  
lioun, etc.; and to command and charge the provest and bailleis of  
Dundie to receave the said George Tyllirae fra the provest and bailleis  
of Monrose within twa houres nixt after he beis presented unto thame,

Fol. 240, b.

and to convoy and bring him in suretie and to delyver him to the provest and bailleis of Cowper of Fyfe within twentie foure houres thereafter, under the pane of rebelloun, etc.; and siclyke to command and charge the provost and bailleis of Cowper to receive the said George from the provest and bailleis of Dundie within twa houres after he beis presented unto thame, and to convoy and bring him in suretie and delyver him to the provest and bailleis of Bruntilland within twentie foure houres thereafter, under the pane of rebelloun, etc.; and to command and charge the provost and bailleis of Bruntilland to receive the said George Tyllirae fra the provest and bailleis of Cowper within twa houres nixt after he beis presented unto thame, and to convoy him in suretie and to delyver him to the provest and bailleis of Edinburgh within twentie foure houres thereafter, under the pane of rebelloun, etc.; and to command and charge the provest and bailleis of Edinburgh to receive the said George Tyllirae fra the provest and bailleis of Burntilland within twa houres after he beis presented unto thame, and to committ him to warde in thair tolbuith, thairin to remaine upon his awin expenses ay and whill order be givin for his punishement as accords, under the pane of rebelloun, etc. And if the persons foresaids or anie of thame sall faillye in the premises the tymes respective being bypast, to denunce thame rebellis and putt thame to the horne and to escheit, etc.”

Charge to the Sheriff of Berwick and his deputies to produce before the Council Margaret Lumsden, a “possessed” woman, together with her father-in-law and mother.

“ Forsameekle as the Lords of Secreit Counsell hes thought meit and expedient that Margaret Lumsden, the possest woman in Duncce, Alexander Andersone, her father in law, and \_\_\_\_\_, mother to the said Margaret, sall be brought heere and presented to his Majesteis Counsell to the intent they may give such order and directioun as a mater of this importance and nature requires, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the Shireff of Beruick and his deputs to bring, present and exhibite the saids Margaret Lumsden, Alexander Andersone, her father in law, and \_\_\_\_\_, mother to the said Margaret, to attend and await upon her before the Lords of Privie Counsell upon the \_\_\_\_\_ day of Julij instant, to the intent the saids Lords may give order and directioun concerning thame as the importance and nature of suche a great caus requires, under the pane of rebelloun, etc.; with certificatioun, etc.”

Holyrood House, 13th July 1630.

[Sederunt as recorded above.]

Decreta, January 1630. February 1631. Fol. 84, a.

Supplication by Alexander Gordon, an alleged Papist, for protection that he may appear before the Council.

Supplication by Alexander Gordon, apparent of Carneborrow, as follows:—Their Lordships had given commission to Lord Gordon against the Papists in the north (of whom the supplicant is alleged to be one), and assigned to him the 15th instant for reporting his diligence therein. Fol. 84, b. The supplicant has come to this burgh in order to compear before their Lordships and satisfy them as to his religion, but because of some civil

Decreta,  
January 1630.  
February 1631.  
Fol. 84, b.

hornings he dare not "repaire in publict" without a warrant. Accordingly he craves their Lordships' protection for some space of time, and this they grant for the purpose aforesaid until the 22nd instant.

Supplication by Mr. Rodger Mouat, advocat, as follows:—He is under obligation to enter James Mouat of Fawsyde before their Lordships, for fulfilling whereof he has moved the said James to come to this town, and to this end their Lordships granted him their protection (*ante*, p. 570) to the 13th instant. This time is now expired, and as the danger still continues, he craves an extension of the time granted in that warrant. The Lords continue it till the 16th instant, so that the said James may compear on the 15th for liberation of the supplicant, and they accordingly discharge the provost and bailies of Edinburgh and the sheriff of Edinburgh and his deputes from apprehending the supplicant meanwhile on account of any civil debts.

Supplication  
by Mr. Roger  
Mouat, advocat,  
for  
protection to  
James Mouat  
of Fawsyde  
that he may  
appear before  
the Council.

Fol. 85, a.

Supplication by Gawin Tagart, servitor to John, Master of Hereis, as follows:—About Martinmas last the supplicant was apprehended by direction of the Earl of Nithisdail, and warded in the pledge chamber of Dumfreis, where he has since remained in great distress and misery, "and almost starved to deid for hunger," the said "Gawin being ane poore simple man," and charged with no crime meriting such severe treatment. He is presently under caution to appear and answer at the justice courts of the Middle Shires when charged so to do, and he has of new offered sufficient caution so to answer, "bot his caution cannot be received, and nothing is sought bot to make his imprissonment endlesse." He craves that their Lordships will receive his proffered caution and order the provost and bailies of Dumfreis to put him to liberty. The Lords, having considered the petition and also a testificate under the hand of Sir John Charters of Amisfeld, one of the Commissioners of the Middle Shires, stating that "the said Gawin is not ane fugitive, and that for anie alledgit thifts or suspicious of thift he lyes alreadie under bond for the same," and in respect that John, Master of Hereis, compeared and became cautioner in 500 merks for the compearance of the said Gawin before the Commissioners of the Middle Shires when lawfully charged thereto, ordain the provost and bailies of Dumfreis to liberate the supplicant.

Supplication  
by Gawin  
Taggart,  
servitor to  
John, Master  
of Herries, that  
he may be  
relieved from  
ward in the  
pledge-  
chamber of  
Dumfries in  
order that he  
may obey a  
summons to  
appear before  
the Court of  
the Middle  
Shires.

Supplication by the minister and session of the kirk of Dysert, and the bailies of Dysert, as follows:—Katharine Chrystie in Dysert, being for many years past "vehementlie suspected of witchecraft," and there being many presumptions of her guilt, as well as numerous depositions of witnesses judicially made to the same effect, their Lordships granted a commission to the bailies of Dysert for the time to apprehend and imprison her till she should be brought to trial. She, however, "being conscious to her selfe of her awin guiltiness and fearing the event of her tryell," procured a suspension of this commission, which accordingly lay over a long time, "till upoun new depositions gevin in aganis her

Supplication  
by the minister  
and session of  
Dysert anent  
Katharine  
Christie, who  
has long been  
undersuspicion  
of witchcraft.  
See *ante*, p. 542.

be certane persouns guiltie of that same cryme, and who before thair conviction, the tyme of thair conviction, and at the houre of thair death constantlie affirmed and avowed her to be guiltie of the said cryme," she was again apprehended and imprisoned, when their Lordships ordered her to be released on finding caution to compear before the Justice General and his deputes when called. On that occasion the supplicants compeared before their Lordships and urged the necessity of her trial taking place within the burgh of Dysert owing to "the povertie of thair toun, and that the assysers and others having interesse in that mater could not attend her tryell at Edinburgh," and their Lordships thereupon referred the matter to the Lord Chief Justice himself, who wrote to his depute before his last going to Court to appoint a dyet in Dysert for the said trial, and also nominated some gentlemen to be assessors thereat with him, and if they found "cleere and pregnant presumptiouns of her guiltines to committ her to waird." They had frequently cited her to this court, but she refused to compear. Now there are many new depositions and charges given in against her, and "her oversight and impunitie gives great mater of offence and scandall and encourages other wicked persouns upon hope of the lyke impunitie to follow these her devilish practices," and therefore the supplicants crave that they may be empowered to apprehend and keep her in ward, "where she sall be weill and honestlie used" till the Lord Chief Justice give order for her trial. The Lords, after considering the petition, and hearing the declaration of Mr. William Spittell, minister at Dysert, to the effect that the said Katharine was charged to appear before the judges and commissioners appointed for her examination, and that she refused, in respect of her refusal, grant warrant to the bailies of Dysert, and withal command them to apprehend her and to ward her within their tolbooth upon her own charges till order be given for her trial, ordaining "that she sall be weill and honestlie used in the said tolbuith." And further, by these presents, they grant commission to Sir George Hamiltoun of Blaikburne, James Clerk of Balbirnie, James Wemes of Bogie, and David Crichtoun, apparent of Lugtoun, or any two of them, with the bailies of Dysert, "to examine the said Katharine Chrystie upon the said cryme of witchecraft and upon all circumstances, evidencis and presumptiouns whilks may procure the cleere discoverie of her guiltines of that cryme, and to sett down her depositions formallie in writt and show the same to the Archbishop of S<sup>t</sup> Andrewes to be perused and considerit be him accordingle."

Complaint by  
Sir Patrick  
Home of  
Ayton and  
others against  
George Home,  
brother to  
John Home of  
Renton, and  
others, for

Complaint by Sir Thomas Hope of Craighall, knight baronet, King's Advocate, Sir Patrick Home of Aittoun, Patrick Home of Coldinghame-law, George Home of Blackhill, Alexander Home in Aittoun, and James Craw of Quhytefeild, as follows:—On . June last George Home, brother to John Home of Renton, in violation of the law prohibiting the wearing of hagbuts and pistols, came accompanied by several accom-

Decreta,  
January 1630.  
February 1631.  
Fol. 85, b.

Fol. 86, a.

Decreta,  
January 1630.  
February 1631.  
Fol. 86, a.

plices armed with these weapons, swords and others, to the Muir of Coldinghame where the tenants of the complainers were pasturing their goods, as they have been wont to do for several years past by virtue "of good rights," and there "the said George presented ane hacquebutt full of powder and leade" to the said tenants, threatening them, and striking, hurting and wounding them, chased them off the muir. The pursuers compearing and also the defender, to whose oath of verity the probation was referred, and he, having stated upon oath that he had a hacquebut in his possession the time libelled, but "wes onlie sending her in to Beruick to be mendit," the Lords assoilzie him from the above complaint, but ordain him to find caution in the books of Privy Council in 500 merks that he will not wear hagbuts or pistols in future.

Fol. 86, b.

Complaint by Alexander Barclay, merchant in Maybole, as follows:—  
Uthrid M<sup>c</sup>Dougall, master stabler to the Earl of Cassills, having a deadly hatred against the complainer, and understanding that on 17th April last he "wes to dyet his hors (quhilk wes worth twelffe hundreth pundis) betuix the toun of Maybole and Smithstounburne to the effect he might prepare the same for the race quhilk wes to be runne at Irwing as he had beene in use to doe, and by quhilk meanes he hes borne out the ranke of ane honest gentleman these manie yeeres bygane, the said Uthrid resolved to make his advantage of this occasioun and thairby not onlie to kill himselfe bot also to slay his said hors, whilk wes the best part of his estait and the onelie meanes whairby he lived, and for this effect he come the day foresaid upon ane great curser belonging to the said Erle his maister and ranne at the said compleaner with all his speid as he wes ryding in his ordinarie course betuix the said toun of Maybole and Smithstounburne, shamefullie strake the compleaner on the head and face with ane hors wand, and than rushed him and his hors to the ground with great violence, where he lay a long tyme deid and his awin hors and the great curser lying abone him, whairby thair wer sevin ribs of the compleaners sides brokin and his whole bowells wer so bruised and brokin within him that at that tyme he vomite more nor ane galloun of blood at the mouth. And when the compleaner was thus lying on the ground as ane deid persoun and his hors beside him whois forder spalds wer putt out of lith and so made unprofitable to the compleaner, the said Uthrid verie barbarouslie and inhumanelie strake the compleaner about the lugs with the said hors wand and than departed leaving him lying bullering in his blood upon the ground, where he lay be the space of twa houres or thairby untill some people comming by come and tooke him up; since quhilk tyme the compleaner hes continuallie beene under the cure of chirurgians and daylie spitts more nor ane pynt of blood." Both pursuer and defender compearing, and probation being referred to the evidence of certain witnesses produced, the Lords find "that the said defender strake the

Fol. 87, a.

wearing hagbuts, and for assaulting the tenants of the complainers.

Complaint by Alexander Barclay, merchant in Maybole, against Uthred M<sup>c</sup>Dougall, master-stabler to the Earl of Cassillis, for riding down the complainer and his horse, and afterwards assaulting the said complainer.

persewar on the face with a rod and ranne his horse to the ground and thairby spoyled him in a spald," for which they ordain him to pay a fine of 100 merks to the pursuer, and £4 to each of the witnesses for their expenses. He is also to find caution in 500 merks in the books of Privy Council for the indemnity of the pursuer.

Decreta,  
January 1630.  
February 1631.  
Fol. 87, a.

Holyrood  
House, 13th  
July 1630.  
Commission to  
Sir John  
Charteris of  
Amisfield and  
others to try  
James John-  
stone and John  
Corrie, two  
notorious  
thieves.

Commission under the Signet to Sir John Charters of Amisfeild, Sir Robert Grier of Lag, and James Johnestoun of that Ilk, or any two of them, the said Laird of Johnestoun being one, as justices, to hold courts and try James Johnestoun in Kirsneis and John Corrie in Parkcleuchefut, two common and notorious thieves, who were recently apprehended by the said Laird of Johnstoun and warded by him in the pit of Newbie. Signed by Geo. Cancell, Mortoun, Monteith, Hadintoun, Wintoun, Linlithgow, Areskine, Arch. Achesoun, and Hamiltoun.

Commissions,  
1624-30.  
Fol. 227, a.

Similar  
commission.

Commission under the Signet to William Keith of Waquherche, as justice, to hold courts and try Patrick Hay, a notorious thief, who was apprehended in June last with a stolen mare and placed in ward in the tolbooth of Kinroscher. Signed as above.

Fol. 227, b.

Holyrood  
House, 13th  
July 1630.  
George  
Tillerie.  
See ante, p. 603.  
The same.

"A missive of thanks to the provest and bailleis of Abirdene for thair wyse and discreit cariage in the tryall and discoverie of the murthour of James Gibsoun committit be George Tillerie."

Sederunts,  
November  
1629-January  
1635.  
Fol. 27, b.

Margaret  
Lumsden.  
See ante, p. 604.

"Letters direct for exhibitoun of Tillerie befor the Counsall."

"Charges aganis the Laird of Langtoun, shireff of Beruick, to bring in Margaret Lummsdeane and hir moder and Alexander Andersoun, hir fader in law, an to delyver thame to the bailleis of the Cannogait, whome the Lordis ordains to prepar a ludgeing for the possest woman and hir moder to remayne in."

Fol. 28, a.

The Laird of  
Lugton and  
the place of  
Falahall.  
See ante, p. 601.  
Sir Donald  
Gorme of  
Slait and  
others before  
the Council.

"The quhilk day Andro Quhyte in name of the Laird of Lugtoun for obedience of the Counsallis ordinance exhibite the keyis of the place of Fawlahall."

"The quhilk day comperit Sir Donald Gorme of Slait, M<sup>c</sup>Clayne, secund laughfull sone to Hector M<sup>c</sup>Clayne of Dowart, Johnne M<sup>c</sup>Cleud of Hereis, Lauchlane M<sup>c</sup>Clayne of Morverne, Johnne M<sup>c</sup>Clayne of Lochbuy, and Neill M<sup>c</sup>Neill of Barra, for obedience of the act quhairby they wer bound to that effect."

The Captain of  
Clanranald  
and Ronald  
M<sup>c</sup>Ranald.  
The other  
Islesmen.  
Caution by the  
Laird of  
Tarbet for  
M<sup>c</sup>Neill of  
Barra.  
Holyrood  
House, 13th  
July 1630.  
Letter to the  
magistrates of

"The Lordis continewis the compeirance of the Capitane of Clanrannald and Rannald M<sup>c</sup>Rannald, his uncle, to this day aught dayis."

"The Lordis continewis the rest of the Ilismen to that same day."

"The quhilk day the Laird of Tarbett become cautioner of new for M<sup>c</sup>Neill of Barra conforme to the first act."

"After our verie heartilie commendatiouns. We have received your letter and doe acknowledge with thankes your dexteritie and diligence in the apprehensioun and examinatioun of George Tyllirae and discoverie of that foule and detestable murder committed be him upon umquhill James Gibsoun; and quhairas the nature and circumstances of this foule

Royal Letter  
1623-32.  
Fol. 184, b.

Royal Letters,  
1623-32.  
Fol. 184, b.

fact requires both exemplar and severe punishment, it is thairfoir Aberdeen, anent George Tillerie. See ante, p. 603  
thought meit that he sall be brought heere to underly his punishment  
quher the murder wes committed; and being loath to lay the burdein of  
his transport hither upon yow, we have givin order and warrand that he  
shall be brought fra shireff to shireff and fra toun to toun till he come  
heere; and thairfoir how soone yow ar charged yow sall delyver him to  
the shireff of Aberdein and his deputs, and before your delyverie of  
him yow sall examine him of new and putt his depositiouns formallie  
in writt and send the same closed to us with this bearer; and so com-  
mitting you to Gods protectioun we rest. Halyrudhous, 13 July 1630.  
*Subscribitur*, Geo. Cancell., Mortoun, Monteith, Hadintoun, Mar, Linlith-  
gow, Areskine, Tracquair."

Fol. 186, b.

"CHARLES R., etc. Quhereas complaint hes beene made unto us that Nonesuche, 14th July 1630.  
some shippes and goods alledgit to belong to some persouns dwelling in Letter from his Majesty anent certain French ships which have been taken and detained by Scotsmen.  
France have been unjustlie takin by some of our subjects there and ar  
still deteanned without tryell or dew course of our lawes provided in  
these caises, quhairin having formerlie signified our pleasure unto yow in  
one particular concerning some of thame, we ar heirby pleased againe to  
require yow to give speciall order to our Admirall and his assessors to  
administer justice with all diligence unto the parteis justlie interested in  
these shippes and goodes, that the strangers have not just caus to com-  
pleane of anie further delay. So we bid you farewell. Frome our Court  
at Nonesuche the 14 day of July 1630."

Acta July 1629-  
December  
1630.  
Fol. 240, b.

*Sederunt*—Chancellor; Treasurer; President; Privy Seal; Mar; Holyrood House, 15th July 1630.  
Linlithgow; Wigtoun; Bishop of Dumblane; Lord Gordoun;  
Lord Lorne; Lord Areskine; Lord Melvill; Lord Naper; Lord  
Tracquair; Clerk of Register; Advocate; Sir John Scot.

Fol. 241, a.

"The whilk day in presence of the Lords of Secreit Counsell com- Letter from his Majesty desiring that the Lord Advocate take no further action against Archibald Tod.  
peired personallie David Aikinheid, provest of Edinburgh, and gave in  
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 coun-  
sellour, right trustie and weilbelovit cousines and counsellours, and right  
trustie and weilbelovit counsellours, we greeete yow weil. Whereas we  
signified unto yow our pleasure tuicheing the actioun persewed be our  
Advocat aganis Archibald Tod, discharging him to proceid further  
thairin in respect of our interest, whairin, seing upon some good con-  
siderations we wer pleased to give that order, and least we sould be  
troubled heerafter with anie new motioun concerning the same, we ar  
heereby pleased to signifie unto yow that we freelie remitt to the said  
Archibald Tod, and to our burgh of Edinburgh for thair interest, all  
actions whatsomever civill or criminall competent to us aganis thame  
tuicheing that actioun; requyring yow to command our Advocat in our



name not to insist further thairin, and that by Act of Counsell yow discharge the same and all that may follow thairupon, for whiche these presents sall be unto yow ane sufficient warrand. So we bid yow farewell. Frome our Court at Whitehall the 28 of June 1630. Quhilk letter being read and considerit be the saids Lords, and they with all dewtifull respect and obedience acquiescing to his Majesteis gracious will and pleasure exprest in the said letter; they have thairfoir ordained and ordains the same letter to be insert and registrat in the bookes of Privie Counsell to have the strenth of ane Act of Counsell in tyme comming. And according to the directioun of the said letter, the saids Lords in his Majesteis name commands and ordains his Majesteis Advocat that he in no wayes insist anie forder in that mater. And forder they have discharged, and be the tennour of this present Act discharges the said Archibald Tod and the burgh of Edinburgh for thair interesse of all actioun civill or criminall competent to his Majestie aganis thame for the mater foresaid, with all that hes followed or may follow thairupon for ever."

Acta July 1629  
December  
1630.  
Fol. 241, a

Letters of  
horning to be  
directed  
against the  
titulars and  
heritors of St.  
Cuthbert's  
Kirk.

"The Lords of Secreit Counsell ratifeis, allowes and confirmes the act of the Commissioun for the Surrenders and Teinds ordaining letters of horning to be direct at the instance of his Majesteis Thesaurar aganis the titulars and heretours of S<sup>t</sup> Cuthberts Kirk where the valuations ar exped for payment of his Majesteis annuitie out of the teind bollis, be whome the same ar led, in all and sindrie points, clauses and articles conteanit thairin and after the forme and tennour thairof in all points."

Commission to  
the Clerk  
Register and  
the Director of  
Chancery to  
examine the  
papers of the  
late Martin  
Newell.

"The Lords of Secreit Counsell gives and grants commissioun be thir presents to Sir Johne Hamiltoun of Magdalens, Clerk of Register, and Sir Johne Scot of Scottistarvet, Directour of the Chancellarie, with the concurrence of one of the bailleis of Edinburgh and Clerk of the Counsell, to pas to the wryting booth of Gibsone in Edinburgh, and there to caus opin ane presse belonging to umquhill Martine Newell and to try and make record of the inventars of the taxatioun being within the said presse and of all other writts concerning the said taxatioun, and to report to the saids Lords what they find thairin."

Commission to  
Lord Gordon  
and Sir  
Robert Gordoun  
anent the  
subscription of  
the general  
Submission by  
the Islesmen.

"The Lords of Secreit Counsell nominats and appoints and thairwithall gives warrand to the Lord Gordoun, the Lord Lorne and Sir Robert Gordoun, to conveene before thame the morne at nyne of the clocke the Bishop of the Yles and suche of the Ilismen as ar in this toun, and to urge thame with the subscribing of the generall Submissioun made to his Majestie be the lords of erections, titulars and heretours of teinds and others mentiouned in the said Submissioun, and to take some course for valutioun of the teinds of the Yles, and to report to the great Commissioun for the Surrenders what they resolve thairin."

Fol. 241, b

Decreta,  
January 1630.  
February 1631.  
Fol. 87, b.

[Sederunt as recorded above.]

Holyrood  
House, 15th  
July 1630.

Complaint by John, Lord Areskine, as follows:—At great charge and expense he brought a number of strangers into this kingdom, “skilled and expert men in the tanning of ledder, to instruct the tanners and barkers of ledder in the right forme of tanning and barking thair ledder, how they sall reforme thair ledder the tyme the same lyes in thair potts.” A number of the “best and most skilfull tanners” have willingly embraced the reformation, “thair awin experience teaching thame that thair former ignorance and abuse in that trade wes most hurtfull to the commounweale,” and that the intended reformation would both benefit themselves and the country. “Nevertheless the most ignorant and rude of that trade, as namelie, Johne Love in Little Keichat, Williame Mure in Toppitfauld, Archibald Glen in Burnehous, Thomas Glen, his sonne, there, Johne Crawford in Banke of Giffane, Robert Hessilhead in Trearne, Robert Glen in Drumbowie, Robert Glen in Souterflat, James Clerk at the Kirk of Beith, Hew Patrik in Byres Kilwining, James Patrik, his brother, there, Williame Steill in Milneburne, Johne Rankein in S<sup>t</sup> Wishings, James Weir in Weirstoun, Thomas Fode in Monkridin, Thomas Patrik in Brigend Kilwining, James Rodger, younger, in Byris Kilwinning, Williame Lyne in Corsehill there, Johne Weir there, and Thomas Andro, preferring thair awin ignorance and abuses,” oppose themselves to all instruction though offered them without any charge, “and will not suffer thair hydes to ly in thair potts during the space prescryved unto thame bot takes thame out and presents thame to mercat raw.” Thus they not only themselves neglect the injunctions and proclamations of the Council, but are an evil example to others, if they be not punished for their contempt. Charge having been given to the persons named, and the pursuer compearing, Thomas Dunlop, servitor to Laurence Scot, advocate, appeared as procurator for the said Hew Patrick, Thomas Androw, James Rodger, James Patrik, William Lyne, John Weir, James Weir, John Rankein, William Steill, Thomas Montfode, and Thomas Glen, all in Kilwinning, and presented a letter written and subscribed by Mr. John Glasfurde, minister at Kilwinning, “proporting that the persouns foresaids ar poore men, burdenned with the charge of wives and small childrein and of whome sindrie ar now under sicknesse, and manie of them so poore and indigent that they have not as mucche free geir as to make thair expenses hither,” and craving their Lordships out of a pitiful regard of their case to commission some gentlemen in their own district to take their oath about this business. The Lords in consideration hereof appoint Mathow Wallace of Achans to convene the supplicants named before him, and to examine them upon oath “anent thair forme of tanning and working of thair hydes, and how farre and upon wha’ occasioun they have violat and contraveenned the ordinances of his

Complaint by  
John, Lord  
Areskine,  
against certain  
persons who  
have refused  
instruction in  
the new art of  
tanning.

Fol. 88, a.

ol. 88, b.

Majesteis Counsell made in this mater," and to send their depositions in writing in a closed letter to their Lordships for further direction in the case. John Love, William Mure, Archibald Glen, John Crawford, Robert Hessillheid, Robert Glen in Drumbellie, Robert Glen in Souterflat and James Clerk, who did not compear, are ordained to be put to the horn.

Decreta,  
January 1630.  
February 1631.  
Fol. 88, b.

Complaint by  
William Condone,  
Frenchman, indweller  
in Cupar-Fife,  
against Alexander  
Locklaw  
for assault.

Complaint by William Condone, Frenchman, indweller in Cowper of Fyfe and servitor to Lord Lindsey, as follows:—About twenty-eight years ago he came to this kingdome in the service of Colonel Gray, and having acquired some means resolved to settle in the country. He took up house in Cowper of Fyfe, where he has now lived inoffensively for the last thirteen years, and he looked that his affection to the said town where he has spent a considerable part of his means, "and the humane and kynde dealing whilk in all natiouns is dew to strangers, sould have procured that ease and contentment whilk heartilie he wished," and which might have encouraged others to emulate his example. Yet on 29th May last, between 9 and 10 at night, as the complainer was going to his own house in company with Alexander Jamesone, bailie of Cowper, Alexander Locklaw, treasurer of the said burgh, in the presence of the said bailie, gave the complainer several "straikes on the head with ane great stone" to the great effusion of his blood. Both pursuer and defender compearing, along with the said Alexander Jamesone, who stated that the provost and bailies of the said burgh had taken up the case, and dealt with the parties for settling of their differences and would be careful to see proper satisfaction made to the pursuer, the Lords, "considering that the trial and punishment of wrongs done within burgh ar proper to be judged be the magistrats thairof," remit the matter to the said Alexander Jamesone and remanent bailies of Cowper, recommending to them to see just redress made to the pursuer, and that, in case of his refusal to accept or their failing to agree, they report their proceedings to the Lords on 27th inst. for their further decision.

Fol. 89, a.

Supplication  
by Duncan  
Campbell of  
Glenlyon anent  
the slaughter  
of John  
M'Murche  
V'Neill in  
Barra.

Supplication by Duncan Campbell of Glenlyon, as follows:—As the controversy between him and his friends with Neil M'Neill of Bara and some of his friends on account of the slaughter of John M'Murche V'Neill in Bara and some others alleged to have been committed by the supplicant and his accomplices has been submitted to the arbitration of some noblemen, barons and gentlemen, he craves that the criminal diet appointed for his trial for the said slaughter before his Majesty's Justice, on the 22nd instant, may be deserted. The Lords ordain the Justice, Justice-Clerk and their deputes to desert the said diet.

Complaint by  
John Morris  
and Agnes  
Short, his  
spouse, against  
Robert  
Galloway in  
Tullibody and

Complaint by John Moreis, servitor to William Bigholme in Banchrie and Agnes Short, his spouse, as follows:—On 16th April last while the said Agnes was peaceably walking on the highway at the back of the town of Tillibodie, Robert Galloway in Tillibodie and John Galloway, his son, without any provocation, attacked her "with ane great forke and

Fol. 89, b.

Decreta,  
January 1630-  
February 1631.  
Fol. 89, b.

long sting, gave her a number of straiques upoun the head, shoulders his son, John Galloway, for assault. and others parts of her bodie and felde her to the ground." When the said John Moreis came to her relief, they with the same instruments "gave him twa cruell wounds on the head to the great effusioun of his blood and felde him deid to the ground, and with manie bauche, blaë and bloodie straiques in diverse parts of his bodie so birsed and bruised him that ever since almost he and his said spous have lye under great pane and dollour, not able as yitt to work for thair living." Consequently their master is deprived of their services and themselves reduced to great extremity and want. John Moreis appearing for himself and his wife, and the defenders not compearing, the Lords, after hearing witnesses, remit to the bailie of the barony of Tillibodie to fix the satisfaction to be made by the said John Galloway to the pursuers for hurting and wounding of them, and ordain the witnesses to be paid out of the first part of the said satisfaction.

Fol. 90, a.

Complaint by Sir Thomas Hope of Craighall, knight baronet, King's Advocate, and Robert Johnstoun of Middlegill, as follows:—On 19th April last, when he was in the town of Moffat upon business, John Grahame of Langboddome and Patrick Graham, his brother, armed with hagbutts, pistols and drawn swords, fiercely assailed him and pursued him for his life. He was rescued at the time by some gentlemen, but the said John Graham went out of the town and lay in wait for him in the highway till eight o'clock at night, when he met him at Evenfurde as he was going home. First he shot his hagbut at him, but as this misgave he attacked him with a drawn sword, giving him "ane deepe and deadlie wound on the head and another upon the left ey whairby he hes almost lost the same, and left him lying upon the ground as ane deid persoun." The pursuer appearing, as also John Graham, but Patrick Graham not compearing, John Graham admitted having a hagbut at the time libelled, and witnesses having been examined upon the other points of the complaint, and failing to prove the assault, the Lords assoilzie the said John Graham. They ordain Patrick Graham to be denounced for non-compearance, but supersede the outgiving of the letters till the 22nd inst.

Fol. 90, b.

Sederunts,  
November  
1629-January  
1635.  
Fol. 28, b.

"The Lords ordanis the Maister of Worke to supplee the absence of Holyrood House, 15th July 1630. the Maister of Ceremoniis at the creatioun of the Lyoun King of Armes upoun Sunday nixt." The Lyon King-of-Arms.

Acta July 1629-  
December  
1630.  
Fol. 241, b.

*Sederunt*—Chancellor; Treasurer; President; Mar; Linlithgow; Holyrood House, 20th July 1630. Dumblane; Lord Gordoun; Lord Lorne; Lord Naper; Lord Tracquair; Sir William Alexander; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

"The whilk day Sir William Alexander, principall Secretar to our Soverane lord, gave in the missive letter underwrittin signed be the Letter from his Majesty anent a French claim

in New Scot-  
land.

Kings Majestie and directed to the saids Lords, of the whilk the tennour Acta July 1629-  
followes:—CHARLES R. Right trustie and right weilbelovit cousine December  
and counsellour, right trustie and right weilbelovit cousines and coun- 1630.  
sellours, right trustie and weilbelovit counsellours, and trustie and weil- Fol. 241, b.  
belovit counsellours, we greete yow weill. There being at this time  
some contraversie betuix us and the Frenche concerning the title of  
lands in America and particularlie New Scotland, it being alledgit that  
Port Royall where the Scottish colonie is planted sould be restored as  
takin since the making of the peace be reason of the articles made con-  
cerning the same, as we ar bound in dewtie and justice to discharge  
what we owe to everie nighbour prince, so we must have a care that none  
of our subjects doe suffer in that whiche they have undertakin upon just  
grounds to doe us service, nather would we determine in a mater of  
so great moment till we understood the trew estait thairof. Thairfoir  
our pleasure is that yow take this bussines to your consideratioun. And  
becaus we desyre to be certified how farre we and our subjects ar  
interested thairin and what arguments ar fitt to be used when anie  
questioun sall occurre concerning the same for the defence thairof, that  
after dew informatioun we may be furnished with reasouns how we ar  
bound to mainteane the patents that our lait deere father and we have  
givin. So expecting that having informed your selfes sufficientlie of  
this bussines yow will returne us ane answeire with diligence, we bid yow  
fareweill. Frome our Court at Whitehall the thrid day of July 1630.  
Quhilk letter being read and considerit be the saids Lords, they ordaine  
the said Sir Williame Alexander, whome this bussines concernis, to attend  
the Lords Chancellor, Thesaurar, President, Lord Gordoun and Advocat,  
and to propone unto thame the reasouns and arguments for defence of  
his Majesteis right, togidder with the objectiouns moved be the Frenche  
for recoverie of the same, to the intent the Counsell, upon report thairof  
being trewlie informed of the estait and nature of the bussines, may cer-  
tifie backe to his Majestie thair opinioun thairanent."

Obligation by  
Robert and  
Alexander  
Irving either  
to conform to  
the established  
religion or  
leave the  
country by  
Michaelmas.

"The whilk day in presence of the Lords of Secretit Counsell com- Fol. 242, a.  
peired personallie Robert Irving, brother germane to M<sup>r</sup> Alexander  
Irving of Hiltoun, and takand burdein upon him for the said M<sup>r</sup> Alex-  
ander, his brother, and actit and obleist him that the said Robert and his  
said brother sall betuix and Michaelmes nixt conforme thameselfes to  
the religioun presentlie profest and be law established within this king-  
dome, and failyeing thairof that they sall betuix and the said tyme  
depart furth of his Majesteis dominions and not returne agane within  
the same without his Majesteis licence had and otheaned to that  
effect, either of thame under the pane of fyve hundreth pundis and per-  
petuall imprissonment, besides the forefeyture of the modificatioun out  
of thair estaits allowed unto thame, and that in the meane tyme, during  
thair abode within the kingdome, they sall not heare messe, ressett  
Jesuits, seminarie nor messe preists, either of them under the pane of  
fyve hundreth pundis."

Acta July 1629-  
December  
1630.  
Fol. 242, a.

Similar act of caution by Alexander Gordoun, fiar of Carneborrow, who is given till 15th September next. Similar obligation.

Similar act of caution by John Gordoun, apparent of Craig, who is also given to the 15th of September. Similar obligation.

"The Lords of Secret Counsell allows the Lord Gordoun to give to John Gordoun, younger of Craig, some allowance out of his estait for his interteanement abroad provyding it exceed not ane thowsand punds." Allowance to John Gordon, younger of Craig.

"The whilk day in presence of the Lords of Secret Counsell compeired personallie Johne Gordoun, elder of Craig, and actit and obleist him to mak his addresse to the burgh of Cowper of Fyfe with all convenient diligence and to remaine thairin and ane myle about the same and not to transcend the bounds thairof whill he be fred and releevd be the saids Lords, and that during the tyme of his abode there be sall admitt conference of the ministrie, and that he sall not heare messe nor ressett jesuits, seminarie nor messe preists, under the pane of fyve hundreth punds incaise he failyie in anie point of the premises. And the saids Lords modifeis to the said Johne for his interteanement during his remaining within the bounds foresaid the thrid of his and his sonnes estait and living upon speciall provisioun and condition that he keepe this present act inviolat in anie point, quhairin if he failyie he sall fore-fault this present modificatioun." Obligation by John Gordon, elder of Craig, anent his religion.

Fol. 242, b.

Act of caution by Margaret Gordoun, goodwife of Cormellat, similar to that of Alexander Gordon, fiar of Carnborrow. Similar obligation.

Similar act of caution by Alexander Leslie of Conrache. Similar obligation.

Similar act of caution by William Inneis of Thombreck. Similar obligation.

Fol. 243, a.

Similar act of caution by George Gordoun of Drumgask. Similar obligation.

Similar act of caution by William Fraser of Craigtour. Similar obligation.

Similar act of caution by Patrick Gordoun of Kinragie. Similar obligation.

Similar act of caution by John Leslie, sometime of Newleslie. "And the saids Lords allows the Lord Gordoun to suffer and permitt the said John Leslie to intromett with the cornes of his lands for this crope." Similar obligation.

Fol. 242, b.

Similar act of caution by Alexander Irwing of Beltie. "As alsua the said Alexander actit and obleist him that he sall ather transport Issobell Irwing, his wyfe, with him betuix and the day foresaid, or ellis that she sall remove after her delyverie, and that he sall report ane certificat to the saids Lords of her indispositioun to travell with him at the day abonewrittin." Similar obligation.

Fol. 243, b.

George, Lord Gordoun, becomes cautioner for the goodwife of Letterfoure in terms similar to those above, "with this provisioun alwayes that if the goodman of Letterfoure, her husband, compeir before the saids Lords betuix and the first of August and act himselfe to this effect the said Lord Gordoun sall be free." Caution by George, Lord Gordon, for the goodwife of Letterfours.

George, Lord Gordoun, also becomes cautioner for James Fyfe in Eastoun, in terms similar to the foregoing. Caution by the same for James Fife.

- Holyrood House, 20th July 1630. Commission to John Irons of Kinclune and others to try Thomas Porter, a common and notorious thief. Commission under the Signet to John Irnes of Kinclune, John Udnie of Kethick, Alexander Persoun of Balmadeis, James Sterline of Brakie, Achterlay of Murrees, and Patrick Guthrie of Achmuthie, or any two of them, as justices, to hold courts and try Thomas Porter, a common and notorious thief, who on July instant was apprehended with a stolen mare, and warded in the place of Newgrange. He has since confessed the stealing of a great number of horses both in Lothian and Angus. Signed by Geo. Cancell., Mortoun, Linlithgow, Gordoun, Areskine and Naper. Commission, 1624-30. Fol. 227, b.
- Holyrood House, 20th July 1630. William Ramsay in Pittenweem. "A missive in favouris of Williame Ramsay in Pittinweyme for a duetie to be imposed upoun everie twyn of goodis whiche salbe imported or exported in or oute of the kingdome in ony strangearis boddomes. The Lords remittis the consideratioun of the letter and the petitionaris desyre thairin contenit to the Conventioun of the Esteatis." Sederunts, November 1629-January 1635. Fol. 29, a.
- The Laird of Caddell and the repair of his churches. The Islesmen and the repair of churches. Caution by Archibald Forbes for his brother, James Forbes of Blacktoun. Patrick Gordon of Kincaraigie. "The Lordis ordanis the Laird of Caddell to be warnit to Thurisday nixt anent the reparatioun of his churcheis." "The Lordis continewis the Ilismen and the ordour for building and repairing of thair churcheis till Thurisday nixt." "The quhilk day Arthour Forbes, brother to James Forbes of Blacktoun, actit him to exhibite his said brother this day aucht dayis under the pane of v<sup>c</sup> lb. to the intent he may act himself." "The quhilk day Patrik Gordon of Kincaraigie actit himself *ut supra*, and in the meanetyme to confer." Fol. 29, b.
- Holyrood House, 20th July 1630. Letter of Council to Lord Berridale desiring him to protect Mr. Richard Merchiston, archdean of Caithness, against injuries from his parishioners. "After our verie heartilie commendatiouns to your good lordship. We have heard of the greevous and heavie complaints made be M<sup>r</sup> Richard Merchinstoun, Archdeane of Caithnes, aganis ane number of his awin parochiners who hes not onelie disgraced him in his calling, givin out a number of scandalous imputatiouns aganis him of purpose to have brought his ministrie in contempt and his lyfe and conversatioun in questioun, bot they have had manie indirect courses and plotts aganis his awin lyfe, as hes beene cleerilie verified before the High Commissioun of the Kirk, quhair the said M<sup>r</sup> Richard hes cleered himselfe of all these disgracefull imputatiouns, and his partie hes been moved with reason to acknowledge their oversights toward him and hes givin redresse and satisfioun for the same at the sight of the High Commissioun. And the said M<sup>r</sup> Richard being now to returne home to attend his charge and calling we have thought meit to accompanie him with our letter, requeisting your lordship to take upon yow the patrocinie and defence of him and to protect and secure him frome the injurie and malice of his malicious parochiners, for we ar confident if your lordship take the patrocinie of this man upoun yow, as in honnour and reason yow aucht to doe, there is none within these bounds darre wrong him; and if we sall heare of anie forder complaint frome the Archdeane in thir particulars we will trewlie thinke that all proceids frome your connivence and oversight, seing we know your lordship is Royal Letters, 1623-32. Fol. 184, b.

Royal Letters,  
1623-32.  
Fol. 185, a.

armed both with power and otherwayes to suppress the most insolent persons within these bounds, and we will be compelled to crave an account from your lordship of your behaviour and carriage herein. And so, with the remembrance of our best affectiones, committing your lordship to Gods protection, we rest, etc. Halyrudhous 20 July 1630. *Subscribitur*, Geo. Cancell., Mortoun, Linlithgow, Areskine, Naper."

Acta July 1629-  
December  
1630.  
Fol. 243, b.

*Sederunt*—Chancellor; Treasurer; President; Privy Seal; Mar; Holyrood House, 22nd July 1630.  
Murrey; Wintoun; Dumblane; Lord Lorne; Lord Areskine;  
Lord Carnegie; Lord Naper; Lord Tracquair; Secretary;  
Clerk of Register; Advocate; Sir James Baillie.

"Forsameekle as it is understand to the Lords of his Majesteis Privie Counsell that Hew, Lord Sempill, hes laitlie tane and apprehendit upon the west coast certane English pyrats, profest enemeis to all lawfull traders, whiche the saids Lords ratifeis and allowes as good and acceptable service done be the said Lord Sempill, and discharges the said Lord Sempill of all danger and inconvenient that he may incurre and whiche may be impute unto him thereanent; and whereas it is verie necessarie that the saids pyrats sall be brought to thair tryall, to the intent justice may be ministrat upon thame conforme to the lawes made in that behalffe, thairfoir the Lords of Secret Counsell ordains and commands the said Lord Sempill to delyver to Alexander, Erle of Linlithgow, Lord High Admirall, the saids English pyrats, with the shippe and goods belonging to thame and being in his possessioun and keeping, to the effect they may be tryed, ordered, adjudged and punished conforme to the lawes of the kingdome provyded in these caises; for doing whair of these presents sall be unto the said Lord Sempill ane sufficient warrand and discharge."

"Anent our soverane Lords letters direct makand mentioun that where the Lords of Privie Counsell having past and exped ane commissioun to George, Marqueis of Huntlie, for the persute and apprehensioun of James Grant in Daltaleis and Alaster Grant in Tulloche, who ar two notorious rebellis and brokin Hieland men, by whome the peace of the countrie is mightelie disturbed and troubled; and the saids Lords looking that the said Marqueis sould have made and givin ane account to thame of his diligence in the executioun of this commissioun, nevertheles he hes made no account nor report at all, bot, as appeares, the executioun of the said commissioun hes beene neglected and slighted be him, quhilk hes givin encouragement to the saids James and Alaster Grants and to one Finlay M<sup>c</sup>Grinnan in Fetterletter, one of thair rebellious complices, and who by ane lawfull probatioun and tryell and decreit and sentence following thairupon is found to be man, tennent and servant to the said Marqueis and suche ane persoun as he ought to answere for be the lawes of this kingdome and Acts of Parliament, to

Charge to Hew,  
Lord Sempill,  
to deliver to  
the Lord High  
Admirall cer-  
tain English  
pirates whom  
he has taken.

Charge to the  
Marquis of  
Huntly anent  
the production  
of Finlay  
M<sup>c</sup>Grinnan, a  
rebel at the  
horn.

Fol. 214, a.



breake louse and to committ all kynde of insolenceis and oppressiouns upon his Majesteis peaceable and good subjects within the countrie of Stradoun and others parts nixt adjacent, within whilks bounds, especiallie in Stradoun, whilk is the said Marqueis his proper bounds, the saids lymmars hes thair speciall resset and residence, and without controlment goes athort the countrie in great troupes and companeis sorning and oppressing in all parts where they may be maisters and commanders, highlie to his Majesteis offence and contempt, disgrace of his government and to the heavie hurt and greefe of his Majesteis good subjects who ar not able to withstand and resist thame. And anent the charge givin to the said Marqueis of Huntlie to have compeired personallie before the Lords of Privie Counsell this present twentie twa day of July instant to have given ane cleere accompt of his diligence in the executioun of the commissioun foresaid, and to have brought and exhibite with him the said day the said Finlay M<sup>c</sup>Grinnan, who by ane lawfull decret and sentence proceeding upon probatioun and tryell is found and declared to be his man, tennent and servant, to the intent order might be tane with him for his misdemeamour as accords, under the pane of rebelloun and putting of him to the horne, with certificatioun to him and he failyied letters sould be direct *simpliciter* to putt him thairto, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof: Quhilks being callit, and the said Marqueis of Huntlie compeirand personallie, and the reasouns propouned be him whairfor he could not exhibite the said Finlay M<sup>c</sup>Grinnan this day being heard and considerit be the saids Lords, and they weill advised thairwith, the Lords of Secreit Counsell assignes to the said Marqueis, who wes personallie present, Michaelmes nixt for exhibitioun of the said Finlay M<sup>c</sup>Grinnan.”

The Laird of Grant.

“The Lords of Secreit Counsell, in respect of ane testimoniall produced testifeing the Laird of Grant his indispositioun and sickenesse, dispenses with his compeirance at this tyme, and assignes unto him Michaelmes nixt for exhibitioun of Alaster Grant.”

Obligation by Alexander Leslie in Gowall to conform to the established religion or to quit the country.

“The whilk day in presence of the Lords of Secreit Counsell compeired personallie Alexander Leslie in Gowall and actit and obleist him that betuix and the fyftene day of September nixtcome he sall conforme himselffe to the religioun presentlie profest and be law established within this kingdome, and failyeing thairof that he sall depart furth of his Majesteis dominions and not returne againe within the same without his Majesteis licence had and obtained to that effect, under the pane of fyve hundreth pundis and perpetuall imprissonment, besides the forefaltour of the modificatioun allowed unto him furth of his estait; and that in the meane tyme he sall not resset jesuits, seminarie nor messe preists, nor heare messe, under the said pane of fyve hundreth pundis.”

Acta July 1630.  
December  
1630.

Fol. 244, a.

Fol. 244, b.

sta July 1629-  
December  
30.  
ol. 244, b.

"The Lords allows the Lord Gordoun to forbear the taking and intronetting with suche of the excommunicat rebellis thair houses for whome he hes undertakin till the fyftene of September."

Lord Gordon and the houses of excommunicated rebels.

[Sederunt as recorded above.]

Holyrood  
House, 22nd  
July 1630.

ecreta,  
January 1630.  
February 1631.  
ol. 90, b.

ol. 91, a.

Supplication by the minister and session of the kirk of Dysert, as follows:—They have frequently troubled their lordships in the business of Katharine Crystie in Dysert, who is suspected of witchcraft and whose trial their Lordships thought meet should take place in the burgh of Dysert. After narrating what their Lordships had done on the 13th instant, namely, ordaining the bailies of Dysert to apprehend her and imprison her in their Tolbooth, the supplicants state that they gave a copy of their Lordships' order to the said bailies, who only pretended to put it in force. David Chrystie, one of the bailies, went to the said Katharine's house "and conferred with her some space, and how soone he come out she closed the doores of her hous and held the same fast, so as the other baillie could have no accesse thairin, and both the twa bailleis made ane pretendit excuse that they had no warrand to breake up her doores, and so refused to deale anie farther thairin, quhilk is a plaine ludifeing and mocking of his Majesteis auctoritie, and a fostering of the said Katharine upon hope of impunitie by suche subtiliteis to continew in her devilish practises, to the offence of God, scandall of his kirk," etc. They crave a new command to the said bailies for the apprehension and incarceration of the said Katherine Chrystie, with power to make open doors, etc. The Lords ordain Mr. Alexander Colvill, Justice depute, to proceed to the burgh of Dysert with convenient diligence, and examine the said Katharine Chrystie on the charge of witchcraft laid against her, and to report the order of his proceedings and her depositions to their Lordships.

Supplication by the minister and session of Dysert that the bailies of the said burgh may arrest Katherine Christie, who is accused of witchcraft, which they have hitherto failed to do.  
See ante, p. 605.

ol. 91, b.

Complaint by George Gordoun of Newtoun, as follows:—He is informed that he has been put to the horn at the instance of John Gordoun of Avache, William Watt in Dykeheid, and George Jamesone there, for failing to compear before their Lordships to answer to their complaint against him of oppression. But he was never charged to compear and knew nothing of the horning till he came to Edinburgh, or he would willingly have obeyed the charge, and cleared himself. He therefore craves suspension. The pursuer compearing but not the defenders, the Lords suspend the horning.

Complaint by George Gordon of Newton against John Gordon of Avache and others for illegal horning.

James, Lord Cowper, compearing personally, becomes cautioner in £100 each for Robert Galbraith, his servitor, and James Broun of Balmawe, not to wear hagbutts nor pistols in future; with clause of relief.

Caution by James, Lord Cowper, for Robert Galbraith, his servitor, and James Broun of Balmaw.

fol. 96, b.

Complaint by William Foullertoun, provost of Kirkcudbright, as follows:—On 14th January last he was "walking upon the hie streit

Complaint by William Fullerton, Provost of Kirkcudbright, against Helen Ewart and her daughter for assault. [Omitted at proper place in Register.]

of Kirkcudbright and coming by Johne Ewart in Kirkcudbright his booth betuix sax and sevin in the morning, Helene Ewart, spous to the said Johne, being within the booth, callit upon him in to the booth, and how soone he come in, er ever he wes awar of her, she strake him despitfullie upon the face and mouth with her neiff; and he preassing to come away, being ashamed to enter in ane violent course aganis her, she pulled him back be the ruff to the ground, and he lowtting to have tane up his ruff, she, accompanied with Helene Ewart, her daughter, both fiercelie sett upon the said provest and almost wirried him, gripped him hard be the craig, and with the one hand held him be the over lip and nose and with the other hand be the chinne, and had almost strangled him, bled him on the mouth and others parts of his bodie." He complained to Mr. William M<sup>c</sup>Gie and Andrew Corsane, bailies of Kirkcudbright, desiring them to redress this wrong, but Robert Glendoning, clerk of the court, took the complainer's act of court which he had given in as a part of his process and rave it in pieces, and the said bailies refuse to do him justice in this matter. This has "moved him sore aganis his heart to have his recourse to the Lords of Privie Counsell." Charge having been given to the said Helen Ewarts, elder and younger, and to the said William M<sup>c</sup>Gie, and the pursuer compearing with the said John Ewart on behalf of his wife and daughter, but William M<sup>c</sup>Ghie not compearing, the Lords find the complaint proved as stated, "William Foulertoun being his Majesteis officiar and provest of the said burgh of Kirkcudbright," and they ordain "the said Helene Ewart to make publict satisfioun to the said persewer upon her knees in tyme of mercat before the doore of the hous where the insolence foresaid wes committed" when the said provost shall require it, and they ordain her said husband to cause her obey this injunction under a penalty of £200. The bailies of Kirkcudbright had dealt with the case, but had only exacted a fine from Helen Ewart to the town without any satisfaction to the provost. The Lords further ordain that Mr. William M<sup>c</sup>Gie be put to the horn for not compearing.

Holyrood House, 22nd July 1630.

Commission to John, Earl of Mar, and his bailies to apprehend all kinds of thieves within his bounds.

Commission under the Signet to John, Earl of Mar, Lord Areskine and Garioch, and his bailies. whom he is hereby impowered to make, and for whom he is to answer, as justices jointly and severally, to search for, apprehend and imprison until their trial his own tenants within the bounds of Braemar, Strathdie, Glengarne, Crowmar and Strathdon, who are guilty of the crimes of theft, sorning, oppression and pykrie, which are become very common there, also all sorners, oppressors and broken men resorting to the said bounds and committing such offences there; also to hold courts and try the said persons and administer justice upon them. Signed by Geo. Cancell. Mortoun, Monteith, Hadintoun, Lorne and Carnegie.

Holyrood House, 22nd July 1630.

"The Lords dispenses with the Earle of Murrey his presence at the Conventioun and allowis him to go home for prosequitioun of his com-

Decreta, January 1630, February 1630, Fol. 96, b.

Fol. 97, a.

Commissioner's 1624-30, Fol. 225, b.

Sederunts November 1629-January 1635, Fol. 30, a.

missioun aganis James Grant and his rebellious complices; lyke as the said Earle undertooke the service and promeist to performe the same, or otherwayes to mak it appeir to the Counsaill quhair and be whome the rebellis ar confortid and ressett and his lordship opposed in following out of the service.”

Charge to the Earl of Murray to go home and arrest James Grant and his accomplices.

“The Lords recommendis to the Ilismen the bigging of thair kirkis quhilkis ar providit with ministeris, and to the Laird of Caddell the building of ane church in Ila.”

The Ialesmen and the building of their churches.

*Sederunt* — Treasurer; Præses; Mairshell; Mar; Wintoun; Linlithgow; Roxburgh; Seafort; Annandaill; Lauderdaill; Bishop of Dunkeld; Bishop of Abirdene; Bishop of Dumblane; Air; Lord Gordoun; Lord Lorne; Melvill; Carnegie; Naper; Tracquair; Secretary Principal; Secretary; Clerk of Register; Advocate; Justice Clerk: Sir John Scot; Sir James Baillie.

Holyrood House, 27th July 1630.

“Forsameekle as the nobilitie, prelats, and the commissioners for the small barons and burrowis who ar writtin for to this present Conventioun have resolved, God willing, to meit the morne, the twentie aucht of this instant, in his Majesteis palace at Halyrudhous at ten of the clocke in the forenoone and ar to sitt the rest of the day in the ordering of suche maters as ar to be propouned at that meiting, thairfoir the Lords of Secreit Counsell ordains ane of thair maissers to pas to the mercat croce of Edinburgh and to make publicatioun thairof by opin proclamatioun, and to warne all and sindrie persons having vote, place or attendance at the said Conventioun to keepe the said meiting, tyme and place foresaid, with intimatioun as effeiris.”

Proclamation anent the meeting of the Estates.

“The whilk day the Lords of Secreit Counsell according to ane warrant and directioun in writt signed be the Kings Majestie and this day presented unto thame, receaved and admitted Patrik, Erle of Tullibardin, to be one of the ordinarie number of his Majesteis Privie Counsell, and to enjoy all honnours, digniteis and priviledges proper and dew to that place. Lykeas the said Erle, being personallie present and acknowledging with most humble and dewtifull respect his Majesteis gracious favour showin unto him in preferring him to this high place of honnour and dignitie, he with most submissive reverence upon his knees, his hand lying upon the halie evangell, made and gave his solemne oath of alledgeance and the oath of a privie counsellour. 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 greit yow weil. Being informed of the sufficiencie of our right trustie and weil belovit cousine, the Erle of Tullibardin, and of his affectioun to our service, we ar moved in regarde thairof and for his better encouragement and enabling for our said

Patrick, Earl of Tullibardine, admitted into the Council.

terunts,  
vember  
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5.  
l. 30, a.

ta July 1629.

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l. 244, b.

l. 245, a.

service to advance and promote him to be one of our Privie Counsell of that our kingdome. Thairfoir our pleasure is and we doe heirby 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 place as one of your number; for doing whairof these presents sall be unto yow ane sufficient warrand. Givin at our Court at Whitehall the 28 of Junij 1630." Acta July 1629  
December  
1630.  
Fol. 245. a.

Continuance of protection to Sir George Home of Manderston.

"The Lords of Secreit Counsell prorogats and continewes the warrand formerlie grantit be thame to Sir George Home of Manderstoun for his saulffe repaire in the countrie to prosecute and follow out sindrie bussiness aganis certane persouns who have practised aganis his lyfe and estait by witchecraft untill the first day of September nixtocome; discharging in the meane tyme all shireffs, stewarts, bailleis of regaliteis and thair deputs, proveists and bailleis within burgh and all others his Majesteis judges, officiers and magistrats to burgh and land, and als all messingers of arms of all taking, apprehending, warding or arreisting of the said Sir George be vertew of anie civill hornings or captiouns direct thairupon, discharging thame thairof and of thair offices in that part until the said first day of September."

Obligation by James Forbes of Blacktoun to conform to the established religion or to quit the country.

"The whilk day James Forbes of Blaktoun compeirand personallie before the Lords of Privie Counsell actit and obleist him that betuix and the fyftene day of September nixtocome he sall conforme himselffe to the religion presentlie profest and be law established within this kingdome, and failyeing thairof that he sall depart furth of his Majesteis dominiouns and not returne againe within the same without his Majesteis licence had and obteanned to that effect, under the pane of fyve hundreth pundis and perpetuall imprissonment, besides the forefeyture of the modificatioun grantit unto him furth of his rent and living; and that in the meane tyme he sall not ressett jesuits, seminarie nor messe preists nor heare messe, under the said pane of fyve hundreth pundis." Fol. 245. b.

Supplication by John Gordoun, elder of Craig, and his son, John Craig, that they may be allowed to quit the kingdom and receive a third of their estate.—  
Refused.

"Anent the supplicatioun presented to the Lords of Secreit Counsell be Johne Gordoun, elder of Craig, and Johne Gordoun, appearand thairof, makand mentioun that where it hes pleased the saids Lords to confyne the said Johne Gordoun, elder, within the burgh of Cowper of Fyfe, and to appoint the fyftene day of September nixt to the said Johne Gordoun, younger, for his departing out of the kingdome, and the saids Lords hes allowed to either of the twa supplicants ane thrid of thair living and ane warrand to the said Johne Gordoun, younger, to take on ane thowsand pund upon the last thrid; and the supplicants having takin to thair consideratioun how they may live upon this little portioun allowed unto thame, they have found that separatlie there is no possibilitie for thame to live upon it, the said Johne Gordoun, younger, having the charge of ane wyfe, ane hous and familie; and thairfoir they have both tane purpose to remove furth of his Majesteis dominiouns and the said Johne Gordoun, younger, will take his wyfe with him, and

Acta July 1629-  
December  
1630.  
Vol. 245, b.

so keiping all thrie companie togidder they will be the more able to interteane thameselffes : humbelie desyryng thairfoir the saids Lords to change the said Johne Gordoun elders confynement in banishment and to grant him thair warrand and allowance to depart out of his Majesteis dominions with his said sone, and that they would allow the last thrid of the supplicants living toward the interteanement of the said Johne Gordoun youngers wife, and to appoint the fyftene of September nixt for thair departing, and failyeing thairof the nixt commoditie of shippes going frome Aberdein to France. And whereas the saids supplicants thair names ar affixt in a brod in the Tolbuith of Edinburgh as excommunicat rebellis, whilk will disable them to persew or defend in anie actioun or caus concerning thame depending before the Lords of Sessioun, and seing they ar to leave his Majesteis dominions and sua to purge anie offence or scandall the Kirk can take aganis thame; humbelie desyryng thairfoir the saids Lords to grant unto thame and thair procuratours libertie and freedome to persew and defend in all actiouns and causes concerning thame before the Lords of Sessioun or anie others judges within this kingdome, notwithstanding of the excommunicatioun led aganis thame and horning following thairupon, quhairanent it will please the saids Lords in this caise to dispense; lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords and they advised thairwith, they find the desire of the said supplicatioun unreasonable; and forder they declare that the said Johne Gordoun, elder of Craig, sall have no modificatioun nor allowance of ane thrid part of his estait and living except he remaine within the kingdome and keepe the bounds of his confynement."

Vol. 246, a.

" Forsameekle as there is ane meeting of the Estaits indicted by his Majestie appointed to be kepted at Halyrudhous the morne, the twentie aucht of this instant, for treatting upon certane maters highlie importing his Majesteis service and good of the countrie; and the Lords of Secreit Counsell finding thameselffes boundin in dewtie to foresee and provyde that no person having place and voit in the said Conventioun and who hes anie actioun and caus depending before the Lords of the Sessioun sall be prejudged thairin and of thair lawfull defences competent to thame be reasoun of thair absence occasiouned at this tyme by thair necessar attendance upon his Majesteis service, thairfoir the saids Lords, for removall of all feare of prejudice whiche his Majesteis good subjects may susteane through occasioun of thair employment in his Majesteis service at this tyme, requiests the President and remanent Lords of the Sessioun to continew all actioun and processe depending before thame concerning anie of the nobilitie, prelats and commissioners for the small barons and burrowes who ar present at the said Conventioun, in the same cais and estait whairin they presentlie ar, and to surceasse all proceeding thairin during the sitting of the said Conventioun and to the end and rysing thairof."

Act in favour  
of members of  
the coming  
Convention  
who have  
actions pend-  
ing in the  
Court of  
Session during  
the meeting of  
the said Con-  
vention.

Direction for the execution of George Tillerie.  
See *ante*, p. 608.

"The Lords of Secretit Counsell ordains his Majesties Justice to pronounce doome and sentence aganis George Tylliræ for the murther of James Gibsone, ordaining him to be takin to the place in the Linkes where the murther wes committit and there to caus him be hanged to the death, and his bodie to be hung up in chaines to the terrour of others to committ the lyke."

Acta July 1630  
December 1630  
Fol. 246, a.

Holyrood House, 27th July 1630.

[Sederunt as recorded above.]

Decreta, January 1630  
February 1630  
Fol. 92, a.

Complaint by Archibald Simson, burgess of Dysart, against David Thomson and John Thomson, his son, for assault.

Complaint by Archibald Simson, burgess of Dysert, as follows:—David Thomesoun at the town end of Dysert and John Thomesoun, his son, have a deadly hatred against him, and learning that he was to be on the lands of Halklaw, near Dysert, on 14th September last to gather in some corn there belonging to him, they came thither and concealed themselves until he came, when, after upbraiding him with "contumelious speeches," they assailed him "with forkes and long stalffes, gave him ane number of bauche, blae and bloodie straikes thairwith on the head and diverse others parts of his bodie, whairwith they felde him to the ground, to the great effusioun of his blood and perrell of his lyfe, he being ane old aged man." Both pursuer and defenders compearing and certain witnesses having been examined, the Lords find the defenders guilty of wounding the complainer, "ane old weake man," with "stings and forkes," and ordain them to pay £40 to him as a fine, and 30s. to each of the witnesses, and to be imprisoned in the tolbooth of Edinburgh till payment is made.

Complaint by Jchn, Lord Erskine, against David Bellenden, cordwainer in Maybole, and others.

Complaint by John, Lord Areskine, in similar terms to the former (*ante*, p. 611), against David Bellendene, cordiner in Maybole, John McRannald there, Andrew Martine there, Andrew McChrecher there, James Baillie there, Andrew McCharie there, Thomas McClerne in Cargilstone, and John Schaw in Rone. As they fail to compear the Lords ordain them to be put to the horn.

Complaint by John Oustean in Haltoun and others against Patrick Dunbar of Blarie and others for hamesucken.

Complaint at the instance of John Oustean in Haltoun, Nicoll Gullane and Sym, there, tenants to Sir John McKeinzie of Tarbet, knight baronet, and the said Sir John for his interest, as follows:—On April last Patrick Dumbar of Blerie, accompanied by John Miller and others of his servants, armed with swords, staves and other weapons, came by way of hamesucken to the dwelling houses of Sir John's said tenants in Haltoun, "forcible brake up thair doores, chalmers, kists and coffers, and brake and abused the hail goods and geir being within the same." Charge having been given to the said Patrick Dumbar and John Millar, and Sir John McKenzie compearing for himself and his tenants, but the defenders not compearing, the Lords ordain the latter to be put to the horn.

Complaint by Andrew Lindsay

Complaint by Andrew Lindsey, lawful son to James Lindsey of Glenstocke, as follows:—On 7th November last James Lindsey of Fairgirth

Decreta,  
January 1630.  
February 1631.  
Fol. 93, b.

as principal, and William Lindsey, his son, as cautioner for him, were put to the horn for not fulfilling a contract whereby they ratified to him the 40s. lands of Porterkellie and others which had been appraised from them for the payment of 1000 merks, and the interest due thereon, and £8 as cost of plea. They are regardless of this horning and act as if it did not exist, so letters of caption are sought. The pursuer compearing but not the defenders, the Lords ordain the Steward of Kirkcudbright and his deputes to search for and apprehend them within three days after being charged thereto.

against James  
Lindsay of  
Fairgirth and  
William Lind-  
say, his son,  
for defiance of  
the sentence of  
horning to  
which they  
were put at  
his instance.

Fol. 94, a.

Complaint by Mr. George Roull, minister at Morvingtoun, as follows:—He had obtained a decree before the Sheriff of Berwick against Peter Howlatsone in Morvingtoun for his removal from a house and yard which form part of his manse and glebe in Morvingtoun, and the sheriff officer on 12th June last put the said decree to execution by removing the said Peter, yet the same day Sir James Douglas of Morvingtoun came with several of his tenants and servants, “and in contempt of law and justice repossess the said Peter in the saids houses and yairds, violentlie threw down to the ground twa of the compleaners houses and caryed away the timber thairof, and upon the fourtein day thereafter he sent John Gordoun, his servant, to the compleaners yaird whilk wes full of growing heme, who delved up the heme and sew the same with beare.” Pursuer compeared personally, and also Sir James Douglas, who confessed pulling down the house, but alleged it was his own. This the pursuer denied, stating it was his, and that he had been in possession of it for the last twenty years. The Lords, having taken the evidence of witnesses, find that the houses belonged to the pursuer as alleged, and that Sir James did a very great wrong in casting them down. They ordain him to rebuild them before 15th September next under a penalty of 500 merks, to pay £40 to the pursuer as a penalty for his insolence towards him, and 40s. to each of the witnesses produced in the case for their expenses. But the Lords declare that this decret and anything to follow thereon shall not prejudice Sir James’s right and title to the said houses, if he has any.

Complaint by  
Mr. George  
Roull, minister  
at Mordington,  
against Sir  
James Douglas  
of Mordington  
for pulling  
down one of  
the com-  
plainer’s  
houses, and  
reinstating a  
tenant whom  
the complainer  
had evicted.

Fol. 94, b.

Complaint by James Neilson, burges of Dumfries, as follows:—The Steward of Kirkcudbright and his deputes, alleging that the complainer lately tarred a sheep belonging to James Corsebie, weaver, at the Brig-end of Dumfries, with his own mark, have cited him to compear and answer thereupon before them in the Carlingwarke on the 27th instant, and threaten, if he compear not, to proceed against him as a fugitive criminal. Now they are nowise judges competent in this matter to him, he being a merchant and burges of Dumfries and actually resident there, and therefore not within the jurisdiction of the Stewartry of Kirkcudbright and Constabulary of the Threewe, either for civil or criminal causes. He is only subject to the jurisdiction of the provost and bailies of Dumfries, before whom he is most willing to compear and answer any accusations laid against him. Besides this there exists a deadly feud

Complaint by  
James Neilson,  
burgess of  
Dumfries, that  
he has been  
summoned to  
appear before  
the Steward of  
Kirkcudbright  
and his deputes  
who are not  
competent to  
try his case—  
one of the  
deputes, more-  
over, being the  
deadly enemy  
of the com-  
plainer.

Fol. 95, a.



between the complainer and John Maxwell, called of Logane, principal depute of the said Stewartry, "who hes the hail handling and government of the courts thair of, and by whois directioun this persute is moved aganis the compleaner. He hes the nominatioun and choise of the fis-calls, clerks and officiers of the court, who ar all subject unto him, and their warrands and directiouns in the executioun of everie point of thair office flowes frome him, and all thair actiouns and resolutions in maters of thair office depends upon his directioun," and he will not fail to abuse this his power for accomplishing his private revenge against the complainer, who has found caution in 500 merks in the Books of Adjournal to compear before the Justice and his deputies on any lawful charge. The pursuer compearing, and also the said John Maxwell of Logane and William Maxwell, his brother, stewards-depute of Kirkcudbright, the Lords, after hearing parties, in respect of the absence of the Earl of Nithisdail, principal Steward of the said Stewartry, "and of the suspicioun of the said Johne Maxwell and of Williame Maxwell at the Mylne of Keltoun," and without any prejudice to the office held by the said Earl, appoint Sir Robert Greir of Lag and Sir John Charters of Amisfield as justices, to hold courts in the burgh of Dumfreis, and call before them and deal with the said James Neilsoun for the foresaid alleged crime; and they discharge the said stewards-depute of all proceedings against the complainer in the said matter.

Decreta,  
January 1630.  
February 1631.  
Fol. 95, a.

Fol. 95, b.

Fol. 96, a.

Supplication  
by John  
Stewart of  
Coldingham  
for continuance  
of protection to  
finish clearing  
his accounts.

Supplication by John Stewart of Coldingham, as follows:—He has carefully employed the time granted him in his last protection to clear his accounts, but the work is not yet perfected, "and if they would allow him some little space longer, he is in hope to gett the same brought to ane full perfectioun." He craves accordingly, and the Lords continue his warrant till 1st September next.

Similar suppli-  
cation by Sir  
David Home of  
Wedderburn.

Similar supplication by Sir David Home of Wedderburn. His protection expires on the last of this month, and he "hes rid him selfe of all his awin debts," but there remain some cautionries in which he stands engaged for friends. The Lords also extend his protection to 1st Sep-  
tember next.

Fol. 96, b.

Holyrood  
House, 27th  
July 1630.  
The Laird of  
Coll.

Lord Semple  
and the  
English  
pirates.

See ante, p. 617.  
Okyne, 29th  
July 1630.

Letter from his  
Majesty anent  
Letterfourie.

"The quhilk day the Laird of Coill gaif his compeirance."

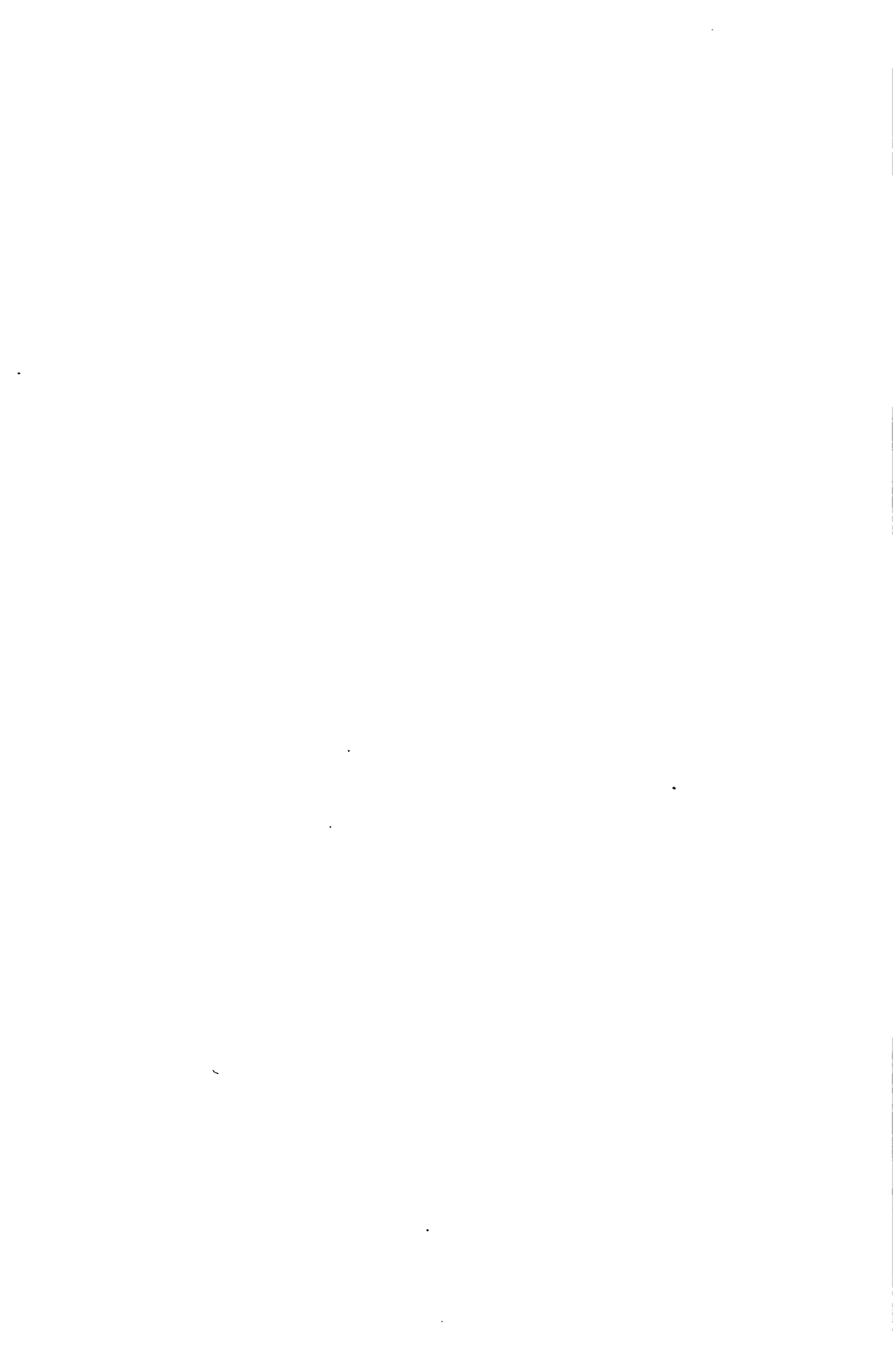
"The Lordis approviss the Lord Semple his proceedingis in taking the Inglishe pirottis whome the Lordis ordanis to be delyverit to the Admirall."

"CHARLES R.—Right, etc. The inclosed petition conteaning the informatioun of so bold and high ane contempt of justice we have thought fitt to referre to your consideratioun, willing and requiring yow, if after dew examinatioun thair of the informatioun be found trew, to give suche order for the punishment of the delinquent according to the law that by his exemple all others may hencefurth be deterred from adventuring out of hope of impunitie upon suche bold and strange misdemeanours; quhairin not doubting of your care and diligence we bid yow farewell. Given at our Court at Okyne this 29 of July 1630."

Soderunta,  
November  
1629-January  
1635.  
Fol. 90, b.  
Royal Letters,  
1623-32.  
Fol. 187, b.

**MISCELLANEOUS PRIVY COUNCIL PAPERS.**

**JANUARY 1629—JULY 1680.**



## PRIVY COUNCIL PAPERS.

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Miscellaneous  
Papers.

1. Original of royal letter concerning Sir William Menteith of Kerse, 15th January 1629. printed *ante*, p. 100. Marked at foot, "10 *Martij* 1629," and addressed on the back to the Viscount of Dupplin, Chancellor, and the remanent members of Privy Council. Royal Letter concerning Sir William Menteith of Kerse.

2. Original of royal letter in favour of Sir George Hay of Kinfauns, 9th March 1629. printed *ante*, p. 99. At the foot, "29 *Martij* [torn], *fiat*," and addressed on the back to the Viscount of Dupplin, Chancellor, and other members of the Privy Council. Royal Letter in favour of Sir George Hay of Kinfauns.

3. Original of royal letter in favour of Mr. Alexander Hamilton, 9th April 1629. printed *ante*, p. 136. Marked at the foot, "xv *Aprilis* 1629, *fiat*," and addressed on the back to the Viscount Dupplin, Chancellor, and remanent members of the Privy Council of Scotland. Royal Letter in favour of Mr. Alexander Hamilton.

4. "CHARLES R.—Right trusty and well beloved counsellour, right trusty and well beloved cosens and counsellours, right trusty and trusty and well beloved counsellours, wee greete yow well. Wee are informed by petition from the Islanders that they being now no less obedient to our lawes then the rest of our subjects are, notwithstanding, still bownd to a yeerly compearance before our Cowncell, besids the Justice-Generall his, and all other inferior cowrts of justice: and that for the place of their answering to the Justice Generall his cowrts (which is now depending before yow) they desire no other favowr then to have the benefitt of our lawes standing yett in force and unrepealed as being therby obleiged to give their compearance att the head browghs of their owne shyres allenerly. These are therfore to will and requyre yow to try and examin the trewth of their assertion and therin to determin according to the trwe sense and meaning of the lawes and no other-ways; wherin not dowbting of yowr cair wee bidd yow farewell. Given att our Manor of Grenwich this 9 of May 1629. By command, Ja. Gallouay." (At foot) "2 *Junij* 1629." Addressed to the Viscount Dupplin, Chancellor, and the remanent Lords of the Privy Council. Greenwich, 9th May 1629. Letter from his Majesty anent a petition of the Islanders.

9th May 1629.  
Letter of the  
town of Leith  
against the  
town of  
Edinburgh.

5. Original of royal letter respecting the petition of the town of Leith against the town of Edinburgh, printed *ante*, p. 217. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Monteith, President; and remanent members of the Privy Council of Scotland. Miscellaneous  
Papers.

May 1629.  
Petition to his  
Majesty from  
the inhabitants  
of Leith anent  
certain acts of  
oppression by  
the town of  
Edinburgh.

6. "To the Kinges most excellent Majestie, the humble peticion of the inhabitants of Leith consistinge of 8 or 9000 distressed people. May it please your gracious Majestie, The towne of Edenburge haveinge lately acquired the superiorytie of Leith in their new infeofmentis they have included divers new clauses and previledges derogatorie to your Majestie and your officers of your Admirall and Sherriffe of Lowthiane and to the greatest part of the nobilitie and gentrye in that your Majesteis kingdome of Scotland. And albeit those infeofmentis were disclaymed by your Majestis royal Father of ever blessed memory and appointed to be recalled by your Majestie, yet they have proceeded thereupon in makeing in their courts most greivous and intollerable acts dischargeing all the inhabitants of Leith to buy or sell any corne or victuall, of all loftinge or selleringe of the same, of makeinge of mault, brewinge or bakeinge, sellinge or toppinge any victualls, under divers great paines, and last under paynes of confiscacion of our goodes; intendinge thereby not onely to bereave us of all meanes to live and of the previledges due to us by our infeofmentis, and as your Majestis free leiges, whereof wee have benn in possession past all memory, but alsoe they thereby intend to prejudice and thrall a great part of the gentry, the towne of Leith beinge cheifest place of traffique, where if the inhabitantis of Leith be secluded and the burgesses of Edenburge onely have previledge they will inforce the nobility and gentry to buy or sell at such prices as they for their advantage shall appoynt. Like as the said towne of Edenburge hath in their new infeofmentis included PRIME GUILT<sup>1</sup>, the goulden penny, and other comodities which past all memory was ymployed for maynetenance of the church, ministers, schoolemasters, beadles and other publique and religious uses. In consideracion whereof we most humbly beseech your most sacred Majestie to direct on commission to the Lords of your Majesteis most honourable Privie Counsell of that kingdome for causeinge the said towne of Edenburge to produce before them their enfeofmentis, ratifications and decrets followinge thereupon, that after due triall and consideracion of the same, if they shall finde any clause derogatory to your sacred Majestie or your offices of Admyrall and Sheriffe, or to the nobility or gentry of that kingdome, or to our previledges, eyther competent to us by vertue of enfeofmentis or as your Majestis free leidges, or to our church, they might make due report thereof to your Majestie to be rectefied in the next Parlyament to be held by your Majestie in that kingdome; and in the meanetime that your Majestie

<sup>1</sup> See Index to Campbell Irons' "Leith and its Antiquities," s.v.

Miscellaneous  
Papers.

would discharge the Lords of Session to give way to any action or charge upon their said rights untill such further order shalbe taken therein as to equitie and justice appertayneth. For which they will ever pray for your Majesteis longe and happy raigne." (Endorsed) "Petition of the Towne of Leith."

7. "CHARLES R.—Right trustie and right welbeloved cousin and counsellour, right trustie and welbeloved cousins and counsellours, and right trusty and welbeloved counsellours, wee greete yow well. Whereas wee were pleased by the advyce of such of our Counsell there as happened to be here for the time to writt unto yow that yow should proceed in that businesse between the Lord of Lorne and the Ilanders as yow in your judgment should think fitt; and whereas wee have writtin since that yow should determine therein according to the meaning of our lawes which (as wee are informed) prescribe the places of judgment to be Innerness and Tarbert at two severall dyetts in the yeare, without hindering the judge to execute justice in any part of these bounds as occasion thereof shall require, which wee conceive to be for the good and ease of our subjects; wee do therefore heirby will and requyre yow to certifie unto us your opinions in writting both concerning the poynt of law and poynt of conveniencie in the said businesse that thereupone wee may give such farther order therein as to justice and equitie may appertaine, for the better ease of all parties interested. And so recommending this particuler to your speciall care, wee bid yow heartily farewell. From our Court att Greenwich the tuentie nyth of May 1629." (At the foot), "*Product. nono Junij 1629.*" Addressed to the Viscount of Dupline, Chancellor; the Earl of Menteith, president; and remanent members of the Privy Council.

Greenwich,  
29th May 1629.  
Letter from his  
Majesty anent  
the dispute  
between the  
Ilanders and  
the Lord of  
Lorn.  
See preceding  
Vol. of  
Register, p.  
585, etc.

8. Original of royal letter appointing a meeting for dealing with the complaints against Papists, printed *ante*, p. 185. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Menteith, President of the Council; and the remanent members of the Privy Council.

12th June  
1629.  
Royal Letter  
anent a meet-  
ing against  
Papists.

9. Original of royal letter in reference to the Countess of Abercorn's going to Bath, printed *ante*, p. 211. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Menteath, President; and remanent members of Privy Council.

23rd June  
1629.  
Royal Letter  
anent the  
Countess of  
Abercorn.

10. Original of royal letter ordaining the Council to grant a discharge to Sir James Sinclair of Murkle, printed *ante*, p. 215. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Monteith, President; and other members of the Privie Council of Scotland.

29th June  
1629.  
Royal Letter  
anent Sir  
James Sinclair  
of Murkle.

16th July 1629. 11. Original of royal letter respecting the Lord of Lorne, printed *ante*, p. 273. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Monteith, President; and the remanent members of the Privy Council of Scotland. Miscellaneous Papers.

16th July 1629. 12. Original of royal letter for proclamation of the prorogation of Parliament to 1st June 1630, printed *ante*, p. 286. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Monteith, President; and remanent members of the Privy Council of Scotland.

6th November 1629. 13. Original of royal letter concerning the officers of State and others in his Majesty's service who refuse to go to the communion at Holyrood Chapel, printed *ante*, p. 361. Marked at foot, "3 Decembris 1629, fiat." Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Monteith, President of the Council; and remanent members of the Privy Council.

17th November 1629. 14. Original of royal letter respecting the cognizance of the knights baronets of Nova Scotia, printed *ante*, p. . Addressed on the back to the Viscount of Deipleine, Chancellor; the Earl of Monteith, President; and remanent members of the Privy Council of Scotland.

23rd November 1629. 15. "To the Kings most excellent Majestie, the most humble petition of the towne of Leith against the towne of Edenbrough, humblie showing, Whareas by reason of ane great siknes that befell me, commissioner for the said towne of Leith, I was thereby disabled for speedie performance of your Majesties most gracious directions which now are expeid and done concerning the great prejudice sustained by your Majestie in the honour, right and profit of your Majesties crowne and us and the leidges by vertew of divers grants mead to Edenbrough and oppressiones done by them.

"May it please your sacred Majestie, because of the great importance and the conceilling thereof from your Majestie by those intrusted to whom I revilled the same and vilependit by them and called toyes, and by rasone of following out my commission and bound dewtie and service to your Majestie and the leidges I am dayly threatened in your Majesties name to be sent home as ane roag and malefactour, whareby your Majesties great prejudice and oppressions of the leidges may be conceilled from your Majestie and continue but redresse, I humbly beseech your Majestie not to doe the same nor grant any such warrant, and to suffer three or foure artiels or more to be proven in your Majesties royall presence, viz., such as your Majesty shall please of these that followes, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and the remanent by reason of the multitud to be considered by all the Lords of your Majesties most honorable Secret Counsell of Scotland heir present, and

Miscellaneous  
Papers.

they to report to your Majestie upon their fidelitie and alegiance as they shall fynd the said articles require, whareby some speedie redresse may be determined for your Majesties prejudice, the publike good, ease and peace of your Majesties loyall subjects now grivously oppressed : And as in dewtie bound we your Majesties oppressed subjects shall ever pray for your Majesties long and prosperous raigne over us."

"At Whitehall, 23 November 1629.

"It is his Majesties pleasure that this peticion and articles annexed thereunto and the rest of the petitioners propositions be shewed unto M<sup>r</sup> John Hay, who is required to make answeare thereunto, and thereafter that such of his Majesties honourable Privy Counsell as are present at Court doe meet and consider of the same and make a report thereof and of their opinions concerning the same to his Majestie that some such further course may be taken therein as to justice and equity may appertaine. (Signed) ARCH. ACHESON, (and initalled) J. P."

His Majesty's  
answer to the  
above petition.

16. "To the Kings most excellent Majesty. Here is sett downe att your Majestis direction by Alexander Hay, commissioner for the towne of Leith, in their behalfe and of divers nobility and gentry and publike good of Scotland, certeyne few greviances and prejudice as one parte of the number of 89 articles comitted and don by Edenborough against your Majesty, us and your leidges.

(Undated,  
1629.)  
Grievances of  
the town of  
Leith, and  
divers of the  
nobility and  
gentry, against  
Edinburgh.

(1.) They have obteyned surrepticiously from your Majesty and your Majestis progenitours priviledge to fortify Edenborough and Leeth att their pleasure with all manner of fortifications, beinge the cheifest townes of that kingdome.

The fortifying  
of Edinburgh  
and Leith.

(2.) They acquired surreptiously frome your Majesty and your Majestis progenitours priviledge astringe your Majesty and your Majestis successours to hould all Parliaments in 4 townes whereof Edenborough is principall.

The holding of  
Parliament in  
four townes of  
which Edin-  
burgh is the  
chief.

(3.) They have purchased surreptiously priviledge, as their present commissioner did affirme, that your Majesty may not give priviledge, libertyes, honours and make corporacions to your Majestis subjects of the province of or [*sic*] Lothean without their consent.

That privileges  
are not to be  
granted to his  
Majesty's sub-  
jects without  
the consent of  
Edinburgh.

(4.) They have purchased surreptiously, namely within this 27 yeares, the offices of sheriffshippe, coronershippe, generall justitiary, justitiary of peace, the totall priviledges of the Admiralty, and in effect are Admiralls in Edenborough, Leeth, Lawthian and Water of Forth, and are in possession of the whole conforme, and are supreme judges in all causes civill and criminall over all persons of whatsomever quality, noble or ignoble without excepcioun, with power to them to fyne, imprison, put to death, and banish, which none can doe but your Majesty and is one principall parte of your Majestis prerogative; and this their offices and

That for  
twenty-seven  
yeares Edin-  
burgh has  
usurped most  
of the public  
offices and  
encroached on  
his Majesty's  
prerogative.



priviledges extends over the best places and cheif province of that king-  
dome, to the great prejudice of all the royall officers, cheiffly the Constable  
and all judicatoryes. Miscellaneous  
Papers.

And appropri-  
ated escheats  
due to his  
Majesty.

(5.) They have appropriat surrepticiously from your Majestis crowne  
the escheats of regratours and escheats belonginge to the said herit-  
able offices in generall, with all other escheats dew to any person of  
whatsoever quality conveyned or convicted before them or any other  
judge of that kingdome for any crime or facte done within the said  
townes or province of Lowthean.

Has acquired  
the superiority  
of the third of  
Leith and of  
certain places  
belonging to  
his Majesty.

(6.) They have acquired surreptiously within this 27 yeares the  
superiority of the third of Leith with certeyne parts of your Majestis  
castles, houses, strengthes (viz<sup>t</sup>) one parte of the castle of Edenborough,  
one parte of your Majestis hous called the Kings Worke of Leeth, one  
streth of Leeth called Little London, the Salt seas of Leeth, certeyne  
of your Majestis customes, and changed and altered your Majestis ward  
houldings in blench houldings (viz<sup>t</sup>) of the towne of Leeth and exacts of  
all casualtyes thereof, whiche whole premises are proper onely and due  
to your Majestis crowne.

Has acquired  
the privilege  
of trying his  
Majesty's  
lieges by the  
laws of other  
countries as  
well as their  
own.

(7.) They have purchased surrepticiously, as said is, priviledge to  
judge your Majestis leidges not onely accordinge to the lawes of Scot-  
land but also accordinge to the libertyes, priviledges and immunityes of  
the lawes of France and Flanders contrary to Acts of Parliamente and  
your Majestis royall prerogative to judge your leidges by the law of one  
republique.

Has acquired  
the interests  
of his Majesty  
and his lieges  
by the charter  
of 1603 and by  
the ratification  
of certain  
writs.

(8.) Your Majesty, the whole leidges and wee are greatly prejudged  
by that surreptitious *Aurea Magna Carta* purchased in *anno* 1603, and  
the ratification of thirty peece of writts, whereof divers condescends not  
on the name of the grantours or contents thereof, and was never ratified  
before by any kinge, and was disclamed by your Majestis father of  
blessed memory conforme to his letter extante *ad futuram rei memoriam*,  
and directed to the Lords of your Majestis most honourable Secrett  
Councill of Scotland, as also are prejudged as afforesaid in each particuler  
infeofmente, guifte and graunt purchased by them to this presente date,  
as namely in *anno* 1609, 1610, 1611, 1612, 1613, 1616, 1618, 1619,  
the ratificacions in Parliament 1621 and the late ratificacion of the  
whole premisses by your Majesty, refused by the Lords of Exchequer as  
prejudiciall to your Majesty and the whole estate.

Has oppressed  
his Majesty's  
lieges by  
unjust laws.

(9.) Wee, the leidges and publike good are oppressed by their cruell  
bylawes made against your Majestis Acts of Parliamente, the publike  
good, and all good conscience, such as wee shall not by victuall, wee shall  
make noe malte, wee shall bake noe bread, wee shall brew noe ale or  
beare to sell, and sell or tope noe wyne nor noe meate nor drinke to  
furnish any necessary for leidges or strangers without their consent.

Has punished  
the breach of  
its bye-laws

(10.) And for transgressinge their cruell bylawes wee are punished  
with greater rigour nor for the breakinge of your Majestis just lawes

(viz<sup>t</sup>) by fyninge us in moneys, imprisonmente of our persons and the escheatinge of our goods to their uses, before themselves, beinge both judge and party, against all law and conscience, which escheatinge is onely proper to your Majesty and to noe subject.

(11.) Wee are oppressed by this their alleadged superiority of the third of Leeth, by their strange priviledges and heretable offices, especially surreptitiously acquired since February in *anno* 1603 to this date.

(12.) Wee are oppressed because they have statute that none in Leeth shall seeke justice or ansuer before your Majestis Sheriffe of Lowthian, to whome wee properly belonge.

(13.) Wee are oppressed in our bodyes causeles without law or justice; wee are cast in irons, stocks and straitte prisons amongst condempned malefactours, in the highest manner usurpinge your Majestis authorities against us.

(14.) Wee, the publique good and leidges are oppressed because they will not fraught our shippes and vessells nor none perteyninge to Scotland, soe that they cann have any forraigne strangers to fraught, whereby all the moneys, gould and forbidden goods are exported, and all sailours and shippinge decayinge, wherein stands one large part of the wealth and strength of the kingdome, which now is disabled and impoverished, and forraigne strangers inriched and getts the maintenance which should susteyne your Majestis subjects, who for necessity doe serve and live abroad under straingers and enemyes, helpinge to spoile the lives and goods of their nation.

(15.) Wee, the publique good and leidges, are oppressed in our goods and libertyes competent to us as your Majestis subjects because they will not suffer us accordinge to their strange priviledges to buy no country or forraigne commodities within Edenborough, Leith or their libertyes, which is all the province of Lowthian, except from their burgesses, neither [do] they graunt us the priviledge that Flemings, French, Spaniards or other forraigne nations have in Scotland, that is, to bringe home merchandize and sell it as they doe.

(16.) They oppresse us by exactinge of taxts of us by that which we pay your Majesty to their owne behoves, contrary to your Majestis prerogative and one decret pronouncd by the mouth of your Majestis father of blessed memory.

(17.) They oppresse us by conveninge of us (*super inquirendis*) before one new invented judicatory of theirs, called their towne council, where they present to be subscribed by us written papers which they will not lett us read and blacks wherein they may fill upp what pleases them; and when they please in that usurped judicatory they will fyne us in moneys att their pleasure and send us to straitte prisons and put us in irons, wee not beinge guilty of a criminall facte or they warranted by vertue of lawfull authority or caption to do the same to us out of judgmente. (Initialled) J. P."

with greater  
vigour than  
the breach of  
his Majesty's  
laws.

The citizens of  
Leith  
oppressed by  
the alleged  
superiority of  
Edinburgh.  
Prevented  
from seeking  
justice before  
the Sheriff of  
Lothian.

Punished in  
their persons  
contrary to law  
and justice.

Edinburgh  
employs only  
foreign ships—  
to the impover-  
ishment of the  
kingdom  
and the  
enriching of  
strangers.

The citizens of  
Leith not  
allowed to  
purchase  
commodities  
within the  
liberties of  
Edinburgh,  
except from  
burgess of the  
said town.

Leith  
oppressed by  
the taxes  
imposed by  
Edinburgh.

Oppressed,  
also, by the  
new judicatory  
of Edinburgh,  
called the  
"Town  
Council."

c November  
1629.

Answers by  
Mr. John Hay,  
commissioner  
for Edinburgh,  
to the articles  
submitted to  
his Majesty by  
Alexander  
Hay, commis-  
sioner for  
Leith.

17. "Answeris maid be M<sup>r</sup> Johne Hay, commissioner for the guid town of Edinbrugh, to the 17 articles gevin in be Alexander Hay to his Majestie against the said guid toun. Miscellaneous  
Papers.

"Quhairas it hes pleased your Sacred Majestie to command me to mak answeere to the I7 articles gevin in be Alexander Hay against the guid toun of Edinbrugh without talking notice ather of his procuratorie or entres of the pairtie or of ony uther defence, declinatour, dilatour or peremptour competent against the same, onely for your Majesties royall information, confiding in your Majesties guidnes and æquitie that your Majestie will not seclude us from our lawfull defences against the same bot remit the tryell of the same to the judge ordinar to be discust as accordeth of the law and your Majesties warrants direct thairnent according to my bundin dewtie I have done, humble intreating your Majestie to accept thair of without prejudice of quhat furder may be said in tyme and place competent.

In the matter  
of fortifications  
Edinburgh has  
not gone  
beyond what  
is lawful and  
necessary.

(1.) To the first it is ansuered that the toun of Edenbrugh hes ane grant for fortefeing of the same quhairin thair is nothing done more then may serve for necessarie uses and is accustomed to be done in such tounes for guid of the inhabitants thair of and liedges repairing thairto. As for Leyith thair is none bot onely to raise bulwarks at the outmost pairt of thair harberie, quhilk is not done, and it is rather to be wisched then feared that any more salbe done in ather.

The alleged  
charter does  
not exist.

(2.) To the second. Thair is no such chartour to my knowlege, and the chartour used by the informer and practise doeth evict the contrarie.

The right of  
free trade  
within West  
Lothian per-  
tains only to  
Edinburgh as  
being the one  
royal burgh  
within the said  
bounds.

(3.) To the thrid. Thair is ane grant acqyred that the exercise of frie trade appertayning to ane frie royall brugh within West Lowthian sould onely appertaine to the guid toun of Edinbrugh, as the chieffe toun of that kyngdome and onely frie royall brugh within these bounds, the extent not being many myles, uther inferiour burrowes having thair friedome extendit double that proportioun.

The offices of  
coronership  
and sheriff-  
ship were  
granted to  
Edinburgh by  
his Majesty's  
predecessors.  
Of other offices  
the commis-  
sioner knows  
nothing.

(4.) To the fourt. Thair is grantit to that guid toun be your Majesties pradecessouris the offices of crounerschip and sherefschip within the bounds designit in the severall grants and als of justiciarie of peace, quhilk ar not supreme bot subordinat judicatories, bot of the offices of Admiraltie, Constabularie or Justice-Generall I know none, nather doe I think thair is ony.

Edinburgh has  
a grant of the  
fines and  
escheats of  
convicted  
regraters.  
Edinburgh  
acquired the  
superiority of  
Leith in 1565.

(5.) To the fyft. The guid toun has ane grant of the halffe of the unlaues or escheats of regratours convict before thame, as many uthers hes the lyke, for the uther halffe be Act of Parliament doeth appertaine to thame. They have als ane grant of escheits criminall and civill.

(6.) To the sext. The guid toun upon thair great charge acqyred anno 1565 the superioritie of Leyith, without the quhilk that guid toun cannot subsist, quhair of they have beine in peceable possessioun since. As for ony grant of his Majesties castles or lands annexed to the croun,

miscellaneous  
papers.

thair is none bot onely ane of the north and south castle banks *anno* 1603. Utheres mentionat in the said article did never appertaine to your Majesties croun and is not worth the mentioning, as is notour. As for change of the haldings, it is ridiculous, since the baronye of Restalrig holds taxt waird of your Majestie still, quhair of it wes ane pairt, swa that your Majestie thairin receaves no prejudice; and it was never hard that housis held waird. And quhidder the guid toun holds the same waird or blensh all will returne alyke, and thair is no more proffeit to redound be the ane nor be the uther to your Majestie.

The castles specified by the Commissioner for Leith never belonged to the Crown. There has been no change of holding.

(7.) To the sevint. The guid toun hes ane grant for holding of gild courts and proceeding thairin conforme to the Act of Parliament maid be your Majesties father of happie memorie and Estaites of Parliament then conveyned, Parliament 13, cap. 180, which is according and not contrarie to the lawes of the realme, being grundit upon ane act of Parliament.

Edinburgh has a grant for holding gild courts.

(8.) To the eight. Thair is no chartour pertaining to the guid toun callit *Aurea Magna Carta*. Thair is ane chartour grantit be your Majesties father of blessed memorie *anno* 1603 quhairanent thair was some questioun maid be the noblemen and gentlemen of West Lowthian and the keipers of the Castle of Edinbrugh anent the banks, bot be na uther. As for ony auld evidents thairin ratefied they ar all daited and thair is nothing thairin contentit which is not warranted and is agreable to the lawes of the realme.

There is no charter called *Aurea Magna Carta*.

(9.) To the nynt. The acts maid be the guid toun are conforme to the lawes of the kyngdome and not contrarie thairto. As for ony act maid be the guid toun for discharging the inhabitants of Leyith to buy victuall thair is none such. As for the remanent acts thairin mentionat they ar agreable to the lawes of the realme and liberties of that guid toun, and the proces thairanent presentlie depending befor the Lords of Sessioun, whose sentence and decret will easelie determine the same.

No laws made by Edinburgh are contrary to the laws of the kingdom.

(10.) To the tent. It is generall, and quhen any particular complaint is gevin in against us befor the judge competent we sal ansuere to the same as accords of the law.

The tenth article is too general to be answered.

(11.) To the ellevint. It is the repetitioun of the fourt and nynt and thair ansuered.

The eleventh article is a mere repetition.

(12.) To the twelffe. The Shereffe of Lowthian hes no jurisdiction over the inhabitants of Leyith, since the proveist of the guid toun is shereffe thair, and thairfoir the act is just and lauffull.

The Sheriff of Leith has no jurisdiction over Leith.

(13.) To the threittene. It is generall, and quhen any particular complaint salbe gevin in against the guid toun befor the judge competent it sall appeare that thair actionis ar warrantable.

The thirteenth article is too general to be answered.

(14.) To the fourteine. It is ane meire calumnye forged of malice to mak the guid toun odious, for the ships of Leyith for the most pairt

The majority of the ships of Leith belong

to Edinburgh, which naturally uses its own ships and not those of strangers.

In the matter of foreign trade Edinburgh has done nothing contrary to law.

Leith pays no extent to his Majesty.

The Town Council of Edinburgh was instituted by his Majesty's predecessors, and does not deserve to be contemptuously spoken of.

His Majesty is entreated to vindicate Edinburgh from the aspersions of Leith.

appertene to the inhabitants of Edinburgh and not to the skippers in Leyith, and it is ridiculous and against sense that we will not prefer our selfes to strangers. Miscellaneous Papers.

(15.) To the fyifteine. It is answered that we forbid nothing bot quhat is forbiddin be expres Acts of Parliament that unfriemen sould not trade nor doe any deid contrair to the liberties of the frie royall burrowes and the guid toun. Nather can they of Leyith clame equal libertie with strangers because friedome of trade is allowed to strangers be Acts of Parliament in maner thairin conteanit, and we injoy the lyke in forrane cuntries; and this hes grund also from the leagues betwixt Princes. Bot to unfriemen trade is altogidder denyet be the lawes of the realme, utherwayes the estaite of the burrowes would decay, nor of reasoun could be lyable to the sext pairt of the extents of that kyngdome besyde many uther buirdeines incident to thame from the quihilk unfriemen ar exemyt.

(16.) To the sexteine. Thair is no such thing, for the inhabitants of Leyith payis nather extent to your Majestie nor to the guid toun.

(17.) To the sevinteine. It is answered how disdainefullie soever it pleases the informer to speake of the counsaill of that guid toun it wes instituted be your Majesties prædecessouris, and ratified by divers Acts of Parliament, and hes beine by your Majesties prædecessouris and by your Majestie respected, and will ever governe thame selfes so as they will be comptable for all thair actionis. Nather wes thair ever such procedour maid be thame against any partie, and quhen particulars appeare they sal be answered.

"These answeris I have framed for obedience of your Majesties command, and squares the same according to the schortnes of tyme thairto, not once taking notice of the uncivill words contenit in the saids articles, remitting the same to your Majesties royall consideratioun, and humble intreating your Majestie to vindicate that guid toun frome such vile aspersiouns be censuring the informer according as in your royall wisdome salbe thocht fittest, and the rather since the same is done be the informer upon private revenge, he having conceived ane deadlie hatred aganist that guid toun for vindicating your Majesties authoritie from contempt quhilk wes offered be the informer to the Magistrats thair in such maner as the lyke hes not beine formerlie attempted in any civill toun; quhairin as your Majestie sall doe ane act worthie of your selfe, so sall your Majestie encourage the magistrats of that guid toun to goe fordward with alacritie in all your Majesties services, and strengthen thair hands for curbing all such quaha sal attempt the lyke in tyme cuming, for the which they salbe bund ever to pray for all happines to your sacred persoun and raigne. *Productum per M<sup>r</sup> John Haye, 9 Decembris 1629.* (Initialled) J. P."

21st January 1630.

18. Original of royal letter concerning the Earl of Seaforth and the

Miscellaneous  
Papers.

Burghs printed *ante*, p. 421. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Monteith, President; and the remanent members of the Privy Council. Royal Letter anent the Earl of Seaforth and the Burghs.

19. Original of royal letter as to the complaint of Leith against Edinburgh printed *ante*, p. 422. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Monteith, President; and other members of the Privy Council of Scotland. 21st January 1630. Royal Letter anent the complaint of Leith against Edinburgh.

20. The fourscore and four articles given in by Alexander Hay, commissioner of Leith, against the town of Edinburgh, undated. The document consists of 33 folios stitched together, and all mutilated and partly destroyed at the top by the ravages of damp and decay. The beginning is torn:— . . . "sufferit be them . . . rights, liberteis competent to them as your Majesteis subjects, quhilk prejudices, greivances and oppriones as followes ar done and committit be the prowestis, bailleis, deane of gild, clarkis, thesaureres, officiares and consell off Edenborroughe and thair alledgit thrid part off Leith, contrair your Majestie, your nobilitie, gentrye and publique good of Scotland and the townne of Leith; quhilk hail articles, grewances, preuideices and oppriones wer denyed in presens of your sacred Majestie and off the Lordis of your Majesteis most honourabill Secreit Counsell of Scotland for the tyme present at your Majesteis Coort be M<sup>r</sup> Johne Hay, towne clark off Edenborroughe, thair commissioner, wpon the perrell off his lyff and the lusse of the libertey off the said brugh of Edenborrouhg, and his said lyff, landis and goodis for ever.<sup>1</sup> January 1630. The grievances of Leith against Edinburgh. Mr. John Hay, Commissioner for Edinburgh, had denied the said grievances on peril of his life.

(1.) We ar oppressed in our bodies causles but law or justice. We ar cast in irons, stokkis and strait prissonis amongst condemned malefactoris, in the hiest maner usurping your Majesteis royall autoritie against us. The inhabitants of Leith are oppressed in their persons by Edinburgh.

(2.) We ar opprest in our bodies, goodis and richtis of our landis off Leith by reasone they behaving them selfis as alledgit superiouris to the thrid pairt thair off and heaving bot ane alledgit richt to exact from the airis at thair entrie bot the doubling off the few dewtie, they will not tak the twentie fold dubble [?]; and giff we sell our landis to any persone for . . . from ws, our . . . resave them at . . . the will not tak the . . . dewtie quhilk suld onelie be thair dew be law, bot will exact thrie or four yeris dewtie, contrair all richt and conscience, quhairby our richt and benefite off our land is brocht to naucht, because the buyers deducis so mekill off our pryce and the intransis ar heichlie prejudgit be thair extortion. Oppressed in their goods and their rights.

(3.) We ar oppressed in our richtis because they will not enter nor receive us or any persone that sall buy or compryise our landis according to such richtis as we have off the Laird of Lestarig and your Majesteis Instances of oppression.

<sup>1</sup>[On the margin here.] Heirol is in number fywtein throches off paper and four scoir four articles, &c.

grandmother quhen our superioritie wes at the Croun ; nather will they receive ws according to such richtis as we have laitlie off their selfis except we tak our richtis bering thair cruell bylawes, such as we sall not mak malt nor brew aill nor beir nor sell the samyn, nor sell wyne nor no kynd off drink, nor use no kynd off hostilarie for recept or interteimment off liegis or strangeris without express licence. This they inforce upon us in our heretabill richtis, albeit all the dewtie and homage they can crave out of thair alledgit thrid pairt off Leith is fourtie schillingis yeirlie ; quhairbe they cleirlie intend be this thair indirect sinister mein nocht onelie to mak our heretable richt in ane vorse caice then giff we wer removabill tennentis, quhairby our richtis and liberteis may be brocht to nocht . . . turned to ane . . . privat uses be . . . be licences quhilk they wald have us to accept—heirby intending the overthrow off the toun and ane greatt thraldome wpon all mens estaites that sendis thair wictuall to Leith to be ventit.

Excessive  
fines.

(4.) We ar oppressed in our bodies and goods because they exact fynee off us surmounting to ane lairge soum yeirlie for keiping the actis off the Lordis off your Majesteis most honourabill Privie Counsall, and thairfoir we ar poindit and imprissoned.

Severe  
statutes.

(5.) We ar oppressed in our bodies, goodis, richtis and liberties be thair cruell statutis maid aganis us contrair your Majesteis Actis of Parliament, the publict good and all good conscience, such as we sall not bey or sell wictuall, we sall mak no malt, we sall brew no aill nor beir nor sell the samyn, nor . . . to sell, nor sell . . . drink . . . any subject nor stranger to furniss them in any of these forsaidis necessaris in our houses, and will not suffer us to have the allowitt mettis and mesoris be the Act off Parliament ; quhilk cruell actis they have not onlie statute ovir thair alledgit thrid pairt of Leith, quho ar all fewars and ar obleist be thair infetmentis onlie in yeirlie payment off fourtie schilling sterling amongis us all in satisfioun off all dewtie and service dew to them, but also hes statute the saidis actis and extendis the same ovir all the rest off the toun, being the tuo pairt thairoff, and holding off uther mediat superiouris, such as your Majesteis awin propertie callit the Kingis Wark off Leith, the Marques off Hamyltoun, the Earle off Morray, the Earle off Hadingtoun, the Lord Balmerinoch, the Barron off Bruchtoun, the Star of Bethleem, the Auld Colledge off Aberdein, the Laird of Coulstone, the Church and Sessioun off Leith ; quhich is ane heich usurping off your Majesteis autoritie to mak such lawes contrair the Act off Parliament and the publict good, and extend the samyn as said is, quhair by thair cruell lawes, albeit we be dyverse thowsand saules in that toun and that we be the best sea port and throch fair towne in that kingdome, and the greatestt repair of all schipping for liegis and strangeris and the onlie greatestt marcatt and repair for all sortis of wictuall. And albeit they will not suffer us to use no uther callingis and that we have no uther for mantening our families, church and

Miscellaneous  
Papers.

poore, they intend heirby the overthrow off all and to extirpitt the inhabitantis, at leist to redact them to that estait that they sall keip thair by lawes, and so the traid off wictuall salbecum ane monopole to their selfis . . . over all men . . . and . . . because they . . . suffer nane to . . . burgeses, and so Louthian and the north pairtis off Scotland must sell at such raittis as they pleis, and the west cuntrey buy from them at such deir raittis as they pleis, so that they mak to the people ane artificiall dearth or cheapnes quhen they pleis.

Giff it beis ansuerit—This act is maid against forran wittall, it is repliyt:—Ther act hes not ane Act of Parliament to maintain it, but be the contrair diverse actis in favouris of imbringeris off wictuall, and generall actis to all men to by and sell but restraint off persones, places, forrane or cuntrey wictuall.

Replies to  
what may be  
urged by the  
town of Edin-  
burgh.

Giff it beis ansuerit—The rest of the actis ar lauffullie urgit be vertew of ane discharge thairoff as they alledge grantit in thair favouris in Lieth ane hundreth yeir since be the Hob off Lestarig, it is repliyt thairto:—This alledgit discharge is null because it wantis both witnesses and subscripioun off the granter or any uther and hes never taken effect be possessioun; nather culd his privatt informall deid prejudge his fewars or us off our laitt richtis, or the publict good and Actis of Parliament in these abonexpressit; and in speciall that all men suld buy and sell wictuall and that all men suld luidge with hoistlaris in throch fair townes and find with them all necessars for maintenance off men and beist; so that giff this privatt unformall discharge suld tak effect, it wald not onlie undoe the towne of Leith, thair church and poore, quaha hes no uther meanis to leive upon, bot also wald homologat their designe off the monopble off the wictuall to thair privatt uses in prejudice off the liegis and comon guid.

(6.) We ar opprest in our goodis and richtis because they have maid statutis and actis of thirllage aganis all the towne off Leith, quaha ar ther fewars or not, and aganis the publict good but our consentis, that we sall grind all our cornes at thair mylnes *extra baroniam*, quhich is againes all law; and giff we obey not thir actis off thirllage, they have statute to fyne us in money for the first fault and to escheitt to thair owin uses all the stuff and cornes we grind els quhair *toties quoties* efter the first fault, they heaving no richt to our multuris nor being in no possessioun thairoff but during our plesour, and being exceptit expreslie out off thair pretendit and alledgit richtis from your Majesteis grandmother, and out of all richtis maid be the Laird of Lestarig to hir; and ar maid onlie to this end for to prejudice the benefitt off uther noble mens mylnis hard by, quhair we go to at our awin plesour and receavis better service and chaipper conditiones of grinding nor fra them. As alsua the saidis actis ar maid to thrall us on the greit charges and to the greit prejudice off all that sellis wictuall at Leith,

Statutes of  
thirllage made  
by Edinburgh  
against Leith.



quha peyis and must pay ther exorbitant multuris, quhilk is abone tua  
 pectis off the boll, quhilk they do in this maner as followes . . .  
 bot he . . . pryces of thair exorbitant multurs fra the . . .  
 thairoff.

Miscellaneous  
 Papers.

The penny  
 contributed by  
 seamen in  
 Leith for the  
 benefit of the  
 Church and  
 the poor has  
 been seized by  
 Edinburgh for  
 profane uses.

(7.) We, our church and poore, ar oppressed in our goodis, richtis and liberties, quhilk church holds not off them bot off your Majestie, becaus they have takin the richt off our pryingilt, quhich is ane pennie off the pund grantit off benevolence off all seamen cumand or beand in Leith or in Leith Road out of thair hyres *ad pios usus*, and for mantening the poore off thair saillers, quhairunto we have good richt and continowes in possessioun off uplifting and disposing as said is. Yit nevertheles they have laitlie takin the richt thairoff in prejudice of us, our church and poore, for uplifting and disposing thairoff (*ad prophanos usus*) for mantening ane guard to watch thair goodis and shippes contrair all Christianitie, and they to be disposers off it to this use or to the poore as they pleis; quhairbe they have maid ane great restraint off charitie and thairby the incesse off the povertie off the poore.

Fines that had  
 been appropri-  
 ated to the  
 Church and  
 poor in Leith  
 are now seized  
 by Edinburgh.

(8.) We, our church and poore, ar oppressed, becaus they, at leist thair deputtis and officiaris off thair alledgit thrid pairt off Leith takis up the unlaues and fynes to thair privatt uses off all these that transgress the Sabbath day be passing ovir the Water of Phorth; quhilkis fynes belongis properlie to our church and poore and *ad pios usus* and wes ever heirtofoir upliftit and exactit to that effect be us till off laitt they have appropriated to thair awin uses and gives licences to that effect contrair all Christianitie.

Edinburgh  
 constitutes  
 itself judge  
 and party in  
 cases of litiga-  
 tion between  
 the two towns.

(9.) We ar opprest in our bodies and goodis under pretext of law because quhen they or thair deputtis, heaving malice aganes us, findis us trangress thair cruell bylawes they persew us befor themselfis and pronounces sentences and fynes us thairfor, and escheittis our goodis to thair awin uses and imprisones our persones, they being judge and partie, aganes the law off our kingdome.

Arbitrary  
 imprisonment.

(10.) We and the liegis ar oppressed in our bodies, goodis, richtis and liberties, but law or justice, because they or thair deputtis will send for any off us out off judgement and send us *brevi manu* to strait prisones and thair keip us till we pay them or thair burgesses moneyis quhilk they alledge wilbe dew to them selfis, they not being cled with lafull autoritie off captioun to do the same.

Edinburgh  
 strains its  
 powers of  
 judicatory to  
 the loss both  
 of Leith and  
 his Majesty.

(11.) We ar opprest be thar illegall proceidingis, and your Majestie heichlie prejudgit in your best casualitie such as escheittis, becaus be thair practeising and doing moir nor your Majesteis lawis allowes or your Majesteis greatest judicatories, such as the Lordis of Sessioun, your Justice Generall, Admirall, Shereffis, bailyies off regalities and royalties, quho cannot lafullie poind but sentences lafullie decerned and upon fyftein dayes charges preceeding, and cannot imprisone except upon recent criminall fact bot be wertew off horning and captioun; nather

Miscellaneous Papers.

can any barron bailie upon his decreitt but decreitt conforme befor the Lordis of Sessioun obtain horning and captioun. But so it is, they ar in no pairt off Leith so much as barron bailies bot naked alledgit interposed superiouris betuix your Majestie and the thrid pairt thairof; and so not heaving richt and warrand off law to use thair goodis and persones as they doe, beyond the custome off the greatest judicatories that is, to waird and uptak our goodis but lafull sentences or but decreitt conforme and caption following on ther sentence; quhilk they doe, and so oppress us be thair *brevi manu* proceedingis, neidis not horning and so no rebelloun and consequentlie no esheitt, and so your Majestie denudit off your best causaulitie. And giff it beis objectit—They doe bot the lawes off thair bruch within thair libertie; it is ansuerit,—Giff within on pairt off thair libertie, so within the hail may they doe, quhich is all Louthian and Phorth. And giff they say they doe it in Leith or anie pairt off thair bruch (that is it not) except they have altered the waird holding in burgage or blensh, and so wronged your Majestie and us, bot is ane pairt off the barrony of Lestarig, at leist wes so, and cannot pre-judge the fewars. And thair burrow lawes cannot be extendit forder in Leith or within thair liberties then within thair . . . off Edinburgh . . . . . againe thair burgh, becaus giff utherwayes wer, than sall ther lawes, quhich ar in thair power to mak, extend over all persones and judicatoures thairin, quhilk wer ane absurd; bot so it is. We ar not burgesses nor duelling within thair toun, and therfor suld be uset as the rest off the liegis off the shereffdome of Louthian according to the publict lawes of the kingdome and not according to privat lawes off burgesses, and that wer aganis all conscience and reasone to thrall us be thair corporation, we being be wertew theroff partakers of no benefite with them bot off the contrair.

(12.) We ar opprest under pretext of law becaus quhen we ar con-  
 venit befor them they will in the first or second dyett decerne aganes  
 us and cause us presentlie fulfill the samyn be payment or imprisson-  
 ment, aganes all the lawes and custome of the kingdome.

Edinburgh imposes illegal fines and imprisonment on the inhabitants of Leith.

(13.) We ar opprest in our goodis, richtis and liberties because they  
 will suffer no goodis, tymber nor merchandice belanging to liegis or  
 strangeris to be housit or kept in Leith bot within the parcell off  
 . . . pertaining to them . . . remanent heretouris off the  
 towne thair . . . profitable to them, and be thair exorbitant  
 exactionis for grond leive and unnecessar transportatioun off goodis  
 they darth and extortes to the liegis, awners and buyers off the saidis  
 goodis.

No goods or merchandize allowed to be stored in Leith.

(14.) We, the liegis and publict good and strangers, ar opprest be thair  
 imposing and exacting of unlauchfull customes and impostis in ane extra-  
 ordinar maner, increasing daylie and speciallie within thir twentie sex  
 yeiris, hichtit mor nor they wer be the aucht fold on all cornes, cuntrey  
 and forrain, comodities that cumes to Edinburgh, Leith, Newheavin or

Edinburgh imposes illegal customs and imposts.

Phorth, quhilk customes and impostis ar employed to thair privatt uses and is ane great darthing to the liegis off all forrain and cuntrey commodities and ane heretable tax exactit off all the liegis.

Miscellaneous  
Papers.

The heavy  
fines imposed  
by Edinburgh  
when their  
bye-laws are  
broken.

(15.) We and the liegis ar opprest becaus for transgressing thair cruell by lawes thay have power to puniss us as they doe with als great rigour and ane dissallowable forme of law quhich is not used quhen we transgress your Majesteis Actis of Parliament; such as to fyne us in moneyis, imprisson our persones till we pey them *brevi manu*, and to escheitt our goods to thair awin uses; and to that effect [they] pas declaratours before [them]selfis, quhilk is heichlie prejudicial to your Majesteis honor and profeit and to the judicatorie off the Lordis off Sessioun, they being aganis all conscience and reasone both judge and pairtie to us.

The inhabi-  
tants of Leith  
are not per-  
mitted to pur-  
chase their  
commodities  
anywhere  
except in  
Edinburgh.

(16.) We, the publict good and all liegis, ar opprest in our goodis and liberties competent to us as your Majesteis frie subjectis because they will not suffer us buy no merchandice, commodities, homeland nor forrain, bot fra them to our awin privatt uses; nather will they grant us the priviledge that Fleimingis, Frenchis, Spanyearchis or uther forran nations hes in Scotland, that is, to bring hame merchandice and sell it as they doe; nather will they suffer us to trafficque with cuntrey guidis and comodities lafull to all unfriemen and liegis and strangeris in generall, suche as corne, tymber, peittis, coallis and dyverse utheris comodities according to the custome and lawes of Scotland.

Edinburgh  
employs none  
but foreign  
vessels to  
transport their  
goods.

(17.) We, the publict good and liegis, ar opprest because they will not fraucht our schippis and weschellis nor nane perteing to Scotland so that they can have anie forrain strainger to fraucht, quhairby all the moneyis [gold] and forbiddin goodis ar exported and all [native] schipping decaying, quhairin standis ane lairge [pairt] off the wealth and strenth off your Majesteis kingdome, quhilk now is disableised and impoverished and forran strangers enriched be thair deid, quho gettis the maintenance quhilk suld sustein your Majesteis subjectis, quho for necessitie dois serve and leive abroad under strangeris and enemies, helping to spoile the goodis and lyves off their nation.

Edinburgh  
will not allow  
Leith to hold  
its own  
musters.

(18.) We ar opprest and your Majestie greatlie prejudgit off your richt because they will not suffer us to mak our musteris befor and with your Majesteis Shereff off Louthian, as the rest off the sherefdome dois to quhom we properlie belong, bot compellis us be fying us in our goodes and imprisonment in our persones giff we sall not go againes your Majesteis richt and the consuetude of the kingdom; for the inhabitantis off ane sherefdome to leave ther awin sherefdome and muster with the shereff of anie uther sherefdome namelie being in bruch, for giff that suld be sustenit your Majestie sall be prejudgit off your dew richt to ws, and Edinburgh byand landis in propertie or superioritie; or giff they will alledge the making off ane union in the remotest pairtis off the kingdome the inhabitantis thair of salbe obleist be the lyk reasone that we

Miscellaneous  
Papers.

ar, aganis all richt and custome off the kingdome, to cum and muster with them, quhich wer intollerable and aganis all law.

(19.) We ar opprest and your Majestie and justice prejudgit because they have made statutis to us to disclame, at leist not conveyin utheris befor your Majesteis shereff of Louthian, to quhom we belong as the rest and ane pairt off the sherefdome dois, bot be the contrair hes statute that we sall in all causes submitt our selffes to thair decition, and still persew befor them quhair we receive daylie unjust judgement; so that heirby your Majestie is debarrit from your richt, we secludit from justice and thrallit to unjust judges; and this act is extendit not onlie aganes thair fewars bot also againes the uther tuo pairt off the towne holdand off the foresaid superiouris.

Leith is compelled to submit all its causes to Edinburgh.

(20.) We ar opprest be ane new inventit judicatorie off thairis contrair the Act of Parliament, callit thair Towne Counsell, quhilk suld be nothing bot tuelff merchantis and craftsmen convenit for directing thair ordinar publict effaires and hes not lawfull power to do to us as they doe, to compell and threattin us to compeir befor thair towne counsell, quho . . . present pepers to us quhilk they will not . . . reid and blankis quhairin they may fill up quhat [they] pleis; lyk as they have proffered the saidis pepers to dyverse off us and threattned certane off us to subscriyve the same, quhilk they did subscriyve for feare. And albeit it wer ane judicatorie (quhilk is not grantit) the same suld not extend bot thair burgesses, quhilk we ar not, nor duelling within thair bruch, bot within ane barronie and the sherefdome of Louthian.

Edinturgh has set up a new judicatorie in its Town Council, contrary to Act of Parliament.

(21.) We ar opprest because in this ther usurped judicatorie and in thair alledgit allowit judicatories they conveyin us upon houris warning and *super inquirendis* befor them aganis the Act of Parliament, and discharges procuratours to compeir for us and to defend in causes persewit by them befor them selfis aganis us, in the quhich places, both in judgement and outwith theroff, they will fyne us at thair plesour in moneyis or be imprisonment, and decerne us to be putt in strait wairdis and in irons amongis condemned malefactoris, and execute thair cruell sentences instantlye, we being innocent, so but autoritie abused; and so behaving them selffes in the hail cruellie aganis all law and conscience, being both judge and pairtie.

This new judicatorie imposes arbitrary and severe sentences.

(22.) We ar opprest because they have purchast decreittis simulatlie befor the Lordis of Sessioun upon sinister groundis aganes us, quhilk decreittis ar contrair the Actis of Parliament and publict good, and executes the same conforme aganes us.

Fraudulent decreets.

(23.) We ar opprest because they distresse us with letters of horning purchast contrair the publict good and Actis of Parliament, the saidis letters not being warrantit be any decreitt or by any consent or deid off our awin or be ane act off Parliament, without the quhich thrie warrantis or ane or uther of them, no letters of horning can pas to distresse the liegis.

Illegal letters of horning.

Edinburgh imposes taxes which belong of right only to his Majesty.

(24.) We ar opprest in our bodies, goodis, richtis and liberties by imposing and lifting off taxtis off us by that quhich we ordinarlie pay to your Majestie, quhilk taxtis ar imployit to thair awin uses, not heaving any warrant of law to that effect; quhilk is ane heich usurping off your Majesteis autoritie, and to lift taxtis off subjectis is onlie proper to your Majestie, lyik as your Majesteis progenitouris and your self wes never pleasitt to uplift any taxtis bot requyrit the consent off the Estait, granteris theroff, the lyik favour we ar not usit with. Lyikas they wer dischargit be ane decreitt pronuncit be the mouth of your Majesteis darrest fater not to do the same to us, notwithstanding quhair off presumpteouslie they doe the contrair, and continowes in thair exactioun and oppressioun againes us as said is. And giff it beis ansuerit—Leith peyis no taxatioun at all; it is replyit,—They pey in the extraordinar; and for the ordinar in this last taxatioun off four hundreth thowsand pundis our pairtis theroff extendit onlie to four pund ten shilling Scottis money as ane thrie pund land off the fourtie pund land off Lestarg, quhich cannot be exactit off us becaus it cannot be devydit for smalnes, and they have no richt to exact the same, but onlie the Lord Balmerinocht hes richt quho peyis the same yeirlie for them and us.

By privileges acquired from the Crown Edinburgh has become the sole judge of all the commodities produced by his Majesty's lieges—to the detriment both of his Majesty and the country.

(25.) We, the liegis and publict good, ar opprest because they have acquyred heretable giftis, powers and richtis from your Majesteis progenitouris and your Majestie, namelie within thir ten or tuelff yeris or therby, that they and thair deputtis salbe sole judges and visitouris to all stuffis, cloithis, stokenis and uther handie wark maid be the liegis and poore of the land, so that they being judges quho ar in effect parties, the liegis and poore heaving no utheris to sell thair comodities to bot to the saidis merchantis, and being restranit and inhibit to by and sell any forran or cuntrey comodities bot to the saidis merchantis off Edinburgh, according to ther richtis and privilegedis grantit to them; quhilk being considerit with the merchantis self end and quhat judgement he wald have in the lyik caice; and so enforce all persones to sell as they pleis to thair great advantage and to the disadvantage off the liegis and poore anent thair pryces, quhilk consequentlie prejudges the Estaittes off these consistis in wooll, because the liegis getting so small pryce for thair handie work they will give the lesse for the woll. As also this thair said gift is far aganes the comon weill that they suld have power over the liegis and poore in cuntrey comodities, and that thair is no oversier and judge appointit for richt valuatioun and setting pryces upon all thair forran cloithis, silkis, stuffis, and uther forran goodis and merchandice; quhairin the publict good and the hole liegis sustenis prejudice unexpressable specialle off Inglis cloith, quhilk they bring in contrair to ane Act off Parliament and ourthrow off the publict good, viz. in the 15 Parliament, King James the Sixth, *caputt* 252.

Miscellaneous Papers.

Miscellaneous  
Papers.

(26.) We the liegis and publict good ar opprest be ane heretable power and gift grantit to them laitlie to uplift four pundis off ilk twn of wyne wentit be us, quhich is aganis all reasone that any subject suld have or uplift ane heretable taxt off ane uther except to your Majesteis behove. Lyikas it is ane new novatioun quhilk wes first acqyritt and begun aganes thair awin burgesis off Edinburgh onlie, and off lait thair getting way to that hes takin ane new gift to exact it off us and all uthers within thair liberties, quhilk is all Louthian schyre. As also it is aganes all conscience, sieing they sell thair wynes at the deirest raittis. And oft tymes, as it is weill knowen and felt be experience off them selfis that the venteners of thair said wynes will not be abill be ressonne off the insufficiencie and laik off sail thair off and thair povertie get thair maintenance tharby during the rying thar off, and oft tymes will not be abill to pey thair house maillis or pryces off the saidis wynes at all; and so hes far les neid or abilitie to pey any taxt to them. Lyik as Edinburgh hes never bein in use to exact the same bot off laitt. And it wer aganes all reasone that we suld be put in ane worse condition nor uther liegis in Fyiff and uther pairtis off the kingdome that byis thair wynes fra them as we doe and ar fred off this ther impost. And giff it beis alledgit that the Church off Leith hes any benefeitt off this taxt, quhat they have wes woluntarlie grantit unto them be the inhabitantis theroff *ad pios usus* in presens of your Majesteis blessed father off happie memorie, bot quhat Edinburgh hes is be compulsioun and acqyritt as ane taxt off the liegis to their comon guid; and giff this impost wer to be sustentit by that maner off richt, any subject may purchase fra your Majestie to thair awin behove the lyik or anie greater impost off any forran or cuntrey comodities to the great disadvantage and prejudice off the poor of the land and the hail liegis.

Edinburgh has  
of late acquired  
the unjust  
privilege of  
exacting four  
pounds on  
every tun of  
wine sold in  
Leith.

(27.) Your Majestie, the liegis and publict good, ar greatlie prejudgit and interest be ane heretabill gift grantit laitlie to them within thair ten yeris or tharby off the gaigerie off all barrell goodis cummand or beand within Edinburgh, Leith, Newheavin, Phorth, or within any pairt off thair liberties and throchout, and in the hail partis off the kingdome, first because the said gift hes bein within thair ten yeris or thairby at your Majesteis crowne and dispositioun be granting off the same to any privatt persone quhen your Majestie pleasitt, quha hes bein in use theroff for the common weill off the liegis as thair lait gift proves, off the quhilk presentatioun, admission and gift your Majestie is for ever denudit, because the office never vaikis, they being ane communitie. Lyikas it is aganes the comon weill, your Majesteis richt and justice to all the lieges, and speciallie strangers, that they sall have it, becaus they doe and may abuse the said office be neglecting theroff and mesoring with ane greater measour in buying nor they sell. As also seing that packing and peilling in great, they ar most accustomat with doers and sellers therof to the liegis and strangeris quho knowes not

It has also of  
late acquired  
the unjust  
privilege of  
gauging all  
liquors, not  
only in their  
own liberties  
but through-  
out the king-  
dom.

quhen they gett richt or wrong, and hes no judge bot the merchantis conscience. And sieing the liegis ar debarrit fra packing and peilling in great be them and sieing the merchants [ar] the people [for] quhose caus the said office was insti[tute] that the liegis and strangers suld not be defraudit be them, it is aganes ressonne and the comonweill that they suld be judges and pairteis both to liegis and strangers, and most of all to be thair awin judges in that quhilk concernes their comodities.

Miscellaneous  
Papers.

By letters of  
horning pro-  
cured by Act  
of Parliament,  
Edinburgh  
daily harasses  
the inhabitants  
of Leith.

(28.) We and the liegis ar opprest by pretext of law be vertew off generall letters off horning that they purchase upon Actis off Parliament consavit in favouris off the burrowis, quhairby we ar daylie chargit and stollen to the horne by them and putt to great unnecessar charges to our overthrow, quhich they doe upon meir malice in the executioun off the rigour off the saidis Actis unnecessarlie againes us, in so far as at no tyme that we ar chargit ar they abill justlie or will they giff thair aithis that they have ressonne to dreid or suspect us quhom they charge that we ar transgressours of the said Actis. And sieing the saidis Actis wer maid in thair favouris and not to that end that they suld oppress us under pretext off law thairby, for the peace and ease off us and the liegis we desire in all tyme cuming that they may not have the benefite off the saidis Actis and letters theron, bot upon thair magistrates oithes in presence off the Lordis of Secreitt Counsell that they have just caus to urge the same aganis such as they sall condescend in wreitt; and giff they refus the saidis Actis and letters to be suspenditt be ressonne off thair refusall.

Edinburgh has  
surreptitiously  
procured the  
privileges of  
building gran-  
aries in Leith  
with the inten-  
tion of storing  
victual till  
time of dearth.

(29.) We, the hail liegis and publict good, ar opprest becaus they have acqyritt surreptitiouslie power and priviledge fra your Majestie and your predecessouris laitlie that they may have girnellis and girnelling houses in Leith for thair privatt uses, intending nothing bot to keip up all sort off cornes to ane dearth, contrair the Actis off Parliament; and that it sall not be lawfull to us or any other liegis or strangeris to girnell or house any wictuallis or cornes, naill or malt in Leith; and to that effect hes purchast upon sinister informatioun decreittis aganes us in prejudice of the liegis befor the Lordis off Sessioun, quhich is aganes all resone that they suld have the said power and priviledge, and we and the liegis to be dischargit; because, first, they will not suffer and hes dischargit the publict mercattis for all wictuall, cornes, meill, flour or malt quhich wes laitlie used to be in Leith for the good and publict seill off all the lieges, and so be thair discharge of the said mercatt places in Leith and of all housing of wictuall thairin, they wald compell the liegis for necessitie to sell thair wictuallis, cornes, meill, malt and utheris to them at such chaip raittis as they pleisitt, and cheifie quhen cornes sall cum in to Leith and be in the parrell of heating and spilling, the liegis having no places of recept nor mercatt place nor present buyaris for thair saidis cornes bot the burgeses of Edinburgh onlie, quhich cleirly proves thair designe to the monopole off the wictuall.

(30.) We, the liegis and publict good, ar opprest becaus they will not suffer no grose or uneasie transportable guidis or wairis to be weyit in Leith, such as iron tackill, cabillis, towes and ankeris and uthers, but must be careitt to and again from Edinburgh to the great trubill and charges off the liegis and unnecessar darthing off all goodis.

Edinburgh will not permit heavy goods to be weighed in Leith.

(31.) We ar opprest and the publict good becaus they will not suffer the lieges or strangers to bow or breik any iron in Leith for transportation bot compellis them to the prejudice off the liegis and us and darthing off the comodities unnecessarlie to transport the same to Edinburgh to be bowed thair.

Nor iron to be bowed or broken.

(32.) We the lieges, strangers and publict good, ar oppressed becaus they have purchast surreptitiouslie fra your Majestie and your Majesteis progenitouris the priviledge that no forran comodities or cuntrey guidis, speciallie tymber, cornes, malt, meill, fiesch, fisch or utheris beand or cumand within the harberies, seais, and watteris off Leith, Newheaven, and Phorth be lossed, vent, or sold in greatt or small quhill first ane totall outrid thereoff be maid within thair towne buikis off Edinburgh and thair exorbitant and unlawfull forsaidis customes be condignelie payit; and giff any persone contravenis this thair priviledge in not pey-ing thair saidis unlawfull customes and making ane totall entrie theroff, as said is, they have acqyritt power to forfalt and escheit, to thair awin privatt uses, all the forrane and cuntrey goodis unenterit and unaccus-tumit, as said is, quhich doing is onlie proper to your Majestie, and be them ane greatt oppressioun off all your Majesteis liegis and all strangeris.

Edinburgh has surreptitiously procured the privilege of insisting on a return of all foreign goods arriving in Leith, with a view to imposing heavy customs on the said goods.

(33.) We ar oppressed in our richtis and liberties becaus they by thair bailyies and dean off gild and thair towne counsell and thair bailyies of thair alledgitt thrid part of Leith will not suffer us, bot as they pleis, build upon our landis, and will judge summarilly as it wer in ane merchant compt be ressonne of thair ignorance upon our marches and heretable richtis haldin off thair alledgitt thrid part off Leith and off uther superiouris to our greatt prejudice and the office and richt of your Majesteis schereff of Louthian, and to the great prejudice off richt and justice compitent to us as to the rest off the scherefdome of Louthian in actions of cognitioun befor the said schereff or the Lords of Sessioun, from quhich most honourabill supreme judicatories and justice we ar debarrit be thair ignorant summar and violent judgements and proceedingis.

The inhabitants of Leith are not suffered to build on their lands except with the permission of Edinburgh.

(34.) We and the liegis ar greatlie prejudit because they have surreptitiouslie purchast fra your Majesteis father off happie memorie in prejudice off the hail lieges, speciallie off us the inhabitantis off Leith and Louthian schyre and in prejudice off the Clerk off Register, in prejudice of the shereff of Louthian, thair deputtis and clerkis and by the allowit lawes and forme usitt in all uther schyris and bruchis in Scotland, they have acqyritt ane privatt, tacitt register never knowen

Edinburgh has surreptitiously obtained the privilege of keeping a register of hornings, inhibitions, and other writs against the inhabitants of



Leith and  
others.

bot laitlie that they have the samyn for registratting off all hornings, inhibitiones and all uther writtis execute aganis us or any uther persone off quhatsomever qualitie, ather ther burges or inhabitant within Edinburgh, Leith, or within any pairt off thair liberties, quhich is the hail scherefdom of Louthian, and that the saidis letters suld be markitt and extractit be thair towne clerk and his deputtis, quhilk sall mak als great faith as giff they wer subscribit be the Clerk off Register. Quhich . . . . . to the said Clerk of Register, quaha hes onlie power of such registeris; and that the samyn is ane noveltie by the allowit custome of the kingdome; as also seing they being pairties to us and the liegis and that dyvers will be indebted to them in generall and to thair burgeses in soumes of money, as also be vertew of thair generall letters raisit upon thair decreittis and Actis off Parliament conceavitt in thair favouris, and off the burrowes, and so may, lyikas they caus charge us, denunce us, and at thair instance registratt us and the liegis in thair awin buikis butt our knowledge, so that be this maner and richt they may mak us and the liegis rebellis quhen they pleis to our overthrow.

Miscellaneous  
Papers.

Edinburgh  
constantly dis-  
turbs the peace  
of the congrega-  
tions and  
kirk-sessions of  
Leith.

(35.) We and our church ar oppressed in our liberties theroff by them and thair deputt bailyies off thair alledgit thrid pairt off Leith, becaus albeit we be ane landwart church and that they have no richt to our church or patronage theroff, nather ar they ministers, elders or deacons off the said kirk, or parochiners or residentis within the same, notwithstanding quhairoff, to the great prejudice off our discipline and government thair of and off our church casualities, they have maid often and dyverse sturres and trublis in our kirk-sessioun and disturbit our peace and discipline be thair insolencies and pryd amongis us, quho oft tymes causes us aryise and leave all Cristian dewtie quhilk we suld do at our meitting and quither . . . . . or not be violence intrude them selfis and sitt downe amonges us and carie and behave them selfis as they doe in thair civill judicatories, albiett all sessiones aucht to be governed in landwart churches be the ministers, elderis and deacons onlie chosin for the tyme, and ther sentences to be putt civille in executioun be such persones off the parochin as salbe lited be them and admitted judges for the effect foresaid be the Lordis off your Majesteis most honourabill Secretit Counsell, according to ane generall Act off Counsell maid anent all landwart churches in that kingdome. The lyik priviledge and ordour we onlie crave.

On the pretext  
of an Act of  
James the  
Third, Edin-  
burgh claims  
the privilege  
of fixing the  
prices of all  
foreign goods  
brought to  
Leith or New-  
haven.

(36.) Your Majestie, we, the liegis and publict good, ar greatlie prejudit in our liberties because, quhairas they alledge be ane Act of Parliament maid in King James the Thrid his tyme,<sup>1</sup> quhich is not granted, at leist grantis them not power for thair doingis, nather has the said Act takin effect be executioun, bearing that all forrain goodis or merchandice cumand or beand in Edinburgh, Leith, Newheavin, or within the herberies, roadis and wateris theroff suld first be enteritt in

<sup>1</sup> See Campbell Irons, "Leith and its Antiquities," I., 68.

Miscellaneous  
Papers.

thair towne bookes off Edinburgh and they to have power to mak the pryces theroff for your Majestie and the liegis in generall, and efter thair said pryce, your Majestie to have and tak to your use as is requisite, and the liegis to have the bying off the rest according to such pryces as they sall appoint to . . . quhairoff we ar debarrit fra the said privileged, and in so far as the said Act is conceavit in thair favouris it hes never bein sufferitt to tak effect becaus of the great disadvantage and incomoditie that wald redound to your Majestie and the liegis be this thar suprem privilege, under the schadow quhairoff they debar all strangeris and thairby darthis all forrane comodities and prejudgis your Majesteis customes be thair indirect restraint, as said is, arysing on the small pryces they sett upon strangeris goodis and be debarring us and the liegis from buying conforme to the privileged off this pretendit Act off Parliament, and so inforces strangers to sell to them at such chaip raittes as they will, to your Majesteis greitt prejudice and the liegis. Becaus your Majestie, we and the liegis ar compellit to by the same goodis at such deir raittes fra them contrair our said privilege and meining off the said Act. As also it wer aganes all reasone that any subject, speciallie they quha ar merchantis, suld have such ane supreme power and privileged in prejudice off your Majesteis profeit and the liegis, bot that all strangeris suld have licence to sell and the liegis be privileged to by for thair advantage at the first and not at the second, as now they doe, and makis ane monopole off all the saidis goods and comodities to thair privat uses.

(37.) We, the liegis and publict good, ar opprest in our bodies, goodes and liberties compitent to us as your Majesteis frie subjectis becaus quhairas the toun off Edinburgh had befor thair liberties only extenditt ther portis and burrow ruidis according to the universall custome off uther burrowes, namelie within this 26 yeris they have purchasit surreptitiouslie fra your Majestie and your Majesteis progenitouris and extendit thair liberties more nor abefoir, not onlie within the floodmarks and wateris off Leith, Newheavin and Phorth, bot also in the hail sherefdome of Louthian, comprehendinge the hail regalities and royalties theroff, be appropriating to them not onlie all judicatories, at leist to judge all persones in all causes with all heretabill offices and strange privilegedges and to debar us and the liegis from our native liberties, quhilk they daylie doe. Therefoir for cleiring heiroff to us and the liegis, and for advancement off the publict good, that we may know in all tyme cuming quhat forrane or cuntrey comodities ar lafull for us as unfriemen and to all subjects, not being burgeses, to buy and sell, and fra quhat persones and efter quhat maner and in quhat places, speciallie within Edinburgh, Leith, floodmarks off Phorth and Louthian schyir, and that the extent off thair liberties and privilegedges may be declared to us, and that the same may be maid conforme as may stand with the advancement off the publict good and the not oppressing off your Majesties frie subjectis in generall.

Within the last twenty-six years Edinburgh has surreptitiously extended its liberties, appropriating all the judicatories within the bounds thus acquired.

Edinburgh has obtained from the Crown the privilege of fortifying itself and Leith according as it may see fit.

(38.) They have obtenit from your Majestie and your Majesties progenitouris surreptitiouslie in the minoritie off the granter off threitein yeris of age ane charter granting them priviledge to fortifie and strenthen with all maner off fortifications as they sall think expedient the toun of Edinburgh, and to fortifie the toun off Leith in lyik maner be ane uther chartour with many strange priviledges in them contenit, quhilk priviledge they have heretable disponit to them is not fitting for ane trew subject, the intention and designe quhairoff we refer to your Majestie and your Majesties Counsell thair consideratioun.

Miscellaneous Papers.

Edinburgh has obtained a charter from the Crown restricting the meeting-place of the Estates to four townes, of which Edinburgh is the chief.

(39.) They have acquyrit, as said is, in the auchtein yeir of the granters fra your Majesteis progenitouris and now fra your self ane chartour astricting your Majestie and your successouris to hald all your Majesteis parliamentis in four townes off that kingdome, quhairoff Edinburgh is principall, quhilk is far aganes the prerogative and honour off ane frie prince to be astrictit to call parliamentis quhair any privatt subject sall appoint and not quhair it sall pleis your Majestie and your successouris, the prejudice and intentioun quhairoff we refer to your Majestie and your Counsallis consideratioun.

It has further procured that no free burgh or corporation be made within six miles of its own bounds.

(40.) They have purchast, as said is, as ther toun clerk thair commissonar did afferme in your Majesteis royall presens and in presens off your Majesteis most honourabill Privie Counsell, that your Majestie may not mak ony incorporatioun nor frie bruch within the sherefdom of Louthian and speciallie within sax myles to ther bruch, quhilk but doubt, giff any such richt be, is surreptitiouslie purchast, as said is, and in the hiest maner prejudiciall to your Majesteis prerogative, honor and profeit. Lyikas it wes never hard that any subject durst presume, speciallie ane comunitie, to seik the prince tyied to him and speciallie to mantein that quhich did cleirlye, as this is, concerne your Majesteis prerogative and honor, as namelie, as that your Majestie may not give honouris, liberties and lawfull priviledges and mak corporationes to uther subjectis in generall but the consent off on subject: lyikas giff the same wer to be sustenit it wald not onlie tend to the great prejudice and the restraint off the fredome competent to your Majesteis liegis, bot also to the unexpressable prejudice off your Majesteis prerogative, honor, and the profeit off your Majesteis crowne, quhilk wald yeirlye aryise.

Edinburgh has surreptitiously obtained the offices of sheriffship, coronership, etc., to the prejudice both of his Majesty and of Leith.

(41.) They have purchast and acquyrit surreptitiouslie fra your Majestie and your Majesteis most nobill progenitouris, namelie within thir tuintie sex yeiris last, the offices off sherefschip, crownerschip, generall justiciarie, justiciarie off peace, heretable disponit to them, togidder with the totall and full previledgis of the Admiraltie: and in effect heavand all power and richt compitent to the said office in larger maner nor ever any admirall had, quhairby in effect there is nothing left to the said Admirall bot the naked name and ane cypher. Quhilk offices, priviledges, and uthers foresaids and following, all

Miscellaneous  
Papers.

extenditt over and in all Edinburgh, Leith and sherefdome off Louthian, and all the regalities and royalties theroff, and speciallie in that pairt theroff callit Leith, the roadis, herberies, seais, wateris, floodmarkis, sandis, peiris, schoris, bulkwarks of Leith, Newheavin and Phorth, being the cheiff places for repair to all your Majesteis liegis and strangeris, quhilk offices and priviledges properlie belonges to your Majesteis crowne properlie. Lyikas it is offerit to be provin contrair to your Majesteis and your Majesteis father off blessed memorie just intencion to the heretable offices for the advancement off the publict good and good justice to all your Majesteis liegis, and contrair your Majesteis richt and your Majesteis present esteimit possession, conform to thar surreptitious richts they doe daylie apprehend and continow in actuall possessioun off the saidis offices, speciallie the Admiraltie, the generall justiciarie, the sherefschip, justiciarie off peace withe dyverse partis off the said sherefdome off Louthian and out off thair towne sherefschip off Edinburgh and off the saidis wateris and within the floodmarkis off Leith, Newheavin and Phorth as occation daylie presents to them for thair advantage.

(42.) They have purchast and acqyreit surreptitiouslie fra your Majestie and your Majesteis progenitouris, namelie within this tuentie sex yeiris or thairby, not onlie the said offices heretable disponit to them in prejudice off your Majesteis crowne and richt and ane generall prejudice off all liegis, bot also hes acqyritt, as said is, dyverse greitt priviledges prejudiciall to your Majesteis prerogative, honor, profeitt and justice to all your Majesteis liegis and to the haill royall officiaris and officiaris off estait, the haill liegis and publict guid; and that because, first, they have purchast, as said is, ane universall heretabill judicatorie to their selfis to be judges to all persones off quhatsoever qualitie or estait they be off, ather liegis or strangers, quhether they be burgeses or inhabitantis in Edinburgh, Leith or within any pairt off thair liberties, quhilk is the haill province and sherefdome off Louthian, and in the wateris and floodmarkis off Leith, Newheavin and Phorth, with express power to them to be judges and judge in all causes arysing within the said townes, liberties and wateris upon promise, word, wreitt, fact or deid quhatsoever, and in all causes civill and criminall, with express power to them to hold courtis for the saidis causes quhair they pleis within the boundis off thair saidis liberties and townes and wateris thairoff, and that nane be judges or memberis of court bot onlie burgeses of Edinburgh, with power to them to conveyn the saidis persones befor them, ather liegis or strangers off quhatsoever qualitie, fyne them in thair goodis, imprissone thair persones, impose ony punishment they pleis upon them according to the offence, and most of all to put them to exyill and baneisement. The lyik priviledge wes never grantit to any subject and inceperable from your Majesteis crowne.

And has  
acquired a  
universal  
judicatorie over  
all persons,  
lieges or  
foreigners.

And has acquired heritable power to hold guild-courts not only within its own ports, but within the bounds of Lothian.

(43.) They have acqyrit surreptitiouslie, as said is, heretable power to them within this tuentie sex yeris to use and exerce gilderie courtis, not onlie within thair portis as they wer in use to doe, bot also to hauld thair courtis on uther mens landis within thair liberties, quich is all Louthian and the water of Phorth, not onlie aganes thair burgeses but also aganes all uther liegis and strangeris, inhabitantis for the tyme in Edinburgh, Leith, Louthian, wateris and floodmarkis off Leith, Newheavin and Phorth.

Miscellaneous Papers.

Edinburgh has surreptitiously acquired power to try his Majesty's lieges by the laws of Flanders and France.

(44.) They have acqyritt heretable surreptitiouslie, as said is, within this 26 yeris, not onlie power to hold the saidis courtis, as said is, and also to judge the liegis according to the lawes off that kingdome, bot also according to the immunities, liberties and priviledges off the lawes of France and Flanders, quhilk is ane hie usurping off your Majesteis royall authoritie that they suld judge your Majesteis liegis according to the lawes off ane republict or forran king, and is contrair to your Majesteis Actis of Parliament that . . . . governit be any uther lawes nor the publict lawes of that your Majesteis kingdome. And giff it beis alliedgit that this priviledge is confermit be ane Act off Parliament off James the Sext, 13 Parl., cap. 180, it is ansuerit thereto—The Act off Parliament ratifies the Dean off Gild his judgement in all causes betuix merchantes according to the lovabill forme used in certan tounes in France and Flanders, bot extendis not thair jurisdiction over all persones, not being burgeses and outwith thair portis off Edinburgh, and beris not the words off thair infetmentis to judge over all persones, liegis and strangeris, dwelling within Edinburgh, Leith or thair liberties, quhich is Louthianshyir and Phorth, and to judge them not onlie by the lawes off that kingdome bot also according to the liberties, immunities and priviledges off the lawes off France and Flanders, quhich is nothing els in effect to say bot to judge the liegis according to the lawes theroff.

And the power to make laws of its own and to punish the breakers of them, even when not its own burghers.

(45.) They have purchasit surreptitiouslie, as said is, contrair your Majesteis prerogative, honor and justice to all the liegis, to mak lawes at thair awin hand, they being bot subjectis, and to punisch all persones off quhatsoever qualitie, transgressouris off thair pervess lawes, with als greitt rigour as the breakeris off your Majesteis just lawes, viz., be fyneing the liegis in thair goodis, imprisonment off thair persones, escheitting thair goodis to thair privat uses *brevis manu* off all liegis and strangers, quhilk conforme they do to us and the liegis. And albeit it wer grantit they have power to make such lawes, the executioun thairoff aucht onlie to be extendit within thair portis, and that onlie aganes thair burgeses, and no uther liegis and strangeris not being thair burgesis aucht not to be astrictit in no place to keip thair saidis bylawes bot onlie the publict lawes of the kingdome.

And to restrain all persons, lieges or

(46.) They acqyritt surreptitiouslie, as said is, ane heretabill power to them off ane total restraint, inhibitioun and discharge of any liegis or

Miscellaneous  
Papers.

strangeris not to buy or sell any cuntrey commodities except fra ane <sup>foreigners,</sup> burgess off Edinburgh within Edinburgh, Leith, or within any pairt of <sup>from purchas-</sup> thair liberties, quhilk is all Louthian schyir, the harberies, waters and <sup>ing com-</sup> seas off Leith, Newheavin and Phorth, to the great prejudice off the <sup>modities in</sup> publict good and oppressing off us and all liegis in our native liberties, and <sup>Edinburgh</sup> contrair to dyverse Actis off Parliament, intending nothing thairby bot <sup>from any but</sup> to mak ane monopole off all forrain goodis and cuntrey commodities, <sup>its own</sup> specialle cornes, meill, malt, etc.; and debar the liegis, as said is, therby <sup>burgesses.</sup> acqyryng ane indirect power over all mens estaitis, specialle these off Louthian and the north pairtis off Scotland.

(47.) [They have purchast as said is] to the great prejudice of your <sup>And to punish</sup> Majesteis prerogative and to the dishonor of the [rest] of your <sup>lieges or</sup> Majesteis liegis not onlie to be judges within Edinburgh, Leith and thair <sup>foreigners with</sup> liberties forsaidis to all liegis and strangers of quhatsoever qualitie to <sup>death or exile.</sup> puniss as they pleis according to the nature off the offence, bot also to fyne, imprissone, put to deith and put to exyill and baneisment.

(48.) They have acqyritt surreptitiouslie, as said is, laitle within thir <sup>And has</sup> fourtein or fyftein yeris, the superioritie off the thrid pairt off Leith in <sup>acquired the</sup> prejudice off your Majesteis crowne and richt, quhich is ane off the cheiff <sup>superiority of</sup> causis off all our oppressiones and ane generall prejudice to all the king- <sup>the third part</sup> dome, and surreptitiouslie hes incorporat the said richt to thair said <sup>of Leith, which</sup> bruch, to the great prejudice off your Majesteis honor, richt, profeitt and <sup>is the greatest</sup> justice to us; because quhen as our superioritie wes laitle holdin off the <sup>grievance of</sup> Laird off Lestarig, he haldand the same off your Majesteis crowne ward <sup>the said burgh.</sup> and relievie, and so the wairdis, mareages, escheittis, lyverents off our mediat superiour and the escheittis off us his wassellis wes properlie upliftit and belongit as ane casualtie off your Majesteis crowne; and cheiffie quhen we wer mediat vassallis to your Majesteis grandmother and father off blessed memorie our escheittis fell not as ane casualtie onlie bot also our lyverentts and the hail casualities and fynes off our courtis wer imployit, comptit and exactit as casualities off your Majesteis crowne. Quhich superioritie wes be [thair sinister informationes] purchast, as said is, quhairby your Majestie is denudit thairoff, to your great prejudice, richt, honor, profeitt and justice to us, because they invertit and alteritt the ward holding againes all law, and changit the samyn in blensch. As also they being ane communitie no casualtie of mareage, waird, escheitt, lyverent never offers, quhilk wald giff it wer in ane privatt mans persone or at your Majesteis crowne. As also seing our hail escheittis and unlaues off court ar disponit to them, lyk as the same richt of superioritie wes resignit and consolidatt to your Majesteis crowne be the Laird of Lestarig, disponer, quaha resignit the same *ad perpetuam remanentiam* to abyid with the crowne for ever. And giff this thair change off holding from the worse to the better and thair corporatioun and the loss off so great casualities and superioritie wer to be allowit, as in this instance off so great consequence, be the lyk reasone they or

any communitie byand, as said is, suld infer no small prejudice to the crowne and ane universall prejudice to the liegis and comon good off the land.

Miscellaneous  
Papers.

Acquired, also, the part of Newhaven which belongs of right to his Majesty.

Obtained possession of fortified places which belong to the Crown.

And of certain parts of the Firth of Forth which likewise belong to the Crown.

And the right of all streets and highways not only in Edinburgh, but all roads in Lothian leading thereto.

And contrary to Act of Parliament has procured all the escheats of regraters within their liberties.

And not only the escheats of regraters, but all escheats within their jurisdiction.

(49.) They have purchast laitlie, as said is, from your Majestie and your Majesteis progenitouris the port, heavin and herborie off Newheavin, quhich is onelie proper to your Majesteis crowne, and wes the ordinar place quhair your Majesteis predecessouris usitt to build thair schippis.

(50.) They have purchast surreptitiouslie laitlie, as said is, contrair your Majesteis honor, richt and Actis off Parliament, the undoubtit richt to certane partis off your Majesteis strenthis and houses in tyme off warr, quhich properlie belongis to your Majesteis crowne, as namelie that pairt off Leith, callit the Buss, ane pairt of your Majesteis crowne land callit the Kingis Wark off Leith, and the north and south brayis belonging properlie to the Castell off Edinburgh and exclusive without the wallis off the said towne, and ar partis off the propertie off your Majesteis crowne, and war houses off places and strengthis for defence off the kingdome.

(51.) They have purchast surreptitiouslie, as said is, ane heretable dispositioun off certane pairtis off the salt seas of Phorth besyid Leith and Newheavin, quhilkis ar annexit and unceperable fra your Majesteis crowne and still comptit *inter regalea*.

(52.) They have purchast surreptitiouslie, as said is, heretablie disponit to them laitlie the undoubtit richt off all your Majesteis streittis, pathis and hie wayis in Edinburgh, Leith and all Louthian schyir leading or guyding to Edinburgh, Leith, Newheavin or Phorth, quhich ar annexit properlie and inceperable fra your Majesteis crowne, quhilk *via regie* ar still comptit *inter regalea*. And giff it beis alledgit they have undoubtit richt to the streittis and wayis off Leith and barronie of Lestarig, and ar disponit to them, as they alledge, off long since be the Hob of Lestarig, it is ansuerit thairto with that same reasone contenit in the end off the fyift article at the begining, and forder added that giveand and not grantand he had disponit formerlie to them, it wer invalude because he culd dispone no moir nor that quhich wes his awin. Bot so it is that all streittis, pathes and hie wayis ar callit *via regie* and onlie proper to the crowne and no subject hes any richt thairto, and so his disposition is not worth.

(53.) They have purchast, as said is, surreptitiouslie laitlie heretablie disponit to them the escheittis off all regraitteris within Edinburgh, Leith, and the boundis off thair liberties forsaidis, contrar the Actis off Parliament quhich ar proper and ane inceperable casualitie off your Majesteis crowne.

(54.) They have purchast, as said is, heretablie disponet to them not onlie the escheittis off the regratteris bot also all the escheittis that fallis under the compass off thair saidis heretable offices and privilegedes, togidder with the escheittis off all goodis, geir, debtis, soumes off money,

Miscellaneous  
Papers.

contractis, bandis, obligations addebtit therby or by word, wreitt or promeise ather within this kingdome or outwith the same dew, to any persone off quhatsoever qualitie citet or convictit befor them or befor any judge off that kingdome for any cryme comittit be any persone quhatsoever within Edinburgh, Leith, or within any off thair saidis liberties, quhich is all the regalities and royalties off Louthian, the herberies, seais and within the floodmarkis off Leith, Newheavin and Phorth.

(55.) They have purchast, as said is, thair saidis impostis and customis heretable to thair privatt uses exorbitantlie off all forran and cuntrey comodities, bot also ane dewtie callit the schoir silver off Leith, quhich in former tymes wes not heichtit and exactit as now, and wes grantit by yeirlie licences by your Majestie with consent of the liegis, speciallie the Burrowes, as necessitie requyritt, for manteing off the bulwarkis and peir off Leith. And seing that the same wes build upon the great charges off the liegis be payment off thair said exactionis, and now they doe not employ nor bestow the tent pairt off that quhich is exactit yeirlie upon the said bullwark bot rouppis the same to thair comon good, quha by . . . they exact and hes richt to ane heretable taxt off all forran and cuntrey comoditeis belonging to liegis and strangeris to the darthing off all forran and cuntrey comodities, quhilk they employ, as said is, and therfoir aucht to be recallit, at leist the liegis to be put in that estait that they wer in befor thair sur-reptitiousse acquyritt richt thairoff.

Enacts the impost of shore silver for its own uses which was formerly devoted to maintaining the harbour works.

(56.) They have purchast, as said is, heretable disponit to them ane place off Leith callit Lytill London<sup>1</sup> quhich properlie belongis to your Majestie as ane place for strenth, quhich it wes in tyme off warrs.

Has taken possession of a place in Leith, called Little London, which of right belongs to his Majesty.

(57.) They have purchast, as said is, heretable disponit to them the right off the Linkis off Leith quhich properlie belongis to your Majesteis Crowne and ever bein the cheiff place quhair your Majesteis progenitouris and liegis did keip and use for all lafull exerceises and recreations; as lykwayes ever wes and is as yit the principall place quhair all your Majesteis leidges musters off the sherefdom of Louthian. Be the quhilk ther sinistrous appropriating your Majesteis Crowne is prejudgit and we oppressit, becaus contrair your Majesteis richt they exact ane yerlie dewtie off all our poere off Leith to thair uses for licence to poore mens beistis to gang thairin aganes your Majesteis richt and all good conscience.

Has procured the right of the Links of Leith, which pertains to the Crown.

(58.) They have purchast, contrair ane Act off Parliament, ane chartour bering ane discharge off certane customes off certane cuntrey comodities, quhilk is ane proper casualitie off your Majesteis Crowne.

Has abolished certain customs, which were a casualty of the Crown.

(59.) They have statuted thatt we sall use thair clarkes off Edenborough and Leith in all our wreittis and ewidentis and secureteis, and will not suffer us, as the rest off the leidges dois, go to others wreitters

Allows the inhabitants to employ only clerks of

<sup>1</sup> A house on the Links of Leith.



Edinburgh to draft their legal documents.

The jurisdiction acquired by Edinburgh is prejudicial to the Privy Council and the Court of Session.

The privileges that have been acquired by Edinburgh are prejudicial to the office of Constable.

of the Signet, quhairby we ar snared and wronged be them as we ar in our rightis, and thei putt in by our knowledg thair cruell bylawes in our rightis to the ruein off us and the publique good off the kingdome. Miscellaneous Papers.

(60.) Your Majesteis principall judicatories and liegis off that kingdome, viz. the Counsall and Sessioun, ar greatlie prejudgit be the universalitie and extent off thair privatt richtis, liberties, privieliedges, offices, judicatories, speciallie they being judges to all qualitie off persones, liegis and strangers, inhabitants for the tyme within the best and cheifest places and province off the kingdome in all causes quhatsoever civill and criminall speciallie arysing upon word, wreitt, promise, fact or deid spokin, exped or done within Edinburgh, Leith and in thair liberties, quhich is all Louthian schyir, and within the harberies, seais and floodmarkis off Phorth; quhich is against all reasone, seing the extent off thair jurisdiction being over the best places off the kingdome and chiefest places for daylie and frequent repairing for all strangers and liegis, in quhilk places all the trafficque and comerce off the kingdome and all sortis off wreittis, evidentis, richtis, securities ar maid, done and exped, be the quhilk thair priviledge they ar als absolute judges as the saidis Lordis.

(61.) Your Majesteis cheiff royall officiar, viz. the Constable, is greatlie prejudgit be the universalitie and lairge extent off thair saids liberties, privieliedges, jurisdictiones, heretable offices over all qualitie off persones in all causes civill or criminall at all tymes within the said towne of Edinburgh, Leith, sherefdom off Louthian and water off Phorth, becaus be this so lairge extent off thair jurisdiction over all causes and persones at all tymes in the saidis townes and bowndis his said office becomes ineffectuall to your Majestie and him; and speciallie they heaving acqyritt the saidis privieliedges, as said is, as also your Majesteis royall persone and the hail estait, be vertew off that chartour that your Majestie is obleissit to hald your Parliamentis in four tounes, quhair off Edinburgh is cheiff, so your Majestie and the stait being this wey tyt to them within thair towne, and they heaving the suprem judging off all persones in all causes and at all tymes but exceptioun, it cleirlye maks the said office uneffectuall: lyik as they oppinlye mantein and confes that the said office cannot be extendit or have executioun within Edinburgh, Leith, or any uther pairt of thair liberties forsaidis except be them, and that they have undoubted richt thairto, at leist ar heretable constable deputtis within the said town of Edinburgh, Leith and thair liberties forsaidis, quhilk is againes your Majesteis honor and the priviledge off your Majesteis royall officiar that any communitie suld attempt or crave or have richt in hail or in pairt to any priviledge, immunitie, honor and casualitie off your Majesteis royall officiar or any uther of them: Lyik as in that your Majesteis said kingdome or in any uther nation hes it ever bein hard that ever the said office wes in the persone off ane communitie or ane bruch as constables: And it wer

Miscellaneous  
Papers.

aganes your Majesteis prerogative and honor, the generall good to [*sic*] all your liegis, that they who hes the absolute suprem jurisdiction and such strange heretabill priviledges, as said is, over all persones in all causes at all tymes but exceptioun that they suld have the said office, and have the custodie and keeping for the tyme off Parliament, off your Majesteis royall persone and the hail Estait and Lords off Parliament, speciallie quhen your Majestie and your Parliament sittis within thair towne, conform to thair astrictand chartour, quhilk towne being wallit, and they heaving power to fortifie the same at thair awin plesour and being suprem as said is, it wer most parielous and dangerous that they suld have the said custodie off your Majesteis royall persone and hail lordis off Parliament; quho having attemptitt and acqyritt such absolute jurisdiction and strange priviledges not competent for ane trew subject, quharas now your Majesteis said royall officiar and his predecessouris for thair fidelitie and service to your Majesteis Crowne heaving obtenit the said office, and in tyme off Parliament dois keip upon his awin chargis ane royall guard off gentillmen for preservatioun of your Majesteis royall persone, the hous and hail lordis of Parliament, and hes bein in use ever so to do in all places speciallie quhill as the Parliaments wer haldin in Edinburgh, be reassone off thair absolute jurisdiction and strange priviledges, and therfoir they aucht to be denuditt and inhibitt to exerce in any tyme heirafter the said office or any priviledge, honor or casualitie thairof but suffer the same to be injoyit be your Majesteis present royall officiar.

(62.) Your Majesteis royall officiar, the Justice Generall, is greatlie prejudgit be the universalitie and extent of thair liberties, priviledges, judicatories, heretable offices, speciallie because they heaving full jurisdiction and authoritie in the cheiff and best townes and province off the kingdome quhair all liegis and strangers resortis and quhairin many great haynous factis and crymes ar committit, and power to judge in all causes criminall at all tymes againes all persones, lieges and strangers, and so the said office becumes uneffectuall and thairby, viz. be thair richtis and be thair diligence conforme, is denuditt off all the best casualities and priviledges thairoff.

The same  
privileges  
prejudice  
the jurisdiction  
of the Justice-  
Generall.

(63.) Your Majesteis royall officiar, the Admirall, is greatlie prejudgit be the universalitie and extent off thair liberties, priviledges and heretabill offices grantit unto them, and cheifie the surreptitiousse acqyritt richtis in and to the Admirallie quhilk they have in prejudice off the said royall officiar in the herberies, bulwarkis, peiris, schoris, seas, roadis, sandis, waters and floodmarkis off Leith, Newheavin and Phorth in this maner following:—First, they ar Admirallis under ane new name quhilk is watter bailyes or watter judges for the saidis partis, quhilk is nothing els bot to be Admirall theroff, because the Admirall him self is nothing els bot ane watter judge; at leist power to judge in all sea fearing causes and bussines that sall concerne or be done in watteris, and hes power to do als much and moir nor ever wes compitent to any admirall.

Likewise the  
jurisdiction of  
the Admirall.

Further statement of the prejudice which the Admiral receives from the said privileges acquired by Edinburgh.

(64.) They have . . . progenitouris surreptitiouslie in prejudice off the Admirall, lyik as they doe and ar in possessioun thair off, to be judges in all causes civill or criminall arysing upon promeis, word, wreitt, fact or deid quhatsoever betuix any persons, liegis or strangers, done, spokin or committit within the floodmarkis, herberies and uthers forsaid off Leith, Newheavin and Phorth, with express power to them to convey all liegis and strangers befor them, and that nane be judges or members off court but onlie burgesses of Edinburgh, pronounce interloquitours and sentences in thair awin names, and to this effect to raise and give out preceptis and caus thair officiaris execute them; and efter pronouncing sentence to execute the said sentences, and all to be done in thair awin names but any nomination off the Admiralls name, with power to them to caus the liegis and strangers that compeiris not befor them pay them such unlaues and exactiones for not comperance as they sall impose, quhich is moir nor the Lordis off Sessioun or any uther judge can lawfullie doe to impose penall statutis for disobedience in not compering at thair courtis, and to uplift the saidis fynes to thair awin privatt uses.

Miscellaneous Papers.

Pilots and beacons are solely under the control of Edinburgh.

(65.) They have purchast, as said is, the heretable richt and possessioun to them, at leist possessioun but richt, off the pilotage and beakonage for saiftie and conduct off all scheppes and weschellis going out or entering at Leith, Newheavin and Phorth, quhich is ane cheiff pairt off the Admirallis office and onlie proper as his casualtie.

As also the arrangement of home and foreign ships in harbour.

(66.) They have acquyritt, as said is, heretabill richt and possessioun, at leist possessioun but richt, in ranking and placeing all the scheppes and weschellis belonging to liegis or strangeris within the floodmarkis off the herberies off Leith, Newheavin and Forth, quhich is ane cheiff pairt off the Admirallis office and onlie proper to him.

Edinburgh has power to punish by fine, exile, and death in the case of crimes committed within the tide-mark.

(67.) They have purchast, as said is, heretable power to them not onlie to be judges in all causes civill and criminall to all persones, liegis and strangers, and in all sea fearing causis within the saidis floodmarkis and wateris forsaidis, and to convey them befor them as said is, to fyne for not comperance, to pronounce sentences, to impose punishments as they sall pleis according to the nature off the offence, bot also to imprissone, to put to death, and most off all to baneiss, and to this effect to hold thair courtis be burgesses onlie in Edinburgh, Leith, or within the herberies, sandis, roadis, seis and floodmarkis off Leith, Newheavin and Phorth.

And to enact casualties which legally belongs to the Admiral.

(68.) They have purchast, as said is, heretabill disponit to them the undoubtit richt and cheiff casualtie belonging to the Admirall, quhich is the golden pennie, that is ane rois nobill at sextein markis Scottis money, off ilk schip and veschell maid, coft or sauld be liegis or strangeris within the landis or wateris off Leith, Newheavin and Phorth.

And to make navigation laws and enact

(69.) They have purchast, as said is, heretabill power to them to mak lawes for navigation and government thair of and to execute the saidis

Miscellaneous  
Papers.

lawes and exact fynes fra the transgressouris thairroff according as they sall appoint at thair plesour, quhilk fynes salbe employed to thair privatt uses. penalties for their infringement.

(70.) They have purchast, as said is, heretabill power to them, lyik as they scite and charge and attatch the liegis and strangeris within the harberies, floodmarks, and thair schippes, to compeir befor them in causes civil and criminall, and imprissones them ather in Leith or Edinburgh at thair plesour, poindes, arreistis, compryses, and rouppis the scheppes and goods within the floodmarkis and herberies forsaidis, and takis the saillis and ankeris from scheppes and veschellis within the said floodmarkis and herberies off Leith, Newheavin and Phorth, quhich is onlie proper to the Admirallis office. And to confiscate the cargoes and ships of such as they find guilty within the tide-mark.

(71.) They have purchast, as said is, decreittis, richtis and letteris befor the Lordis off Sessioun upon sinister narrative aganes us, your Majesteis subjects off Leith, and consequentlie aganes all liegis and strangeris, seing we ar als frie as they, that we sall by no goodes or geir belonging to your Majestie nor to the Admirall nor to the liegis or strangeris that wenters thair lyves out off any pryse or men off war cumand or beand in Edinburgh, Leith or the saidis wateris, quhairby your Majestie and the . . . and the liegis benefite quhich they hardlie venter for may be turned to naucht, at leist to ane monopole for thair privatt uses [be] ressonne they will suffer nane to buy bot them selfis. Edinburgh has procured decreets, etc., on sinister information against the inhabitants of Leith.

(72.) Your Majestie and your Majesteis Admirall is greatlie prejudit, as said is, because they have purchast heretabill liberties and dispositiouns in propertie off certane pairtis off the seais and off the herberies within the floodmarkis off Leith, Newheavin and Phorth, with ample judicatories within the same, with power to them to mak lawes for navigatioun and government theroff, bot also to mak lawes for manteing off thair unlaifull and surreptitious purchasitt richtis and liberties and to puness all persones off quhatsoever qualitie, transgressouris off thair said lawes and liberties, with the escheitt and forfaltour off thair goodes to thair awin usses, imprissonment off thair persones; and to that effect they ar maid heretable judges to the transgressouris off thair awin lawes and liberties, and consequentlie ar judges and pairties, aganes all law and conscience. And to the prejudice of his Majesty and his Admiral has acquired heritable rights over certain parts of the sea, and within the tide-marks of certain harbours.

(73.) [The said office being onlie proper to your Majesteis] crowne and fra your Majestie to your said officiar, the towne of Edinburgh heaving acyurit surreptitiouslie in prejudise of your royall officiar fra your Majestie and your Majesteis progenitouris the saidis privieliedges, quhairby in effect they ar totallie admirallis off the foresaidis pairtis, and nothing left to him bot the naked name and ane cyfer; and seing they can have no lawfull richt thairto bot be deputatioun fra the Admirall, quhilk they have not, bot fra your Majestie in prejudice off the said officiar, therfor the saidis privieliedges suld be recallit totallie. With the result that Edinburgh has usurped the office of Admiral within the said bounds.

Usurped also  
the offices of  
Treasurer and  
Treasurer-  
Depute.

(74.) Your Majesteis Thesaurers, principall and deputt, as your <sup>Miscellaneous  
Papers.</sup> Majesteis principall officiaris, ar greatlie prejudgit in thair office by the saidis priviledgis, giftis, liberties and offices grantit to them, and be the universalitie of thair jurisdiction and extent, as said is, because they have appropriatt to thair awin privatt usses in prejudice off your Majesteis Crowne and your saidis officiaris the escheittis off all regraitters, the escheittis off all that fallis under the compass off thair heretabill offices, togidder with the escheittis off all goodis, geir, debtis, soumes off money, contractis, bandis, obligations, and all uthers addebtit thairby or dew be any word, wreitt, or promeis addebtit to any persone of quhatsoever qualitie, ather within that kingdome or without the same, citit or convictit befor them or any other judge off that kingdome for any cryme committit be quhatsoever persone within Edinburgh [Leith . . . ] schyir, herberies, roadis, seais, and within the flood-markis off Leith, Newheavin and Phorth.

And that of  
the Lord Privy  
Seal.

(75.) Your Majesteis officiar of Estait, the Lord Privie Seill, is prejudgit in his casualitie be appropriating to thair usses the escheittis, as is contenit in the former article, because the saidis escheittis being disponit to them summariey be ane heretabill gift they neid no new gift, becaus be vertew off thair said heretable gift they properlie belong to them, so that no gift as occasioun sall offer will pas the privie seill or neid they tak. Lyik as be thair illegall proceedingis quhair they summarie upon ther awin sentences apprehends the liegis, puttis them in waird but horning or captioun till they obey thair sentences, so that be this thair summar illegall proceedingis, they using no horning, ther is no rebellious and so no escheitt and so no gift and so no benefite.

And that of  
Justice-Clerk.

(76.) Your Majesteis Justice Clerk is lyikwayes prejudgitt be thair tacitt privatt register of horningis, because, giff they sall have libertie to registrat all horningis within thair jurisdiction then it wald greatlie prejudice his register of Justiciarie, and the universalitie, extent and greatnes off thair heretabill offices, strange priviledges and justiciarie over all persones at all tymes in all places, as said is, . . . to appoint judges and mak clerkis in criminall causes be thair saidis richtis and diligence quhilk they use, he salbe denudit off the full casualitie off his office, and in effect the same sall cease and becum uneffectuall, at leist improfitable to him.

And that of  
the Clerk of  
Register.

(77.) Your Majesteis Clerk of Register and his deputts ar greatlie prejudgit be thair illegall proceedingis in not seiking decreittis conforme and in executing thair sentences be imprisonment but captioun, quhilk they wald not gett but the saidis decreittis conforme, specialie quhilk they doe over all uther liegis in generall not being thair burgesis, he is impairt off ane great casualitie off his said office; lyik as by his knowledge heaving purchast, as said is, ane privatt tacitt register for horningis, inhibitionis and uther wrettis aganes all persones without thair liberties, they heaving no deputation off him nor granting him no

Miscellaneous  
Papers.

benefeitt off the said register, nather being markitt by him nor producitt in Exchekker to him, bot be ane novatioun upon all liegis, but that they sall keip the samyn them selffis and registrat and extract all letters aganis all persones, inhabitants als weill as burgesses in Edinburgh, Leith and thair liberties forsaidis, and the extractis thairroff and marking off the principalls being subscribit be thair towne clerk and his deputtis to mak als greatt faith as giff they wer subscribit be the Clerk off Register.

(78.) Your Majesteis Shereff and Shereff Clerk off Louthian ar greatlie heirby prejudgit in thair casualitie.

(79.) Your Majesteis Advocatt is greatlie prejudgit be the universalitie and extent off this thair richtis, priviledges, judicatories, because quhat concernes his office befor the Justice is executt to the great prejudice off the liegis unsufficietlie be thair ordinar procuratour.

(80.) Your Majesteis Secretaries ar prejudgit as said is speciallie in the casualitie off the Signett be thair illegall and *brevi manu* proceedingis by executing thair sentences but decreitt conform, horning or captioun, quhilk they doe aganis all uther liegis als weill as aganes thair burgesses, so that off everie instance they execute illegallie he is prejudgitt off tuo or thrie signettis, viz. ten shillingis for summondis conform, xxxiij. 4d. for horning and xs. for captioun, ten shillingis for arrestment, quhilk wald extend to ane large soume yeirly, quhairroff he is prejudgit, giff they keip the ordinar illegall forme they doe by all the lawes and custome off the kindome.

(81.) . . . wretter to the privie seill, the clerk and presenter for the Thesaurerarie ar greatlie prejudgit, as said is, by thair illegall proceedingis, strange priviledges and actis, viz.—the wrettaris to the Signett wantis, as the Secretar dois, the pryce of ilk letter that he wantis the signet off, and ar prejudgit be thair said act quhair Leith is astrictit that they sall onlie use the clerk off Leith and Edinburgh in all thair wrettis, quhilk inferris it sall not be lafull to them to wrett with others, and giff they doe Edinburgh will not acknowledge said writtis. The presenter to the Thesaurerarie is prejudgit be thair heretabill gift off escheittis because they acqyir no new gift, and so no presenting and so no benefite. The Thesaurer clerk be the lyik reason is prejudgit off his benefitt off registrating signatouris; the wretter to the privie seill is prejudgit also be the lyik reasone off his benefiet quhilk he wald gett giff he wer not prejudgit be thair heretabill richtis.

(82.) Your Majesteis greitt Chalmerlane, being ane off the cheiff royall officiaris off the crowne, is prejudgit be the universalitie and extent off thair priviledges, richtis, liberties, heretable offices, judicatories over all persones, in all causes, at all tymes, in all places, speciallie off the cheiff and best partis off that kindome, so that no . . . Majesteis royall officiar and that be wertew of thair [forsaidis] surreptitious richtis and executing conforme, he is prejudgit in his office and they exerce the

And that of  
the Sheriff and  
Sheriff-Clerk  
of Lothian.  
And that of  
Advocate.

The offices of  
his Majesty's  
Secretaries are  
likewise pre-  
judiced by the  
said privileges  
acquired by  
Edinburgh.

As likewise the  
offices of the  
Clerk and  
Presenter for  
the Treasury.

And the  
office of the  
High Cham-  
berlain.

priviledges thairroff, as be punisment of those that musteris not, nanelie within bruch, quhilk they exerce and exactis the fynes to thair awin usses off that and as followes, be punisment off servantis within bruch not keipand the Actis of Parliament, be punisment off beggars and magistrattis within bruch negligent or faultand in thair offices, be punisment of these that uses unjust mettis and mesours within bruch and without the same, the exacting the just compt off the comon guid off burrowes, the surveying and caussing repair off and punising the incrotchers upon your Majesteis streittis, pathis and hie wayis within bruch or without the same, with dyvers others great priviledges competent to the said royall officiar altogadder now exercitt be them, quhairby in effect his said office ceises, and they enjoy the same be the priviledges and not in the name as they doe in the Admirallie.

Miscellaneous  
Papers.

By the  
superiority of  
Edinburgh  
over Leith the  
interests of his  
Majesty, of his  
officers, and of  
the inhabitants  
of Leith are  
alike pre-  
judiced.

(83.) . . . your Majesteis loyall subjectis off Leith, the liegis in generall and publict good off that your Majesteis kingdome dois suffer unjustlie in our bodies, goodes, richtis and native liberties compitent to us as your Majesteis free subjectis; as also your Majestie and your hail royall officiaris and officiaris of Estait and judicatories ar greatlie and heichlie prejudgit, speciallie your Majestie in your prerogative royall over your Majesteis subjectis, your honor and profeit and justice to us and all your liegis, and that in tuo respectis and be tuo meanis and causis. The first is be vertew off thair alledgit pretendit richt and possessioun off the superioritie off the thrid part off Leith, quhich properlie and is inceperable dew to your Majesteis Crowne, the richt and possessioun quhairroff wes dispoit be the Laird of Lestaris to abyid thairwith for ever; lyk as your Majesteis grandmother and father off blessed memorie had the undoubtit richt thairto and wer in possessioun conforme; quhich superioritie may be lafullie evictit fra them be course off law for the advancement off your Majesteis richt and benefit off your Crowne and the publict good to all the liegis, speciallie be relieving us your Majesteis loyall subjects fra so great slaverie and oppresiones as we underly be ressonne off thair mediatt superioritie surreptitiouslie purchast fra your Majesteis Crowne and fra us.

By the various  
priviledges  
acquired by  
Edinburgh the  
said interests  
are equally  
prejudiced.

(84.) . . . exprest, as said is, as be vertew of dyverse . . . mentis, decreittis and grantis purchast be [them] surreptitiouslie, as said is, fra your Majesteis progenitouris, speciallie in thair minorities, stressis, and trowblis off the granteris, quhairby your Majestie, your officiaris, judicatories and liegis ar so hielie prejudgit, the lyk quhairroff wes never purchast be any uther subject so heichlie prejudicial to your Majesteis and the hail liegis as be acyuring so many casualties, benefites and properties onlie proper and inceperable from the Crowne, togidder with so many strange priviledges and heretable offices as is not compitent to no subject far less to ane comunitie, and in speciall contenit in that *aurea magna carta Edinburgi* purchast surreptitiouslie the 15 of March 1603 and in the hail evidentis thairin contenit, abone threttie peice off

Miscellaneous  
Papers.

wreittis ratefeit thairin that wes never abefoir nather produceit to your Majesteis father or the Lordis off Parliament, Counsall or Exchecker, and they ar ratiefiett because off thair strenge priviledges prejudiciall, as said is, to your Majestie and the hail Estait efter this maner, at leist dyverse off them not expressing the name or reigne off the granters, the daittis or tennouris thairoff: lyik as conforme to that surreptitious purchast infestment they have purchast dyverse prejudiciall, as said is, since, fra your Majesteis father off blessed memorie approving and ratiefieing the same, as namelie in anno 1609, 1610, 1611, 1612, 1613, 1614, 1616, 1618 and 1619, and ratificatiouns in Parliament, 1621; as also hes obtenit ane new gift off the hail priviledges, offices, casualities afoirsaidis, and utheris off your Majestie, the passing quhairoff is stayit as prejudiciall, as said is; quhilkis hail premissis they hold blensch off your Majestie, and is the caus off our great oppresiones and unexpressable prejudice [off] your Majesteis Crowne, your officiairs, judicatories [as said] is.

. . . this book . . . syde. (Signed) J. PRYMOIS."

21. "To the Kings most excellent Majestie, the humble petition of Alexander Hay, commissioner for Leith, against the commissioner of Edenbrough, humblie showeing—

"Whereas at your Majesties command your petitioner hath set downe in writt foure score four articles of grivances done by Edenbrough against your Majestie, the petitioners of Leith, your wholl leidges and publike good of Scotland, May it please your sacred Majestie, seeing my opposit commissioner for Edenbrough hath gotten the said articles divers days preceeding to give his answer, who being conscious of his giltinesse against the good of your Majestie and the Steat, postpones and deferes tyme for cleireing of your Majesties, the petitioners and wholl leidges grivances and prejudices: Whererefor in respect of the great importance thereof and that the Lords of your Majesties most honourable Secret Counsall of Scotland are goinge home, and the constant suppressing and consealling of your Majesties unexpressable prejudices and the leidges grivances by those intrusted, and vilepended by them and called toyes, and I threathened by them for followeing out my commission and bound dewtie to your Majestie and the leidges, I humblie beseech your Majestie, for furthering your Majesties service, which I only attend on my great charges, your Majestie will give speedie order to cause the saids Lords conveyne and call your Majesties petitioner and my oposit to ane accompt of his answers and that we may subscrib the negative and affirmative parte of the saids articles in there presence according to my last petition given to [your] Majestie, and they to meake report to your Majestie after perusall and tryell, upon there fidelitie and alegeance, what they find concerning the said articles, whereby some speidie redresse may insew to your Majestie, your wholl leidges and petitioners;

c February  
1630.  
Petition by  
Alexander  
Hay, commis-  
sioner for  
Leith, that his  
Majesty may  
hasten the  
settlement of  
the dispute  
between Edin-  
burgh and  
Leith.



and as in dewty bound wee, your Majesties oppressed subjects, shall ever pray for your Majesties long and prosperous raigne over us. (Initialled) J. P.” Miscellaneous Papers.

Names of those representing the meal-makers in their complaint against Edinburgh.

Names of those representing the skippers.

22. “Names of the meilmakeris of Leith, complineris, Peter Schaw, p.; Alexander Fraser, p.; John Quhytt, p.; Alexander Mackcannus, p.; William Castrium, p.; Thomas Poig, p.—in name and behalfe of the rest of the meilmakeris.

“Names of the skipperis of the north syide and south syide of the Water of Leith, complineris againes the toun of Edinburgh:—James Hoome, p.; Robert Sloss; James Blyith, p.; David Robertsoune, p.; George Scott, ab.; Johne Luikup—in name and behalfe of the remanent skipperis and sayleris.”

Whitehall, 4th February 1630. Letter of his Majesty granting the escheat of the lands of two excommunicated and exiled Papists.

23. “CHARLES R.—Right trustie and right welbeloved cousin and consallour, right trustie and welbeloved cousins and counsallours, right trustie and welbeloved counsallours, trustie and welbeloved counsallours, and trustie and welbeloved, wee greete yow well. Whereas wee have bin humbly petitioned by our trustie and welbeloved servant, Doctor James Chambers, one of our ordinary physicians, making mencion, That hee haveing paied foure hundred pounds sterling unto Alexander and Robert Irwings towards thair transportacion and subsistence abroad in consideration and for a lease of certain lands lett unto him by the saids persons dureing their lifetymes, which he alleggeth hee cannot legally enjoy without our confirmacion or graunte of their escheat and lifferent as fallen and become in our hands by thair excommunicacion or denounciacion to our horne; and forasmuch as the saids Alexander and Robert Irwings are to live abroad out of that our kingdome, for shunning all occasion of scandale unto the discipline of our Church there, and for that our said servant, Doctor James Chalmers [*sic*], humbly entreateth for our guift of their escheat and lifferent for his better securitie of his said lease, therefore and in regarde of the long and faithfull service done unto our late deare father and us by the said Doctor James Chambers wee have bin gratiously pleased to signe unto him a signature of their said escheat and lifferent, and doe hereby will and require yow to passe the same accordingly and to ratife and confirme unto him his said lease of the said lands in suche legall forme and manner as yow in your discretions shall think most fitting for his securitie, and that yow cause settle and establish him in the possession of the lands and tenements and other goods moveable and imoveable belonging to the saids Irwings or any of them, and that the keyes of their houses may be delivered to our said servant or his assignes, together alsoe with all the byrune rents of the saids lands and tenements, if any be. And for your soe doing these our letters shall be your sufficient warrante. Given at our Court at Whitehall the fourth daie of Februarij 1630. [Addressed] To our

Miscellaneous  
Papers.

right trustie and right welbeloved cousin and counsellour, to our right trustie and welbeloved cousins and counsellours, to our trustie and welbeloved counsellours, to our trustie and welbeloved counsellours and to our trustie and welbeloved the Viscount of Dupline, our Chancellour, the Earle of Marr, our Treasurer, the Earle of Monteth, Lord President of our Privie Councill, and the remanent noblemen and others, the Lords of our honourable Privie Councill, and Commissioners of our Exchequer of our kingdome of Scotland."

24. "CHARLES R.—Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, right trustie and welbeloved counsellours and trustie and welbeloved counsellours, we greet yow well. Whereas petition is exhibited unto us by Peter Laba of Calais alledging that his shipp called *The Amitie* of Calais, loaden with salt, was in September last past taken from him and his companie neere unto the citty of Berg in Norway by one Captaine Andersone upon pretence that the same did belong to Dunkirk as by the within petition may appeare, wherein speedie justice is humbly prayed; our pleasure therefore is and wee doe hereby authorise, will and requyre yow, upon sight hereof, to minister justice with all such summare proceedings as may be best agreeable to justice and equitie and the lawes of that our kingdome, the petitioners being strangers and not able to attend any long suite without extreme prejudice and losse. And for your soe doing these our letters shalbe your sufficient warrant. Given at Whythall the fourth day of Februarij 1630. [Addressed] To our right trustie and right welbeloved cousin and counsellour, to our right trustie and right welbeloved cousins and counsellours, to [our] right trustie and welbeloved counsellours and to our trustie and welbeloved counsellours the Viscount of Duplin, our Chancellour, the Earle of Monteith, president, and to the remanent Earles, lords and others of our Privy Counsell within our kingdome of Scotland."

Whitehall, 4th  
February 1630.  
Letter of his  
Majesty desir-  
ing the Council  
to see justice  
done to Peter  
Laba of Calais,  
whose ship  
"The Amitie  
of Calais," had  
been seized by  
one Captain  
Anderson.  
See ante, p. 488.

25. "To the right honourable the Lordes and others of his Majesties most honourable Privie Counsell, the humble petition of Peter Laba and companie, subjectis of the Kinge of Fraunce, Sheweth—That in March last they sent a shipp of theirs called *The Amitie* of Callis in Fraunce of the burthen of about 250 tunn, whereof Simon Hedin was master, for Rochell, and from thence to Rebedeus in Bisca, and from thence to St Lucas in Spaine, where she reladed salt and departed from thence for Norway in the King of Denmarkes dominions, where shee was safely arrived within 12 leagues of the cittie of Berge in Norway, being there to dischargd her said loading of salt. But so it is, may it please your Lordships that the 10th of September last (new stile) one Captaine Anderson of Scotland with another shipp, which was joyned with him, tooke your supplicants said shipp within 12 leagues of the cittie of

[c February  
1630.]  
Complaint and  
petition to the  
Council by  
Peter Laba  
and Company  
of France  
about their  
ship called  
"The Amitie  
of Calais,"  
which had  
been seized off  
Bergen in  
Norway by  
Captain  
Anderson.

Berge as aforesaid, pretending the said shipp and salt to belong to the Dunkerker; and being possessed thereof most cruelly and tyrannouslie bound in chaines and at the maste the most parte of the men, and threatned them there to burne their fingers with match, and beat them with cords, and putt pistols at their breastis, with other unchristian like usage, to make them confesse an untreuth, and soe brought the shipp thence for Lythe in Scotland, nere Edenbrough, where the said salt is putt into warehouses, and the said shipp and salt to this day not adjudged as prize for that the judge of the Admiraltie there seeth noe sufficient proove on the Captaines behalf. Their most humble suite unto your Lordships is that your honours will be favourable pleased to direct your commands to the Judge of the Admiraltie there, that your petitioners may have speedie justice for the releasing of their said shipp and goods, without anie further prejudice or delay there. And they, as in duetie bound, shall pray for your Lordships, etc."

Miscellaneous  
Papers.

Whitehall, 4th  
February 1630.  
Letter from his  
Majesty desir-  
ing the Council  
to settle with  
all speed the  
dispute  
concerning the  
two pretended  
French ships,  
called the "St.  
Peter" and the  
"St. Michell."  
See *ante*, pp.  
521, 539.

26. "CHARLES R.—Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, right trustie and welbeloved counsellours, and trustie and welbeloved counsellours, wee greeete yow well. Whereas wee did laitlie in August last wreitt our letters unto yow for a dispatche of the cause concerning the two pretended French shippes called *The S<sup>t</sup> Peter* and *The S<sup>t</sup> Michell*, alledged taken since the pacification made with France; and for as much as wee are informed by the pairties interessed that the sayd cause is not as yett determind neither any answer comes from yow concerning the same, therefore at the humble petition of the sayd pairties wee doe hereby againe will and requyre you with all expedition to cause decyde the said contraversie according to justice and equitie, least the tediousnes of the suite should seeme to be a delay of justice and a greivance to the pairties, whom wee wold glaidlie have freed from any just cause of clamor. So hoping yow will not suffer us any more to be troubled or importuned with this bussines, wee bid yow fairewell. From our Court att Whythall the fourth day of Februarij 1630."—Addressed to the Viscount of Duplin, Earl of Monteith, and remanent Lords of the Privy Council of Scotland.

c11th February  
1630.  
Complaints by  
Leith against  
Edinburgh.

27. Paper endorsed "Certane few greivances gevin in be the inhabitantis of the toun of Leith againes the toun of Edinburgh 1630." It is mutilated at the top and also at the foot.

" . . . wronges and oppressiones committit and done be the provest, baillies, thesaurar and counsell of Edinburgh and thair baillies of Leith againes the inhabitantis within the toun of Leith.

Acts put in  
force by Edin-  
burgh against  
Leith, which

(1.) Item. The inhabitantis of the said toun of Leith ar oppressed be the provest and baillies of Edinburgh and thair baillies of Leith be making and puting to executioun dyverse and sindrie actis and bylawes

Miscellaneous  
Papers.

express contrare the lawes and practick of this kingdome, and namelie the are contrary to  
the laws of the  
kingdom. actis following, viz. —Ane act quhairby the provest, baillies and counsell of Edinburgh ordanit that ilk maltman admittit to the fridome and libertie of making of malt within the toun of Leith sall be oblist to keip and underly the actis and statutes maid be the provest, baillies and counsell of Edinburgh without any exceptioun, that thay grind thair malt Grievances of  
the maltmen  
of Leith. maid be thame within the said toun of Leith at the toun off Edinburghes mylnes in all tyme comming. Nixt, they sall not suffer any man mak malt within thair barnis or associat or be pairtner with any maltman in making of malt in Leith quha is not admittit to the libertie thair of be the provest, baillies and counsell of Edinburgh; that thay sall brew na malt within the toun of Leith but that quhilk is maid thair and grund at the toun of Edinburghes mylnes; that thay sall do na thing hurtfull nor prejudiciall to the liberties of the guid toun; thay sall in all questiones and debaittis of law submitt thame selfes to the judgement and decisiou of the provest and baillies of Edinburgh and thair baillies of Leith, and in speciall sall not conveyne utheris befor the Schirreff, and thay sall use the toun clerk of Leith in writting of all thair writtes and securities. As lykwayes statute and ordanit that nane be admittit to the libertie and fridome of making of malt within the said toun of Leith but he quha sall be tryed and fund qualified for using of the said traid be thrie or four maltmen of Leith alreddie admittit to the fridome thair, to be chosen be the counsell of the guid toun to that effect, and sall report to the counsell of Edinburgh ane testificat of thair qualificatioun and approbatioun gevin and subscryvit be the said maltmen of Leith, chosen as said is. And also statute and ordanit that the male childrene of thame quha ar presentlie admittit to the fridome of making of malt sall be ressavit to the fridome thair of, they being fund qualified, for peyment of compositioun of ten pundis money, thay alwayes keiping the conditiones and provisiones above mentionat. Quhilk act is of the dait the 16 day of Junij 1619 yeires, as the said act in itself at mair lenth proportis. Be the quhilk act thay compellit George Thomsone, David Jamesone, James Mathesone and dyvers utheris inhabitantis of the toun of Leith, to the number of fyftie thrie persones, to pey ilk ane of thame ten merkis, extending to the soume of fyve hundreth and threttie merkis, and to subscryve the said act and was ignorant quhat was contenit thairin. Lykwayes upone the said act thay conveynit befor thair toun counsell in Edinburgh Johne Jonking, Johne Kello, James Johnstoun, William Phyne, Alexander Killone and dyveris utheris inhabitantis and urgit thame to subscryve the said act, quhilk the saidis personis desyring to be advysit with the copie thair of thay refusit the samyn and dischargit thame at thair counsell table fra all making of malt and brewing of aill within the toun of Leith.

(2.) Item. The foirsaidis inhabitantis notwithstanding of the dis- Oppressive  
enforcement of  
the laws passed charge foirsaid continowit in making of malt and brewing of aill, the

by Edinburgh  
against the  
maltmen of  
Leith.

Miscellaneous  
Papers.

saidis provest and baillies imediatlie thairefter . . . aill or beir . . . and sall be admittit to the libertie thairof be the saidis provest, baillies and counsell under the pane off fyve pundis for the first fault, . . . merkis the secund, ten pundis the thrid and confiscatioun of the stuff, and that all malt browin in Leith salbe grund at Bonytoun mylnes under the panes of confiscatioun and escheating of the malt grund elsequhair. Quhilk act Patrik Eleis and James Murray, baillies of Leith, in the yeir of God 1629 hes put in executioun with extreme rigour againes Johne Kello, ane of the inhabitantis of the said toun, be imprisoning of his person in waired *brevi manu* but denunceing of him to the horne or using ony legall proces againes him, quhilk na barroun baillie may do be law, and be making of actis and decreittis of confiscatioun of ane great quantitie of his malt and guidis extending to fyve chalder of malt, fyve scoir gallounes of aill, and unlawit him in ane hundreth pundis of silver; quhilk priviledge of confiscatioun is onlie propper to his Majesties auctoritie royall, and na barroun nor thair baillies can use or clame the lyke prerogative over the inhabitantis of any barronie.

Oppressive law  
of Edinburgh  
against the buy-  
ing of land by  
the inhabitantis  
of Leith and  
others of his  
Majesty's  
lieges.

(3.) Item. The provest and baillies of Edinburgh will not enter nor ressave any of the inhabitantis nor uthers his hienes liedges that buyes landis or compryses the samyn according to such valide rights as thair predicessouris had of the Lairdis of Restalrig and his Majesteis grandmother quhen thair superioritie was at the Croune or in the handis of the Lairdis of Restalrig, nather according to such rightis as thay have laitlie of thame selfis except thay tak thair rights beiring this provisioun, viz., *Proviso tamen quod non licebit ejusve hereditibus aut assignatis pollentam facere neque cerevisium aut aliquod potus penus in parvis vendere vulgo lie oistlaire exercere sine consensu et assensu dictorum superiorum.* This thay inforce upone thame in thair heretable rightis quhairby thay cleirly intend be this thair indirect sinister meine not onlie to mak thair heretable rightis in ane worse caice nor thay wer removable tennentis, but also bring thair rightis and liberties to nocht, at leist all the proffit and comoditie thairof that sould mantayne thame, thair wyfes, childrene, kirk and poore be turned to ane monopolie for thair private uses be thair yeirly licences which they will have thame to accept, thairby intending the overthrow of the toun of Leith. Be the quhilk ressonne thay refuisit to accept Neill Campbell, maltman in Leith, and Margaret Wallis, wedow, thair, conforme to thair predicessoures right, nather will thay ressave the aires of thair vassellis for doubling of thair fewdewtie conforme to thair infetmentis, but compellis thame to pay ane yeiris dewtie of the land, quhilk was done to Johne Jonking and George Logane and uthers diverse.

Certain inhabi-  
tants of Leith  
have been  
illegally sum-  
moned before

(4.) Item. The provest and baillies of Edinburgh causit charge Johne Gray, ane of the inhabitantis of Leith, and diverse uthers about half a yeir sensyne or thairby, to compeir befor thair toun counsell of Edin-

burgh outwith the boundis of the baronie, and nather gives thame ane the Town  
coppie in writt nor tellis thame quhairfore, quhilk in effect is to ansuer Council of  
*super inquirendis*, quhilk is prohibite be Actis of Parliament, quhair thay Edinburgh.  
present writtin paperis quhilk thay will not let thame reid and blankis  
quhairin thay may fill up quhat pleises thame.

(5.) Item. The provest and baillies of Edinburgh causit charge Johne Illegal sum-  
Jonkine, ane of the inhabitantis of Leith, befoir . . . toun counsell mons of John  
*super inquirendis* within ane . . . or medling . . . Jonkine before  
to thame thairupone notwithstanding that it is lesum be dyverse Actis the Town  
of Parliament to all the Kingis liedges to buy and sell victuell. Council of  
Edinburgh.

(6.) Item. The provest and baillies of Edinburgh chargit Johne Duff, Illegal fine  
ane of the inhabitantis of Leith, *super inquirendis* before thair toun imposed on  
counsell of Edinburgh in anno 1615 or 1616 or thairby, and having John Duff by  
compeirit laid to his charge the bringing hame of fyve or sex twne of the magistrates  
beir, quhilk wes onlie for furnishing of the schip and marineris, for the of Edinburgh.  
quhilk the said Johne was ordainit be the saidis provest and baillies to  
go to waird or pay ane hundreth pundis, and he having his schip reddie  
to go to sey, to eschew warding was forcit to give thame ane hundreth  
merkis, quilk thay as yit detaine fra him maist wrangouslie.

(7.) Item. The provest and baillies of Edinburgh chargit Johne Hop- Illegal warding  
kirk, smyth in Leith, to compeir befoir thair toun counsell of Edinburgh of John Hop-  
*super inquirendis*, and he compeirand, the provest out of his awin mouth kirk for bowing  
dischargit him fra all bowing of any irne within the toun of Leith in iron in Leith.  
anno 1625 or thairby, and he continowing in bowing of irne conforme  
to his calling thay did convene him before thame agane and wardit his  
persone in thair tolbuith and fyned him in ten merkis thairfore.

(8.) Item. The provest and baillies of Edinburgh be vertew of James Home James Home  
generall letters consavit in favouris of the Burrowes chargit James and others,  
Home, Allexander Hay, and George Logane, inhabitantis of Leith, fra all inhabitants of  
baking of saill bread be vertew of ane renunciatioun grantit be the Leith, have  
Laird of Restalrig in anno 1398, notwithstanding that the foirnमित been forbidden  
persones ar not baxteris of Leith nor exercises the said trade, yit thay to bake and  
have obtenit decreit before the Lordis of Sessioun in the moneth of sell bread.  
Februar last bypast, be the quhilk decreit thay mind to mak ane pre-  
parative thair of againes the baxteris of the said toun of Leith to caus  
thame desist fra using of the said craft, notwithstanding quhair of thay  
have bene in peaceable possessioun past all memorie of man but inter-  
ruptioun and priviledged be dyverse Actis of Parliament, quhilkis ar in  
favouris of throche fairing tounes, and hes lykwayes infestmentis flowing  
from the provest and baillies of Edinburgh sen the dait of the said  
renunciatioun *cum pistrino etc.*, with all comodities and easmentis, for  
peyment of small dewties and keiping of thair ordinar courtis *tantum pro*  
*omni alio onere.*

(9.) Item. The provest and baillies of Edinburgh be vertew of generall The same  
letters hes chargit James Home, Allexander Hay and George Logane inhabitants of  
Leith have

been forbidden  
to store corn.

foirsaidis to desist and ceis fra all girnelling of cornes in Leith; and gif they sal not have libertie to girnell so consequentlie they sall not have libertie to buy and sell, quhilk is priviledgit be diverse Actis of Parliament; and the maine end and drift of the toun of Edinburgh is that nane sall be permittit to girnell but burgesses onlie, and they sall compell nobilmen and gentilmen, speciallie these benorth the Water of Forth, to sell at such chaip raites as thay sall pleis to give to thame. For, first, thay have dischargit the publict mercat of all victuell, meill, malt, quheit, etc., which was laitlie usit to be in Leith for the guid . . . force the liedges to sell thair . . . quheit and utheris to burgesses of Edinburgh at such chaip raites as thay pleis and cheiflie quhen cornes comes to Leith and be in perell of heating and spilling, the liedges having no place of resett nor mercat place nor present buyeris for the saidis cornes nor commodious places for the girnelling thair of but onlie the burgesses of Edinburgh, which cleirly proves thair designe of the monopolie of the victuell.

Miscellaneous  
Papers.

Suspensions  
have been  
raised against  
the said  
persons.

(10.) Item. The provest and baillies of Edinburgh be vertew of generall letters foirsaidis hes chargit James Home, Allexander Hay and George Logane upone meir malice and putis thame to unnecessar charges in raising of suspensiounes to thair overthrow, albeit the saidis provest and baillies will not give thair actis that thay have just caus to alledge that thay use any traid competent to burgesses of frie burghes royall.

Edinburgh has  
obtained the  
privilege of  
fixing the prices  
of timber and  
other commo-  
dities brought  
into the port  
of Leith.

(11.) Item. The provest and baillies of Edinburgh be ane Act of Parliament in Queene Maries tyme, Par. 6, cap. 57, hes priviledge to set pryces upone timber and uther commodities comming in at the port of Leith, and that the pryces being maid thay sould caus pas to the mercat croce of the burgh of Edinburgh and thair be oppin proclamatioun declair the pryces of the saidis guidis as thay ar maid, and that nane thair of be disponit be the space of four dayes that the liedges may be advertised and servit according to the saidis pryces, as the said act in it self at mair lenth proportis. Nevertheles George Thomsonsone, George Logane, indwellers in Leith, and utheris inhabitantis thair of and utheris his Majesteis liedges ar debarrit of the saidis priviledges, becaus David M<sup>c</sup>Call, thair toun thesaurar, having takin the guidis to himself according to the pryce maid thay ar compellit to buy the samyn fra the said David M<sup>c</sup>Call or his servantis at a deirer rait nor the pryce wes maid, contrair to the meining of the said act, quhairby thay mak ane monopolie of the saidis guidis to thair awne uses to thame and the liedges great prejudice.

In accordance  
with an Act  
made by the  
Town Council  
of Edinburgh,  
Robert Grind-  
lay, notary  
public, has  
been forbidden  
to exercise his  
calling.

(12.) Item. The provest and baillies of Edinburgh hes wrongit Robert Grinlay, Admirall Clerk at Leith and publict notar, and the inhabitantis thair of, be ane act maid in thair toun counsell in anno 1619 quhairby thay have dischargit all the nighbours of Leith to imploy him or any other writter in writting of any bandis, obligationes, chartour parties or uther securities except thair aune clerk and his deputis allanerlie, as

Miscellaneous  
Papers.

the act at mair lenth beires; be the quhilk act not onlie Robert Grinlay is damnifiet but also the haill Kinges liedges quha aught to have frie access to all publict notteris.

13. Item. The provest and baillies of Edinburgh hes dischargit the meal-makeris of Leith to sell aither peck, firloft or lippie of meall to any of the nighbouris within the toun of Leith, and for this caus hes maisterfullie reft and away tane thair peckis, firloftis and lippies, quhilkis ar yet in the tolbuith of Leith, albeit the saymn toun be ane throche fairing toun and ordainit be . . . people . . . to extreme.

The meal-makers of Leith have been forbidden to retail their meal to any of their neighbours.

14. Item. James Cochrane, baillie of Leith, chargit Mr. John Elphinstoun, not dwelling within thair libertie, to compeir before thair court in Leith, and for not compeirance gave out ane act of warding againes him in anno 1616 or 1617 or thairby, quhairby he wes forcit to suspend the said act before the Lordis of Sessioun and obteane ane absolvitour thairof.

Illegal summons of John Elphinstoun by a baillie of Leith.

15. Item. Patrik Eleis, ane of the bailles of Leith, in anno 1629, causit Archibald Layng, officer, apprehend Gilbert Hunter, tennent to Barbara Logane, relict of umquhile Bernard Lindsay, and duelland in the Kinges Wark,<sup>1</sup> out of the town of Edinburgh thair libertie, and being going upone the schoir pat him in waird *brevi manu* in the tolbuith of Leith, for selling of drink within the Kinges Warke and his awne duelling hous; and his guidson Thomas Drysdell, efter long ressoning with the said baillie, he gave twa dollores for releiff of the saidis Gilbert that night and protestit before witnesses that the twa dollores was onlie consignit be the said Thomas for his guidfatheris releiff that night and not for a penaltie, quhilk as yit he detainis.

Illegal arrest of Gilbert Hunter for selling drink in the King's Wark, which is without the liberties of Edinburgh.

16. Item. The provest and baillies of Edinburgh gaiff ordour to Alexander Wode, ane of thair officeris, within this moneth or thairby to tak caution of James Johnstoun, ane of the inhabitantis of Leith, to compeir before thair gild counsell at the instance of ane burges of Edinburgh in ane sey fairing bussines, or ellis to go to waird, quha for obedience fand caution, and compeirand before the said counsell was assolziet upone lawfull defenses usit befor thame.

to James Johnstone, an inhabitant of Leith, illegally required to find caution in connection with a sea-faring business by the magistrates of Edinburgh.

17. Item. Archibald Tod and Edward Edgar, baillies of Leith, conveinit James Johnstoun, ane of the inhabitantis thair, in the tolbuith of the said toun of Leith in anno 1628 and unlawit him in the soume of fyve pundis for selling of twa schilling aill, notwithstanding whairof that the saidis James Johnstoun, Johne Kello, James Mathesone, William Phyne and Neill Campbell, induellares in the said toun, was appointit be the Lordis of his Majesties Exchecker conforme to ane minute drawin up betuixt the saidis Lordis and the saidis persones to brew weeklie to his Majestie tuentie twne of twa schilling aill, and we

James Johnstone, an inhabitant of Leith, fined five pounds for selling ale.

<sup>1</sup> The "King's Wark" was in the centre of South Leith. It was erected into a barony by James VI.



having browin fyve or sex twnes thairof was send for to compeir befor the saidis Lordis and thay having perfyte knowledge that his Majestie wald not come to Scotland that yeir they dischargit us fra brewing any farder and directit us to sell the samyn at the pryce foirsaid quhill thair nixt advertisement, quhilk poind and unlaw foirsaid the saidis baillies detaines to this hour.

Miscellaneous  
Papers.

Casualty of twelve pennies on every ton of goods brought into the Port of Leith had been granted by his Majesty's predecessors for the maintenance of aged seafaring people.

[Here follows another portion of the paper with an indented heading, but of which nothing remains save one or two disconnected words.]

(1.) Item. It hes pleased his Majesties royall predicessours of famous and worthie memorie to give unto us masteris and sailleris foirsaidis under thair great seall ane casualitie callit the pryme gilt, that is to say, tuelf pennies Scottis of everie twne of guidis that sall be laidinit or dischargit within the port and harberie of Leith, and that for the intertaining the old, agit and decayit seyfairing people within the said toun of Leith; quhilk pryme gilt was gevin be the masteris and skipperis of the said toun, our predicessoures, out of thair owne prinage, ane casualitie belonging to the saidis masteris as is the custome of all uther nationes, quhair of we and our predicessoures hes ever bene in possessioun without interruptioun past all memorie of man.

Though the right to the above casualty was confirmed by his Majesty's father, Edinburgh has stopped the said casualty by surreptitious means.

(2.) Lykas in anno 1609 yeires it pleisit his Majesties umquhill father of famous and worthie memorie to give unto us maisteris and sailleris foirsaidis ane new gift and signature conforme to the former, with power and auctoritie to us and our successouris to collect and distribute the pryme gilt foirsaid for the intertaining the old, agit and decayit seyfairing people of Leith, and with auctoritie under Lodovik, Duke of Lennox, Hich Admirall of Scotland, to have ane fraternitie within the toun of Leith of ancient and experimented masteris for judging of seafairing causis conforme to the ordour of England in all pointis, quhilk wes done by his Majesties umquhill father foirsaid and Lodovik, Duke of Lennox, by thair letters to Sir Allexander Drummond of Meidhope, knyght, Admirall Depute to the Duke of Lennox, quho at that tyme tooke certane masteris sworne for the samyn effect foirsaid. So soone as the toun of Edinburgh understoode of the samyn thay stoppit the gift and signature foirsaid at the sealles ay and quhill they gat the coppie thairof, and having ressavit the coppie thay wer not content thairwith quhill they got the principall, quhilk wes subscryvit by his Majesties umquhill father of blissed memorie. The masteris of the said toun of Leith at that tyme refused to delyver the principall ay and quhill William Speir, being baillie and speiker at the Counsell table of Edinburgh, desyrit Gilbert Lamb, skipper in Leith, quha at that tyme had in keiping the said signature, to delyver the samyn to the said baillie upon his awne faithfull promeis he wald delyver bak agane the said signature to the said Gilbert Lamb, quhilk he retainit in his hand at the directioun of the provest, baillies and counsell of Edinburgh, and refusit absolutlie to delyver the samyn bak agane but hes takin ane

Miscellaneous  
Papers.

new gift to themselfis thair of in thair awne favouris and hes confirmit the same gift in Parliament in anno 1621. Quhairupone we, the saidis masteris and sailleris of Leith, protestit in Parliament in the contrair that it sould not be prejudiciall to our former richt, lykas we have the said protest to produce before your lordshipis under the subscription of my Lord the Clerk of Register, quhilk, if it be sus [tenit], sall be to the great hurt and prejudice of . . . respect . . . strangeris imployit be our merchantis . . . within . . . threttie yeires. thay wer belonging to [the] maisteris and sailleris of Leith . . . thay wer pairt awneris thair of themselfis to the number of four score or ane hundredth saill of schippes, sufficient for any trade of commerce belonging to any merchand within the kingdome, quhairas at this present tyme thair is not belonging to the toun of Leith to the number of ten saill of sufficient merchant schippes, and that be ressonne that all forrane strangeris ar imployit so that we sall be forcit to leave the contrey gif the navigatioun sould decay as daylie it does, except his gracious Majestie provyde a remead thair of quhairby his leidges quha ar able to serve him both in peace and weir may be imployit with our awne merchandis as is the use and custome of all uther nationes.

(3.) Item. They will not permitt nor suffer us to trade nor trafficque with na maner of gross commodities as strangeris does into our awne schippes quhairin we ar pairt awneris and ventereris of our pairtis with thame, and we being the Kinges awne naturall borne subjectis, alwayes oblist and reddie night and day to serve his Majestie and the contrey both in peace and wear quher ever it sall pleis his Majestie to command us. We ar also content to pay unto his Majestie and the toun of Edinburgh unfriemens custome as strangeris does and the toun of Edinburgh to have the first offer of all the commodities quhilk sall be broght hame to us. Thairfore we his Majesties most humbill subjectis requeistis your honorabill lordschipis to consider quidder thir things quhilk we have ever bene in possessioun and use of to this present tyme be hurtfull or prejudiciall to the Burrowes or liedges, as thay alledge, and forraine strangeris having these same priviledges, notwithstanding strangeris ar not oblist to do no service nather to his Majestie nor the contrey, quhilk we at all tymes ar oblist to do of dewtie quhen we ar chargit by his Majestie or your lordschipis quhen any occasioun of service sall present, as your lordschipis hes had the experience.

(4.) Item. We his Majesties humble subjectis, the masteris and sailleris foirsaidis, humblie entreatis your lordschipis seriouslie to consider the premisses that we sould not have als great priviledge in our native contrey as strangeris hes, seing that in all contreyis quhairin we travell thair is no stranger preferrit to ane naturall contreyman, quhilk we have the experience of to be als frie in England and Ireland to import and export all maner of commodities als frie as any Inglis man or Irische man, quhilk strangeris hes nawayes the lyke. Utherwayes we will be

Edinburgh will not permit the inhabitants of Leith to transport their own goods in their own ships, which even foreigners are allowed to do.

Petitions of the masters and sailors of Leith that they may receive the same priviledges of trading as foreigners possess.

constraint and forcit<sup>e</sup> to leave our native contrey, as many sailleris does daylie, [for] laik off employment and goes to serve in forraine contreyis under st[rangeris] and enemies, quhilk will be no small prejudice to his Majestie and spe . . . y seing that the navigatioun hes bene ever ane of the cheiffest bulwa[rkes of all] kingdomes and wald lykewayes be in this kingdome gif it wer . . . now daylie does decay be ressonne that . . . extraordinar great . . . ce to the . . . strangeris transportis the moneysis out of the . . . quhilk . . . thair fraughtis and commodities, quhairas we be the [cont]rare, his Majesties subjectis, does imploy and serve the contrey with quhat moneysis we ressave, quhilk is the commoun benefite of the hail liedges, as your lordschipis may weill enough consider."

Miscellaneous  
Papers.

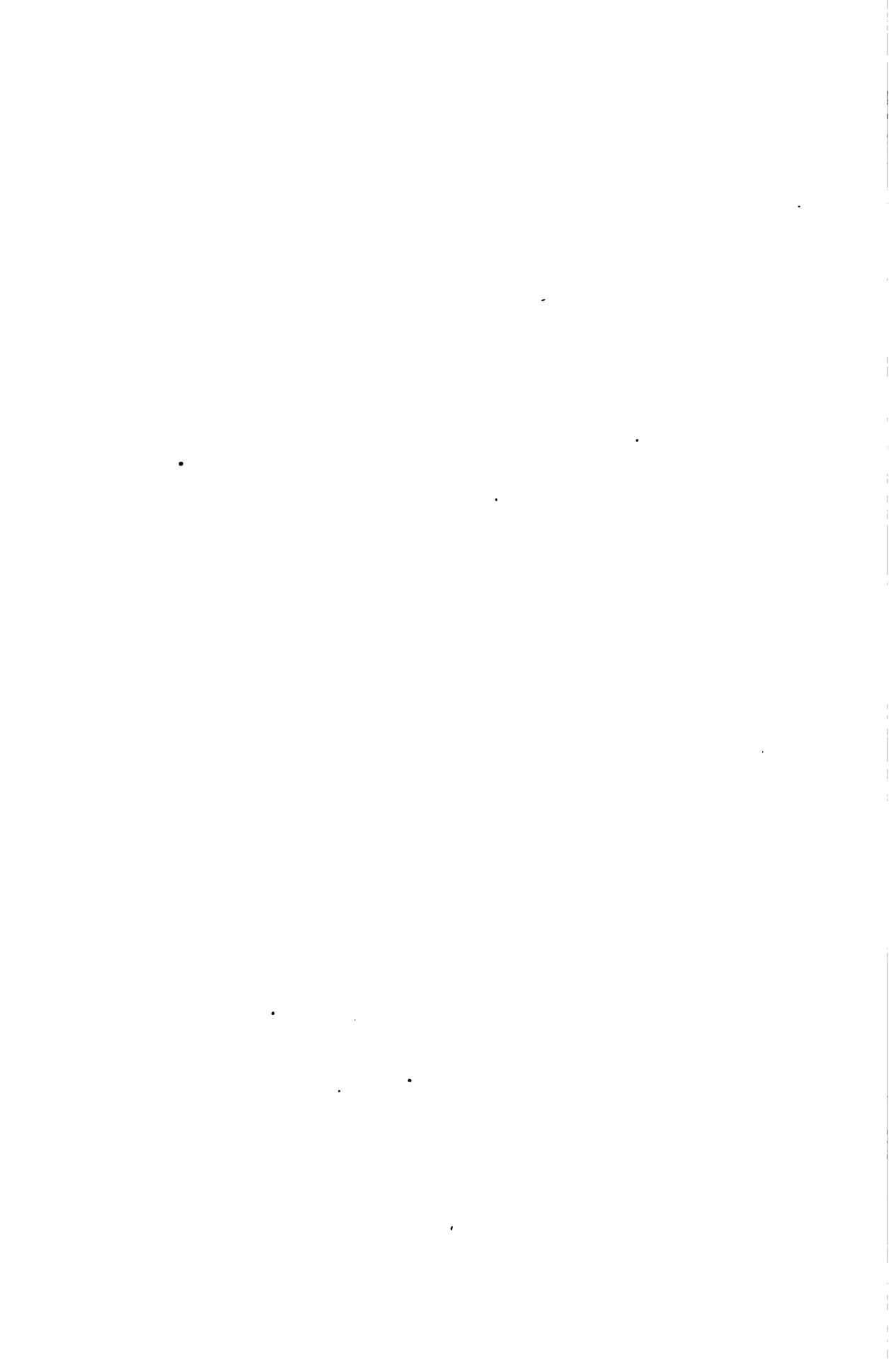
1st April 1630. 28. Extract of the Act of Council relating to the dispute between Edinburgh and Leith as to the girnelling of victual, printed *ante*, p. 507. (Signed) Jacobus Prynrois.

Whitehall, 4th May 1630. Letter from his Majesty anent a petition which had been addressed to him from Scotland. 29. "CHARLES R.—Right trusty and right welbeloved cousin and counsellour, right trusty and welbeloved cousins and counsellours, right trusty and welbeloved counsellours, and trusty and welbeloved counsellours, wee greete yow well. The enclosed petition being presented unto us,oure pleasure is that yow give such order for the petitioners satisfaction therein as may best tend to the exact tryall of those offences according to the lawes of that our kingdome, and as may best stand with the ease of oure good subjects; and to that effect that the petitioner may have such freedome as is requisite for prosecution of the tryall till it be finally determined according to justice. And soe wee bid yow farewell. From our Court at Whitehall the fourt day of May 1630." Addressed to the Viscount of Duplin, the Earl of Monteith, and remanent members of the Privy Council of Scotland.

12th July 1630. Anent a General Fishing in Scotland. 30. Original of royal letter anent the erection of a General Fishing in Scotland, sent down by Sir William Alexander for the consideration of the Convention of Estates, but addressed "To our right trustie and right welbeloved cosens and counceours, and to our right trustie and welbeloved counseours, the Lords of our Council for our kingdome of Scotland." The letter is printed at length in the Acts of the Parliament of Scotland, Vol. V., p. 220.

Anent the same. 31. Original Instructions for Sir William Alexander, Secretary of State, for treating with the Lords of the Privy Council of Scotland about the erection of a General Fishing. Signed by Jo. COKE, at his Majesty's command. These Instructions are printed at length in Acts of the Parliament of Scotland, Vol. V., pp. 221-223.

# INDEX.



## INDEX.

ABBEY of Coldingham, 425.

Abbotismeadow, lands of, 6, 7, 24.

Abel, Andrew, in Hill of Tillicarie, to be apprehended, imprisoned, and tried for witchcraft, 406.

Abercartie, Meikle, 451.

Abercorn (Abircorne), Earl of, . . . , deceased, bond by him to his daughter, Dame Elizabeth Hamilton, 253, 254.

— Countess of, Dame Marion Boyd, a prominent Roman Catholic, xviii; charged to appear before the Council, 102; put to the horn for not appearing before the Council, 109, 110; her case continued, 170; the King writes to the Council to permit her to go to Bath, which they delay doing, 211, 212, 631; her children to be educated in religion, 246; on her petitioning she is permitted to go to Bath in England for her health on certain conditions, 253, 254; she is permitted to remove from Edinburgh to Duntarvie, 417.

— parish and parish church of, 43.

Abercrombie of Birkenbog, . . . , commission to him to apprehend Papists, 239, 322.

Aberdgie, parish of, the inhabitants to repair their highways, 140.

Aberdeen (Aberdein, Aberdene), Bishop of, Patrick Forbes, a member of the Privy Council, vi; his attendances, vi; authority given to him for keeping the houses of recusants, 93; commission to him to apprehend Papists, 102-104; written to by the Council to secure that the presbytery of Banff appoint their sub-commission for the teinds, 165; consents to a suspension of horning, 174; appointed on a committee for the suppression of Papists, 233; attests the conformity of Seton of Blair, 234; to receive the report of the commission appointed for enforcing kirk discipline in Aberdeen, 245, 246; he gives up a list of the children of Papists to be educated, 246; charged to appear before

the Council, 263; orders the seizing of the house of Rayniston, 277; grants a certificate to the owner, Mr Thomas Cheyne, 277; ordered to deal further with this case, 277; he is to take the oath of the sheriff of Aberdeen, 292, 293; he is to name persons suspected of Popery with the Marquis of Huntly, 364; to intromit with the rents of excommunicated Papists, 379, 380; absolves John Gordon of Bountie from excommunication, 589; his place in Aberdeen, 589; present in Council, 172, 176, 233, 252, 621; signs Acts of Council, missives, etc., 250, 260.

Aberdeen, bishopric or diocese of, 28-32, 102-104, 173, 174, 263, 363-380.

— burgh of, 509, 554, 592, 603; a pasquil sent to the provost, 31; one affixed to the church door, 31; the magistrates are called to account for resetting excommunicated rebels, xiii, 33; commissions to them to apprehend Papists, 102-104, 239, 322; railing at the ministers in pasquills, 103; satisfaction made to the magistrates and ministry by Hercules Guthrie, 173, 174; commission to the magistrates to enforce the Act of Parliament for attending the church, etc., 176, 177; the magistrates written to not to admit any to office with them who are suspected of being Papists, 181, 182; a justice court to be held there, 226, 227; the commission for enforcing kirk discipline in the town ordered to report, 245, 246; order to the magistrates, 263; they are ordered to release prisoners, 347, 420, 421; Act anent the payment of their extraordinary taxation of the town, 360; justice-courts held there, 391, 406; charge to the magistrates to concur with the commissioners against Rothiemay, 509, 510; the magistrates are notified of the birth of Prince Charles, 552; the master of the grammar-school charged to appear before the Council, 596, 597; the magistrates are ordered to deliver a prisoner to the

- sheriff, 603; thanked for apprehending him, 608, 609; ships sailing thence to France, 623; the Gallowgait, 262, 263; Alexander Rutherford's house, 474; the kirk, 589; the bishop's place in Aberdeen, 589; the market-cross, 30, 234, 257, 402; the Old College a superior of part of Leith, 640; the tolbooth, 103, 347, 391, 420, 421, 603; deeds dated at Aberveen, 347.
- Aberdeen, commissary clerk of. *See* Mr Thomas Davidson.
- presbytery of, report of the sub-commissioners, 341.
- shire, 430; Papists numerous there, xii, 363, 364, 369, 380; commissions for their apprehension, 239, 322, 406-410; pearl fishing in the waters thereof, 201, 202; the justice-court to be held at Aberdeen, 226, 227; resignation of the hereditary sheriffship by the Marquis of Huntly and Lord Gordon, xv, 317-320, 332, 363, 372; the sheriff, 93; appointment as sheriff of Sir Alexander Irvine of Drum, 291, 426; he is charged to keep the peace in his district, 402, 403; ordered to convey a prisoner to the sheriff of Kincardine, 603, 609; commissions to him, 155, 406, 471; a new sheriff-depute, 79; the late sheriff-depute, 383, 390, 391. *See also* William Gordon of Knockaspick; synod of, 174.
- Abergeldie, barony of, 175.
- Aberlady (Aberledie), parish and parish church of, 43.
- Aberlemno, minister of. *See* Mr John Lindsay.
- Abernethy (Abirmethie) of Nethirdene, Patrick, commission to him, 16.
- Norman, in Northroddie, not to be reset by the lieges, 255-257.
- Patrick, notary in Duns, charged to appear before the Council, 361; put to the horn for not appearing, 378; to be apprehended, 389; his confessions before the Council, 397-400.
- Mr William, moderator of the presbytery of Caithness, signs a certificate, 480, 481.
- William, servant to Gordon of Rothiemay, not to be reset by the lieges, 256.
- William, at the kirk of Rothiemay, not to be reset, 504; to be apprehended and brought before the Council, 517.
- Abernethy, in Perthshire, parish of, the inhabitants to repair their highways, 140.
- in Strathspey, wood of, xxxvii.
- Aboyne, house or place of, 369.
- parish of, 102; minister of. *See* Mr William Douglas.
- Abroad, licenses to go: Francis, Earl of Erroll, 86, 111, 118; John, Lord Fleming, 214.
- Acheson. *See* Aitcheson.
- Achyll, Baron of. *See* Stirling.
- Adam (Adame), Agnes, in Cleghorn, to be tried for witchcraft, 145, 270.
- John, in Paisley, prosecuted as a refractory tanner, 359, 360.
- . . . , in Auchinbushie, charged to appear before the Council to answer for one of his tenants, 470.
- Adamson (Adamesoun) of Graycruik, . . . , to oversee the repair of certain highways, 138.
- Alexander, elder, fisher in Edinburgh, charged with illegally imprisoning two men, 58, 81, 118.
- Alexander, younger, fisher, charged with dealing in stolen sheep, 58.
- Mr John, principal of the College of Edinburgh, to take charge of James Douglas, son of the Earl of Angus, for fifteen days, xviii, 166, 181, 232, 233; he complains that he has run away, 190, 211, 220; he is to examine a Latin grammar, 596, 597.
- Mr Patrick, minister at Buittle, grants a certificate of ill-health to Lord Herries, 14.
- . . . , petition by him for liberation, 81.
- Adie, Robert, at the Brigend of Calder, prosecuted as a refractory tanner, 359, 360.
- Adjournal, Books of, registration in the, 26, 154, 255, 278, 359, 378, 405, 420, 421, 504, 505, 511, 512, 517, 557.
- Admiral of Scotland, the Lord High, alleged encroachments upon his office by the city of Edinburgh, xxviii, xxix, 215, 217, 502, 503, 630, 633, 636, 642, 643, 652, 653, 659-661. *See* Duke of Lennox and Alexander, Earl of Linlithgow.
- depute of Scotland. *See* Mr William Livingstone; the Admiral deputies summoned before the Council about a ship, 32.
- Admiralty, Court of, deals with the Bristol ship, 148, 207; case of Peter Laba, 668; the court books, 25; the clerk of Admiralty, 521.
- of England, High Court of, xliii, 484, 525.
- Adultery, committers of, to be dealt with in

- the circuit-courts, 258, 259; cases of Janet Park, 340; Thomas Paterson and Margaret Brown, 445, 571, 572.
- Advocate, Lord or King's. *See* Sir Thomas Hope; the office said to be encroached upon by the city of Edinburgh, 663.
- Advocates, the faculty of: they refuse on any terms to attend courts in the Isles, 171; not allowed to plead before the Council, 228; but allowed in a special case to do so, 489; particular members—Mr George Anderson in Aberdeen, 31, 32, 34; to be apprehended, 103; Mr Andrew Ayton, 60, 61; Mr James Baird, 90, 347; John Belches, 206; Mr Robert Burnett, 83; Mr Robert Craig, 228, 251, 252; Adam Cunningham, 109, 155; Mr William Davidson, 592; Mr George Fletcher, 543; James Gibson, 84, 291, 292; Mr John Johnstone, 477; Mr Henry Kinross, 470; Mr James Lawtie, 57, 471; Mr Robert Learmonth, 23; Mr Alexander Livingstone, 163, 164; Mr Roger Mowat, 199, 529, 605; Mr Patrick Nisbet, 596; Mr John Oliphant, 425; Mr John Paip, younger, 444, 588, 589; Mr Alexander Pearson, 23; Laurence Scot, 611; Mr John Shairp, 101; Mr Robert Younger, 596.
- Agnew of Barthvennen, Patrick, petition by him, 557.
- of Lochnaw, Sir Patrick, sheriff of Galloway, has a lawsuit with the Earl of Casillis, 377, 378.
- Ahanna (Ahannay) of Sorbie, . . . , commission to him to apprehend Papists, 253, 323.
- Mr James, minister at Holyrood, gives in a report about repairs necessary on Holyrood kirk, 108, 107; a harlot taken up from his gate, 144. *See also* Hanna.
- Aikenhead (Aikinheid), David, provost of Edinburgh, appears for the burghs against the Earl of Seaforth, 95, 96; attends the Council about the tanning, 108; charged with illegal warding, 193, 194; appears before the Council, 349<sup>s</sup>, 432, 440; produces royal missives in favour of Archibald Tod, 546, 547, 609, 610.
- Aimerland, Henry, servitor to Wishart of Pittarrow, charged with assault, 209, 210.
- Ainalie, Andrew, partner in a ship, a cautionry by him discharged, 144.
- Ainalie, Andrew, bailie of Edinburgh, appears before the Council, 432, 440; charged to produce a prisoner, 564.
- Airds, Viscount of, Hew Montgomery, commission to him and his eldest son to apprehend Papists, 253, 323.
- lands of, 194.
- Airth, parish of, to be stented for repairing the bridge over the Pow, 209.
- Aitcheson (Acheson) of Glencairn, Sir Archibald, Secretary of State for Scotland, a member of the Privy Council, vi; his attendances, vi; to examine a wizard, 2, 3; carries a report about the Marquis of Huntly to Court, 78; to inspect the taxation papers of Archibald Primrose, deceased, 274, 275; he oversees the breaking up of the old great seal, 275, 286, 287; witness to a bond, 292; witness to a writ at Greenwich, 319; witness to a resignation at Whitehall, 368; to examine accused persons, 563, 584; present in Council, 1, 3, 8, 11, 16, 19, 28, 252, 260, 266, 270, 272, 285, 292, 531, 545, 551, 552, 555, 562, 565, 571, 573, 577, 583, 588, 591, 593, 602, 603, 617, 621; mentioned as absent, 259; signs Acts of Council, mis-sives, etc., 3, 11, 19, 25, 265<sup>s</sup>, 269, 270, 271, 285, 290, 291, 315, 316, 534, 535, 573, 592, 593, 602<sup>s</sup>, 608, 633.
- of Newtonleas, Mr John, disposes the Mint-house to the King, 560; a protection granted to him to come from Ireland for producing certain writs of the property, 101, 561.
- Gilbert, late bailie of Edinburgh, and his wife, 466.
- James, prints a treatise by himself on military discipline, 280, 281.
- Janet, in Manor parish, to be tried for witchcraft, 170.
- Michael, assayer of the Mint, complains of harsh imprisonment and is released, 280.
- Robert, miller in Niddry, 206, 278, 290, 293; his wife, Katharine Oswald, to be apprehended, 206; complaint by her, 278, 290, 293.
- Aitken (Aitkine), Bessie, wife of Edward Watson in Swintonhill, to be tried for witchcraft, 290.
- Marion, wife of Ralph Watson in Cleg-horn, to be tried for witchcraft, 145.
- Aldcathiemure, the highways thence to Kincafell and Winchburgh to be repaired, 140.
- Aldcorne, John, indweller in Kelso, summoned as a witness in a case, 563.
- Ale, dispute as to the right of brewing and



- selling in Leith, xxvii, 55, 669, 670; persons fined for selling it, 673, 674.
- Alexander of Menstrie, Sir William, principal Secretary of State for Scotland, 342; a member of the Privy Council, v; his attendances, v; letter to him from the Privy Council, 52, 59, 60; letter to him about the coronation, 52; the letters from the Spanish ship sent to him, 52; letter to him from the Council about the Holland ship, *The Green Dragon*, 84, 86; has the nomination of the clerks of the peace, 223; he is to take the oath of the sheriff of Inverness, 292; witness at Windsor to the King's decreets about the teinds, 303, 307, 310, 313; witness to a writ at Greenwich, 319; and at Bagshot, 320; witness to a resignation at Whitehall, 365, 366, 368; he follows out the plantation of the colony of Nova Scotia, 393, 394, 488; written to by the Privy Council to make preparations for the King's visit, 501; he produces in Council a letter from the King about the French claim to Nova Scotia, 613, 614; he is appointed on a committee to consider the matter, 614; his office said to be encroached upon by the town of Edinburgh, 663; present in Council, 613, 621.
- Sir William, younger, resident in Nova Scotia, 393, 394.
- David, captain of the ship called *The Alexander*, 261.
- Henry, son of Sir William Alexander, witness to a resignation, 320.
- John, weaver in the Canongate, caution by him, 392.
- Katharine, in Linton parish, to be tried for witchcraft, 170.
- Margaret, in Pickletillum, to be tried for witchcraft, 334, 362, 515.
- Robert, burghess of Anstruther, charged to attend the Commission for the Surrenders, 401, 570, 571.
- Robert, in Aberdeen, complaint by him, 18.
- Steven, in Paisley, prosecuted as a refractory tanner, 359, 360.
- Alford (Aufurde), presbytery of, charged to appoint sub-commissioners for the teinds, 53, 54; report of the sub-commissioners, 341.
- Allan, Janet, wife of John Bannatyne, to be tried for witchcraft, 340.
- John, in Hollowyards of Hills, his wife, Janet Clark, to be tried for witchcraft, 446.
- Allan, John, in Lowstoun, attempts to escape from Dumfries tolbooth, 12-14.
- Margaret, in Cousland, to be tried for witchcraft, 534.
- Robert, in Bordelseate, summoned as a witness in a case, 262.
- Almoehlic, lands of, 190.
- Almond (Almound), Water of, in Lothian, 116; the highways to the Ferriegait, Kirkliston, to be repaired, 138, 139, 140.
- Alms, small copper money necessary for, 131, 132.
- Alschoer (Alschonder), Alexander, servitor to the Laird of Fendraught, permitted to carry firearms, 524, 525; petition by him, 429-431.
- America, 614. See Nova Scotia.
- Amisfield, Laird of. See Charteris.
- lands of, case of fire-raising there, 20, 43.
- Amsterdam, 42 n.
- Anchors and cables not to be weighed in Leith, but brought to Edinburgh, 649.
- Anderson of Auchrynie, John, commission to him, 195.
- Abraham, slater, burghess of Edinburgh, son of David (*infra*), complains of being illegally imprisoned, 58, 81.
- Alexander, his house in Aberdeen, 369.
- Alexander, stepfather to a possessed woman in Duns, to be brought before the Council, 604, 608.
- Andrew, indweller in Edinburgh, suspension of horning against him, 42, 43, 80.
- Andrew, servitor to John Maters, summoned as a witness in a case, 269.
- David, gardener, complaint by him, 123.
- David, in Aberdeen, complaint by him, 18.
- David, debts due by him, 58, 59.
- Mr George, advocate in Aberdeen, charged with uttering pasquils, 31, 32; put to the horn, 34, 35; to be apprehended, 103.
- George, messenger, threatened and deforced, 231, 232.
- George, treasurer of Selkirk, charged to appear before the Council, 282.
- George, in Aberdeen, complaint against him, 18.
- George, elder, in Flemington, his wife, Janet Dick, to be tried for witchcraft, 195.
- Janet, *alias* Clinker, to be tried for witchcraft, 570.
- Captain John, some of his crew charged with illegal torturing of foreign seamen, 429; he seizes two French ships, and is

- pursued for spulzie, 521-523, 589-591, 667, 668.
- Anderson, John, baker in Stirling, discharged from baking inferior bread, 197, 198.
- John, in Innerkip, prosecuted as a refractory tanner, 359, 360.
- Margaret, wife of Alexander Thomson in Ally, to be tried for witchcraft, 471.
- Margaret, *alias* "Deiff Meg," to be tried for witchcraft, 110.
- Marion, wife of Andrew McCallum, piper in Coulsland, to be apprehended and tried, 544.
- William, petition by him for liberation, 81.
- Andro, Thomas, in Kilwinning, a refractory tanner, 611, 612.
- William, in Clerkington, caution for his comparing before the Council, 563.
- Angels, double, coins so called, 195.
- Angus, Earl of, William, a prominent Roman Catholic, xii-xviii; as a Commissioner for the Borders he is summoned to attend the Council, xix, 21; he is to oversee the repair of certain highways, 68; order taken for the education of his son, 20, 118, 119, 125; charged to produce his son and daughters before the Council, 45, 69, 70; produces some of them, 88, 89; the nomination of a pedagogue to his son James, 98, 100, 119, 125; he chooses Mr Archibald Watson 145; summoned before the Council on the misbehaviour of his son James, 156, 159; again before the Council about his son James, 166, 181, 190; appears by Douglas of Kilspindie, 211; he is rebuked by the Council for sending his son James to England, 220; letter to the King about his son James, 222, 232, 233; case of Patrick Dickson, his servant, an excommunicated Papist, 218.
- Alexander, servant to the Laird of Monymusk, complaint by him, 451; caution for his safety, 451.
- Angus, district of, horse-stealing there, 616.
- Angussone, John, commission to his son, Donald McIntosh, 593.
- Annan (Annand), Mr William, appointed on a committee for the suppression of Papists, 234.
- Annan, town of, 222; much impoverished by Border thieves, 419; complaint by the magistrates and council on the stoppage of their ferry boat, 419, 420.
- minister of. *See* Mr Simon Johnstone.
- Annan, presbytery of, report of the sub-commissioners, 341.
- water of, 352; a ferry there, 419, 420.
- Annandale (Annerdaill), Earl of, John Murray, first, 351; a member of the Privy Council, vi; his attendances, vi; he builds the castle of Lochmaben, and is to be paid for this, 126, 127; consents to a protection to Lord Herries, 173; favours the building of a bridge over the Water of Milk, 477, 478.
- (Annanderdaill), Stewartry of, breeding of hounds there, xxiv; commission to the stewart-depute of, 20; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65; commission for the apprehension of Papists there, 239, 323; a bridge required over the Water of Milk, 477, 478.
- Annexation, the Act of, 295.
- Annuity from the teinds of erections to the King, 300, 309, 310, 312.
- Anstruther, Sir Robert, ambassador to the States-General, 484.
- Anstruther, Easter and Wester, the bailies of, charged to appear before the Privy Council about the plague, 380, 381; commission to them thereanent, 388, 389.
- Aquathe, mill of, 14, 15.
- Aquharche, Andrew, in Aberdeen, summoned as a witness in a case, 344.
- Aran, Isle of, on the coast of Tyroconnell in Ireland, 205.
- Arbitrations: between Gordon of Dunkintie and Dr Arthur Johnstone, 473-475; Mowat and Nicolson, 574, 575.
- Arbroath (Arbrothe), minister of. *See* Mr Simon Durie.
- presbytery of, ix, 115, 116; charged to appoint sub-commissioners for the teinds, 53, 54; report of the sub-commissioners, 341.
- Arbuthnot (Arbuthnet) of that Ilk, . . . , an assault on his servant, 210.
- Sir Robert, fiar, commission to him, 431.
- Archibald, William, charged with unlawful convocation, 601.
- Ardmillan, Laird of, younger. *See* Kennedy.
- Ardo, lands of, 574, 575.
- Ardoch of Wester Over Lednoch, David, commission to him, 26.
- of . . . , Henry, commission to him, 26.
- Ardwell, Over, lands of, 572.

- Argyle, Bishop of, Mr Andrew Boyd, denounced as moderator of the presbytery of Argyle for not appointing sub-commissioners for the teinds, ix, 87, 88; present in Council, 233, 252; mentioned as absent, 259.
- presbytery of, charged to appoint sub-commissioners for the teinds, 53, 54; the moderator denounced, 87, 88; report of the sub-commissioners, 341.
- shire of, the submissions ordered to be reported, 84.
- Arms and armoury, the quartered arms of Scotland, England, France, and Ireland to be carried by the Lyon at the coronation, 50; a patent granted to the Lyon for rectifying abuses in arms, 555; Act against painters, goldsmiths, and others giving coats of arms to persons not entitled to bear them, 594-596; Books of Arms to be certified by the Lyon King-of-Arms, 594-596.
- Armstrong (Armestrang) of Holehouse, John, 167.
- Cornelius, son of John, of Holehouse, complaint by him, 167.
- Edward, called of Kinmonth, evades the law by fleeing to Carlisle, 112.
- Hector, called Eckie of Stolbinn, evades the law by fleeing to Carlisle, 112.
- John, called "Handles Johnne," evades the law by flight to Carlisle, 112.
- Army: a warrant for printing a treatise on military discipline by James Acheson, 280, 281.
- Arnage, Laird of, caution by him, 277.
- Arngosk, parish of, the inhabitants to repair their highways, 140.
- Arnott (Arnot) of Chappell, David, petition by him, 557.
- of Fairnie, James, at feud with Sibbald of Rankeillor, charged to keep the peace, 271.
- of the Scheills, Andrew, 57.
- Agnes, widow of Elias Dumplanguais, and wife of Laurence Thomson, in Leith, complaint by her against her husband, 212, 213.
- Dame Helen, wife of Sir George Home of Manderston, charged with attempting her husband's death by witchcraft, 361, 362, 378, 389, 397, 400; the accusations declared to be false, 443; her husband to produce the titles of her jointure lands, 560, 570; protection to her against molestation by her husband, 582.
- Arnott, John, commissary clerk of St. Andrews, charged to attend the Commission for Surrenders, 401, 570, 571.
- William, son to Andrew, of the Sheills, charged with assault, 57, 58, 81.
- Aroane, Marion, in Catloch, to be tried for witchcraft, 593.
- Arrows, nocked, 76.
- Arson, cases of, 43, 558; of house and corn on the lands of Amisfield and Tinwald, 20; by Janet Hood in Leith, 145, 155.
- Artillery: the making of iron cannon, xxiv, 151; return of borrowed powder and shaker shot, 251; it is reported that there are no broken cannon in Edinburgh Castle, 492, 493; bursting of a cannon at Leith, 564; Master of, 9. See Sir Harry Bruce.
- Ashe (Aschie), John, in Tarras, complaint by him and Beatrice Moss, his wife, 488.
- Aslowane, Mawsie, a witch executed at Dumfries, 450.
- Thomas, in Templeland of Gairtney, complaint by him, 442; horning at his instance, 529, 530.
- William, in Gilmedowland, complaint by him, Katharine Logan, his wife, and Patrick, his son, 478.
- Assault aggravated by being committed near Edinburgh or the Council house, 97, 98; persons guilty of felonious assault to be dealt with in the circuit-courts, 258, 259.
- Assembly, General. See Church and Religion.
- Assythment, cases of: to Carron's widow and children, 114, 156-160, 458, 459, 462, 577, 579, 580; for David Lindsay and Alexander Neva, 548, 549; for the slaughter of David Toshoch of Monivaird, 62; for George Reid in Rattrey, 62.
- Athole, Earl of, John, commission to him to apprehend Papists, 239, 322; the nonentry of the earldom given to the Master of Stormont, 360; the Earl is charged to produce a servant at the horn, 560.
- Athole, Blair of, 360.
- Mouth of, 347, 348, 360.
- Auchentibber, lands of 461.
- Auchindore, Craig of, 369.
- minister of. See Mr William Davidson.
- Auchinleck (Affleck) of that Ilk . . . , complaint by him, 27.
- of Balmanno, Sir George, late convener of the justices of peace of Perthshire, 78; appointed a Senator of the College of Justice, 78; he and William, his son, are to oversee the repair of certain highways,

- 68, 140; his report upon the highways, 111; he is to hold circuit-courts of justice, 207, 226, 227; he accepts the commission, 207.
- Auchinleck, John, litster in Dundee, slaughter of, 481, 482.
- Margaret, to be tried for witchcraft, 446.
- Auchnocullen, lands of, 96.
- Auchterderran, parish of, the inhabitants to repair their highways, 141.
- Auchterlonie (Achterleny) of Murres, . . . , commission to him, 616.
- Sir James, servitor to the King, witness to a resignation at Whitehall, 366.
- Auchtermaynie, lands of, 456.
- Auchtermuchtie, town of, 57, 58; the provost to oversee the repair of certain highways, 140.
- parish of, the inhabitants to repair their highways, 140.
- Auditors, the Lords, of Exchequer, 150.
- Auld, John, portioner of Balmitchel, complaint by him of goring of his oxen, 350, 351; ordered to find lawburrows, 351.
- Aunchtie, Katharine Nein Rob, to be tried for witchcraft, 15, 16.
- Ayr, Viscount, William Crichton, a member of the Privy Council, vi; his attendances, vi; he is to oversee the repair of certain highways, 68; but he is at present out of the country, 69; his report upon the highways, 111; he is dealing with the sub-commissioners about his valuations, 371; he is to speak with Sir William Seton about a commission, 503; commission to him, 593; to take charge of the Laird of Lugton, 601; present in Council, 92, 98, 102, 160, 166, 176, 191, 316, 356, 358, 361<sup>a</sup>, 363, 376, 378, 379, 387, 392, 396, 401<sup>a</sup>, 404, 406, 416, 421, 426, 427, 432, 435, 438, 443, 448, 452, 455, 464, 479, 483, 489<sup>a</sup>, 492, 496<sup>a</sup> (written Mar by mistake), 497, 501, 506, 520, 538, 545, 551, 552, 555, 562, 565, 567, 573, 593, 621; signs Acts of Council, missives, etc., 98, 110, 112, 113, 118<sup>a</sup>, 169, 181, 182, 183, 196, 360, 363, 373, 391, 392, 404, 416, 426, 454, 455<sup>a</sup>, 492<sup>a</sup>, 496<sup>a</sup>, 498, 501, 508, 518<sup>a</sup>, 519, 520<sup>a</sup>, 526, 531, 536, 544, 550, 561, 570, 602.
- Master of, caution by him, 602.
- Ayr (Air), burgh of, 189; an election of commissioners to Parliament to be made, 334; the magistrates are notified of the birth of Prince Charles, 552; commission to the magistrates, 264, 358, 383, 561; their names, 446; commission to the provost and bailies to apprehend Papists, 323; witches there, 264, 561; Newton near the end of, 189; the tolbooth, 104.
- Ayr, presbytery of, report of the sub-commissioners, 341; letter from the Council to the sub-commissioners, 371; meeting of the sub-commissioners, 377, 378.
- Ayrshire, 367, 368; election of commissioners for Parliament, 104, 105; the barons and freeholders charged to elect their commissioners to Parliament, 434, 435; the sheriff to conduct the election of the commissioners to Parliament, 439, 440; commissions to him, 358, 383, 446; sheriff principal of. *See* John, Lord Loudoun; sheriff depute. *See* Dunbar of Enterkin.
- Aytou (Aittoun), Laird of. *See* Home.
- James, bailie of the Canongate, charged with assault, 144; he appears before the Council, 166, 167; he petitions for leave to make the burgh musters, 541, 542; he is charged with abetting an assault, 549, 550.
- Axes, pole, 231.
- BAILLARY of Kyle, 364, 366-369.
- Bailies of baronies, regalities, etc.: of Athole, 360; regality of Broughton, 161, 166, 167, 288, 541, 542; Carrick, 533, 550; regality of Dalkeith, 170; Dunbar, 588; regality of Dunfermline, 163; regality of Fintry, 174; regality of Glasgow, 170, 270; Islay, 175; Kirknewton, 138, 139; Kyle, 364, 368-369; Lauderdale, 270; Melrose, 270; Strathbogie, 235.
- of burghs: Aberdeen, 103, 263, 603, 608, 609; Ayr, 561; Burtisland, 604; Canongate, 61, 161, 166, 167, 541, 542, 549, 550, 608; Cupar, 604, 612; Dundee, 603, 604; Duns, 145; Dysart, 542; Edinburgh, 58, 59, 193, 221, 543, 564, 604, 668, 669, 670-676; Elgin, 378, 379; Glasgow, 38; East Gordon, 262; Haddington, 110, 548; Kirkcudbright, 620; Lanark, 110, 145; Leith, 193, 668, 669, 670-676; Montrose, 603; Musselburgh, 139, 162, 163; Peebles, 170; Perth, 205, 231, 470; Potterrow, 67; Preston, 271, 531; Selkirk, 62, 228, 229, 282, 584, 585; West Port, 67.
- Baillie of Crimperamp, Mr James, complaint by him, 153, 154; he is charged with carrying firearms, 499, 500.
- of Lamington, Sir William, appears

- before the Council for a servant, 476 ; complaint by him, 499, 500.
- Baillie, of Lethane, John, appears before the Council in a case, 476.
- of Lochend, Sir James, appointed a member of the Privy Council, vi, vii, 39, 39 n., 40 ; his attendances, vi ; he brings tidings of the death of the Prince of Bohemia, 42 ; his directions from the King respecting the wine, 46 ; discharge to him as cautioner for the Earl of Nithsdale, 48 ; elected commissioner to Parliament for Haddingtonshire, but released from that duty to attend upon his Majesty's service, 61, 63, 64 ; to inspect Holyrood church, 74 ; on a committee about the tanning reform, 85 ; to report on the repairing of his Majesty's houses, 101 ; his report upon Holyrood kirk, 106, 107 ; offers information in a case concerning the Deputy-Treasurer, 182 ; as Collector of the Taxation of 1625 he prosecutes defaulters, 206, 221 ; he is to hear the accounts of the Lübeck ship, 209 ; to test the account of a collector, 390 ; on a committee about the foreign coin, 464 ; sent with a missive to the Chancellor, 479, 480 ; order to him to provide a crown for the Lyon King of Arms, 492 ; to report as to the best church for the King's coronation, 493 ; declined as a judge in the Edinburgh and Leith dispute, 494 ; present in Council, 34, 44, 47, 52, 64, 77, 81, 85, 91, 92, 99, 102, 119, 129, 156, 172, 176, 191, 196, 200, 207, 208, 396, 401, 406, 421, 426, 427, 432, 435, 438, 457, 464, 469, 471, 475, 479, 483, 489, 492, 496, 506, 520, 531, 545, 552, 565, 567, 571, 573, 593, 617, 621 ; signs Acts of Council, missives, etc., 34, 44, 47, 59, 63, 79, 80, 92, 112, 113, 126, 127, 147, 176, 498, 501, 508, 526, 534, 535, 536.
- of Over Normengill, William, caution by him, 499, 500.
- of Park, James, charged by his wife, Katharine Hamilton, with cruelty and infidelity, and separated from her for a time, 460, 461.
- Alexander, in Gattonside, to be tried for witchcraft, 570.
- Andrew, and Janet Baillie, his wife, petition for release that they may return to Ireland, 598, 599.
- James, in Maybole, prosecuted as a refractory tanner, 624.
- Matthew, in Littlegill, 476.
- Baillie, Robert, son to Matthew, in Littlegill (*supra*), horning at his instance, 476.
- Robert, "cannoner" at the Castle of Edinburgh, witness to a bond, 444, 445.
- Thomas, in townhead of Lamington, charged with carrying firearms, 500.
- William, called Meikle Willie, and Helen Faw, his wife, petition for release that they may return to Ireland, 598, 599.
- Baird of Kilquinzie, Gilbert, sometime, charged with deforcement, 5, 6 ; charged with assault, 592.
- of Northfield, Brandon, commission to him, 195.
- Gilbert, in Farten, theft of sheep from him, 534.
- Mr James, advocate, 90, 347.
- Baggage, appointments for dealing with the King's, 61, 64, 65, 77.
- Bagshote (Baghoit), royal letters dated there, 334, 493.
- Bakers of Stirling charged with unfair dealing, xli, 197, 198.
- Balbredeis, lands of, 592.
- Balcanquall (Balcalquall), Mr Robert, minister at Tranent, a debt due to him, 163, 164.
- Balclavie, lands of, 487.
- Baleny, Margaret, in Ayton, to be tried for witchcraft, 290.
- Balfour of Burleigh, Lord, . . . , to oversee the repair of certain highways, 68, 140, 141 ; commission to him to apprehend Papists, 253, 323.
- of Kinnaird, Sir James, Lyon King of Arms, his "Annales," v ; to be furnished with a crown of gold for the coronation, 491, 492 ; letter from the King as to his inauguration as Lyon King of Arms, xlv, 531 ; a patent granted to him for rectifying abuses in arms, 555 ; his gift of the office of Lyon passed, 561 ; Act in his favour against others giving coats of arms, 594-596 ; his coronation, 613.
- John, to be tried for theft, 3 ; his execution deferred, 11, 12, 17 ; his innocency declared, 16 ; commission to examine into his past life, 18 ; letter to Court about him, 76, 77 ; a remission to be granted to him, 87.
- Katharine, in Kennoway, charged with assault, 199.
- Balgownie, 600.
- Ballard, John, messenger, put under caution to discharge his office faithfully, 336.
- Balmanno, Lord. *See* Auchinleck.

- Balmerino (Balmerinoch), Lord, John, resignation of teinds by him, 61; commission to him to apprehend Papists, 240; appears against Edinburgh in their dispute with Leith, 494; he is to confer about the Edinburgh business, 495; a superior of part of Leith, 640, 646.
- Balmitchel, lands of, 350.
- Balnabreich, lands of, 231.
- Balvenie, Laird of. *See* Innes.
- Banchrie, lands of, 574.
- Band, General, enforcing of the, 470.
- Banff, Laird of. *See* Ogilvie.
- (Bamf), burgh of, 509; commission to the provost and bailies to apprehend Papists, 239, 322; proclamation at the market cross, 257, 402.
- presbytery of, charged to appoint sub-commissioners for the teinds, ix, 53, 54, 165.
- shire of, 431; the justice-court to be held at Aberdeen, 226, 227; commission for the apprehension of Papists there, 239, 322, 406-410; the sheriff charged to keep the peace in his district, 402, 403.
- Banishment, punishment by, 534.
- Bankes, Marion, wife of John Fenwick in Cousland, to be apprehended and tried, 544.
- Bannatyne of Newhall, Mr James, Senator of the College of Justice, complaint by him, 279, 280.
- Gavin, minstrel in Laidlie, deceased, 270; his widow, Margaret Haistie, to be tried for witchcraft, 270.
- John, burghess of Lauder, his wife, Janet Allan, to be tried for witchcraft, 340.
- Mr Thomas, minister at Douglas, excommunicates a Papist, 218.
- Baptism, neglected by beggars, xxx.
- Barclay of Innergellie, William, deceased, principal tacksman of the teinds of Killyrenny, 94.
- of Johnstone, John, commission to him, 340.
- of Mathers, David, commission to him, 26.
- of Riddes, George, 420.
- Alexander, merchant in Maybole, complaint by him, 607, 608.
- George, in Monboddo, caution by him, 283.
- Harry, natural son of George, of Riddes, complaint by him, 420, 421.
- Barclay, Mr James, regent in St. Andrews, to examine a Latin grammar, 596, 597.
- Janet, widow in Fisherrow, complains of being illegally imprisoned, 162, 163; appears by Robert Clerk, her son, 163.
- Bards, counterfeit, 65-68.
- Barkers of hides. *See* Tanning.
- Barley (beir), export of, xxi; price of, 11. *See also* Grain.
- Baron, penalty of a, for not observing Lent, 49.
- Baronets of Nova Scotia, their cognizance, 392, 393, 394.
- Baronies and lordships: Abergeldie, 175; Broughton, 167; Dryburgh, 93, 94; Dunbar, 588; Dunbreck, 143; Fintry, 125, 174; Islay, 175; the King's Wark of Leith, 673; Lindores, 188, 189; Melrose, 459, 460; Newbottle, 188, 189; Restalrig, 637; Tillibodie, 613.
- Barrie, John, in Thinaikers, charged with hamesucken, 57.
- Nicol, officer of the Canongate, charged with molestation, 550.
- Bass, Laird of, and Lady. *See* Lauder.
- Batons, assaults with, 45, 189, 230, 282, 288, 405, 478, 532.
- Bath (Baynes), in England, 212, 253.
- Baxter, Janet, in Mylnetoun of Moynes, to be tried for witchcraft, 181.
- Bayne (Baine), Isobel, widow of Gavin Manson, to be apprehended, 206.
- John Beg, in Inneroure, to be apprehended and brought before the justice, 593.
- Baynes, the. *See* Bath.
- Bayonne (Bayoun), in France, 84, 86.
- Bea, Archibald Reoch, in Torsarie, charged with spoiling a ship, 45, 46.
- Bear dollar, to be tested, 51.
- Beaton (Beatoun), Cardinal, his house in Edinburgh, 561, 561 n.
- Andrew, factor, resident at Paris, aspersions being cast upon his character, the Council ask the King to interfere, 416.
- Beattie (Beatie), Helen, sometime in Fawside, to be tried for witchcraft, 570.
- Helen, midwife in Manor, to be tried for witchcraft, 170.
- James, in Westerton, charged with assault, 209, 210.
- James, servant to the Laird of Pittarrow, charged with assault, 283.
- William, younger, in Lockerbie, complaint by him, 351, 352.
- William, servant to Johnstone of Lockerbie, complaint by him, 351, 352.

- Beer, importation of, 671.
- Beeskeps, stealers of, to be dealt with in the circuit-courts, 258.
- Beeves, unauthorised export of, 95.
- Beggars: legislation regarding, xxx, xxxi, 46; proclamation for their suppression in view of the King's visit, 65-68, 77; Acts of Parliament against them, 266, 411-415, 527; a host of Irish beggars in Scotland ordered home, 354.
- Beir. *See* Barley.
- Belcheis, John, advocate, 206.
- Belhill, 569.
- Bell, Mr John, moderator of the presbytery of Glasgow, charged to appear before the Council, 477.
- Patrick, Dean of Guild of Glasgow, charged to accept and discharge the office of a sub-commissioner of teinds, 416, 417.
- Bellenden (Bellendein), David, cordiner in Maybole, a refractory tanner, 624.
- Margaret, death of her brother at the Isle of Rhè; the King recommends her case to the Council, 535.
- Bellintoun, lands of, 436.
- Bella, a peal of bells wanted for Holyrood church, 493.
- Beltane, feast of, 487.
- Benet of Chesters, Ragwell, submits a dispute to arbitration, 6, 7, 17, 24.
- Maurice, Englishman, merchant in Bristol, the Council write in his favour to the Earl of Galloway, 207.
- Berg, in Norway, 447, 667, 668.
- Berridale, Lord, William Sinclair, eldest son of the Earl of Caithness, put to the horn for disobedience, 191; a protection granted to him, 268; to be produced before the Council by the merchants who hold his estate, 330; letter to him from the Council requiring him to protect the Archdean of Caithness, 616, 617.
- Bertram (Bartrum), James, bailie of Haddington, charged to produce a prisoner, 548.
- Bervie, presbytery of, report of the sub-commissioners, 341.
- Berwick-on-Tweed, burgh of, 551, 607; the highway thence to Haddington to be repaired, 68.
- Berwickshire, cases of witchcraft there, 15, 378; the justice-court to be held at Duns, 226, 227; the registers of sasines delivered up to the Clerk Register, 483; the inventories of the extraordinary taxation of the county, 483, 494; appointment as sheriff of Sir William Cookburn of Langton, 274; an arrest made by the sheriff, 41, 42; he is to make the prison of Duns available for prisoners, 145; letter to him to arrest Robert Bramlie, 164; a prisoner to be handed to him, 443; charged to exhibit a possessed woman in Duns with her parents before the Council, 604, 608; a decret by him, 625; commissions to the sheriff, 15, 98, 110, 125, 155, 169, 195, 222, 270<sup>a</sup>, 290, 488, 583, 584, 592; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65; and to report about this, 118.
- Berwick, North. *See* North Berwick.
- Bethelvie, parson of. *See* Mr David Lindsay.
- Bethlehem, Star of, a superior of part of Leith, 640.
- Beverage, Janet, wife of David Geddie, baker in Dysart, complains against the bailies and ministers of Dysart for illegally prosecuting her as a witch, 532, 533.
- Bewmonth, Dame Elizabeth, Countess of Nithsdale, excommunicated and outlawed for Papistry, 96, 97. *See also* Nithsdale.
- Bibles and psalm-books to be possessed by all householders, 266.
- Bigamists, to be dealt with in the circuit-courts, 258, 259; Acts of Parliament against bigamy, 266.
- Bigholme, William, in Banchrie, 612.
- Binkside, lands of, 600.
- Binnie, Alexander, merchant burges of Edinburgh, a debt due to him, 163, 164.
- Binning, Lord, Thomas, eldest son of the Earl of Haddington, commission to him to apprehend Papists, 240, 323.
- Binning, James, in St. Monans, captain and owner of the ship called *The Alexander*, 261.
- Biscay (Bisca), Rebedeia in, 667.
- Bishop, Janet, in Penicuik, to be tried for witchcraft, 363.
- William, in Currie, complaint by him and his wife, Elizabeth Ramsay, 572.
- . . . , town-officer of Edinburgh, charged with illegal arrest, 193.
- Bisset (Bissat) of Lessindrum, Mr Robert, bailie of Strathbogie, excommunicated for Papistry and nonconformity, 28-31, 407; also Jean Gordon, his wife, 407; his house seized and kept, 93, 178, 179; he conforms, 547, 551.
- Helen, in Dysart, to be tried for witchcraft, 488.
- . . . , charged with riot, 27.
- Black, John, in Halkhillock, his house, 436.

- Black, William**, tenant to Livingstone of Hayning, charged with assault and robbery, 478.
- Blackadder, Laird of.** *See* Home.
- Blackburn (Blackburne)**, 418.
- Blackhall (Blakhall) of Ley, William**, 31.  
— Mr Thomas, son of William Blackhall of Ley, charged with uttering pasquils, 31, 32.
- Blackie (Blakie), Patrick**, sometime in Presentation, complaint by his servant, 179, 180.
- Blackness, castle of**, 256, 565.
- Bladderstouns, Elspet**, in Torrieburn, to be tried for witchcraft, 454.
- Blaine, John**, in Half Merkland, 557.
- Blair of Adamtoun, David**, elder, commission to him, 561.  
— of Balthayock, commission to him to apprehend Papists, 240, 322.  
— of Tarsaffie, William, to oversee the repair of certain roads, 141.  
— Gabriel, procurator in the Canongate, complaint by him, 549, 550.  
— Captain James, horning at his instance, 360.  
— James, late provost of Ayr, commission to him, 264, 446, 561.  
— James, wright, charged with desecrating a corpse, 337, 338.  
— John, procurator in Edinburgh, petitions for liberty, 28; he complains of being illegally imprisoned, and is liberated, 41, 80.  
— William, maltman in the Canongate, deceased, 41.
- Blair in Athole**, 360.  
— house of, 234.
- Blinshells (Blenscheills), Mr Umphra**, to keep his houses at the foot of Leith Wynd free from beggars, 67, 68.
- Blyth (Blyith), Alexander**, in Coldingham, Helen Huldie, his wife, to be tried for witchcraft, 270.  
— James, skipper in Leith, a complainer against Edinburgh, 666.  
— Thomas, tenant to Gibson of Durie, complaint by him, 456.
- Bogmine (Boigmyne)** to be taken by the makers of iron cannon, xxiv, 151, 152.
- Bogiegeicht**, place of, 369.
- Bohemia, Elector Palatine of.** *See* Frederick V.; death of the Prince of, 42, 42 n.
- Bonar (Bonnar), Mr James**, minister at Maybole, mediates in a disturbance there, 5, 6.
- Bonjedburgh, Laird of.** *See* Douglas.
- Bonkle and Prestoun** in the Merse, parish and parish church of, 43.
- Books**: importers of erroneous books to be punished, 266; warrant for printing a treatise on military discipline by James Acheson, 280, 281.
- Bordeaux (Burdeaulx)**, 590, 591; prevalence of the pest there, xlii, 353, 354, 386, 389; the magistrates to grant a certificate in a seizure case, 523, 591.
- Borders or Middle Shires**: suppression of lawlessness by King James VI there, xxxiv; the administration of justice by his joint commission, xviii, xix; the Border Commissioners summoned about disorders, 21; the commissioners are to meet and consider the proposed alterations in their commission, 102; the commissioners report to the Council a new artifice by the Borderers for evading the law, 112; appointment of Sir Richard Graham as a commissioner, 147, 148; cautions for compareance before the commissioners, 154, 158, 159; a justice-court held at Dumfries, 159; letter to the commissioners to arrest a fugitive Englishman, 164; Sir Richard Graham's appointment delayed by the Council, 190; the Council request King Charles to renew the joint commission, as malefactors evade justice by flight to England, 265; the conjoint commission to be renewed, 270, 315; justice-courts to be held at Jedburgh and at Dumfries, 499, 501; courts held by the commissioners but seldom, 548, 605; case of Porteous of Halkshaw, and his son, Border outlaws, 552; the effect of the commission on the lieges to be represented to the Convention of Estates, 602.
- Borthwick, Lady.** *See* Dame Lilius Ker.  
— Alexander, charged with unlawful convocation, 601.  
— Alison, and John Carfra, her husband, to be tried for witchcraft, 269.  
— Janet, wife of John Simson in Presentation, complaint by her, 179, 180.  
— Jean, wife of Captain William Graham, complaint by her, 153.  
— (or Berdock), Margaret, to be tried for witchcraft, 518.
- Bothwell, Adam**, bailie of the Canongate, appears before the Council, 166, 167; he petitions for leave to make the burgh musters, 541, 542.
- Bower (Bowar)**, parish and kirk of, 223;



- minister there. *See* Mr Richard Merchiston.
- Bowmaker, Janet, in Duns, to be tried for witchcraft, 155.
- Bows, 75, 76, 96.
- Boyd, Agnes, complains of harsh imprisonment, 477.
- Mr Andrew, Bishop of Argyle. *See* Argyle.
- Janet, wife of Robert Neill, burgess of Dumbarton, to be tried for witchcraft, 3, 4, 27.
- Dame Marion. *See* Countess of Abercorn.
- Marion, in Eddleston parish, to be tried for witchcraft, 170.
- Steven, merchant in Edinburgh, his booth, 284.
- Boyle of Kelburn, John, commissary of Glasgow, commission to him to apprehend Papists, 240, 323; as commissioner nominated for Ayrshire to Parliament, he is to attend the new election, 439, 440; other commissions to him, 97, 123, 124, 270.
- Grissel, in Glasgow, to be tried for witchcraft, 363.
- Braden (Breden), Robert, in Renfrew, prosecuted as a refractory tanner, 359, 360.
- William, in Foirhills, prosecuted as a refractory tanner, 359, 360.
- Braemar (Bramar), 170, 620.
- Braid, Laird of. *See* Fairlie.
- Bramley (Brainbie, Brambe, Bramlie), Robert, in Northumberland, having fled to Scotland to escape being sheriff of Northumberland, is to be apprehended and sent back, 160, 161; the Council write about him, 164, 165.
- Bran, William, at the Mill of Carnwath, charged with assault, 209, 210.
- Brand, Adam, charged with molestation, 193.
- Bread, complaint against bakers for supplying an inferior kind, xli, 197, 198; scarcity of good bread, 578; baking and selling of bread in Leith, 671.
- Brebner (Braibner), Marjory, widow of John Stewart in Aberarder, horning at her instance, 175.
- Brechin, Bishop of, David Lindsay, on a committee about the foreign coin, 464.
- burgh of, hunting forbidden near it, 50, 449; commission to the provost and bailies to apprehend Papists, 239, 322; a debtor having been delivered into their care, and not being produced, one of the bailies is ordained to pay his debt, 269.
- Brechin, presbytery of, charged to appoint sub-commissioners for the teinds, 53, 54; report of the sub-commissioners, 341.
- vicar at. *See* Robert Kinneir.
- vicarage of, its taxation not paid, 269.
- Breckinridge (Braikinrig), William, in Clevens, complaint by him, 189.
- Bremner (Brimmer), James, servitor to John, Earl of Athole, charged with deforcement, 559, 560.
- Brewing: question as to the right of brewing in Leith, 55.
- Bryde, Robert, summoned as a witness in a case, 57.
- Bridges: over the rivers Clyde and Dymutane, 85; over the Pow at Airth, 209; over the Water of Milk, 477, 478.
- Brigs, lands of, 469.
- Brisbane (Birsbane) of Bishoptoun, John, investigates a complaint about Campsie kirk, 338; commission to him to apprehend Papists, 240, 323; other commissions to him, 124, 125.
- Bristol (Birsto): a ship of Bristol wrecked in the Orkneys, 21, 32, 42, 59, 207; to be restored to its owners, 148; the Baynes or Baths in England near, 253.
- Brodie of that Ilk, James, commission to him to apprehend Papists, 239, 322; other commissions to him, 96, 181.
- Alexander, portioner of Kinloss, commissions to him, 96, 181.
- Janet, wife of David Lawson in Craighead, to be tried for witchcraft, 181.
- Brotherstanes, Janet, to be tried for witchcraft, 155.
- . . . , petition by him for liberation, 80.
- Broughton (Brouchtoun), regality of, 356, 357; the lord of the regality claims the escheat of a person who has committed suicide, 288; he is superior of a part of Leith, 640; the baron-bailie and his clerk objected to by an accused person, 23, 24, 28; the bailie is ordered to inspect and sell certain goods, 288; claims the right to superintend the wapinshawing of the Canongate, 541, 542. *See* William Sinclair.
- Brown (Broun) of Balmawe, James, caution for him, 619.
- of Carsluith, John, petition by him, 557; commission to him, 570.
- of Colston, . . . , a superior of part of Leith, 640.

- Brown, of Lands, Cuthbert (sometime), charged with assault and riot, 531, 532.
- of Lochhill, . . . , his wife, Janet Johnstone, summoned for contravening an act of caution, 98.
- of Molans, John, charged with attempting to rescue prisoners, 12-14; charged with carrying firearms and violence, 351, 352; to find lawburrows, 352.
- Alexander, merchant burghess of Edinburgh, caution for his indemnity, 43.
- Alexander, in Renton, charged with assault, 335.
- George, in Aberdeen, summoned as a witness in a case, 344.
- George, in Kimmerghame, summoned as a witness in a case, 206; the doors of his house broken up, 206.
- George, complains of being illegally imprisoned, 27.
- Gilbert, brother of John, of Carsluith, petition by him, 557.
- Mr Harbert, summoned for violating his cautionry, 98.
- Hew, deceased, 280; a debt due to his son William, 280.
- James, at the Nether Bow of Edinburgh, deceased, his son, a Popish priest, 406.
- John, in Eyemouth, 41.
- John, younger, in Smailholm, charged with destroying woods, 544.
- Katherine, in Innerlethen, to be tried for witchcraft, 170.
- Katharine, wife of George Faw, petitions for release, 598, 599.
- Malcolm, merchant burghess of Edinburgh, a debt due to him, 163, 164.
- Margaret, pretended wife of Thomas Paterson, ordained to find caution to renounce him, 445; to be liberated on enacting herself not to live with him, 571, 572.
- Patrick, bailie of Haddington, charged to produce a prisoner, 548.
- Mr Robert, minister at Kirkbean, complaint by him, 531, 532.
- Robert, in Nether Mosplat, charged with carrying firearms and violence, 418, 419.
- Robert, servitor to the Laird of Renton, charged with assault, 335.
- Thomas, burghess of Edinburgh, and late deacon of the locksmiths there, seizes faulty locks exposed in the market for sale, xlii, 345, 346.
- Brown, Thomas, 6, 7, 17, 24; his wife, Barbara Buckholm, submits a dispute, 6, 7, 17, 24.
- Mr William, Clerk of the Treasury, dispatches the sub-commissions for the teinds, 152, 153.
- William, in Dysart, to be tried for witchcraft, 488.
- William, tenant in Galashiels, charged with hamesucken, 179, 180.
- Father, son of the deceased James Brown (*supra*), a Popish priest, to be apprehended, 408.
- Bruce of Alva, Alexander, commission to him, 550.
- of Blairhall, Robert, at feud with Preston of Valleyfield, and charged to keep the peace, 25, 26; put under caution to keep the peace, 40; caution for him and for his indemnity, 40, 41.
- of Carnock, George, at feud with Preston of Valleyfield, and charged to keep the peace, 25, 26; put under caution to keep the peace, 40; caution for him and for his indemnity, 40, 41.
- of Clackmannan, . . . , to oversee the repair of certain highways, 68.
- of Corsebruke, Patrick (Robert), his lands overflowed by a moss, xliii, 37-39, 268, 568, 569.
- of Inchcorais, Robert, to be apprehended and brought before the Council, 15, 516-518; not to be reset by the lieges, 255-257, 504, 505.
- of Inzefer, Mr Alexander, commission to him, 129.
- of Kincavel, Alexander, to oversee the repair of certain highways, 140.
- of Kinnaird, Mr Robert, petitions for liberty to come to Edinburgh on business, which is granted, xlv, 599, 599 n.; act in his favour, 602.
- of Stamstell, William, deceased, 56; Janet Murray, his widow, makes a complaint, 56, 57.
- David, charged with assault and wearing firearms, 56, 57, 81; at the horn for debt, 223.
- of Woodside, Thomas, his lands overflowed by a moss, xliii, 37-39, 268, 568, 569.
- Alexander, brother of Bruce of Carnock, at feud with Preston of Valleyfield, and charged to keep the peace, 25, 26; put under caution to keep the peace, 40; caution for him and for his indemnity, 40, 41.

- Bruce, Captain Alexander, complaint by him, 288, 289.
- Mr A., minister at Olig, signs a certificate, 480, 481.
- Donald, in Thurso, charged with carrying firearms and violence, 57.
- George, burges of Aberdeen, appointed a collector for a charitable fund, 38, 39.
- Sir Harry, master of the artillery, reports that there are no broken cannon in Edinburgh Castle, 493; ordered to fire a volley from the Castle in honour of the birth of the Prince, 552.
- Hucheon, in Thurso, charged with carrying firearms and violence, 57.
- James, complaint by him and Margaret Lindsay, his wife, 154.
- Mr John, brother of Captain Alexander, appears before the Council, 289.
- John, servitor to Lady Duffus, appointed a collector for a charitable fund, 38, 39.
- Patrick, brother of David, of Stamstell, charged with carrying firearms and violence, 56, 57.
- Dr Peter, Principal of St. Leonard's College, charged to accept the office of Rector of the University of St. Andrews, to which he has been elected, xlv, 345; the Archbishop of St. Andrews to prosecute him if he continue to refuse the office, 348, 349.
- Robert, servitor of Gordon of Rothiemay, charged with carrying firearms and violence, 437, 438, 516-518; not to be reset, 504.
- Bruche, John, messenger, complaint by him, 559, 560.
- Bryson, Robert, summoned as a witness in a case, 57.
- Buceleuch, Earl of, Walter Scott, first, 58; a member of the Privy Council, vi; his attendances, vi; as a commissioner for the Borders, he is summoned to attend the Council, xix, 21; he is engaged in the wars of Holland, 167; commission to him, 118; present in Council, 16, 21, 28, 85<sup>a</sup>, 87, 91, 118, 128; signs Acts of Council, missives, etc., 19, 25, 26, 32, 86<sup>a</sup>, 118, 129.
- Buchan, Earl of, James, son of John, Earl of Mar, caution by him for his father, 149-151; commission to him, 15.
- Andrew, in the Kirkton of Banchory, charged with molestation, 574.
- Andrew, in Buchantie, charged with assault and abuse of his minister, 230, 231.
- Buchan, Henry, servant to Frenndraught, horning at his instance, 256.
- Robert, burges of Aberdeen, commission to him to prosecute in local courts infringers of his patent for pearl fishing, 200-202.
- Buchanan of that Ilk, George, apparent, lends his chapel to be used as a parish church for a time, 475, 476.
- Mr George, 336 n.; presides over a committee for the preparation of a Latin grammar, xxxi; his version of the Psalms in Latin, xlv.
- Buchanan, chapel of, appointed the pariah church of Inchcalloch for the time, 475, 476.
- Buckholme, Barbara, wife of Thomas Brown, and William Rutherford, her son, submit a dispute to arbitration, 6, 7, 17, 24.
- Buckie, Laird of. *See* Gordon.
- Buckingham, Duke of, George Villiers, his expedition to La Rochelle, vii, 2 n.
- Buffl coats, 231.
- Buittle, minister of. *See* Mr Patrick Adamson.
- Bunkill, Daniel, burges of Edinburgh, charged with withholding his son James (Daniel) from military service, 288, 289.
- Burghe, Malcolm, rescued from officers of the law, 560.
- Burghs, the: summoned to confer about the victual, 7; object to and petition against the introduction of strangers by the Earl of Seaforth as injuring the national trade, xxv-xxvii, 7, 94-96, 260, 499, 491; they complain of the Flemings fishing in the North Isles, 222; to send a commissioner to Court about the Earl of Seaforth's patent, 421, 422, 639; a compromise proposed, 426; the matter referred to the King, 427, 495, 496; they offer to people Stornoway with natives to conduct the fishing, 479, 480; their opposition to the tanning reform, 108, 133; the question of the penal statutes, 143, 144; they are to report on the claim of the masons and wrights of Dundee, xxvii, 135; their commissioners decide that there should be no deacon of masons and wrights in Dundee, 227; fines upon burgeses for resetting Jesuits and priests, 243; they petition against an oppression by Scot of Scotstarvet, 283, 284; the submission made by the royal burghs in reference to the teinds, and the King's determination thereupon, 310-313; their commissioners

- upon the surrenders charged to attend the meetings, 401; Acts of Parliament in their favour, 648; meetings of the Convention of Burghs; at Crail in July 1618, 419; at Perth in July 1628, 311; at Culross, 135.
- Burial: exhumation of a dead body, 337, 338.
- Burlie, Lord. *See* Balfour of Burleigh.
- Burn (Burne), Andrew, in Easter Gellet, charged with molestation, 192, 193.
- William, brother of Andrew (*supra*), charged with molestation, 192, 193.
- Burnet (Burnett) of Barns, William, commission to him, 391.
- John, younger, commission to him, 32.
- of Leys, Sir Thomas, commission to him, 102-104; commission to him to apprehend Papists, 239, 322; commission to him against Rothiemay, 516-518.
- Mr Robert, advocate, appears for Lord Traquair in a case, 83.
- Burning with irons on the cheek for begging, 66, 67, 534.
- Burntisland (Bruntilland), the highway thence to Falkland to be repaired, 68; the ferry there, 85; the bailies are charged to appear before the Council about the plague, 380, 381; commission to them thereanent, 388, 389; they are ordered to convey a prisoner to the magistrates of Edinburgh, 604.
- Bute, presbytery of, charged to appoint sub-commissioners for the teinds, 53, 54; their moderator denounced, 87, 88; report of the sub-commissioners, 341.
- Butler of Blance, Mr George, commission to him, 269.
- Butter, unlawful exportation of, 428.
- CADDELL of Achahoy, William, charged with assault, 168, 169.
- of Aslowan, James, commission to him, 26; he attempts to arrest Sir George Keith, 558, 559.
- James, fiar, appointed a collector for a charitable fund, 38, 39.
- of Auchintoft, David, charged with assault, 168, 169.
- of Over Skuddell, William, charged with assault, 168, 169.
- of Suddell, Donald, charged with assault, 168, 169.
- of Wester Newton, Donald, charged with assault, 168, 169.
- Caddell, Alexander, in Auchougall, charged with assault, 168, 169.
- Alexander, at the Mill of Forres, charged with assault and hamesucken, 488.
- Andrew, in Bridgend of Wattin, charged with assault, 168, 169.
- David, son of Andrew (*supra*), charged with assault, 168, 169.
- Robert, at Forres Mill, charged with assault and hamesucken, 488.
- Walter, at Boilfendack, charged with assault, 168, 169.
- William, in Boilfendack, charged with assault, 168, 169.
- *See also* Campbell.
- Caddell, house of, 177, 178.
- Cadinheid, Adam, tenant in Banchory, charged with molestation, 574.
- Cadzow (Caidzow), William, in Caldermuir, his house entered violently, 418, 419.
- Cairncross (Cairnecroce), James, maltman in Edinburgh, a debt due to him, 280.
- Nicol, portioner of Redpath, charged with destroying woods, 262, 544.
- Caithness, Archdean of. *See* Mr Richard Merchiston.
- Bishop of, John Abernethy, written to about the sub-commissioners for the teinds, 52; sheep belonging to him stolen, 118; commission to him to apprehend Papists, 239, 321; ordered to go to his diocese and attend upon his duties there, 248; a certificate addressed to him from the presbytery of Caithness, 480; summoned to attend a meeting of the Commission on the Teinds, 570, 571; present in Council, 233.
- Commissary depute of. *See* David Munro.
- Earl of, George Sinclair, excommunicated for Papistry and nonconformity, xii-xviii, 75; a complaint by him, 75, 76; he intercedes in a dispute, 168, 169; a horning at his instance, 173; his case to be reported upon by the Lord Advocate, 248; he is ordered to compare before the Council, xiv, 249, 330; the Council entreat his Majesty to give a commission against him to the Earl of Seaforth, 249, 250, 330; he is to be produced before the Council by the Edinburgh merchants who hold his estate, 330; to be apprehended, and his creditors required to undertake this work, 426, 442; they refuse, 452; he appears before the Council by Ranald Murray, a merchant of Edinburgh, 480,

- 481; he conforms to the true religion and signs the Confession of Faith, 480, 481; his base son, Francis, 584.
- Caitness, presbytery of, they complain against recusants, 75; report of the sub-commissioners, 341; their certificate of the submission of the Earl of Caitness, 480, 481.
- shire of, 250; Papists numerous there, xii; the sub-commissioners for valuing the teinds, 52; commission for the apprehension of Papists there, 239, 321; the sheriffship reserved out of the resignation by the Marquis of Huntly, 318, 319; the sheriff intercedes in a dispute, 168, 169; he is written to and reprimanded by the Council for remissness in his duty, 191, 222, 223; the reset of Papists proclaimed there, 421; commission to him, 206.
- Calais: case of two ships of Calais seized as prizes, 521-523, 590.
- Calder, Patrick, in Meikle Abercattie, charged with assault and hamesucken, 451; caution for him, 451.
- Calder, parish and kirk of, 513; the inhabitants to repair their highways, 138.
- minister of, 338. See Mr Alexander Rowat.
- Calderwood, John, bailie of Musselburgh, charged with illegal warding, 162, 163.
- Callendar (Callender), Andrew, in Torryburn, charged with hamesucken, 559; and with assault, 600.
- Mr Daniel, a minister in Orkney, excommunicates some persons guilty of incest, 214.
- Margaret, to be tried for witchcraft, 426.
- Robert, in Torryburn, charged with hamesucken, 559.
- Calpes and herezelds, payment of, 23.
- Cambridge, University of, 331.
- Cameron (Camrone), Mr Archibald, minister at Inchcailloch, represents the ruined condition of his church, and is authorised to use a private chapel temporarily as the parish church, 475, 476.
- Campbell of Bighall, Colin, appointed a collector for a charitable fund, 38, 39.
- of Caddell, Sir John, excommunicated and outlawed for Papistry, and ordered to render his house, 177, 178, 179, 407; charged to appear before the Council about the repairing of his churches, 616; he is to build a church in Islay, 621.
- — John, apparent, to be answerable for a baron bailie, 175; commission to him to apprehend Papists, 240, 322.
- Campbell, of Crunan, . . . , caution by him, 236; commission to him to apprehend Papists, 240, 322.
- of Glenlyon, Duncan, prosecuted for the slaughter of John McNeill committed thirty-two years before, 554; he seeks a respite, and is recommended by the Council to the King, 587, 588; his trial ordered to be abandoned, 612.
- of Glenorchy, Colin, apparent, commission to him to apprehend Papists, 240, 322; he accepts the sheriffship of Perth, 274.
- of Kilquhome, Colin, baron-bailie of Islay, commission to him, 175.
- of Lawers, Sir James, commission to him to apprehend Papists, 240, 322; other commissions to him, 26, 206.
- of Lundie, Sir Colin, commission to him to apprehend Papists, 239, 322; appointed sheriff of Forfar, 291; he gives his oath as sheriff, 315; witness at Windsor to the King's decrees about the teinds, 303, 307, 310, 313.
- Agnes, wife of Robert Campbell, burgess of Ayr, to be tried for witchcraft, 358, 383; she craves a copy of her indictment, 383.
- Archibald, mediates in the business of the tack of Orkney and Shetland, 127.
- Colin, bailie of Glasgow, offers to make an arrest, 452.
- Duncan, messenger, charged with hamesucken, 472.
- James, in Maybole, charged with deforcement, 5, 6.
- Mr John, in Corkamure, charged with spoiling a ship, 45, 46.
- Neil, maltman in Leith, appears before the Council for the inhabitants of Leith, 440; he is refused as a vassal by Edinburgh, 670; he is fined for selling ale, 673, 674.
- — Robert, burgess of Ayr, his wife, Agnes Campbell, to be tried for witchcraft, 358, 353.
- William, in Maybole, charged with deforcement, 5, 6.
- Campsie, kirk of, 337, 338; the minister and elders, 338.
- Campvere (Campheir, Camphire), the Scots church there, 183; all persons elected as factors to qualify by giving their oath of allegiance to the Conservator, 183; letter

- from the King about the factors and minister there, 285, 291.
- Canada, xliv.
- Cannakyle, place of, 369.
- Cannan, James, in Barley, charged with assault, 213; his horning suspended, 221.
- James, in Mardochat, charged with assault, 213; his horning suspended, 221.
- Cannesbey, minister of. *See* Mr A. Ogston.
- Cannon. *See* Artillery.
- Canongate (Cannogait), burgh of: the minister and bailies to lend their chapel at the Watergate for his Majesty's baggage, 61; pestered with beggars, 66, 67; the magistrates are charged to clear the streets of them, 67, 76; and to punish them, 411-415; they are to see the Lent Acts observed, 83; complaint against the bailies and their officers, 144, 145; the bailies are ordained to defer their wapenshawing owing to a dispute with the baron-bailie of Broughton, 161, 162, 166, 167; an act of court of the burgh about the poor confirmed by the Council, 527; the bailies petition for leave to make their musters which were stopped by the Earl of Roxburgh, 541, 542; the bailies are ordered to provide accommodation for a possessed woman and her mother brought from Duns, 608; the safety of the burgh imperilled by the situation of a baker's oven, 599, 600; the tolbooth, 144; the "yrnehouse," 550; documents dated at the Canongate, 474; wardings within the burgh, 417, 582; the burgh clerk. *See* Walter Logan.
- kirk of the, his Majesty's gallery therein, 61.
- Cant of Sanctgeiliegrange, Mr John, commission to him, 339.
- Carfrae (Carfra), Bessie, burnt for witchcraft, 269.
- John, and Alison Borthwick, his wife, to be tried for witchcraft, 269.
- Thomas, brother of John (*supra*), to be tried for witchcraft, 269.
- Carkettell of Markle, Patrick, protection granted to him, 360.
- Carlingwarke, the, 625.
- Carlisle (Carlill), town of, the highway thence to Dumfries to be repaired, 68; the magistrates connive at Scottish Borderers evading the law, 112.
- Carlyle (Cairlill), Herbert, in Annandale, to breed hounds and preserve the game there, 222.
- Herbert, called of the Heuche, caution for his indemnity and that of his three sons, Michael, William, and Edward, 264; caution for their keeping the peace, 264.
- Carlyle, Ludovick, son of Herbert Carlyle, and servitor to the King, 222.
- Carmichael of Balmedie, David, to oversee the repair of certain highways, 140.
- of Edrem, Harry, charged with assault, 335.
- Richard, commissary of Sir George Hay's regiment, protection granted to him, 124.
- Richard, in the regiment of Colonel Hamilton, protection granted to him, 155.
- Carmurie, lands of, 487.
- Carnegie, Lord, David Carnegie, a member of the Privy Council, vi; his attendances, vi; to oversee the repair of certain highways, 68; appointed on a committee for the suppression of Papists, 233; commission to him to apprehend Papists, 239, 322; to take the oath of the sheriff of Aberdeen, 292, 293; on a committee about the foreign coin, 464; to speak with Sir William Seton about a commission, 503; present in Council, 3, 8, 11, 19, 21, 47, 52, 61, 64, 128, 196, 200, 207, 208, 211, 233, 252, 260, 316, 363, 372, 379, 383, 387, 392, 396, 401, 421, 427, 432, 435, 438, 443, 448, 452, 455, 457, 464, 497, 501, 552, 555, 562, 565, 567, 571, 573, 583, 617, 621; mentioned as absent from a Council meeting, 4; signs Acts of Council, missives, etc., 52, 59<sup>a</sup>, 63<sup>a</sup>, 64, 76, 77, 214<sup>a</sup>, 250, 260, 371<sup>a</sup>, 373, 386, 391, 392, 400, 426, 431, 446<sup>a</sup>, 448, 453, 454, 508, 519, 561, 570, 573, 588, 620.
- of Ethie, Sir John, commission to him to apprehend Papists, 239.
- of Dinnechin, . . . , commission to him to apprehend Papists, 239, 322.
- Patrick, in the Kirkton of Aboyne, and Elizabeth Gordon, his wife, to be apprehended, 102.
- Carrick (Carrik) bailiary of, 104, 534, 550, 598; bailie principal of. *See* John, Earl of Cassillis; commission to the bailie, 550.
- Earl of, John, witness to a resignation at Court, 368; appears against Edinburgh in their dispute with Leith, 494.
- Carrick, Alison, in Haddington, to be tried for witchcraft, 334, 361, 362, 515, 544; she appeals against her judges, 556.
- Carroun, John, servitor to the Earl of Seaforth, to be tried for manslaughter, 158, 159.

- Carruthers, William, burghess of Dumbarton, his wife, Janet Neill, to be tried for witchcraft, 59.
- Carrudhous, William, merchant in Dumfries, wounded in a scuffle, 13.
- Carstairs, George, in Balclevie, charged to appear before the Council, 487.
- Carswell, John, in Paisley, prosecuted as a refractory tanner, 359, 360.
- Carterhope, lands of, 552.
- Carts to be provided in every parish for the King's baggage, 65.
- Caskie, Adam, assaulted for bearing witness to illegal torturing, 429.
- Cass (Cas, Case) of Fordell, Mr Robert, apparent, commission to him, 155, 156, 209, 351, 534, 573, 602.
- Cassillis, Earl of, John, at feud with the Earl of Wigtown, charged to keep the peace, xxxvi, xxxvii, 224, 225; petition by him for postponement of a cause, 377, 378; as bailie of Carrick he craves directions from the Council as to the treatment of certain prisoners, 533, 534; his master stabler and horses, 607, 608.
- Cassoche, house of, 214.
- Castles: of Blackness, 256; Crombie, 256; Dunivaig in Islay, 316, 395; Dunnottar, 340, 431; Rothiemay, 430; Stirling, 363, 370, 377. *See also* Edinburgh *et sub voces*.
- Castrium, William, mealmaker in Leith, a complainer against Edinburgh, 666.
- Cathcart, Allan, in Waterside, charged with deforcement, 5, 6.
- Cattle, exportation of, xxi; theft of, 175; houghing, goring, and killing oxen, 314, 351, 352.
- Caution, appeal against the amount of a, 476.
- Challenges to single combat, 256, 501, 502.
- Chalmers, Agnes, in Peebles parish, to be tried for witchcraft, 170.
- Mr Patrick, servitor to Sir John Scot, acts as procurator, 421.
- Mr William, in attendance on the circuit-courts as deputy-receiver of fines for the Treasurer, 441, 467, 468; he grants a loan, 528.
- Chamberlain, Lord, alleged encroachments upon his office by the town of Edinburgh, 502, 503, 663, 664.
- Chambers (Chalmers), Dr James, physician in ordinary to King James VI. and Charles I., the King writes in his favour to the Council, 447, 448; he obtains from the King the escheats of two Papists, 666, 667.
- Chambers, Robert, macer before the Session, deceased, 333.
- Chancellor of Scotland, Lord High. *See* Viscount of Duplin.
- Chancellor of Shieldhill, Robert, brought a prisoner to Edinburgh for debt, 471, 472.
- Chancery, charters in the hands of the Director of, 587; Director of. *See* Sir John Scot of Scotstarvet.
- Chanoury (Channonrie), presbytery of, report of the sub-commissioners, 341.
- — tolbooth of, 158, 159.
- Chapel royal of Holyrood, complaints against the prebendaries, 576, 577. *See also* Holyrood.
- Chapels, pilgrimages to, 241, 324, 264.
- Charles the First, King of Great Britain, France, and Ireland: directs the government of Scotland by his personal mandate, v; the results of his civil and ecclesiastical policy, ix; he selects the Earl of Morton as the new Treasurer of Scotland, vii, 594; his wars with France and Spain, vii, viii, xxii, l n.; he appoints Sir William Seton Postmaster General of Scotland, 8, 9; his proposed visit in the spring of 1630, xxxiii, xxxiv, 44, 49, 116, 129, 129 n., 130, 148-150, 285, 286, 448-450, 575, 576; desire of the Council for a change in the date, 493, 498; their preparations, 493, 498; wines provided for his coming to Scotland, 25; arrangement for the furnishing of confections during his visit to Scotland, 182; ale brewed for his coming, 674; preparations for his visit, conveyance and disposal of his baggage, repairing the highways and clearing them and the streets of beggars, 61-69; a pinnace to be provided for carrying him over the Firth of Forth, 85; repairing of the highways for the safe travelling of his Majesty, 138-141; he is desired to approve or disapprove of the form for his coronation, 52, 59, 60; the letters found in the Spanish ship sent to him, 59; he is desired by the Council not to encourage Papists, especially the Marquis of Huntly, 76, 78, 79, 80; for recovering the Palatinate, he takes part again in the Thirty Years War, 99 n.; and sends help to Gustavus Adolphus, 136, 137 n., 138; the repairs of his Majesty's castles and palaces to be proceeded with, 125, 148-151; he postpones his proposed visit to Scotland until 5th September, 129, 129 n., 130; his name upon the

- copper coin, 131, 132; he orders that no prosecutions for past breaches of penal statutes shall take place, 143; increase of his financial difficulties and continuance of his struggle with his English Parliament, 148 n.; golf balls made for him, 174; he desires a pension to be paid to his nurse, 171, 172; his Act of Revocation and his four decreets upon the submissions for the teinds, viii-xi, 293-313; an annuity secured to him out of the teinds of erections, 300, 309, 310, 312, 610; a resignation made in his presence at Bagshot on 15th August 1629, 317, 319; his physician, Dr Arthur Johnstone, 336 n.; he receives the resignations of the heritable sheriffship of Lanark, the bailiary of Kyle, and regality of Newton, 364-369; he is petitioned to deal with the King of France about Andrew Beaton at Paris, 416; the choosing of the place for his coronation, 422, 454, 493, 497, 498; his presentation of Mr Walter Whiteford to the sub-deanery of Glasgow, 513, 514; he discharges a sentence of banishment against one of the Queen's servants on account of his religion, 513; he inherits his father's grudge at Mr Robert Bruce, 599 n.; his interposition in the complaints by some in Leith against Edinburgh, 636, 638; his Queen. *See* Henrietta Maria.
- Charles the First, King. Letters, etc., from him to the Privy Council, etc., arranged in order of date, showing thus where the Court was for the time:— Grant of the office of postmaster of Haddington to James Simson, Theobalds, 21st July 1626, 9; about the Bristol ship, 32; for reviving the joint commission for the Borders, 3rd March 1628, xix; to the Commissioners of Teinds about the compositions to be paid, 28th October 1628, 303; to the Council about the discharge for the payment of £4000 to the Earl of Nithsdale, Whitehall, 27th November 1628, 48; the billeting and training of the soldiers returned from the Continent, Whitehall, 5th January 1629, 1, 2; to admit James Baillie of Lochend as a member of Privy Council, Whitehall, 5th January 1629, 39, 40; for a protection to Sir William Menteith of Kerse and his lady, Whitehall, 15th January 1629, 100, 101, 629; to admit Andrew, Lord Jedburgh, as a member of the Council, Whitehall, 16th January 1629, 47, 48; for suppressing the Papists in the north, Whitehall, 23rd January 1629, xiii, 35; to send up the letters found in a wrecked Bristol ship, Whitehall, 28th January 1629, 21; as to the claim by the masons of Dundee, Whitehall, 16th February 1629, xxvi, xxvii, 135, 136; about William Park and his bridges, 85; to grant a license to the Earl of Erroll to go abroad, Whitehall, 9th March 1629, 86, 111; to grant a remission to John Balfour, Whitehall, 9th March 1629, 86, 87; to grant warrant to Sir George Hay for levying a regiment, Whitehall, 9th March 1629, 99, 629; to grant letters of caption against Gordon of Rothiemay and others, Whitehall, 13th March 1629, 257; for the coining of copper coin, Whitehall, 18th March 1629, 129, 131, 132; granting a pardon to the Laird of Ballindalloch, Whitehall, 25th March 1629, xxxvii, 113-115, 156, 157, 462; the feud between the Grants of Carron and Ballindalloch, 577, 579, 580; for the further prorogation of the Parliament till 5th September, Whitehall, 25th March 1629, 128, 129, 145; in favour of the patentees for making iron cannon, Whitehall, 27th March 1629, 151, 152; to grant permission to Colonel Sir George Cunningham to raise soldiers for the King of Sweden, Whitehall, 1st April 1629, 208; to permit Mr Alexander Hamilton to raise troops for Sweden, Whitehall, 9th April 1629, 136, 137, 629; to permit Sir John Meldrum to levy men for Gustavus Adolphus, Whitehall, 9th April 1629, 137, 138; appointing Sir Richard Graham a Commissioner for the Borders, Whitehall, 18th April 1629, 147, 148, 190; to grant a commission of justiciary to the Bishop of the Isles within his diocese, Whitehall, 21st April 1629, 156, 267, 268; for securing the Earl of Mar in respect of his outlays for repairing the royal houses, Greenwich, 2nd May 1629, 149; for the production by the town of Edinburgh of its charters, Greenwich, 9th May 1629, 170, 215, 217, 218, 630; the petition of the Islanders about the justice-courts, Greenwich, 9th May 1629, 164, 171, 629; for punishing Archibald Tod for insulting the Lord Admiral, Greenwich, 11th May 1629, 353; to restore the Bristol ship to its owners, Greenwich, 28th May 1629, 148, 207; to apprehend Richard Bramlie of Northumberland, Greenwich, 27th May 1629, 161, 164; the dispute between the Islanders and Lord Lorne, Greenwich, 29th



May 1629, 631; to meet with the clergy at Holyrood and deal with the increase of Popery, Greenwich, 12th June 1629, xiv, xix, 184-186, 233, 631; that all the Councillors and other persons in public office take the Communion quarterly at Holyrood as a test of their religion, Greenwich, 12th June 1629, 186-188, 361, 632; no persons but his Majesty's subjects to be chosen as factors at Campvere, Greenwich, 19th June 1629, 183, 285, 291; in favour of Frendraught, 207; to grant a license to the Countess of Abercorn to go to Bath, Greenwich, 23rd June 1639, 211, 212, 253, 254, 254 n., 631; changing the day for celebrating the Communion in Holyrood chapel, Greenwich, 29th June 1629, 196; to discharge Sir James Sinclair of Murkill for the money received by him to raise troops, Greenwich, 29th June 1629, 214, 215, 615; for a collection in the churches on behalf of the exiled ministers of the Palatinate, Greenwich, 30th June 1629, 275, 276; for preserving the game in Annandale, Windsor, 16th July 1629, 222; requiring the appointment of new justices of the peace in place of those deceased, Windsor, 16th July 1629, 223, 224; to empower Lord Lorne to hold justice-courts at Inverness, Windsor, 16th July 1629, 272, 273, 632; prorogating the meeting of Parliament till 1st June 1630, Windsor, 16th July 1629, 286, 632; in favour of the Marquis of Huntly, Oatlands, 8th August 1629, 290, 332; as to the education of noblemen's children, 328; in favour of Robert Crichton, Bagshote, 15th August 1629, 333, 334; to the Lord Advocate, to report on the case of Rothiemay, Bagshot, 15th August 1629, 493, 494; to the Council about two French ships seized and taken to Leith to be tried, Woodstock, 27th August 1629, 271, 272, 315, 475; John Weir of Clenockdykes and the theft of boats, Woodstock, 27th August 1629, 315, 512, 513; as to the nomination of a new clerk of the taxations, Windsor, 2nd September 1629, 272; the sheriffships of Aberdeen, Inverness, and Forfar, Windsor, 5th September 1629, 291; to grant a protection to Sir George Home of Manderston, Theobalds, 16th September 1629, 381, 382; ratifying the Acts of Council against Papists, Theobalds, 21st September 1629, xii, xv, xvi, 320, 331, 335; the Earl of Linlithgow, Admiral, to deliver some

pirates as soldiers for the Swedish wars, Hampton Court, 29th September 1629, 357, 358; as to the dispute between Edinburgh and Leith, Hampton Court, 17th October 1629, xxviii, 344, 349, 350; the castle of Dunivaig in Islay, Theobalds, 24th October 1629, 316; the case of the Earl of Roxburgh and Abel Lyon's escheat, Whitehall, 29th October 1629, 356, 357; for the removal of all councillors who have refused to communicate, Whitehall, 6th November 1629, 361; to take action against one Ramsay for purloining charters, Whitehall, 17th November 1629, 383, 384; prescribing the cognizance for the baronets of Nova Scotia, Whitehall, 17th November 1629, 392, 393, 394, 632; the Lord Advocate, for proclaiming the interruption of the Act of Prescription, Whitehall, 29th November 1629, 538-541; to the Council about the teinds of Skaithmure, Whitehall, 8th December 1629, 371; to appoint Lord Gordon commissioner for suppressing Popery in the north, Whitehall, 10th December 1629, 404, 405; Captain David Robertson and the Hamburgers, Whitehall, 28th December 1629, xlii, xliii, 484, 525; to consider the losses of John Innes of Crombie, Whitehall, 7th January 1630, 400, 491; the fittest church in Edinburgh for his coronation, Whitehall, 8th January 1630, xxiv, 422; for the apprehension of the Earl of Caithness, c. January 1630, 426; the Earl of Seaforth's patent, undated, but c. January 1630, xxvi, 421, 422, 427, 638, 639; to take action in the dispute between Edinburgh and Leith, undated, but c. January, 1630, 422, 423, 639; the circulation of foreign coin, Whitehall, 3rd February 1630, 457, 458, 464; about the two French ships, Whitehall, 4th February 1630, 446, 447; the ship of Peter Laba of Calais, Whitehall, 4th February 1630, 447, 483; on behalf of Dr James Chambers, one of his Majesty's physicians, Whitehall, 4th February 1630, 447, 448; for delivering two broken cannon in Edinburgh Castle for making a peal of bells for Holyrood church, 492, 493; to grant the escheat of two Papists to Dr James Chambers, Whitehall, 4th February 1630, 666, 667; to deal with the case of Peter Laba and his ship, Whitehall, 4th February 1630, 667; the two French ships, *The St. Peter* and *The St. Michael*, Whitehall, 4th February 1630, 668; prorogating the meeting of Parlia-

- ment and his coronation, Whitehall, 10th March 1630, 535, 537, 545, 546; encroachments on the offices of Admiral and Chamberlain, Whitehall, 18th March 1630, 502, 503; for a protection to Home of Manderston, 545; to prohibit unauthorised persons from granting coats of arms, Whitehall, 20th April 1630, 595, 596; to the Lord Chancellor for the crowning of Sir James Balfour of Kinnaird as Lyon King-of-Arms, Whitehall, 20th April 1630, 531; to the Council anent Margaret Bellenden, Whitehall, 24th April 1630, 535; sending a petition he had received from Scotland, Whitehall, 4th May 1630, 676; to take no further proceedings against Archibald Tod, St. James's, 21st May 1630, 546, 547; intimating the birth of his son, Whitehall, 29th May 1630, 551; for the arrest of Porteous of Halkshaw, Whitehall, 2nd June 1630, 552; to arrest and punish Alexander Hay, Whitehall, 22nd June 1630, 573; to grant a commission to the Earl of Tullibardine, Whitehall, 28th June 1630, 576; the neglect of duty by the prebendaries of the chapel royal, Whitehall, 28th June 1630, 576, 577; in favour of Archibald Tod, Whitehall, 28th June 1630, 609, 610; to admit Patrick, Earl of Tullibardine, as a member of Council, Whitehall, 28th June 1630, 621, 622; the claim by France to Nova Scotia, Whitehall, 3rd July 1630, xlv, 614; Mr William Kellie and the baillie of Dunbar, Whitehall, 5th July 1630, 588; some French ships taken by Scotsmen, Nonesuch, 14th July 1630, 609; recommending the examination of Mr Alexander Home's Latin grammar, Windsor, 16th July 1630, 597; a contempt of justice by Letterfourie, Okyne, 29th July 1630, 626.
- Charles the Second, King, intimation by the King to the Council of his birth, 551; a salute in honour thereof fired from Edinburgh Castle, 552; a cannon bursts at Leith while being fired in honour of his birth, 564.
- Charles the Fourth, King of Denmark, regiments raised in Scotland for his service, vii, viii. *See also* Denmark.
- Charter chest, abstraction of writs from a, 141, 142.
- Charteris (Charters) of Amisfield, Sir John, 445, 446, 564; charges some persons with arson on his lands, 20; appointed convener of the justices of the peace of Dumfries, and charge to him, 64, 65, 77, 78; to oversee the repair of certain highways, 68; as a judge in a witch trial, called upon to produce the original depositions, 450, 451; complaint by him, 569, 570; testifycate by him as a Border Commissioner, 605; to hold a court in Dumfries, 626; commission to him to apprehend Papists, 239, 323; other commissions to him, 426, 446, 537, 550, 551, 608.
- Charteris of Kelwood, Robert, hornings at his instance, 445, 446, 565.
- Thomas, merchant burges of Edinburgh, complaint by him, 194, 195.
- Cheff, John, petition by him, 429-431.
- Cheyne of Raynystoun, Thomas, excommunicated for Papistry and nonconformity, 30, 31; his house seized and kept, 93, 179; he petitions for its restoration as he has now conformed, 276, 277.
- Marion, wife of Alexander Leslie in Aberdeen, complaint by her, 124.
- Petrie, in Raithnie, complains of being forcibly compelled to sign a deed, 456, 457.
- Chirnsyde, presbytery of, 378; charged to appoint sub-commissioners for the teinds, 53, 54; report of the sub-commissioners, 341.
- Chirrie, Robert, servant to the Master of Herries, charged with carrying firearms and violence, 351, 352.
- Chope, George, in Fuirhouse, charged with assault, 209, 210.
- Christie (Chrystie, Crystie), David, bailie of Dysart, appears before the Council, 490, 532; charged with malice in a case, 542; charged with mocking authority, 619.
- Katharine, widow of Andrew Yule in Dysart, complains against the bailies of Dysart and others for falsely accusing and imprisoning her as a witch, 489, 490; she petitions against some of her judges, 542, 543; refusing to appear for trial she is to be imprisoned, 605, 606; the bailies do not care to ward her, 619.
- Patrick, messenger, charged to appear before the Council for abuse of his office, 358.
- Patrick, servitor to John Gordon of Buckie, now in Enzie, put to the horn for forging a writ, 572, 573.
- William, in Aberdeen, summoned as a witness in a case, 344.
- Father, called the principal of Dowie, a Popish priest, to be apprehended, 408.

- Christie, . . . , two of name, Popish priests, to be apprehended, 408.
- Christ's Church, lands and barnyard of, 474.
- Church and Religion: no meeting of General Assembly during the period of this volume, v; results of the ecclesiastical policy of King Charles, ix; the presbyteries entrusted with the taking of the submissions of teinds, viii-xi; note of the Council's procedure for the suppression of Papists, xi-xviii; the Court of High Commission and Papists, 28, 30, 102, 103, 179; intimations ordered to be made at parish churches, 36, 36; the clergy admonished to stir up their flocks to benevolence, 39; presbyteries proceeded against for not electing sub-commissions for the teinds, 52-54; complaint by the presbyteries of Caithness of the disregard of church censures, xxxix, xl, 75; the ministers in the north complain of the Marquis of Huntly as favouring Papists, 79, 80; moderators of presbyteries denounced for not appointing sub-commissioners for the teinds, 87, 88; the building of kirks in the Isles, xxi, 172, 173, 616, 621; the ministers in the Isles not to be hindered from attending the synod, 172, 173; the clergy ordered to make up lists of Papists in their districts and attend a meeting at Holyrood for dealing with the matter, 184-186, 195; these lists given in, 233; the Communion to be taken as a test by all persons holding public office, 186-188, 195, 196; the King changes the day for celebrating the Communion, 196; great disrespect to the ministry shown in Shetland, 202-204; the meetings of the Council and clergy at Holyrood to concert measures for suppressing the Papists, 233-254; the arrears of stipends to be first paid out of the estates of excommunicated Papists, 245; the commission appointed in Aberdeen for enforcing church discipline ordered to report their diligence to the bishop, 245, 246; no process by a Papist against a minister to be entertained unless caution is found for payment of the minister's expenses if the complaint fail, 249, 331; orders to bishops and presbyteries to proceed against all Papists whatsoever their rank, 249, 325, 331; commissioners from the presbyteries present with the Council, 259; commission to the Bishop of the Isles for the suppression of vice in his diocese, 266-268; Acts of Parliament against disturbers of divine service and ministers, 266; a collection to be made for the exiled ministers of the Palatinate, 276; the bishops written for by the Council to attend about the Marquis of Huntly, the exiled ministers of the Palatinate, and the ministers at Campvere, 290, 291; the King's decreets upon the submissions by the bishops, lords of erections, and others, 293-313; the plantation of kirks to be secured from the teinds, 295, 309; ratification by the King of the acts for the suppression of Papists, 320-331; all bishops who are non-residents ordered to go to and reside in their own dioceses, 331; unwillingness of the clergy to subscribe the submission, 303; a special submission signed by the bishops, 303; the King's determination upon it, 307-310; satisfaction to be made for assaults upon the Sabbath, 406; the prelates to require the parochial clergy to enforce the acts against beggars, 414, 415; stoppage of divine service by a local feud, 518; threatening of ministers, 567, 568, 580, 581; threatening the life of the archdean of Caithness, 616; particular churches: repairing of Holyrood church, 74; the minister and session of Leith complain of the conduct of a schoolmaster, 157; a synod to be held at Icolmkill, 254, 259; case of desecration of a burial-place in the church of Campsie, 337, 338; a private chapel at Buchanan authorised to be used temporarily as a parish church, 475, 476; dispute about a presentation to Duffus, 500, 501; the case of the church of Monkland, 513, 514; dispute about a seat in the kirk of Kirkliston, 536, 537; the dean and prebendaries of the chapel royal, 576, 577. *See also* Roman Catholics.
- Circuit-courts. *See* Courts.
- Clackmannan, Laird of. *See* Bruce.
- Clackmannanshire, the justice-court to be held at Perth, 226, 227; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65.
- Clan Chattan, the, 528.
- Clan Donald, the, 316.
- Clan Gregor, the, xxxviii, 518; some of the clan sorning in Strathspey, 23, 36.
- Clan Rannald, the, xxxviii, 518; some of the clan sorning in Strathspey, 23, 36.
- Captain of. *See* MacDonald.
- Clekmay, wood of, 262.
- Clelland (Clelland) of Monkland, Sir James,

- charged with riot, 360; charged with preventing the settlement of a minister at Monkland, 513, 514; ordered to keep the peace, 514.
- Clelland, Jean, in Corehouse Mill, to be tried for witchcraft, 145.
- Clerk Register, Lord. *See* Sir John Hamilton of Magdalenes.
- Clerk of Balbirnie, James, commission to him, 488, 496, 535, 542, 602, 606.
- David, mariner in Dysart, charged with slander, 542.
- Mr James, in Bognie, servitor to James Crichton of Frendraught, theft of his cloak, 437; permitted to carry firearms, 524, 525.
- James, at the Kirk of Beith, a refractory tanner, 611, 612.
- James, in Pennyburne, servant to James Crichton of Frendraught, petition by him, 429, 431; his house broken into, 438; permitted to carry firearms, 524, 525.
- Janet, wife of John Allan, to be tried for witchcraft, 446.
- John, town-officer of Edinburgh, charged with hamesucken, 472.
- John, in Flemington, caution by him and for him, 26, 27.
- John, tenant to the Laird of Pittarrow, charged with assault, 283.
- Robert, skipper, in Fisherrow, 162, 163; Janet Hardie, his wife, complains of being illegally imprisoned, 162, 163.
- Robert, son of Janet Barclay, appears for his mother before the Council, 163.
- Thomas, son-in-law of Thomas Paterson, caution by him, 445.
- Clerksoun, Janet, in Cauldraw, to be tried for witchcraft, 145.
- Clinker, Janet, *alias* Anderson, to be tried for witchcraft, 570.
- Clockemyln, the highway thence to the Magdalene Bridge to be repaired, 138.
- Closeburn, tower of, 564, 565.
- Cloth, imported from England, also manufactured, 646.
- Cluny, Laird of. *See* Gordon.
- Clyde, river, a bridge to be built over it by William Park, 85.
- Clydesdale (Clidsdaill), nether ward of, 27.
- Coal: exportation of, 589; coal pits on the lands of Southside, 563.
- Coasten, Patrick, tenant to Mr Archibald Pearson, petition by him, 555.
- Coats of arms for the Lyon heralds and pursuivants to wear, 51, 60.
- Cochrane, James, bailie of Edinburgh, appears before the Council, 432, 440; produces a prisoner before the Council, 564.
- James, bailie of Leith, charged with illegal summoning, 673.
- John, messenger in Maybole, charged with deforcement, 5, 6.
- Cocke, John, W.S., appointed commissary depute of Dunkeld south of the Forth, and permitted to hold his courts in the tolbooth of Edlinburgh, 43, 80.
- Cockburn (Cokburne) of Blacksmyle, Robert, sheriff depute of Berwick, commissions to him, 98, 385, 386, 488.
- of Butterdean, Mr Robert, deceased, 343; his widow, Mary Hamilton, his son, and his daughter Rachel, 342, 343, 344.
- of Langton, Sir William, appointed sheriff of Berwick, 274; he sends in Alie Nisbet to the Council, 603.
- of Ormiston, . . . , to convey a prisoner to Haddington, 222.
- Mr James, provost of Haddington, and sheriff-depute of Haddington, commission to him, 544; he declines the commission, 556; charged to produce a prisoner, 548.
- James, petition by him for liberation, 81.
- Dame Margaret, wife of Sir William Graham of Braco, complaint by her, 335.
- William, charged with unlawful convocation, 601.
- Cockpool, Laird of. *See* Murray.
- Cocksoun, Thomas, *alias* Hint, an Englishman, enlisted for the Swedish wars, 282.
- Cogill, William, in Garsay, charged with carrying firearms and violence, 57.
- Coin and Coining: the importers of Embden dollars to be prosecuted, 3; conference upon the currency of foreign coin, xxxii, xxxiii, 3, 7, 8, 11, 16, 21, 51; the Rex and Lyon dollars allowed to be in circulation, and others to be called in, 8; small copper money to be coined, xxxii, xxxiii, 16, 47, 129-132; the circulation of the Embden and Ort dollars forbidden, with a description of the Embden dollar, 19, 20, 21; theft of 30 double angels, 195; false coiners to be dealt with in the circuit courts, 258; letter from the King for taking measures to prevent the circulation of foreign coin, 457, 458, 464.
- Coke, Jo., signs a document by his Majesty's command, 676.
- Coldenknowes (Coldingknowes), Laird of, . . . , deceased, 544; . . . Ruthven, his widow, 544. *See also* Naismith.

- Coldenknowes, woods of, 544.  
 Coldingham, abbacy of, 425.  
 — estate on, 425, 462, 468, 482.  
 — Muir of, 607.  
 — the teinds of, 482; priory of, 221;  
 taxation of the priory, 206.  
 Coline, Alison, in Duns, to be tried for  
 witchcraft, 571<sup>2</sup>.  
 Colinton, Laird of. *See* Foulis.  
 Collace, Alexander, charged with threatened  
 assault and deforcement, 231, 232  
 — William, charged with threatened  
 assault and deforcement, 231, 232.  
 College of Justice. *See* Session.  
 Colleges, to be sustained from the teinds,  
 312, 313.  
 Collisoun, Thomas, burges of Aberdeen,  
 commission to him, 176, 177.  
 Collonoch, 235.  
 Colmonell (Cammanell), kirk of, 10.  
 Colquhoun (Cahowne) of Bavia, Humphrey,  
 charged with abstracting writs from his  
 father-in-law's charter chest, 141, 142;  
 his wife, Margaret Somerville, 141.  
 — of Luss, John, a commission granted to  
 him, 97; on a suspicion of being partial  
 he is removed from the commission, 123, 124.  
 — Umphra, burges of Dumbarton, his  
 wife, Janet Donald, to be tried for witch-  
 craft, 59, 97, 123, 124.  
 Colston (Coulstone), Laird of. *See* Brown of  
 Colston.  
 Coltbridge (Cowtbridge), near Edinburgh,  
 the highways thence to the Lang gait and  
 the Ferrie gait to be repaired, 138.  
 Coltherd (Cowttherd), John, in Ingliston, his  
 horse slain, 194, 195.  
 — William, servitor to the Master of  
 Herries, charged with attempting to rescue  
 prisoners, 12-14.  
 Colville (Colweill) of Culross, Lord, . . . ,  
 his burial on 11th September 1629, 278.  
 — of Blair, Mr Alexander, Justice-Depute,  
 to examine a wizard, 2, 3; to examine  
 witches, 4, 334, 345; to enquire into the  
 past life of a prisoner, 18; a commission  
 to him, 104; his office not to be prejudiced  
 by that of Justice-General, but the Justice-  
 General to appoint a successor if it vacate,  
 111; to assist the magistrates of Edin-  
 burgh at a trial, 145; excused from attend-  
 ing a trial to attend the burial of his chief,  
 Lord Colville, 278; to examine Alexander  
 Hamilton, warlock, 290; to examine  
 accused persons, 383, 400, 405, 497, 584;  
 order for payment of arrears of his fees,  
 503; commission to him to examine  
 Katharine Christie, 619.  
 Colville, of Cleish, Robert, commission to  
 him, 426.  
 — Robert, younger, commission to  
 him, 454.  
 — of Hope, John, commission to him about  
 the teinds in Orkney, 70-74.  
 Combat, challenges to the. *See* Challenges.  
 Commissaries; actions of matrimonial causes  
 tried before them, 483; of Dumfries, 585,  
 586; Dunblane, 198; Dunkeld, 43. *See*  
 Stewart of Ladywell; Edinburgh, to take  
 the Communion quarterly at Holyrood,  
 186, 188; Glasgow, 97. *See* John Boyle  
 of Kelburn; Kirkcudbright, 213, 221.  
*See* Edward Forrester; Lanark. *See*  
 Archibald Hamilton; Moray. *See* Mr  
 John Hay.  
 Commissary-clerk of Aberdeen. *See* Mr  
 Thomas Davidson.  
 Commissary-court of Selkirk, 585.  
 Commissary-depute of Caithness. *See* David  
 Munro.  
 Commission, Court of High, the Lords  
 ordered to take the Communion quarterly,  
 186, 187, 361.  
 — of the Peace. *See* Justices of the Peace.  
 — for the Middle Shires. *See* Borders.  
 — for the Surrenders and Teinds. *See*  
 Teinds.  
 Commissions (general): to the Bishop of  
 Aberdeen, to take account of the rents of  
 excommunicated Papists, 379, 380; the  
 magistrates of Aberdeen, to enforce the  
 Act of Parliament for attending church,  
 176, 177; for holding circuit-courts of  
 justice, 191, 192; to the magistrates of  
 Edinburgh, 145; to the magistrates of  
 Edinburgh and Leith, to deal with plague-  
 stricken ships, 385, 387, 388; for taking  
 evidence, 104; to Mr Alexander Hamilton,  
 to raise 1200 men for the King of Sweden,  
 136; for the examination of Alexander  
 Hamilton, warlock, 290; to Sir James  
 Hamilton, to arrest fugitive soldiers, 142,  
 143; to the Earl of Menteith as Justice-  
 General for another year, 111; to Sir John  
 Meldrum, to raise men for the King of  
 Sweden's service, 137, 138; for pursuit of  
 Papists, 234, 237-243, 321-327; to pre-  
 lates and presbyteries to apprehend and  
 try reseters of Jesuits and priests, 242,  
 243, 325, 331; for taking the oaths of  
 persons appointed as sheriffs, 274, 292,  
 293; to Sir Alexander Strachan, agent

- concealment of the King's rents, 149, 150 ; to some Councillors, to inspect the rolls of the taxations, 274, 275 ; against thieves, 550 ; for examining witches, 2, 41, 334, 550, 551.
- Commissions for apprehension: the Master of Forbes against Gordon of Rothiemay, 509, 510, 516-518 ; the Laird of Grant against James and Alaster Grant, 496, 510, 518, 519, 520, 583, 618 ; the Marquis of Huntly against Rothiemay, 496, 509, 510, 516-518, 519, 520 ; Lord Ogilvie against Rothiemay, 509, 510, 516-518 ; Sir William Seton against Rothiemay, 496, 503, 509, 510, 531 ; John Fenwick and others, 544 ; Gordon of Rothiemay and others, 15 ; Alexander Gordon and others, 175 ; James Grant in Daitalies, 36, 37 ; Robert Johnstone of Middlegill and others, 537, 538 ; John Johnstone, called of Whitecastle, 158 ; James Keith of Craig, 340 ; James Keith of Harvieston, 431 ; Sir George Keith of Drumtockie, 26 ; Alaster McRorie and another, 518 ; John Neill, 400, 443 ; George Ogilvie, 195 ; Katharine Oswald, a witch, 206, 278 ; Papists in Aberdeenshire, 102-104 ; certain persons in Caithness, 206 ; witches in Peeblesshire, 170.
- Commissions of justiciary (general): to the Bishop of the Isles, 266-268 ; John, Earl of Mar, in Strathdee and Strathdon, 170 ; Sir John Scot of Scotstarvet, over the Water of Eden, 175, 176.
- Commissions of justiciary (particular): for the trial of Margaret Allan and others, for witchcraft, 534, 535 ; Margaret Anderson and other witches, 110 ; Marion Aroane, a witch, 593 ; Katharine Nein Rob Auchtie and others, 15, 16 ; Elspet Bladderstones, a witch, 454 ; Agnes Campbell, a witch, 358 ; John Carfrae and other witches, 269 ; Alexander Cowtie, a thief, 431 ; Adam Cromartie, for incest, 214 ; Janet Dick, as a witch, 195 ; Janet Donald and other witches, 59 ; Janet Dow as a witch, 209 ; Bessie Duncan and other witches, 544 ; Samuel Fairlie, a witch, 169 ; John Fenwick and another, for witchcraft, 602 ; John Graham and others, for witchcraft, 391 ; Donald Grant and another, for horse stealing, 360 ; Isobel Gray, a witch, 110 ; Robert Haliburton, for theft, 592 ; Marion Hardie, 15 ; John Hiddleston, for theft, 159 ; Alexander Hunter, a witch, 110, 111 ; James Johnstone and other thieves, 608 ; Sarah Keith, 16 ; John Learmonth and others, for theft, 3 ; Margaret Loch as a witch, 222 ; John Macaulay and others as thieves, 285 ; Katharine McCheyne and other witches, 446 ; John Dow Moir McConnochie, 26, 206 ; Ewin McEwin and others, 52 ; Duncan McIntagart, a thief, 175 ; Helen McPherson and others, 264 ; Janet Melros, a witch, 98 ; Jean Miller and other witches, 363 ; Janet Minto and others, for witchcraft, 62 ; Bessie Mitchell, a witch, 573 ; Janet Mitchell, for witchcraft, 400 ; Bessie Nisbet and other witches, 488 ; Janet Park, for infanticide, 340 ; Bessie Peacock, a witch, 76 ; Thomas Porter, a thief, 616 ; Anne Purdie, 339 ; Agnes Renwick and others, for witchcraft, 339, 340 ; Thomas Richardson and others, for witchcraft, 270 ; Marion Ritchie, a witch, 561 ; Isobel Robertson, for child murder, 129 ; Marion Sanderson, a witch, 358 ; Robert and Andrew Scott, for sheep stealing, 118 ; Elizabeth Selkirk, a witch, 518 ; Jean Smith, for arson, 43 ; William Stevenson and his wife, for witchcraft, 385, 386 ; Andrew Thomson, for incest, and others, 471 ; Isobel Thomson in Ryisland, a witch, 98, 125 ; Hew Torrence, for manslaughter, 43 ; James Walker, for manslaughter, 158, 159 ; Agnes Wallace, 15 ; Margaret Wallace, a witch, 98 ; Thomas Watson, a witch, 351 ; William Watson, for theft, 535 ; John Welsh, for theft, 602 ; Janet Widdrow, 125 ; Janet Wilkie in Wester Wemyss, 496 ; Janet Wilson and others, for witchcraft, 570 ; Katharine Young and other witches, 32 ; horse thieves, 360 ; witches, 97, 145, 155, 156, 181, 290, 426.
- Communion: to be taken by sound of trumpet at Holyrood chapel by all persons in public offices, to show that they are not Papists, xiii, 186-188, 361, 632 ; to be taken by all the subjects once a year in their own parish churches, 187, 188.
- Con of Artrochie, Patrick, protection to him and Helen Kinnaird, his wife, for arranging their affairs before going abroad on account of their religion, 515.
- James, in Knockiemylne, excommunicated for Popery and nonconformity, 407 ; he refuses to conform, 547, 551.
- Condone, William, Frenchman, dwelling in Cupar Fife, complaint by him of assault, 612.

- Confections, to be furnished to the King during his visit to Scotland, 182.
- Confession of Faith, the signing of the, by conforming Papists, 277, 481.
- Congilton of that ilk, . . . , 441, 526.
- Conies, stealers of, to be dealt with in the circuit-courts, 258.
- Connell, reference to his Treatise on Tithes, xi.
- Conservator. *See* Campvere.
- Constable, the High, to be written for to come and fence and continue the Parliament, 128; alleged encroachment by Edinburgh on his office, 636, 658, 659; duties of his office in the time of Parliament, 658, 659.
- of Dundee. *See* Scrimgeour.
- Constables to be appointed in every parish and shire for uplifting the King's baggage, 65.
- Contribution for the relief of those whose lands have been overflowed by a moss, xlili, xliv, 37-39, 90, 268, 455, 568, 569.
- Convention of Burghs, xxvii. *See also* Burghs.
- Convention of Estates, the, to be summoned, 574, 576, 623; to hear the prejudice to the lieges from the extent of the Border Commission, 602; remit of an impost on exports to it, 616; to consider the scheme for a general fishery, 676. *See also* Parliament.
- Conveth, mill of, 423.
- Convocation of the lieges in arms, prosecutions for, 4-6, 57, 180.
- Cook (Cuike), Thomas, in Carmurie, charged to appear before the Council, 487.
- William, in Forres, charged with assault and hamesucken, 488.
- Copper money to be coined, xxxii, xxxiii, 129-132; exporting of copper forbidden, 132.
- Cordiners. *See* Tanning.
- Corn, destroyers of, to be dealt with in the circuit-courts, 258.
- Cornwall of Bonhard, Walter, commission to him, 129, 550.
- Coronation of King Charles the First, the preparations for the, xxxiv, 422, 493, 497, 498, 576; the King desired to approve of the form proposed, 52, 59, 60; question by the Lyon as to the arms he is to carry at this function, 50; the Lyon King-of-Arms is to have a crown of gold for the ceremonial, 491, 492; coronation of the Lyon King-of-Arms, 531, 613.
- Coronership, the office of, granted to Edinburgh, 433, 434, 633, 636, 652.
- Corrie, John, in Parkcleuchfoot, to be tried for theft, 548, 608.
- Corsane, Andrew, bailie of Kirkcudbright, deals with a complaint by the provost, 620.
- Mr John, provost of Dumfries, complaint by him, 587.
- John, bailie of Ayr, commission to him, 446.
- John, burgess of Dumfries, charged with hamesucken, 569, 570.
- John, in Kirkcudbright, charged with assault, 442; suspension of horning against him, 529, 530.
- Corsbar, lands of, 190.
- Corsebasket, lands of, 461.
- Corsebie, James, weaver at the Bridgend of Dumfries, a sheep of his appropriated, 625, 626.
- Laird and Lady of. *See* Cranston.
- Corslets, 231.
- Corstorphine, the highways thence to the Ferrie gait and the Water of Almond to be repaired, 138.
- Laird of. *See* Forrester.
- parish of, 67; the inhabitants to repair their highways, 138.
- Coupar, Lord, James, commission to him to apprehend Papists, 239, 322; caution by him for his servant, 619.
- Court of High Commission, xlv.
- Court of Justiciary, the, a high and supreme court, 225.
- Courts, circuit, commissions for holding, 191, 192, 204, 207, 225-227, 287; all persons at the horn cited to these courts to be under protection for 24 hours before and 24 hours after the sitting, 287; instructions as to the crimes to be dealt with in the circuit-courts, 244, 257, 258, 259, 314, 315, 316, 326; no complaints to be directed against the commissioners save through the Council, 358; prosecution of a messenger for abuse of his office in the service of the courts, 358; a sentence of a court held at Haddington modified by the Council, 526.
- Courts, guild, held by Edinburgh, 637, 654, 673.
- Courts of Justice, the, sit at Edinburgh, 387.
- Courts cannot be lawfully held by persons who are at the horn, 92.
- Cousland, tolbooth of, 534.
- Cousteane, Alexander, flesher in Edinburgh, complains of being illegally imprisoned, 58, 118.

- Coutts (Cowtes), Robert, in the parish of Aboyne, and Jean Steven, his wife, to be apprehended, 102.
- Covenant, National, renewal of the, in 1638, ix.
- Cowane, John, burghess of Stirling, charged to attend the Commission for Surrenders, 401; appears before the Council for the burghs against the Earl of Seaforth, 428; summoned to attend a meeting of the commission on the teinds, 570, 571.
- Cowbairdie, barnyard of, 430, 485.
- Cowben, Andrew, servant to William Forbes of Monymusk, appears for his wife, Christian Watt, 451; caution for his safety, 451.
- Cowie, Edward, indweller in Inverkeithing, caution for his compearing before the Council, 568; the wilful casting away of his barque, 568, 571.
- Cowntie, Alexander, to be tried for theft, 431.
- Cowtters, 476.
- Craig of Achindoir, . . . , protection to him and his son for leaving the kingdom, 555.
- Andrew in Magane, not to be reset by the lieges, 255-257, 504; charged with carrying firearms, 487, 498; to be apprehended and brought before the Council, 517.
- John, elder, in Paisley, prosecuted as a refractory tanner, 359, 360.
- John, younger, in Paisley, prosecuted as a refractory tanner, 359, 360.
- Mr Robert, advocate, produces documents on behalf of Leith, 228; registers a discharge and a bond of caution, 251, 252; horning at his instance as procurator for the Kirk, 566.
- William, Rose herald, executes a charge, 256; also letters of treason, 485, 486, 517.
- Craig, house of, 444, 534.
- Craigdarroch, Laird of, 9.
- Crail, burgh of, the bailies charged to appear before the Privy Council about the plague, 380, 381; commission to them thereanent, 388, 389; Convention of Burghs held there in July 1618, 419.
- Cramond (Crawmond), John, servant to Ker of Yair, assaulted, 282.
- parish and parish church of, 43, 67; the inhabitants to repair their highways, 138.
- Cranston, Lord, John, commission to him to apprehend Papists, 240, 323.
- Master of, . . . , a prisoner to be delivered to him, 443.
- Cranston of Corsbie, Patrick, nominates the Laird of Thornidykes as a valuator of his estate, 84, 85; settlement of his wife upon his lands, 91, 98; he is to be separated from his wife for a year, and a maintenance is granted to her, 101, 102; still further ill-treats his wife and children, 514; his lady nominates the Laird of Renton as a valuator of her husband's estate, 84, 85.
- of Moriston, Alexander, commissions to him, 125, 488.
- of Skaittibus, John, a justice of peace, complaint by him, 279, 280.
- of Thornidykes, John, appointed to value Corsbie's estate, 84, 85; caution by him, 101, 102; commissions to him, 98, 125, 155, 290, 339, 488.
- Mr John, minister at Leith, appears before the Council, 157.
- Marion, murdered by witchcraft, 269.
- Mr William, servitor to Graham of Braco, complaint by him, 334, 335.
- . . . , a son of Cranston of Corsbie, ill-used by his father, 514.
- Craw, of Whitefield, James, charged with unlawful convocation, 586; counter complaint by him, 606, 607.
- Crawford (Craufurd), Earl of, George, reports that he has raised 300 men for the King of Sweden, but cannot obtain ships for their transport, 313; some pirates handed to him to serve as soldiers in the wars of Sweden, 357, 358.
- of Annachie, George, 14; his wife, Margaret Hay, complained against, 14, 15.
- of Clobberhill, . . . , charged with assault, 468, 469.
- of Drumsey, Duncan, petition by him, 557.
- of Kilbirny, . . . , commission to him to apprehend Papists, 240, 323.
- of Lefnoreis, George, his brother, Mr Matthew, pursued as cautioner, for his debt, 533; protections granted to his brother, 533, 572.
- of Newton, Malcolm, commission to him to apprehend Papists, 240, 323.
- Alexander, tenant to Livingstone of Hayning, charged with assault and robbery, 478.
- Janet, wife of John Maxwell of Stanelie, complaint by him, 189, 190.
- John, in Banke of Giffen, prosecuted as a refractory tanner, 611, 612.



- Crawford, John, servitor to young Ardmillan, charged with deforcement, 5, 6.
- John, servitor of Kennedy of Culzean, charged with assault, 10.
- Thomas, in Kirkurd, horning at his instance, 42, 43, 80.
- Cribs, lands of, 281, 282.
- Crichton of Conland, Robert, hornings at his instance, 15, 255, 504; petition and complaint by him, 429, 431, 517; he is wounded, 485; he is permitted to carry firearms, 524, 525.
- of Crichtie, George, younger, permitted to carry firearms, 524, 525.
- of Cluny, David, commission to him, 602.
- of Frendraught, James, xxxviii, xxxix, 15; complaint by him against Gordon of Rothiemay, 204, 207, 209, 211; agreement between him and young Rothiemay, 215; commission to him to apprehend Papists, 239, 322; he is permitted to carry firearms, 524, 525; promises not to pursue Rothiemay's cautioners without the Council's allowance, 435; his feud with Gordon of Rothiemay, 376, 401, 401 n., 402, 403, 429-431, 445, 485, 486, 496, 503-505, 509, 510; his formal complaint, 436-438; petitions for release from prosecution for Rothiemay's death, 429-431; attempts at reconciliation, 544; burning of the house of Frendraught, 401 n.; charged to keep the peace, 376, 401-403; hornings at his instance, 255, 256; caution for his indemnity, 496.
- of Lugton, David, fiar, charged with unlawful convocation in arms, 601, 602; cautions by and for him, 602; produces the keys of the place of Falahall, 608; commissions to him, 535, 542, 606.
- of Ryhill, Robert, to oversee the repair of certain highways, 69.
- of Ruthvens, . . . , commission to him to apprehend Papists, 239, 322.
- Beatrix, in Kirkton of Douglas, to be tried for witchcraft, 145.
- George, petition by him, 429-431.
- John, servitor to the Laird of Lugton, charged with unlawful convocation, 601.
- Robert, brother of the Viscount of Ayr, appears before the Council, 173.
- Robert, appears before the Council with a letter from the King appointing him to the first vacant office of macer, 333, 334.
- Crie, Henry, weaver in Perth, complaint by him of illegal warding, 469, 470.
- Cromar (Crowmar), 170, 620.
- Cromartie, Adam, in Kirkhouse, to be apprehended and tried for incest, 214.
- Cromartie, shire of commission against Papists there, 406-410.
- Crombie, Laird of. *See* Innes.
- of Kemnay, Thomas, witness to a bond, 589.
- Crombie, castle of, 256.
- Crookshanks (Cruikshankes), Jean, in Fishkellie, horning at her instance, 90.
- Croser, Marion, in Slipperfield, to be tried for witchcraft, 170.
- Crossaguell (Croceraguell) consistory of, 10.
- Crown of gold to be provided for the Lyon King of Arms, 491, 492.
- Cruikhauche, lands of, 229, 230.
- Cudgels, assault with, 189.
- Culdreochie, lands of, 528.
- Culross (Culrois), Convention of the Burghs there in July 1629, 135.
- Culzeane, Mylnetoun of, 9.
- Cumbernauld, place of, 535.
- Cumming, Mr Alexander, minister at Hal Kirk, excommunicates the Earl of Caithness, 75.
- John, in Creuchlie, 593.
- Cumroy, Bessie, in Bowden, to be tried for witchcraft, 62.
- Cunnon, lands of, 190.
- Cunningham of Barns, Alexander, appears before the Council in a shipping case, 590.
- of Caprinton, Sir William, commission to him to apprehend Papists, 240, 323; pursues the Countess of Abercorn for a bond made to Dame Elizabeth Hamilton, his wife, 253, 254.
- of Corsehill, . . . , commissioner nominated for Ayrshire to Parliament to attend the new election, 439, 440.
- of Dankeith, John, younger, appears as a procurator, 189.
- of Kirkland, Archibald, 278; complaint by his son, Archibald, younger, of assault, 278.
- Adam, charged to appear before the Council, 102.
- Adam, advocate, 155; his cautionry for Elizabeth Maxwell, 109.
- Alexander, messenger, put under caution to discharge his office faithfully, 336.
- Alexander, servitor to Adam Cunningham, acts as procurator, 155.
- Mr Cuthbert, in Dumfries, charged with falsifying a deposition, 450, 451; decret against him, 452.

- Cunningham, Gabriel, provost of Glasgow, appears before the Council, 452; summoned to attend a meeting of the Commission on the teinds, 401, 570, 571.
- Sir George, Colonel, authorised to raise 1200 soldiers for the King of Sweden, 206, 282, 289.
- Herbert, late town-clerk of Dumfries, 109.
- Isabel, in Paxton, called "Blewsleaves," to be tried for witchcraft, 270.
- Mr William, assignee to a bond, 253, 254.
- William, clerk of Dumfries, wounded in a scuffle, 13.
- Cunningham, bailiary of, 104.
- Cupar (Cowper), Fife, burgh of, 175, 176, 612; a justice court to be held there, 226, 227; commission of justiciary to the provost and bailies over the Water of Eden, 175, 176; they are ordered to convey a prisoner to the magistrates of Burntisland, 604; a dispute referred to them, 612; a warding there, 615, 622.
- presbytery of, report of the sub-commissioners, 341.
- Currie, James, Ormondpursuivant, ordered to apprehend certain persons, 204, 205, 269.
- James, in Crimond parish, to be tried for witchcraft, 426.
- Currie, parish of, 572; the inhabitants to repair their highways, 138.
- Customs: they have fallen off through the interruption of trade, 172; petition by the tacksmen of the customs for leave to export wool, 279, 313, 314; the payment of duties regulated by the Book of Rates, 316; customs on goods imported at Leith, 649; some customs alleged to have been abolished by Edinburgh, 657.
- Custos Rotulorum, the, to be a commissioner of the peace in every sheriffdom, 223.
- Cuthbert, Robert, in Barrassie, charged with molestation, 189.
- Johnstoun, John, in Inverness, charged to appear before the Council, 276.
- Cuthbertson, Margaret, in Penicuik, to be tried for witchcraft, 363.
- Dacs. 231.
- Daill, John, portioner of Bars, and John, his only son, both deceased, 543.
- Thomas, maltman in Leith, deceased, 543; obligation for the relief of his daughter Bessie, 543, 544.
- Dalgety, Laird of. *See* Hay.
- Dalgleish (Dalgleishe), Bessie, in Timneisburn, to be tried for witchcraft, 570.
- James, merchant burges of Edinburgh, deceased, complaint by his son John, 289, 290.
- Dalkeith, Lord, . . . , commission to him to apprehend Papists, 240, 252, 323.
- Dalkeith, presbytery of, petition for the use of private prisons for keeping witches, 142; report of the sub-commissioners, 341; they petition for the incarceration of an alleged witch in Edinburgh, 385; comission to the moderator and brethren, 544.
- regality of, commission to the bailies of the, 155, 170; the prison of the regality in Dalkeith, 142.
- Dalmahoy of that ilk, Sir John, to oversee the repair of certain highways, 138; charged with illegal warding, 153, 154; commission to him to apprehend Papists, 240, 323.
- William, merchant burges of Edinburgh, deceased, his daughters Agnes and Helen grant letters of slains for the slaughter of their brother, James, 153, 154.
- Dalrymple (Dalrumpell) of Waterside, John, complaint by him, 587.
- Dalserf, kirk and kirk session of, 424, 425.
- Dalzell, Lord, Robert, commission to him, 593.
- Thomas, to oversee the repair of certain highways, 68.
- Darling, Andrew, servitor to Mr George Fletcher, advocate, obligation by him, 543, 544.
- Darlochs, 75.
- Dasoun, James, officer of the Canongate, charged with assault, 144, 145.
- Margaret, in Dysart, to be tried for witchcraft, 535.
- Davidson, Duncan, in Aberdeen, complaint against him, 18.
- James, in Kennoway, charged with assault, 199.
- Robert, merchant burges of Edinburgh, a debt due to him, 163, 164.
- Mr Thomas, commissary clerk of Aberdeen, caution by him, 370, 379, 383, 390.
- Mr William, commissioner for the diocese of Aberdeen, appears before the Council about the suppression of Papists, 369, 370, 372-376, 378, 379, 380; to consider the commission to be granted to Lord Gordon, 405; his report, 406.

- Davidson, Mr William, minister at Auchindore, charged with assault, 124.  
 — Mr William, advocate, complaint by him, 592.
- Davie, John, general clerk to Colonel Hamilton, protection granted to him, 167.
- Daw, John, captain, he seizes two French ships and is pursued for spulzie, 521-523, 589-591; his ship arrested at Bordeaux, 523, 590; he is imprisoned there, 590.
- Deans, George, writer in Edinburgh, agent for shipowners in Dumbarton, 46.  
 — Thomas, merchant burghess of Edinburgh, caution by him, 58.
- Debt, recovery of, hindered by the granting of protections, etc., 113, 543.
- Dee, river, in Aberdeenshire, 249, 331; the fishing at the Pott destroyed, 18.
- Deer, preservation of, for his Majesty's visit, 49, 50, 81-83; their slaughter forbidden, and slayers of them prosecuted, 235-237, 448-450.
- Deforcement, cases of, 4-6, 231, 232, 436; deforcers of officers of arms to be dealt with in the circuit courts, 258.
- Deir, presbytery of, charge to appoint sub-commissioners for the teinds, 53, 54; report of the sub-commissioners, 341.
- Dempster, Margaret, widow of William Livingstone at the Crook Mill, charged with malicious damage, 230.  
 — Thomas, in Aberdeen, summoned as a witness in a case, 344.
- Denholme, John, in House of the Mure, caution by him, 563.
- Denmark, troops raised for the service of the King in Scotland by the Earl of Nithsdale and others, 48, 147, 167, 214, 215, 400, 491, 667.  
 — the plague there, 386.
- Denniston, James, a Glasgow merchant, charged with assault, 205, 206.
- Deskford (Desfurde), Lord, James, commission to him to apprehend Papists, 239, 322, 407.
- Deveron, river, xxxviii; dispute about fishings therein, 401 n.
- Dewar, Marjory, wife of John White in Crook of Devon, charged with malicious damage, 230.
- Dick (Dik), Francis, servitor to William Dick, witness to a writ, 252.  
 — Henry, in Bandrum, and John and Robert, his sons, charged with molestation, 192, 193.
- Dick, Henry, to be tried for incest and murder, 199.  
 — Janet, wife of George Anderson, elder, in Flemington, to be tried for witchcraft, 195.  
 — Mr John, sheriff depute of Orkney, commission to him about the teinds in Orkney, 70-74.  
 — John, in Mains of Blairquhan, charged with deforcement, 5, 6.  
 — Robert, in St. Andrews, charged with malicious damage, 8, 27.  
 — William, merchant burghess of Edinburgh, consulted about the circulation of foreign money, 8, 11, 16, 21, 51; horning at his instance, 14; caution by him, 40; deals with the tack duty of Orkney and Shetland, 126, 127; produces a backbond granted to Lord Napier, 199, 200; his accounts about the Lübeck ship to be audited, 209, 268; returns powder and shot borrowed from the castle of Edinburgh; 251, 252; a debt due to him by Lord Berridale, 268; petitions for and obtains a license to export some old wheat, 284, 285; petition by him for exporting wool, 314; refuses to apprehend the Earl of Caithness, 452; as tacksman of the impost on wines, complains against the former collector, 516; ordained to find caution about the importation of grain, 530; charged to appear before the Council about victual, 575; allowed to export a little grain, 578, 579.
- Dickie, Thomas, at the Braidford at Glasgow, complaint by him, 405, 406.
- Dickson of Stainfauld, Robert, and Nicolas Home, his spouse, caution for payment of taxation by them, 221.  
 — Margaret, "bleckster" in Kailyie, to be tried for witchcraft, 170.  
 — John, indweller in Kelso, a witness in a case, 563.  
 — Patrick, servitor to William, Earl of Angus, excommunicated for Popery, and put to the horn, 218.  
 — Thomas, maker of golf balls in Leith, complaint by him, xxiv, xxv, 174.  
 — William, maker of golf balls in Leith, complaint by him, xxiv, xxv, 174.
- Dingwall, justice courts to be held there, xx.
- Dingwell, a place of imprisonment in Edinburgh called the, 465.
- Dinsmure, George, flesher, burghess of Edinburgh, complaint by him, 288.
- Dirks (durks), 96, 231, 423, 436, 488.

- Dispensations from the Pope believed to be held by certain Papists, 186, 187.
- Dispensations with minority. *See* Minority.
- Doctour, David, burges of Forres, summoned as a witness in a case, 488.
- Dogs, mastish, hounding out of, 180, 592.
- Dollars: Rex and Lyon dollars, xxxii; the circulation of the Embden and Ort dollars forbidden, 19, 20, 21; the Matthias, Spinolas, Peare, and Ramme dollars to be tested with the Rex dollar, 51. *See also* Coin.
- Donald (Donnald), tenant in Banchory, charged with molestation, 574.
- David, in Aberdeen, summoned as a witness in a case, 344.
- Janet, wife of Umphra Colquhoun, to be tried for witchcraft, 59; she objects against her judges, 97, 123, 124.
- Peter, sailor in Dumbarton, his wife, Margaret Hunter, to be tried for witchcraft, 59, 97, 123, 124.
- Clan, their castle of Dunivaig, 316.
- Donaldson, Walter, in Aberdeen, summoned as a witness in a case, 344.
- Donatus, his Latin grammar, xxxi.
- Dorchester, Viscount of, . . . , Secretary for England, witness to a resignation at Court, 368.
- Douglas of Blackerston, Robert, complaint by him about the teinds of Coldingham, 482.
- of Bonjedburgh, appointed to arbitrate in a dispute, 6, 7, 17; the Council write to him, 24; charge to him as convener of the justices of the peace of East Teviotdale to provide carriage for the King's baggage, 64, 65.
- of Carmoir, James, charged with molestation, 193.
- of Cavers, . . . , sheriff of Roxburghshire, reports the election of the commissioners for Parliament, and is to make a new election, 54.
- of Easter Gellet, Alexander, Margaret Inglis, his wife, and Sarah, their daughter, charged with molesting the husband of Sarah, 192, 193.
- of Kilspondie, . . . , appointed convener of the justices of peace of Haddington, and charge to him, 64, 65, 76, 78; his reporting upon the highways postponed, 111; he appears before the Council on behalf of the Earl of Angus, 211; commission to him, 544; he is objected to on account of his inexperience, 566.
- Douglas of Lugton, James, caution by him, 144.
- of Mordington, Sir James, he casts down two houses and has to rebuild them, 625.
- Alexander, son of Margaret Inglis, charged with molestation, 192, 193.
- Anna, daughter of the Earl of Angus, is living at Tantallon, 69.
- Archibald (William), eldest son of the Earl of Angus, is bedfast of a sore leg, 69.
- David, in Easter Gellet, charged with molestation, 192, 193.
- George, in Steilend, and James, his son, charged with molestation, 192, 193.
- Grizel, daughter of the Earl of Angus, living at Tantallon, 69.
- Henry, brother of David, in Easter Gellet, charged with molestation, 192, 193.
- James, son of the Earl of Angus, to be produced before the Council, 45; question about his pedagogue, 69; appears before the Council and is placed in charge of Mr William Douglas, macer, 88, 89; the nomination of his pedagogue, 98, 100, 145; to be examined about his religion, 119; misbehaves himself at Edinburgh College, 156, 159, 166; he is placed in charge of Mr John Adamson, 166, 181; but runs away, 190, 211; he is sent by his father to England to be educated there, 220; letter from the Council to the King about him, 222, 232, 233.
- James, officer of the Admiralty, order to him, 590.
- James, macer of Council, complaint by him, 289.
- James, son of Margaret Inglis, charged with molestation, 192, 193.
- Jean, daughter of the Earl of Angus, to be produced before the Council, 45, 70; she is living at Tantallon, 69; she appears before the Council, 88, 89.
- John, in Lintalee, arrests and wards a recruit, 282.
- Margaret, daughter of the Earl of Angus, to be produced before the Council, 45, 70; she is living at Tantallon, 69; she appears before the Council, 88, 89.
- Robert, bailie of the lordship of Dunbar, impeded in the execution of his duty, 588.
- Robert, to account for his dealing with Coldingham, 425.
- Mr William, minister at Aboyne, sent to the Viscount of Melgum and reviled in his presence, 580, 581; writes and attests a deed, 589.

- Douglas, Mr William, macer, to take charge of James Douglas, son of the Earl of Angus, in Edinburgh, xvii, 88, 89, 98, 119, 232; he is to warn the Earl of Angus to attend the Council, 119, 125; reports the choice of a pedagogue, 145.
- William, deceased, father-in-law of Robert Douglas of Blackerston, his contract about the teinds of Coldingham, 482.
- Douglas, kirk of, 218; minister there. *See* Mr Thomas Bannatyne.
- place of, 69.
- Dovecots, breakers of, to be dealt with in the circuit courts, 258.
- Dow, Janet, in Preston, to be tried for witchcraft, 209.
- John, at Graystane, charged with assault, 168, 169.
- Dowelache, Alexander, in Wirie, summoned before the Council, 470.
- Donald, brother of Alexander (*supra*), not to be reset by the lieges, 470.
- Dowgat, Adam, in Tullimet, summoned as a witness in a case, 262.
- Dowie (Dowane), Andrew, at the Crook of Devon, deceased, 230; Marion Roger, his widow, and Andrew, his son, charged with malicious damage, 230.
- Dron, parish of, the inhabitants to repair their highways, 140.
- Drumlanrig, Viscount of, William, caption at his instance, 12; to oversee the repair of certain highways, 68; caution for a compearance before him as a Commissioner for the Borders, 154; letter to him to arrest a fugitive Englishman, 164; consents to a protection to Lord Herries, 173; commission to him to apprehend Papists, 239, 323; apprises the lands of Duncow and Keir, but refuses to allow their redemption, 587; commission to him, 159.
- Drumlanrig, the highways thence to Hamilton and Dumfries to be repaired, 68.
- Drummond of Carnock, commission to him to apprehend Papists, 252, 323.
- of Drummondernoch, John, commission to him, 26.
- of Medhope, Sir Alexander, Admiral depute to the Duke of Lennox, swears in some seamen at Leith, 474.
- Alexander, in Auchterarder, xl; he is to be examined upon a charge of witchcraft and charming, 2, 3, 104; an allowance made for his maintenance in prison, 4, 27; he is to be executed, 211; the Advocate is to find out about his conversion and discovery of his accomplices, 214.
- Drummond of Milnab, James, caution by him, 336.
- of Woodcockdale, Mr John, accepts the sheriffship of Linlithgow, 274.
- Mr Henry, servitor to the Earl of Menteith, witness to a resignation at Court, 368.
- Mr James, minister at Foulis, complaint by him, 230, 231.
- Drunkards, Acts of Parliament against, 266.
- Dryburgh, Isabel, in Penicuik, to be tried for witchcraft, 290.
- Dryburgh, abbacy of, its taxation, 110.
- lordship of, 93, 94.
- Drysdale (Dryisdail, Drysdell), Mr John, minister of Slamannan, grants a certificate of ill-health, 351.
- Thomas, son-in-law of Gilbert Hunter, bails him out of ward, 673.
- Ducks, stealers of, to be dealt with in the circuit courts, 258.
- Duddingston, parish of, 67; the inhabitants to repair their highways, 138.
- Duff, George, agent in Edinburgh, caution by him, 237.
- James, at the walkmill of Rothiemay, not to be reset by the lieges, 256.
- John, in Leith, fined for importing beer, 671.
- Duffus, parsonage and vicarage of, 500; parson of. *See* Mr James Guthrie.
- Dumbarnie, parish of, the inhabitants to repair their highways, 140.
- Dumbarton, burgh of, 471; justice courts held there, 3, 226, 227; witches there, 59; there is a scarcity of procurators there, 97; petition by the magistrates in a witchcraft case, 123, 124; Lammas fair there, 288; commission to the provost and bailies, 3, 4, 400; provost of. *See* James Hall; the kirk session petitions the Council in a witchcraft case, 123, 124.
- presbytery of, report of the sub-commissioners, 341.
- shire, 471; the justice court to be held at Dumbarton, 226, 227; the sheriff ordered to make a new election of commissioners for the Parliament, 33; he is written to by the Council about this, 43, 44; commissions to him, 3, 4, 27; appointment as sheriff of William Semple of Foulwood, 274.
- Dumbennan, presbytery of, charged to appoint sub-commissioners for the teinds,

- 53, 54; report of the sub-commissioners, 341.
- Dumfries, burgh of, 222; fair day on 17th September, 12; complaint by the magistrates and council against Lord Herries for attempting to rescue prisoners from their tolbooth, xxxv, xxxvi, 12-14; the highwaysthence to Drumlanrig and Carlisle to be repaired, 68; justice courts held there, 159, 501, 626; an election of commissioners to Parliament to be made, 384; execution of a witch, 450; the magistrates ordered to release a prisoner, 605; a Dumfries merchant refuses the jurisdiction of the steward of Kirkcudbright, as he is only subject to that of the provost and bailies, 625, 626; commission to the provost and bailies to apprehend Papists, xii, 239, 323; commissions to the provost and bailies, 43, 340<sup>a</sup>, 390, 446, 550, 551; names of the provost and bailies, 13; proclamation at the market cross, 557; the tolbooth and pledge chamber, 12-14, 340, 605; Bridging of, courts of justice held there, 92.
- minister of. *See* Mr Thomas Ramsay.
- presbytery of, complaint by the, 96; report of the sub-commissioners, 341.
- shire, commission for the apprehension of Papists there, xii, 239, 323; letter to the sheriff to arrest a fugitive Englishman, 164; appointment as sheriff of Sir Robert Greir of Lag, 274; commission to the sheriff, 43, 239, 323, 340, 446; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65; appointment of a new convener of the justices of the peace, 77, 78.
- Dumplanqueis, Elias, deceased, 212; Agnes Arnot, his widow, complaint by her and Elizabeth, their daughter, 212, 213.
- Dunbar of Baldoon, Archibald, commission to him to apprehend Papists, 253, 323.
- of Blarie, Patrick, charged with hamesucken, 624.
- of Bogs, James, commission to him, 98.
- of Culboyack, Alexander, commission to him to apprehend Papists, 239.
- of Enterkin, . . . , sheriff depute of Ayr, commission to him, 264.
- of Grange, . . . , commission to him to apprehend Papists, 239, 322.
- of Mainholme, Archibald, commission to him, 561.
- Dunbar, Archibald, town officer of Edinburgh, charged with hamesucken, 472.
- Elspet, in Mylnetoun of Moyness, to be tried for witchcraft, 181.
- Mr Gavin, commissioner for the diocese of Moray, appointed on a committee for the suppression of Papists, 234; appears before the Council about the suppression of Papists, 369, 370, 372, 378, 379, 380; to consider the commission to be granted to Lord Gordon, 405; his report, 406.
- George, indweller in Leith, a gentleman of his Majesty's guard, ordered to apprehend certain persons, 204, 205; he makes an apprehension, 269.
- lordship of, 579, 588; the crown lands of, 172; bailie of, 588. *See also* Robert Douglas.
- presbytery of, charged to appoint sub-commissioners for the teinds, 53, 54; report of the sub-commissioners, 341.
- Dumblane, Bishop of, Adam Bellenden, a member of the Privy Council, vi; his attendances, vi; he is to examine a wizard, 2, 3; to examine a witch, 4; to inquire into the past life of a prisoner, 18; to inspect Holyrood church, 74; to write to the Bishop of St. Andrews to attend the Council, 91; heard upon the case of Menteith of Kerse, 101; gives in his report about the repairs necessary on Holyrood kirk, 106, 107; to examine Henry Dick, 199; appointed on a committee for the suppression of Papists, 233; written for to attend the Council, 285; to examine two persons charged with witchcraft, 345; on a committee about the foreign coin, 464; complaint by him about the loch of Kilconquhar, 487; to report upon the best church for the King's coronation, 493; protestation by him, 513; to examine accused persons, 563, 584; summoned to attend a meeting of the Commission on the Teinds, 570, 571; to examine a Latin grammar, 596, 597; present in Council, 1, 3, 8, 11, 16, 21, 28, 34, 42, 44, 47, 52, 61, 64, 77, 81, 85<sup>a</sup>, 87, 91, 92, 98, 102, 119, 128, 160, 166, 172, 176, 183, 191, 196, 200, 207, 208, 211, 214, 219, 225, 233, 252, 260, 266, 270, 292, 337, 349, 352, 356, 358, 361<sup>a</sup>, 363, 372, 379, 383, 387, 392, 396, 404, 406, 416, 421<sup>a</sup>, 427, 432, 435, 438, 443, 448, 452, 455, 457, 464, 469, 471, 475, 479, 483, 489, 492, 497, 501, 506, 520, 551, 552, 555, 571, 577, 583, 588, 591, 593, 603, 609, 613, 617, 621; signs Acts of Council, missives, etc.,

- 3, 34, 43, 44, 47<sup>s</sup>, 52, 63, 79, 80, 112, 113, 126, 129, 166, 191, 195, 250, 260, 264, 265<sup>s</sup>, 340, 348, 355, 358, 360, 363, 371<sup>s</sup>, 373, 386<sup>s</sup>, 392, 448, 471.
- Dumblane, commissary of. *See* Mr John Rollock.
- presbytery of, ix, 152, 153; report of the sub-commissioners, 341.
- Dumbreck of Urtane, John, caution by him, 17; charged to apprehend a rebel, 36, 37.
- Father, a Popish priest, to be apprehended, 408.
- Dumbreck, barony of, 143.
- Duncan, Bessie, in Walkerland, to be tried for witchcraft, 334, 361, 362, 515, 544; she appeals against her judges, 556.
- Marion, widow of Robert Stewart in Clarie, horning at her instance, 557.
- Mr Norman, son of the deceased Patrick Duncan, a Popish priest, to be apprehended, 408.
- Patrick, in Abernethy, protection granted to him, 17.
- William, bailie of Musselburgh, charged with illegal warding, 162, 163.
- William, in Rothiemay, to be apprehended and brought before the Council, 517; not to be reset, 504.
- William, servitor to the Laird of Congleton, wounded and mutilated, 441, 526.
- Duncany, Laird of. *See* Lambie.
- Duncow, lands of, 587.
- Dundas of that ilk, Sir George, commission to him to apprehend Papists, 240, 323.
- of Newliston, John, charge to him as convener of the justices of peace of Linlithgow to provide carriage for the King's baggage, 64, 65; his report upon the highways postponed, 111; to oversee the repair of certain highways, 140.
- Eufame, in Scorenclait, to be apprehended, 206.
- Sir James, deceased, late convener of the justices of peace of Edinburgh, 76, 77.
- Dundee (Dundie), burgh of, the highways thence to Perth and Brechin to be repaired, 68; the masons and wrights wish to have a deacon of their craft, xxvi, xxxvii, 111, 118; the magistrates summoned to appear before the Council about the masons' desire, 118, 127, 128; the commissioner of the burgh heard as to the claim of the masons, 135; the magistrates oppose the claim of the masons and wrights for a deacon, 135; the desire of the masons and wrights is refused, 227; commission to the provost and bailies to apprehend Papists, 239, 322; the magistrates written to by the Council to have a care of plague-stricken ships, 383, 386; the provost is charged to attend the Commission for Surrenders, x, 401; and to attend the Commission of Teinds, x, 478, 479; the magistrates are ordered to liberate a prisoner, 481, 482; they are notified of the birth of Prince Charles, 552; the master of the grammar school is charged to appear before the Council, 596, 597; the magistrates are ordered to convey a prisoner to the magistrates of Cupar Fife, 603, 604; the tolbooth, 481, 482.
- Dundee, constable of. *See* Scrimgeour.
- ferry of, the highways thence to Falkland and St. Andrews to be repaired, 68.
- presbytery of, 199; charged to appoint sub-commissioners for the teinds, 53, 54; report of the sub-commissioners, 341.
- Dunfermline, burgh of, the highways thence to Stirling and Falkland to be repaired, 68.
- lordship of, the crown lands of, 172.
- palace of, 50, 449; inspected after repairs, 101.
- presbytery of, charged to appoint sub-commissioners for the teinds, 53, 54; report of the sub-commissioners, 341; witchcraft in their district, 104.
- Dunivaig (Dinyveg), in Islay, castle of, 175, 316; to be demolished, 395.
- Dunkeld, Bishop of, Alexander Lindsay, a member of the Privy Council, vi; his attendances, vi; he consents to the appointment of a commissary depute, 43; he gives up the names of noblemen's children to be educated, 246; summoned to attend a meeting of the Commission on the Teinds, 570, 571; present in Council, 11, 16, 19, 21, 156, 160, 225, 233, 252, 292, 337, 372, 404, 406, 416, 421<sup>s</sup>, 427, 432, 435, 552, 555, 562, 565, 567, 571, 621; signs Acts of Council, missives, etc., 156, 159, 233, 250, 260, 371, 406, 416, 426, 561, 570, 573.
- commissariot of, parishes and parish churches belonging to it south of the Forth, 43; commissary of. *See* Mr James Stewart.
- presbytery of, report of the sub-commissioners, 341.
- Dunkirk, 447, 667, 668.
- Dunlop, Thomas, servitor to Laurence Scott, advocate, acts as procurator, 611.
- Dunnet, minister of. *See* Mr William Smith.

- Dunnottar Castle, 431; escape of a prisoner from it, 340.
- Duns (Dunce), town of, 592; the bailies to make their tolbooth available for prisoners, or the sheriff courts to be removed to Greenlaw, 145; a justice court to be held there, 226, 227; the bailies ordered to liberate prisoners from their tolbooth, 378; a possessed woman there, 604, 608; the tolbooth, 378, 397-400, 592.
- presbytery of, charged to appoint sub-commissioners for the teinds, 53, 54; report of the sub-commissioners, 341.
- Dunstoun, George, feigned name of John Padzean of Newton, 426.
- Duntarvie, house of, 417.
- Duplin, Viscount of, and Lord Kinfauns, George Hay, Lord High Chancellor of Scotland, a member of the Privy Council, v; his attendances, v; to oversee the repair of certain highways, 68; payment to be made to him as collector general of the taxation of 1625, 122, 123; he prosecutes defaulters in payment, 188, 189, 269; his chamberlain is to oversee the repair of certain roads, 141; he is absent from the country, 143; his fees as keeper of the great seal, 143; he pursues Sir John Moncrieff of Kinmonth for his taxation, 204, 205; commission to him to apprehend Papists, 239, 322; he is to get such of the papers of Archibald Primrose as belong to his office as collector of the taxation, 275; he produces a new great seal in Council, which is committed to his charge, 275; his servant brings the old one to the Mint to be broken up, 236, 237; he is to appoint times for exhibition of titles in the teinds matter, 301; to arbitrate between the Earl of Seaforth and the Burghs, 426, 479, 480; to arbitrate between Edinburgh and the gentlemen of West Lothian, 454; to inspect St. Giles Church with reference to the King's coronation there, xxxiv, 454; the valuation of his lands and teinds, 455; on a committee about the foreign coin, 464; to consider the case of Captain Robertson and the Hamburgers, 484; a meeting held in his house on the Edinburgh and Leith dispute, 495; he is desired to present papers to the Lords of Session from the Council, 501; he is the head of the Court of Session, 506; letter to him from the King about the inauguration of the Lyon King of Arms, 531; he mediates in an assythement case, 549; he is to arbitrate in a dispute, 555, 562; he appends the great seal to a charter, 587; upon the committee for the Nova Scotia business, 614; letters addressed to him, 128, 129, 629<sup>a</sup>, 630, 631<sup>a</sup>, 632<sup>a</sup>, 639<sup>a</sup>, 667<sup>a</sup>, 668, 676; he presents documents in Council, 396, 551, 594; present in Council, 272, 285, 292, 316, 337, 344, 349, 352, 379, 383, 387, 392, 395, 396, 401<sup>a</sup>, 404, 406, 416, 421<sup>a</sup>, 426, 427, 432, 435, 438, 443, 448, 452, 496<sup>a</sup>, 497, 501, 506, 520, 538, 545, 551, 552, 555, 562, 565, 567, 571, 572, 573, 577, 583, 588, 591, 592, 602, 603, 609, 613, 617; signs Acts of Council, missives, etc., 271, 285, 290, 291, 315, 316, 339, 340, 348, 349, 351, 355, 373, 386, 391, 392, 396, 400, 404, 406, 416, 426, 431<sup>a</sup>, 446<sup>a</sup>, 448, 453, 454, 455, 479<sup>a</sup>, 496<sup>a</sup>, 498, 501, 508, 518<sup>a</sup>, 519, 526, 531, 536, 537, 538, 545, 550, 561, 570, 571, 573, 588, 592, 593, 602<sup>a</sup>, 608, 609, 616, 617, 620.
- Durham of Omuchie, Mr William, charged with assault on a minister, 198, 199.
- Durie, Lord. *See* Gibson.
- of Luskar, George, commission to him, 426.
- Mr Simon, minister at Arbroath, and moderator of the presbytery, denounced for not appointing sub-commissioners for the teinds, ix, 115, 116.
- Dykes, John, in Ballagan, charged with assault, 153.
- Dymutane, river, a bridge to be built over it by William Park, 85.
- Dysart (Dysert), burgh of, 624; the bailies charged to appear before the Council about the plague, 380, 381; commission to them thereanent, 388, 389; the case of Katharine Christie there, accused of witchcraft, 489, 490, 542, 543, 605, 606, 619; case of Janet Beveridge, accused of witchcraft, 532, 533; commissions to the bailies, 488, 489, 496, 535, 602, 605, 606; the tolbooth, 489, 532, 606, 619; kirk session of, 542, 605, 606; ministers of. *See* Mr William Nairn and Mr William Spittell.
- EARL, penalty of an, for not observing Lent, 49.
- Earlston (Ersiltoun), 460; presbytery of, report of the sub-commissioners, 341.
- Earn (Erne), Bridge of, the highways thence to the Craig of Pittinbrog and Perth to be repaired, 140, 141.
- Ears nailed to the tron, or cut off, for begging, 65, 67.



**East**: question of facing the east in the coronation of King Charles, 60.

**Easter Seas**: the plague there, 387.

**Easterline traders and foreign coin**, 3.

**Easton, John**, son of William, in Mather-nook, prosecuted as a refractory tanner, 359, 360.

— William, in Mathernock, prosecuted as a refractory tanner, 359, 360.

— William, tailor in Murgieland, charged with carrying firearms and violence, 418, 419.

— . . . , servant to Patrick Watson, gives evidence in a cause, 473.

**Eccles (Eckills)**, house of, 543.

**Eden, Water of**, 175, 176.

**Edgar (Edger, Edzer)**, Edward, bailie of Edinburgh, appears before the Council, 432, 440; charged to produce prisoners, 543, 564.

— Edward, bailie of Leith, fines persons for selling ale, 673.

— John, his house in St. John's Clachan, 213.

— Thomas, writer in Edinburgh, charged with withholding charters, 289.

**Edgebuckline Brae**, 116.

**Edie, David**, burgess of Aberdeen, caution by him, 277.

**Edinburgh, city of**: the Privy Council rarely meets at Edinburgh, vii; the magistrates to question two thieves at their execution as to the guilt of a third person, 11; their report, 16, 77; instruction to them to postpone an execution, 17; a Parliament held there in July 1594, 23; some merchants petition for release of their French wines from arrestment, 27; question of the superiority over Leith raised in a special case, 54-56; the streets filled with beggars, and the magistrates charged to expel them, 66, 67, 76; the highways thence to Haddington and Linlithgow to be repaired, 68; the magistrates are charged to see the Lent Acts observed, 83; they are to take down the heads and hands of malefactors from the West Port and other ports, 84; the magistrates offer to provide a pinnace for the King's service, but the Admiral objects, 85; they are to attend the Council about the tanning reform, 92; they appear before the Council in the Earl of Seaforth's case, 95, 96, 484; they are to answer for the Burghs as to the crave of the masons of Dundee for a deacon, xxvii, 111; certain highways to

be repaired, 138, 139; the magistrates complain of an intended prosecution for breach of penal statutes, 143, 144; commission to them to try a woman for arson in Leith, 145, 156; the magistrates ordered to execute a prisoner, 211; the claim to the right of the sheriffship, 215, 216, 217, 433, 434, 480, 497, 636, 652, 653; the town to produce their infetment of the sheriffship in 1616, 484, 630; grant to the taverners of Edinburgh, 216; grant to the tailors of Edinburgh, 216; the magistrates compear about the decret in favour of Alexander Hay, 220, 221; bickerings between the Earls of Cassillis and Wigton and their friends in the town, 224; a justice court to be held in Edinburgh, 226, 227; an act anent the robes of the magistrates, 228; commission to the provost and bailies to apprehend Papists, 240, 323; a Parliament held there in June 1609, 243, 246, 328; one held there in December 1567, 244, 326; one held there in October 1579, 246, 328; instruction of the inhabitants in the use of arms by James Acheson, 280; the matter about the factors' at Campvere remitted to the magistrates, 285; they are to inventory and sell certain goods, 288; to examine Alexander Hamilton, warlock, 290; commission to the magistrates to inspect ships suspected of the plague, 387, 388; they are to punish beggars, 411-415; the Town Council to be consulted about the best place for the King's coronation, 422; the golden charter of the city granted in 1603, xxviii, xxix, 422, 422 n., 427, 432-434, 454, 634, 664; claim to the north and south castle banks, 433, 634, 637, 656; the town pays nearly one-third of the taxes paid by the whole burghs, 433, 434; the town appeals to the Lords of Session in certain points, 440, 497, 506, 507, 630, 645, 661; question about the replegiation of a thief, 457; place of imprisonment called the Dingwell, 465; the magistrates are to prepare St. Giles' Church for the coronation ceremony, 498; the town is charged with encroaching upon the offices of Admiral and Lord Chamberlain, Justice General, Clerk Register, Treasurer, Privy Seal, Advocate, Secretary, and others, 502, 503, 630, 642, 643, 652, 653, 659-664; the town is notified of the birth of Prince Charles, 552; the magistrates to investigate the cause of a cannon bursting at

Leith, 564 ; a Convention of the Estates to meet there on 28th July 1630, 574, 576, 623 ; the master of the grammar-school charged to appear before the Council, 596, 597 ; the magistrates are ordered to receive and ward a prisoner brought from Aberdeen, 604 ; the King grants a remission to the town for the offence of Archibald Tod, 609, 610 ; one of the bailies to assist at the opening of a press belonging to a dead man, 610 ; the Parliaments principally to be held at Edinburgh, 633, 652, 658 ; the fortification of the town, 633, 636, 652 ; reviling of the Town Council as a Court, 635, 638, 645 ; acquires the superiority of Leith in 1665, 636, 655 ; the provost of Edinburgh is sheriff of the town, 636 ; thirlage of Leith to the Edinburgh mills, 641, 669 ; the magistrates are charged with illegal and oppressive action towards inhabitants of Leith, 670-676 ; the town stops a gift of the Prime Gilt to the town of Leith, 674 ; they take possession of a signature belonging to Leith, 674, 675 ; the dispute with the inhabitants of Leith anent their superiority, etc., xxvii-xxix, 170, 260, 261, 422, 423, 432-434, 440, 443, 475, 489, 498 ; the magistrates ordered temporarily to forbear the execution of the penal statutes against the inhabitants of Leith, 261 ; they declare they are ready to answer the complaint of Leith, 335 ; the magistrates are ordered to produce certain of their charters in reference to the dispute with Leith, xxviii, 215-218, 219, 220, 260, 423, 480, 483, 630, 631, 632-676 ; extracts of some charters produced, 227, 228 ; Mr John Hay, town clerk, protests against the compearance for Leith, 228 ; to receive the grievances by Leith, 228 ; the magistrates produce a letter from the King on the matter, 344 ; and crave that it be recorded, 349 ; they are to give in their complaints against the inhabitants of Leith, 349, 350 ; the civil questions at issue to be decided by the Court of Session, 349, 350 ; a debate in the Council, 440 ; answers to be given in, 440, 443 ; the magistrates summoned to attend the Council, 423, 428 ; they submit the business to the King, especially with reference to their charter of 1603, 428, 432-434 ; seventeen articles of complaint tabled by Leith, 454 ; more detailed articles given in, 480, 498 ; a paper of a few grievances, 668-676 ; entrance of

several of the nobility and gentry against Edinburgh, 494, 495, 496, 497, 507, 508 ; the town declines the Earls of Murray and Linlithgow as judges, and their declinature is sustained, 494, 497 ; the Lord Advocate, as assessor to the town, also removed, and Sir James Baillie, 494 ; the decret as to the girmelling of victual in Leith, 496, 497, 501, 676 ; the magistrates refuse to consent to its suspension and give reasons, 506, 507 ; but the Council suspend it, 507, 508 ; the names of the provost and bailies, etc., 58, 59, 85, 108, 193, 221, 432, 472, 564 ; bailies. See Edward Farquhar, Alexander Heriot, John Sinclair ; Dean of Guild. See John McNaught ; town officers. See John Clerk, Archibald Dunbar, James Smith ; commissions to the provost and bailies, 3, 278, 290, 293, 334 ; the magistrates ordered to liberate prisoners from their tolbooth, etc., 41, 58, 59, 153, 154, 155, 194, 259, 278, 280, 377, 473, 512, 527, 564, 572, 599, 605 ; ordered to receive prisoners, 206, 261, 448 ; wardings within the burgh, 10, 84, 170, 237, 253, 338, 339, 352, 359, 417, 555, 561, 562, 563, 565, 568, 582, 598, 603 ; documents dated there, 9, 251, 252, 444, 473, 538 ; general references to the town, viii, ix, xi, xvii, xxxiv, xxxvi, xlv, 14, 16, 74, 88, 97, 109, 110, 118, 119, 125, 143, 158, 169, 170, 193, 221, 275, 284, 289, 338, 339, 377, 385, 430, 445, 465, 477, 487, 514, 516, 533<sup>a</sup>, 543, 561, 575, 599, 619.

Edinburgh, particular streets and buildings, etc., Bellis Wynde foot, 472 ; Blackfriars Wynd, and the Cardinal's lodging at the foot thereof, 561, 561 n ; the Laich Council house, xxxii, 234 ; the Cowgait, 41 ; the Hie Street, 490, 491, 501, 553 ; the Lang Gait, 138 ; Leith Wynd, 67, 68, 599, 600 ; the Lockin booths, 491 ; the Market, xlii ; the Market Cross, xiv, 553 ; proclamations made thereat, 131, 186, 188, 216, 248, 286, 293, 393, 394, 395, 546, 621, 672 ; the Mint or Cunziehouse, 286 ; the Pleasance, 67 ; the Potterrow, 66, 67 ; St. Cuthbert's Kirk, act against the heritors and titulars by the Commissioners for the Teinds, 610 ; inspection of St. Giles' church as to its fitness for the King's coronation, 422, 454, 493, 497, 498 ; St. Ninians Raw, 66, 67, 138 ; the Tolbooth, the commissary-depute of Dunkeld permitted to hold his courts therein, 43, 80 ; irons

- therein called the "lang gade," 193; warding of prisoners there, xiv, xxxvi, xl, xli; 2, 3, 4, 6, 12, 14, 41, 59, 80, 81, 90, 98, 104, 137, 153, 155, 157, 175, 193, 195, 206, 211, 231, 232, 237, 259, 261, 278, 280, 288, 290, 334, 351, 352, 360, 362, 363, 370, 377, 385, 398, 399, 400, 437, 441, 445, 464, 469, 472, 473, 487, 488, 491, 511, 512, 513, 516, 532, 549, 555, 582, 564, 571, 599, 603, 624; the Tolbooth referred to as the seat of justice, 224, 248, 330, 489, 490, 554, 555, 556, 557, 623; the thieves' hole there, 599; the Laich Tolbooth, 193; the Watergate, a chapel there, 61; a pond to be constructed there, 80; the West Port, 3, 66, 67, 76; a sheep market held there, 58; the heads and hands of malefactors placed thereon, 84.
- Edinburgh, Castle of, 251, 492, 493; inspected after repairs, 101; the repairs to be proceeded with, 125; Edinburgh claims the north and south Castle banks, 433, 634, 637, 656; fires a salute in honour of the birth of Prince Charles, 552; wardings therein, 260, 338; Sir John Ogilvie of Craig, 18, 19, 338, 339, 444; Archibald Tod, 353; captain of. *See* Earl of Mar.
- Commissaries of, to take the communion quarterly at Holyrood, 186, 188; ministers of. *See* Mr Andrew Ramsay and Mr John Maxwell.
- presbytery of, report of the sub-commissioners, 341.
- shire of, order for repairing the highways, 138, 139; the sheriff and justices of peace to meet and arrange for this, 116; the justice court of the county to be held at Edinburgh, 226, 227; commission for the apprehension of Papists, 240, 323; appointment as sheriff of Sir Lewis Lauder, 273; the head court of the sheriffdom held at Michaelmas, 289; the sheriff has no jurisdiction in the town of Edinburgh, 480, 497, 635, 637, 644, 645, 649; he is arbitrator in a cause, 51; he is to be written for to come and fence and continue the Parliament, 128; commission to him, 278, 290, 293; order to him, 605, *see also* James M'Gill of Cranston Riddell; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65; appointment of a new convener of the justices of the peace, 77, 78.
- University or College of, xiii, xvii, 20, 126, 156, 159, 232, 233; principal of. *See* Mr John Adamson.
- Edmonstone (Edmiston) of that ilk, Sir John, deceased, dispute about his houses and lands, 600-602.
- of Newton, John, complaint by him, 601, 602; warded with the Earl of Mar, 602.
- of Shank, Mr Patrick, commission to him, 155, 156, 351, 573.
- Mr William, minister at Kilmadock, appointed a collector for a charitable fund, 38, 39.
- Education: of the children of Popiah noblemen, xiii, 3, 20, 21, 45, 69, 70, 88, 89, 91, 92, 96, 99, 100, 117, 118, 119, 126, 145, 156, 159, 232, 233, 246, 247, 328, 331; the planting of schools in the Isles, 172, 173; for the testing of a Latin grammar the masters of the chief grammar schools are summoned before the Council, 596, 597.
- Egyptians. *See* Gypsies.
- Eir, Allan, vagabond, charged with killing game and cutting timber, 236.
- Elder, James, baker, complained against for erecting an oven in an unsuitable place, 599, 600.
- Robert, messenger, 193; his son, a town officer of Edinburgh, charged with illegal arrest, 193.
- Elgin, burgh of, 378, 379, 509; the Marquis of Huntly's house there, 369; commission to the provost and bailies to apprehend Papists, 239, 322; proclamation at the Market Cross, 257, 370.
- presbytery of, report of the sub-commissioners, 341.
- shire of, commission for the apprehension of Papists there, 239, 322, 406-410.
- Elie, a poor town sparsely inhabited, 389; the bailies charged to appear before the Council about the plague, 380, 381; commission to them thereanent, 388, 389.
- mill of, 487.
- Elizabeth, Princess, sister of King Charles, and wife of Frederick V., Elector Palatine of Bohemia, 42 n.
- Elliot (Eliot), William, councillor of Selkirk, charged to appear before the Council, 282.
- William, bailie of Selkirk, charged to produce a prisoner, 585.
- the English member of Parliament imprisoned by King Charles, 129 n.
- Ellis (Eleis), Patrick, bailie of Leith, charged with illegal warding, 55, 670, 673; a case of contempt of court, 193, 194.
- Patrick, petitions for release of wines, 27.

- Ellon, John, tailor in Edinburgh, charged with hamesucken, 472.
- Ellon (Ellem), presbytery of, 277; report of the sub-commissioners, 341.
- Elphinstone, Master of, Alexander, Lord Kildrummie, a member of the Privy Council, vi; his attendances, vi; sent to the Earls of Wigton and Cassillis with a charge, 224, 225; present in Council, 21, 191, 196, 207, 208, 211, 219, 224, 225, 233, 260, 266, 349, 475, 483, 496, 497, 562, 565, 567; signs Acts of Council, missives, etc., 265, 271.
- of Blythswood, Sir George, Lord Justice Clerk, a member of the Privy Council, vi; his attendances, vi; he is to examine a wizard and a witch, 2, 3, 4; his office not to be prejudiced by that of the Justice General, 111; he produces the commissions of justiciary for holding circuit courts, 191, 192; he is to examine Henry Dick, 199; his report upon an Irish case, 205; he is to hear the accounts of the Lübeck ship, 209; appointed to examine certain witnesses and other persons, 222, 405, 497; commission to him to apprehend Papists, 240, 323; the valuation of his lands and teinds, 455; sent with a missive to the Chancellor, 479, 480; to consider the case of Captain Robertson and the Hamburgers, 484; his office said to be encroached upon by the town of Edinburgh, 662; present in Council, 1, 3, 8, 11, 16, 19, 21, 28, 34, 42, 44, 47, 52, 61, 64, 77, 119, 129, 148, 156, 160, 166, 172, 191, 196, 200, 207, 208, 211, 214, 219, 224<sup>a</sup>, 225, 233, 252, 260, 266, 270, 396, 401, 404, 406, 416, 421, 427<sup>a</sup>, 432, 435, 436, 443, 448, 452, 457, 464, 469, 471, 475, 479, 483, 489<sup>a</sup>, 492, 496<sup>a</sup>, 497, 501, 506, 520, 613, 621; signs Acts of Council, missives, etc., 25, 34, 43, 44, 47<sup>a</sup>, 59<sup>a</sup>, 61, 62, 63, 79, 80, 118, 126, 127, 128, 147<sup>a</sup>, 159, 160, 171, 172, 200, 207, 233, 250, 265, 269, 400, 404, 406, 426, 431, 446, 453, 496, 498, 501, 508, 518, 526, 531, 536.
- of Alichmoir, Harry, complaint by him against the bakers of Stirling, 197, 198.
- of Quarrell, Michael, craves a share of the money raised for relief of those whose lands were overwhelmed by the moss, 568, 569.
- Mr John, suspends a process against himself, 673.
- Susanna, in the parish of Peebles, to be tried for witchcraft, 170, 391.
- Elphinstone, Mr William, one of the King's cup-bearers, witness at Windsor to the King's decreets about the teinds, 303, 307, 310, 313; as procurator for the Marquis of Huntly and Lord Gordon makes a resignation in their name, 317-320, 364-368.
- Elstab, John, a Yorkshireman, complains against a horse-thief, 426.
- Embden, importers of Embden dollars to be prosecuted, 3; a description of the dollar, and its circulation to be forbidden, 19, 20.
- England, 157, 222, 233, 254, 317, 365, 558, 675; the fear of Popery increasing, xii; the joint commission for the Borders, xviii, xix; French wines sent to England, xxii, 25; the arms of England, 50; hides brought from England, 108; the Parliament in conflict with the King, 129 n., 148 n., 545 n.; the form of tanning used there introduced into Scotland, 133; tanned leather brought from England, 133; the Lord Keeper of the Great Seal, 160, 161, 164; the Earl of Angus sends his son to one of the Universities there, 220; flight of malefactors thither from Scotland, xl, 265; theft of a ketch thence, 357, 358; the passage thither by crossing the Annan, 420; Englishmen seek justice from the Council of Scotland, 426, 452; reference to the accession of King James the Sixth, 588; some English pirates seized by Lord Semple, 617, 626; cloth imported thence, 646; the fraternity of seamen there, 674.
- English William, page to the Viscount of Melgum, 581
- Engravers discharged to engrave coats of arms without due authority, 594-596.
- Equivocation, the "devilish device" of, in Papists, 146.
- Errections, Lords of, and the submissions anent the teinds, etc., 293, 539.
- Erroll, Earl of, Francis, a prominent Roman Catholic, xii-xviii; being sick he obtains leave to go abroad, but under heavy caution, 86, 111, 118; his two daughters are to be educated in religion, 246.
- Ersiltoun. See Earlstoun.
- Erskine (Areskine), Lord, John, eldest son of John, Earl of Mar, 38; a member of the Privy Council, vi; his attendances, vi; charged to appear before the Council, 52; he is to erect a tanning house for trial of tanning of leather, xxiv, 85; he represents to the Council the neglect of the tanning reform which has been so

- costly to him, whereupon the Lords ordain it to be carried out, 107-109; he is sent to the Earls of Cassillis and Wigton with a charge, 224, 225; caution by him for his father, the Earl of Mar, 149, 150; he complains against some refractory tanners, 359, 360, 425, 611, 612, 624; to report upon the best chorch for the King's coronation, 493; he is sent by the Council to intreat the Lords of Session to postpone the extracting of a decree, 496; to arbitrate in a dispute, 555, 562; he is to report on the losses sustained by the slipping of a moss, 569; present in Council, 28, 42, 44, 47, 61, 64, 67, 81, 85<sup>2</sup>, 87, 91, 92, 98, 102, 119, 129, 148, 156, 160, 166, 172, 176, 183, 191, 196, 200, 207, 208, 211, 214, 219, 224, 225, 233, 260, 266, 387, 392, 395, 396, 401<sup>2</sup>, 404, 406, 416, 421<sup>2</sup>, 426, 427, 432, 435, 443, 448, 452, 455, 457, 464, 471, 475, 483, 489<sup>2</sup>, 492, 496<sup>2</sup>, 497, 501, 506, 520, 531, 538, 545, 551, 552, 555, 565, 567, 571, 573, 577, 583, 588, 591, 593, 603, 609, 617; signs Acts of Council, missives, etc., 43, 44, 47<sup>2</sup>, 62, 63, 79, 80, 92, 112, 113, 118<sup>2</sup>, 125, 126, 127, 143, 147, 158, 159, 171, 172, 175, 176, 181, 182, 183, 191, 195, 196, 200<sup>2</sup>, 206, 207, 214<sup>2</sup>, 219, 265, 392, 416, 426, 431, 446, 448, 453, 455<sup>2</sup>, 471, 479<sup>2</sup>, 488, 492, 496<sup>2</sup>, 498, 501, 508, 518, 519, 534, 535, 538, 544, 561, 573, 588, 592, 593, 602<sup>2</sup>, 608, 609, 616, 617.
- Erskine of Balgonie, John, a debt due to him, 268.
- of Dun, Alexander, commission to him to apprehend Papists, 239, 322.
- of Innerteill, Sir George, Lord Innerteill, to oversee the repair of certain highways, 68; commission to him to apprehend Papists, 252, 323.
- of Myreton, John, deceased, law plea by him and by his widow and heirs, 362, 363, 377.
- of Pittodrie, Thomas, commission to him, 175.
- Michael, to be tried for witchcraft, 335.
- Robert, in the Canongate, caution for his indemnity, 392.
- Escheats, alleged appropriation by Edinburgh of, 634, 635.
- Esk, Water of, 167.
- Espline, David, tenant to Oliphant of Drynie, petition by him, 555.
- Estates, Conventions of. *See* Parliament.
- Evenfurde, 613.
- Evertstone, Peter, master of a ship of Calais, petitions for the disposal of his case, 521-523, 590, 591; some of his crew tortured, 429.
- Ewart, John, in Kirkcudbright, his booth there, 620; his wife and daughter, both named Helen Ewart, assault the provost, 620.
- Richard, in Gateside, complaint by him and Isat Wilson, his wife, 531.
- Ewing (Ouing), Mr Alexander, minister at Halkirk in Caithness, complains of non-payment of his stipend, 191.
- Exchequer of Scotland, the Lords of, 144, 200, 202, 446, 492, 493, 503; the Exchequer exhausted and empty, xxxiii, xl, 172, 536; the Lords are to consider the question of the erection of Stornoway as a royal burgh, 42; gifts of tutory-dative passed there, 52, 53; money to be lodged there, 114; Acts of the Lords concerning the Earl of Mar, 149, 150; they are to take the communion quarterly at Holyrood, 186, 187; they are to audit the accounts of Mr John Oliphant, 342; license to the Lords to eat flesh in Lent, 452, 453; gift to Lord Gordon past there, 410; remissions and other deeds passed there, 482, 539, 540; royal letter directed to the commissioners, 666, 667; licenses for brewing ale granted by the Lords, 673, 674; clerk of, 288; registers kept and deeds registered in them, 392, 393, 394, 663; meetings in the Exchequer house, 222, 503.
- Excommunication of Papists, 28-32, 96, 97, 157, 177-179, 218, 407; Acts of Parliament against excommunicated persons, 266.
- Exportation of goods, xx-xxii; of copper forbidden, 132; of linen cloth, 315, 316; of oats and meal prohibited, 53; of victual, 10, 11; of wheat, 284, 285, 520, 521, 530, 575, 578, 579; of wool, 279, 313, 314.
- Eyemouth (Haymouth), the pit of, and its keeper, 41; witches there, 110.
- FAIRLIE of Braid, Sir Robert, to oversee the repair of certain highways, 138; commission to him, 339, 363.
- Mr James, minister at Leith, appears before the Council, 157.
- Samuel, in Foulden, to be tried for witchcraft, 169.
- Fairs: not to be held on Sabbath, 266; one held in Dumfries on 17th September, xxxvi,

- 12; one held in Turriff on 1st August, 420; Lammas, at Dumbarton, 288; Lammas fair at Inverkeithing, 600; fair of Martane, 426; at Newcastle, 426.
- Falconer of Ballandro, 408; his son, a priest, 408.
- of Halkerton, Sir Alexander, complaint by him, 51, 81; his gardener, 424; commission to him, 431.
- Agnes, in Eyemouth, to be tried for witchcraft, 290.
- Mr Alexander, son of Ballandro, a Popish priest, to be apprehended, 408.
- Jean, servant to Alexander Watson, in Aberdeen, complaint by her, 344.
- John, father of a murdered infant, 129.
- Falkirk (Faw Kirk), town of, the moss slip bewest the, xliii, xlv, 455. *See also* Moss.
- kirk of, 157; minister there. *See* Mr Thomas Spittell; report by him about the Laird of Kerse, 112, 113.
- presbytery of, 113.
- Falkland, burgh of, the highways thence to Dunfermline and Burntisland, and Perth and St Andrews, and the Ferry of Dundee to be repaired, 68; also the highways to the Craig of Pittinbrog and Dunfermline, 140, 141.
- Palace of, 50, 449; it is to be cleared, and the goods therein inventoried, as the King may reside there, 61, 63; inspected after repairs, 101.
- Farquhar (Ferquhar), Andrew, in Forres, charged with assault and hamesucken, 488.
- Edward, bailie of Edinburgh, charged with illegal warding, 58; he attends the Council upon the Tanning reform, 108; he is charged to produce a prisoner, 280.
- Mr Robert, burgess of Aberdeen, complaint by him, 18; commission to him, 176, 177.
- Mr Robert, late dean of guild of Aberdeen, commission to him, 102-104.
- Farquharson (Ferquhairsoun) of Brochdarg, George, caution for him, 236.
- of Invercauld, John, commission to him, 175.
- Robert, son of John, of Invercauld, commission to him, 175.
- of Monaltrie, Donald, commission to him, 175.
- Alaster, in Allanquoich, commission to him, 175.
- James, in Inverey, commission to him, 175.
- Fastcastle (Fascastell), wood of, 83.
- Faw, George, Katharine Brown, his wife, and Margaret Faw, his daughter, petition for release that they may return to Ireland, 598, 599.
- Helen, wife of William Baillie, petitions for release, 598, 599.
- Fawla and Fawlahall, lands of, 601; Fawlahall, house of, 601, 602, 608.
- Fea of Cobarstoun, James, fiat, commission to him about the teinds in Orkney, 70-74.
- Feast of Beltane, 487.
- Fees for passing the Seals, 143.
- Fenton (Fentoun), Alexander, tenant to . . . Adam in Auchinbushie, not to be reset by the lieges, 470.
- James, deputy keeper of Holyrood Palace, to receive certain articles for the Council's use there, 362.
- Fenwick (Phenick), John, tailor in Cousland, and Marion Banks, his wife, and Agnes, his daughter, to be apprehended and tried, 544.
- Ferdinand, the Emperor, issues the Edict of Restitution, 137 n.
- Ferguson (Fergusson) of Kilkerran, Mr John, complaint by him, xxxv, 4-6; ordained to find lawburrows, 6; charged with using firearms, 9, 10; a debt due to him, 51.
- Gilbert, servant to the parson of Bethelvie, complaint by him, 230.
- Hew, petitions for liberty, 27.
- Janet, in Torskechane, to be tried for witchcraft, 550, 551.
- John, servitor to the Laird of Craigdarroch, charged with carrying firearms and violence, 9, 10.
- Ferry-boat on the Annan, 419, 420.
- Ferry Road (Ferriegait), the highways thence to Coltbridge and the Water of Almond to be repaired, 138.
- Feuds: xxxv-xxxix; between the Earls of Cassillis and Wigton, 224, 225; Crichton of Frendraught and Gordon of Rothiemay, 376, 401-403, 429-431, 435, 436-438, 445, 485, 486, 496, 503, 504, 505, 509, 510, 516-518, 519, 520, 523-525, 544; Fraser and Strachan, 553, 554; the Grants of Carron and Ballindalloch, 14, 17, 20, 21, 23, 36, 37, 42, 46, 47, 113-115, 156-160, 265, 458, 459, 461, 462, 577, 579, 580; Hamilton of Carlowrie and Inglis of Rottonraw, 536, 537; Kennedy of Blairquhan and Ferguson of Kilkerran, 4-6, 9, 10; Preston of Valleyfield and Bruce of

- Carnock, 25, 26; Sibbald of Rankeillor and Arnot of Fairnie, 271.
- Feu holdings, exaction of the duplicand for, 639.
- Fifeshire, 647; the Crown lands there, 172; the justice court to be held at Cupar, 226, 227; commission for the apprehension of Papists there to several persons and the provosts and bailies of the burghs therein, 252, 253, 323; an election of commissioners to Parliament to be made, 384; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65; appointment of a new convener of the justices of the peace, 77, 78; the justices of peace to be convened about the highways, 159; the Laird of Newton appointed convener of the justices of peace in place of Lord Wemyss, 196, 197.
- Fines: for aiding foreign beggars, xxx, xxxi; for not attending the church, 166, 177; appropriation of, 126, 127.
- Fingas, Baron of, to oversee the repair of certain highways, 141.
- Laird of, younger, to be married to Janet Gibson, 94.
- Fingland, lands of, 552.
- Finlayson (Finlason), Margaret, charged with theft, 457.
- Fintry, lands and barony of, 125, 174.
- Fire-raising. *See* Arson.
- Fish and Fishing: unauthorised exportation of, 95, 428; slayers of fish in forbidden time, to be dealt with in the circuit courts, 258; stealers of pike from ponds, to be dealt with in the circuit courts, 258; royal letter for the erection of a general fishing, with instructions to Sir William Alexander thereon, 676; destruction of a salmon fishing on the river Dee, 18, 27; salmon fishings in the Deveron, 401 n.; protection of the Water of Eden, 175, 176; the whale fishing in Greenland, xxiii, 347; conflict of Scottish and English claims, 354-356; the fishing in the North Isles injured by the Earl of Seaforth's introduction of Hollanders, xxvi, 222, 260, 421, 489; fishing for pearls, 201, 202.
- Fisher, Margaret, in Linmill of Stonebyres, to be tried for witchcraft, 145, 270.
- Fisherraw, xxxiv, 74; alleged witches there, 162.
- Flanders, laws of, 634; Flemish traders, 3; their trading rights, 635, 644, 654, 675, 676.
- Flemings: the burghs complain of Flemings being allowed to fish in the North Isles, 222.
- Fleming (Fleeming), Lord, John, license to him to go abroad for three years, 214.
- of Carwod, John, commission to him about the teinds in Orkney, 70-74; he purchases lands in Orkney, 289.
- Alexander Reid, *alias*, in Easter Downie, complaint by him, 470; not to be reset by the lieges, 470.
- David, in Chapell, charged with carrying firearms and violence, 418, 419.
- John, merchant burghess of Edinburgh, consulted about the circulation of foreign money, 8, 11, 16, 21, 51.
- John, in Inverchroskie, accused of forfeiting his cautionry, 237.
- John, in Overtoun, complaint by him, 57, 81.
- John, messenger, executes a charge, 564, 565.
- John Reid, 470.
- Fleshers disobey the law against selling flesh during Lent, 81-83.
- Fletcher of Innerpeffer, Sir Andrew, commission to him to hold circuit courts of justice, 207, 226, 227; he accepts the commission, 207.
- Mr George, advocate, 543.
- John, councillor of Selkirk, charged to appear before the Council, 282.
- Flint, Barbara, wife of Archibald Liddle, in Eyemouth, to be tried for witchcraft; 110.
- Fode, Thomas, in Monkriding, a refractory tanner, 611, 612.
- Forbes, Arthur, Lord, 504.
- Master of, Alexander, caution by him, 204; caution by him to produce Gordon of Rothiemay, 211; relieved of his cautionry, 215; commission to him to apprehend Papists, 239, 322; a debt due to him by Lord Berridale, 268; he petitions that he may not be prosecuted as cautioner for young Rothiemay, 435; commission to him against Rothiemay, 509, 510, 516-518.
- of Blacktoun, James, excommunicated for Papistry and nonconformity, 30, 31, 407; also Margaret Fraser, his wife, 407; seizure of his house, 93, 179; he refuses to conform, 547, 551; caution for his appearing before the Council, 616; and for his conforming or leaving the country, 622.
- of Bythe, John, commission to him, 16.
- of Craigievar, William, his action against John Wood continued, 125; com-

- plaint by him as bailie of the regality of Fintry, 174.
- Forbes of Leslie, John, commission to him to apprehend Papists, 239, 322; charged with malicious damage, 574, 575.
- of Monymusk, Sir William, 451; deceased, he was superior of the lands of Ardo, 574; charged with malicious damage, 574, 575.
- of Pitaligo, John, commission to him, 15; appears against Edinburgh in their dispute with Leith, 494.
- of Tolquhon, William, commission to him, 15; commission to him to apprehend Papists, 239, 322; arbitrator in a case, 553, 554.
- Alexander, burghess of Aberdeen, appointed a collector for a charitable fund, 38, 39.
- Andrew, at the new mill of Clintartie, brother of James (*infra*), charged with assault, 405, 406.
- Arthur, natural brother of Arthur, Lord Forbes, to be apprehended and brought before the Council, 517; not to be reset, 504.
- Arthur in Inchcrose, not to be reset by the lieges, 255-257, 504; to be apprehended and brought before the Council, 517.
- Arthur, caution by him for his brother, James, of Blacktoun, 616.
- Hucheon, servitor to the Laird of Dunbeath, charged with assault and robbery, 75, 76.
- James, in Kinneller, charged with assault, 405, 406.
- James, in Knaylaus, to be apprehended and brought before the Council, 517; not to be reset, 504.
- John, in Kinneller, charged with assault, 405, 406.
- Katharine, Lady Rothiemay, charged to appear before the Council, 496, 510.
- Robert, in North Berwick, an enlisted soldier, detained by his master, 163; he is delivered up, 180, 181.
- Thomas, servitor to Quentin Kennedy, writer, witness to a bond, 252.
- Mr William, charged with illegal warding, 420.
- Fordhouse (Fuirhouse) of Pittarrow, 210, 283.
- Fordyce, Alexander, in Knichtmylne, petition by him, 429-431; permitted to carry firearms, 524, 525.
- George, in Auchincreeff, to be apprehended and brought before the Council, 517; not to be reset, 504.
- Fordyce, William, in Auchshalloch, petition by him, 429-431; permitted to carry firearms, 524, 525.
- presbytery of, report of the sub-commissioners, 341.
- Forehammers, 5, 145, 472.
- Foreigners, the burghs object to their trading within the country, xxv-xxvii, 7, 94-96, 260, 421, 427, 428, 429, 479, 491; laws of intercourse and trade, 638, 644, 654, 655; jurisdiction over those coming to Leith alleged to be claimed by Edinburgh, 653, 655, 660, 661; foreign currency discharged with regard to certain coins, 3, 7, 8, 11, 16, 19, 458, 464. *See also* Coin and Coining.
- Forfar, burgh of, a justice court to be held there, 226, 227; commission to the provost and bailies to apprehend Papists, 239, 322.
- shire of, defaulters ament the taxation to be apprehended, 205; the justice court to be held at Forfar, 226, 227; commission for the apprehension of Papists there, 239, 322; the sheriff, 269; he is ordered to apprehend a rebel, 14; he reports the commission for the Parliament, 33; appointment as sheriff of Harry Wood of Bonyton, 274; but the appointment cancelled, 315; appointment as sheriff of Sir Colin Campbell, 291, 315; the convener of the justices of the peace charged to provide carriage for His Majesty's baggage, 64, 65.
- Forgers of writs to be dealt with in the circuit courts, 258.
- Forks, assault with, 42, 43, 180, 232, 612; a long fork, 153, 624; "gyrounforkes," 194.
- Fornication, Acts of Parliament against, 266.
- Forres, burgh of: commission to the provost and bailies to apprehend Papists, 239, 322; proclamation at the market cross, 257.
- presbytery of, 178; report of the sub-commissioners, 341.
- shire of, commission for the apprehension of Papists there, 239, 322, 406-410.
- Forrest, William, servitor to the Laird of Lee, charged with carrying firearms and violence, 418, 419.
- Forrester of Carden, Sir James, his lands overflowed by a moss, 90; a prisoner in Stirling Castle, petitions for his temporary release, 362, 363; as he is infirm in body he is not to be kept in the tolbooth of



- Edinburgh, 370; but he is so imprisoned and taken back to Stirling, 377.
- Forrester of Corstorphine, Sir George, appointed convener of the justices of the peace of Edinburgh, and charge to him as such, 64, 65, 76, 77, 78; he is to oversee the repair of certain highways, 116, 138; commission to him to apprehend Papists, 240, 323; other commissions to him, 339, 535; caution by him, 377.
- Edward, Commissary of Kirkcudbright, complaint by him, 213, 221; he takes evidence in a dispute, 529, 530.
- (Foster), Patrick, bailie of Kirkcudbright and sheriff-depute of Kirkcudbright, appointed to try a case, 420; he petitions for the banishment of a convicted thief, 528, 529.
- Robert, servitor to Quentin Kennedy, writer, witness to a bond, 252.
- Forsythe, John, burgess of Forres, summoned as a witness in a case, 488.
- John, in Kimmerghame, summoned as a witness in a case, 206.
- Forth (Phorth), Water of, 43, 380, 381, 385; precautions against the pest entering it, 353, 354; Edinburgh is alleged to have usurped authority over it, 633-635, 642, 643, 647, 649, 651-662, 672.
- Fortification of Edinburgh and Leith, 633, 636, 652.
- Foster, James, servant to the Master of Herries, charged with carrying firearms and violence, 351, 352.
- William, tailor, in the Canongate, complaint by him, 599, 600.
- Fotheringham of Powrie, Thomas, commission to him to apprehend Papists, 239, 322.
- Thomas, in Bonytoun, horning at his instance, 14.
- Foulis (Foules) of Colinton . . ., to oversee the repair of certain highways, 138.
- George, Master of the Mint, petition by him about the writs of the Minthouse, 101; a debt due to him, 163, 164; as Master-coiner, he breaks up the old Great Seal, 287; petition by him in a case about the Mint, 560, 561.
- kirk and kirk session of, 230, 231; minister there. See Mr James Drummond.
- Foulwood, Laird of. See Semple.
- Fowl, wild, preservation of, for his Majesty's visit, 49, 50, 81-83, 448-450; prosecution of slayers of, 235-237, 252.
- Frame, James, in Lanark, to be tried for witchcraft, 145.
- France: King Charles at war with France, vii, viii; influence of the fall of Rochelle, xii; end of the war, 1 n; trading with France, 3; arrestment upon French wines, xxii, xxiii, 24, 25; their importation again permitted, 44; the arms of France, 50; the proclamation discharging trade with France, 86; French ships taken as prizes and brought to Leith, 271, 272, 315, 446, 447, 475, 589-591, 609, 668; the plague there, 386, 387; the King to be informed about the conduct of some Parisians towards Andrew Beaton, 416; the pacification with France, 446; a Frenchman in Cupar Fife assaulted, 612; France lays claim to Nova Scotia, xlv, 614; ships go there from Aberdeen, 623; petition by Peter Laha and others, subjects of the French King, 667, 668; the trading rights of France, 634, 635, 644, 654, 675, 676.
- Fraser of Balbredie, Mr Patrick, pointing of his stock, 592.
- of Belladrum, Hew, put to the horn for resetting a rebel, 442; suspension of horning against him, 566, 567.
- of Clanvackie, John, put to the horn for resetting a rebel, 442; suspension of horning against him, 566, 567.
- of Craigtoun, William, to be apprehended, 102; caution for his conforming or leaving the country, 615.
- of Culbockie, William, younger, commission to him, 518.
- of Lovat, Lord, Simon, 441; commission to him to apprehend Papists, 239, 322.
- of Muchalls, Andrew, commission to him to apprehend Papists, 239, 322; arbitrator in a case, 553, 554.
- of Murkle, Andrew, apparent (? Sinclair, but Fraser in original), commission to him against Rothiemay, 516-518.
- of Philorth, Alexander, younger, charged with assault but assolizied, 490; complaint by him of being assaulted, 491; to find caution to keep the peace, 501, 502, 503.
- of Philorth, Alexander, submits his feud with Strachan of Glenkindie, to arbitration, 553, 554.
- of Phopachie, James, commission to him, 518.
- of Strichen, Thomas, commission to him to apprehend Papists, 239, 322; another commission to him, 518; he is arbitrator in a case, 553, 554.

- Fraser of Strowie, Thomas, commission to him, 518.
- of Techmurie, law plea by him and his mother, 490.
- Alexander, mealmaker in Leith, a complainer against Edinburgh, 666.
- Alexander, messenger, gives in a false return of execution of letters, 486, 487.
- Andrew, sheriff-clerk of Inverness, charged to appear before the Council, 276.
- Andrew, servant to the Laird of Manderston, charged to appear before the Council, 400; he appears, 405.
- Bessie, wife of John Hasben in Calseat, to be tried for witchcraft, 181.
- Donald, in Inverness, charged to appear before the Council, 276.
- James, brother of Mr Patrick of Balbrerie, charged with assault, 592.
- John, goldsmith, a debt due to him, 163, 164.
- Margaret, wife of James Forbes of Blacktoun, excommunicated for Popery and nonconformity, 407; she refuses to conform, 547, 551.
- Frederick V., Elector Palatine of Bohemia, brother-in-law of King Charles the First, 99 n; death of his eldest son, 42, 42 n; his wife, the Princess Elizabeth, 42 n.
- Frendraught, house, place, or castle of, xxxviii, 437, 485, 509; burned down, 401 n.
- Frewchie, place of, 583.
- Fullerton (Fowllartoun) of Carleton, John, commission to him, 570.
- Mr David, one of the receivers of the King's rents for Scotland, witness to a resignation at Whitehall, 368; he is to provide a crown for the Lyon, 492.
- Mr James, complaint by him, 360.
- William, provost of Kirkcudbright, complaint by him, 619, 620.
- Fyfe, James, in Easton, caution for his conforming or leaving the country, 615.
- Fynnies, John, in Mains of Cardross, deceased, his widow, Janet Mitchell, to be tried for witchcraft, 400.
- GALBRAITH, JANET**, in Dysart, to be tried for witchcraft, 488.
- Janet, mother of Gabriel Blair, complaint by her, 549, 550.
- Robert, servitor to Lord Coupar, caution for him, 619.
- . . . , charged with riot, 27.
- Galloway, Bishop of, . . . , present in Council, 233.
- Galloway, Earl of, Alexander Stewart, a member of the Privy Council, vi; his attendances, vi; caution by him, 51, 62; written to by the Council to assist an English captain who lost his ship at Whithorn, 207; commission to him to apprehend Papists, 239, 323; horning at his instance, 557; present in Council, 19, 21, 28, 34, 44, 196, 207, 208, 211, 214, 219, 224<sup>2</sup>, 361, 363, 372, 379, 383, 438; signs Acts of Council, missives, etc., 20, 25, 32, 34, 47<sup>2</sup>, 214<sup>2</sup>, 219, 363, 373, 386.
- Mr James, countersigns a royal letter, 629.
- John, son of Robert (*infra*), charged with assault, 612, 613.
- Robert, in Tullibodie, charged with assault, 612, 613.
- Galloway, district of, the sheriff arbitrates in a cause, 51; a Spanish ship driven on the coast, 52, 59; commission for the apprehension of Papists there, 253, 323.
- Game: to be preserved in view of his Majesty's visit, 49, 50, 81-83; in Annandale, 222; slayers of game to be prosecuted, 235-237.
- Garden (Gardin, Garn), Alexander, excommunicated for Popery, and refuses to conform, 547, 551.
- Gardiner (Gairdner), Alexander, complaint against him, 91.
- Dr, reference to his "History of England," xii.
- Garioch, presbytery of, report of the sub-commissioners, 341.
- Gartly (Gairtlie), kirk of, 262; place of, 369.
- Garvock, hill of, 558.
- Gastoun, Helen, in Lessudden, to be tried for witchcraft, 270.
- Gauging of barrelled goods, 647.
- Gauntlets, 279.
- Gavelocks, 476.
- Gaw (Ga), Alexander, in Lellancroft, 235; James, his son, charged with killing game and cutting timber, 235, 236.
- Geddie, David, baker in Dysart, his wife, Janet Beveridge, accused of witchcraft, 532, 533.
- Gilbert, charged with deforcement, 5, 6.
- Henry, at Kirkmichael Mill, charged with deforcement, 5, 6.
- Gellets, lands of, 600.
- Gemmel, Robert, in Walkinshaw, prosecuted as a refractory tanner, 359, 360.
- Germany, wars of, 120, 121, 169; soldiers raised in Scotland for the wars, 152; the

- bishoprics and abbeys in Northern Germany restored to the Catholic clergy, 137 n.
- Gettie, John, in Ayr, his wife, Margaret Kennedy, to be tried for witchcraft, 264.
- Gibson of Durie, Sir Alexander, a senator of the College of Justice, commission to him to apprehend Papists, 252, 323; complaint by two of his tenants, 456; he is to take charge of Sir William Murray of Touchadam, his son-in-law, 601, 602.
- of Pitpollock, Thomas, charged with deforcement, 269.
- David, in Portmoak, defender in a law suit, 213.
- James, advocate, appears before the Council in a case, 84; registers a bond of caution, 291, 292; appears as a procurator before the Council, 567.
- James, murdered on Leith Links, 603, 606, 609, 624.
- Michael, tailor, burges of Edinburgh, a debt due to him, 284.
- Thomas, burges of Perth, deceased, 84, 89, 91, 94; complaint by his daughter Janet that her liberty is restrained, 84; she is produced before the Council and placed in charge of James Primrose, 89, 90, 91; she wishes to marry the young Laird of Fingask and is liberated, 94.
- . . ., in Edinburgh, his writing booth there, 610.
- Gilbertson, John, in Dunbeath, charged with assault and robbery, 75, 76
- Gilchrist (Gilchryst), Alexander, locksmith in Torbreckie, complaint by him, xli, xlii, 345, 346.
- Barbara, wife of Walter Thomson, merchant burges of Edinburgh, separated from him on account of his cruelty, 464-466.
- Gilmertene, in Corkamure, servant to Mr John Campbell, charged with spoiling a ship, 45, 46.
- Gladstones (Gladstains, Gledstanis), Mr Herbert, minister at Troqueir, excommunicates Lady Kirkconnell, 97.
- Mark, servant to the Master of Herries, charged with carrying firearms and violence, 351, 352; put to the horn, 352.
- Glassford (Glasfurde), Mr John, minister at Kilwinning, subscribes a certificate, 611.
- (Glesfurd), kirk of, 57.
- Glasgow (Glasgu), Archbishop of, James Law, a member of the Privy Council, the principal Submission to be sent to him to be signed, ix, 192; appointed on a committee for the suppression of Papists, 233; a case respecting Campsie church dealt with by him, 338; he is to sign the indictment against Agnes Boyd, 477; present in Council, 233.
- Glasgow, burgh of, x, 452, 468, 477; complaint by the maltmen there, 27; the highway thence to Hamilton to be repaired, 68; letter to the magistrates to arrest a fugitive Englishman, 164; suspension of horning against the provost and bailies, 452; the magistrates are to put a person in the stocks, 473; charge to them, 477; they are notified of the birth of Prince Charles, 552; the master of the grammar school written for to attend the Council, 596, 597; the tolbooth, 452, 477.
- minister of Glasgow. See Mr Robert Wilkie.
- commissary of. See John Boyle of Kelburn.
- diocese of, Mr John Hay, commissioner for the, 246.
- presbytery of, 416; report of the sub-commissioners, 341, 492; they are prosecutors in the case of Agnes Boyd.
- regality of, 477; commission to the bailies, 170.
- sub-deanery of, 513, 514.
- University of, xiii, 20.
- Glen, Archibald, in Burnhouse, prosecuted as a refractory tanner, 611, 612.
- Robert, in Drumbowie, prosecuted as a refractory tanner, 611, 612.
- Robert, merchant burges of Edinburgh, a debt due to him, 163, 164.
- Robert, in Souterflat, prosecuted as a refractory tanner, 611, 612.
- Thomas, in Burnhouse, son of Archibald (*supra*), prosecuted as a refractory tanner, 611, 612.
- Glencoe, a quarrel in, 347, 348, 360, 519.
- Glencorse, Edward, servitor to Thomas Kirkpatrick, younger of Closeburn, complaint by him, 585, 586.
- Michael, brother of Edward (*supra*), complaint by him, 585, 586.
- Glendingning (Glendoning) of Drumrash, . . ., charged with inciting to carry firearms, 194, 195.
- Adam, servant to Johnstone of Middlegill, to be apprehended and tried, 537, 538.
- John, in Miningaff, petition by him, 557.
- Robert, clerk of Kirkeudbright, craves a process, 620.
- Robert, notary, takes an instrument, 530.

- Glengarne, 170, 620.
- Goad (gade), assault with a, 175.
- Gogar, Laird of, to oversee the repair of certain highways, 138.
- Gold : a crown of gold to be provided for the Lyon, 491, 492.
- Goldsmiths discharged to engrave coats of arms without due authority, 594-596.
- Golf balls, dispute as to a tax upon the making of, xxiv, 174 ; some made for the King's use, 174.
- Goodall (Guiddale), Bessie, in Dysart, to be tried for witchcraft, 488.
- Gordon, Lord George, a member of the Privy Council, vi ; his attendances, vi ; order taken for the education of his sons, xv-xviii, 20, 92, 126, 249, 250 ; fears lest they be corrupted by their grandfather, the Marquis of Huntly, 250 ; he is to send his sons with a tutor to the University of St. Andrews or that of Cambridge, 331 ; charged to apprehend a rebel, 36, 37 ; he promises to apprehend James Grant, 114, 115 ; protestation by him for relief from a cautionry, 204 ; he surrenders his heritable sheriffships of Aberdeen and Inverness, 291, 317-320, 332 ; a royal letter recommending him to be appointed commissioner for suppressing Popery in the North, which he accepts, xvi, xvii, 404, 405, 415 ; the terms of his commission, 406-410, 453, 515, 604 ; he nominates his coadjutors, 409 ; he is to receive the liferents and escheats of all Papists he apprehends under certain conditions, 410, 411, 438, 439 ; and to grant tickets to those willing to submit, 421 ; he is presently out of the country, 453 ; he reports the execution of his commission and its results, 547, 548, 551 ; his commission prorogated, 552, 553 ; caution by him for his father, 553 ; he becomes cautioner for several nonconformists, 615 ; to grant maintenance out of certain estates, 615 ; and to delay dealing with others, 619 ; commission to him against Gordon of Rothiemay, 401 ; he is to name his assistants therein, 401 ; he is to deal with the Islesmen to subscribe the Submission, 610 ; appointed on the committee to consider the Nova Scotia business, 614 ; present in Council, 316, 372, 379, 383, 387, 392, 396, 401<sup>a</sup>, 404, 545, 551, 552, 609, 613, 621 ; signs Acts of Council, missives, etc., 550, 616.
- of Abergeldie, Alexander, deceased, 175.
- of Airds, William, charged with carrying firearms, 194, 195 ; petition by him, 557.
- Gordon of Ardwel, John, appointed to try a case, 420.
- of Auchletine, Alexander, petition by him, 557.
- of Avache, John, horning at his instance, 619.
- of Banchrie, Alexander, charged with molestation, 574.
- of Birkenburn, James, elder, commission to him against Rothiemay, 516-518.
- — James, younger, commission to him against Rothiemay, 516-518
- of Bountie, John, charged to appear before the Council, 554 ; to be produced by the Viscount of Melgum though in hiding, 567, 568 ; produces evidence of his reconciliation with the Church, 580, 581 ; caution by him not to harbour Papists, 581 ; he desires that his bond of adherence to the Kirk of Scotland may be recorded, 588, 589.
- of Buckie, John, 400 ; promises obedience in name of the Marquis of Huntly, 79 ; commission to him to apprehend Papists, 239, 322 ; he acts as procurator, 347 ; appears before the Council for the Marquis of Huntly, 400, 582, 583 ; appears against Edinburgh in their dispute with Leith, 494 ; charged with forging an act of suspension, 499 ; complaint by him against Innes of Balveny, 527, 528 ; decree of removing against him, 572.
- of Burness, Robert, petition by him, 557.
- of Buthill, James, petition by him, 557.
- of Carnbarrow, Alexander, apparent, excommunicated for Popery and nonconformity, 407 ; he refuses to conform, 547, 551 ; protection to him to appear before the Council, 604, 605 ; caution for his conforming or leaving the country, 615.
- of Carnhill, John, charged with carrying firearms and violence, 437, 438, 517.
- of Cluny, Sir Alexander, charged to apprehend a rebel, 36, 37 ; protestation by him for relief from a cautionry, 204 ; commission to him to apprehend Papists, 239, 322, 407 ; another commission to him, 406 ; caution by him, 442, 443 ; reports to the Council a list of excommunicants who have satisfied, 545 ; arbitrator in a case, 553, 554.
- of Cohorrach, John, excommunicated for Popery and nonconformity, 407 ; he refuses to conform, and is at Berwick, 547, 551.

- Gordon of Craig, John, excommunicated for Popery and nonconformity, 30, 31, 407; his house seized and kept, 93, 179; caution by him to leave the country, 547, 551; caution by him to keep ward in Edinburgh, 568; he petitions to be allowed to live at his own house, but is only permitted to go to St. Andrews, 598; his ward changed to Cupar Fife, 615, 622; he is to have no allowance from his estate unless he remain in the country, 623.
- — — younger, excommunicated for Popery and nonconformity, 407; caution by him to leave the country, 547, 551; caution by him to keep ward in Edinburgh, 568; caution for his conforming or leaving the country, 615; an allowance made to him out of his estate, 615; petitions for more but is refused, 622, 623.
- of Croydaill, Roger, theft of sheep from him, 528.
- of Culluthie, Robert, 504, 517.
- of Drumgask, George, to be apprehended, 102; caution for his conforming or leaving the country, 615.
- of Drumquhail, Alexander, chamberlain of Strathbogie, excommunicated for Papistry and nonconformity, 28, 30, 407; he conforms, 547, 551.
- of Dunkintie, Alexander, his children are to be educated in religion, 246; a protection granted to him, 336; he submits his differences with Dr Arthur Johnstone to arbitration, 336, 337; decreet arbitral between him and Dr Arthur Johnstone, 473-475.
- of Earlston, Alexander, petition by him, 557; commission to him, 570.
- of Embo, John, commission to him to apprehend Papists, 239-321.
- of Geicht, . . . , causes a messenger to eat his letters, 210.
- of that Ilk, Sir Robert, tutor of Sutherland, commission to him to apprehend Papists, 239, 321; he is appointed sheriff of Inverness, 291, 292; but is for the time at Court, 292; caution by him for his brother, 511; commission to him against Rothiemay, 516-518; another commission to him, 15; he is to deal with the Islesmen for signing the Submission, 610.
- of Grange, Hew, commission to him to apprehend Papists, 253, 323; petition by him, 557.
- — — William, apparent, petition by him, 557.
- Gordon of Hessilfield, John, petition by him, 557.
- of Kethnie, John, to be apprehended, 102.
- of Kilsture, Harry, petition by him, 557.
- of Kinragie, Patrick, caution for his conforming or leaving the country, 615, 616.
- of Kirkconnell, William, petition by him, 557.
- of Knockaspick, William, fiar, sheriff-depute of Aberdeen, 347; appears before the Council for the Marquis of Huntly, 29, 33; commission to him, 155; charged with illegal warding, 347, 383; and is fined for it, 390, 391.
- of Lesmoir, Sir James, elder, commission to him, 15.
- — — Sir James, apparent, commission to him to apprehend Papists, 239, 322; he appears against Edinburgh in their dispute with Leith, 494.
- of Letterfourie, James, excommunicated for Popery and nonconformity, 407; also Margaret Gordon, his wife, 407; he refuses to conform, 547, 551; protection to him and his brothers for their leaving the kingdom, 555, 562; caution by him either to conform or go abroad, 565; he is to give caution for his wife, 615; letter from the King about a gross contempt of justice by him, 626.
- of Lochinvar, John, commission to him to apprehend Papists, 239, 323; petition by him, 557; he is resident in England, 558; he is to intimate an act of Council to the Earl of Galloway, 558.
- of Minonie, George, slaughter of, 505, 517; horning at the instance of his widow, Isobel Keith, and James, Catherine, Janet, Elspet, Agnes, Beatrix, Isabel, Jean, and . . . , his children, 505, 517.
- of Murraik, William, commission to him, 195.
- of Navidale and Netherdene, Sir Alexander, he and Dame Margaret M'Leod, his wife, excommunicated and outlawed for Papistry, 75; he is removed from the office of sheriff depute of Sutherland for being a Papist, 247, 248, 329, 330; he is summoned to appear before the Council for presuming to sit as a judge while excommunicated and at the horn, 248, 249, 330; the Advocate to report upon his case, 248; a certain time allowed to him for resolving his doubts as to religion, and settle his accounts as factor for his nephew, the

- Earl of Sutherland, 510, 511; a commission to him, 15.
- Gordon of Newton, George, complaint by him, 619.
- of Park, Sir Adam, 437, 504, 517.
- of Pennyghame, William, at the horn for slaughter, 557.
- of Rothiemay, William, xxxviii, xxxix; to be apprehended, 15; not to be reset by the lieges, 255-257; he and his son John to be apprehended, 257; at feud with Crichton of Frendraught, and charged to keep the peace, 376, 401-403; Lord Gordon obtains a commission against him, 401; he is charged with carrying firearms and violence, 429-431, 436-438; attempts to apprehend him, in which he is mortally wounded, 429-431, 485, 486.
- — John, apparent, to be apprehended, 15; protestation for the relief of his cautioners on his compearance, 204, 207; renewed caution for him and protection granted to him, 204, 209, 211; agreement between him and Frendraught, 215; he is charged to keep the peace, 376, 401-403; charged with carrying firearms and violence, 429-431, 436-438, 485, 486, 516-518; put to the horn, 445; reset by his mother, 510; he has unthankfully broken his bonds of cautionry for keeping the peace, 435; his case to be reported to the King by the Advocate, 493, 494; letter to the Marquis of Huntly to pursue him, 519, 520; arms to be worn by those who are to apprehend him, 524, 525; not to be reset, 504, 505; attempt to reconcile him and Frendraught, 544; commissions against him and his accomplices granted to the Marquis of Huntly, Sir William Seton, Lord Ogilvie, the Master of Forbes, and others, 496, 503, 509, 510, 516-518, 523-525; the Council write to the commissioners for his apprehension, 530, 531.
- of Saquhan, William, witness to a bond, 589.
- of Smithstoun, Hew, 504, 517.
- of Tillisoule, Patrick, excommunicated for Papistry and nonconformity, 28-31, 407; seizure of his house, 93, 179; he conforms, 547, 551.
- of Troupsmylne, John, excommunicated for Popery and nonconformity, 407; also Isobel Gordon, his wife, 407; he conforms, 547, 551.
- of Tulligreg, Alexander, excommunicated for Papistry and nonconformity, 30, 31; his house to be seized, 179.
- Gordon of . . . , Alexander, permitted to carry firearms, 524, 525.
- Adam, son of Sir Adam, of Park, charged with carrying firearms, 437, 438, 517; not to be reset, 504.
- Alexander, son of Alexander, of Abergeldie, put to the horn for manslaughter, 175.
- Alexander, brother of George, of Drumgask, to be apprehended, 102.
- Alexander, son of William, of Murraik, commission to him, 195.
- Alexander, in Ardfoure, permitted to carry firearms, 524, 525.
- Alaster, in Badenoch, excommunicated for Popery and nonconformity, 407; he conforms, 547, 551.
- Alexander, in Killihuntly, *alias* of Baldorne, suspension of horning against him as he is now reconciled to the kirk, 565, 566.
- Alexander, in Letterfourie, excommunicated for Popery and nonconformity, 407.
- Alexander, in Sandla, permitted to carry firearms, 524, 525.
- Alexander, petition by him, 429-431.
- Elizabeth, wife of Patrick Carnegie in the Kirkton of Aboyne, to be apprehended, 102.
- George, master of the household to the Viscount of Melgum, 581.
- George, in Frendraught, permitted to carry firearms, 524, 525.
- George, in Minonie, deceased, 524.
- Gilbert, in Knockreoch, action by him against David Gibson, 213.
- Isobel, wife of John Gordon in Troupsmylne, excommunicated for Popery and nonconformity, 407; she conforms, 547, 551.
- James, at the Kirk of Forge, permitted to carry firearms, 524, 525.
- James, in the Hillhead of Kincardine, to be apprehended, 102.
- Jean, wife of Mr Robert Bisset of Lessindrum, excommunicated for Popery and nonconformity, 407; she refuses to conform, 548, 551.
- John, son of Hew, of Smithstoun, to be apprehended and brought before the Council, 517; not to be reset, 504.
- John, son of Patrick, in Torresoule, to

- be apprehended and brought before the Council, 517 ; not to be reset, 504.
- Gordon, John, in Inchestomacke, charged with carrying firearms and violence, 437, 438, 517 ; not to be reset, 504.
- John, younger, in Inneroure, to be apprehended, 593.
- John, in Krauchlane, to be apprehended and brought before the Council, 517 ; not to be reset, 504.
- John, in Little Mill of Rathven, excommunicated for Papistry and nonconformity, 28-30, 407 ; he conforms, 547, 551.
- Margaret, goodwife of Cormellat, excommunicated for Papistry and nonconformity, 28-31, 407 ; her house seized and kept, 93, 173 ; she refuses to conform, 547, 551 ; caution for her conforming or leaving the country, 615.
- Margaret, wife of James Gordon of Letterfourie, excommunicated for Popery and nonconformity, 407 ; caution for her conforming or leaving the country, 615.
- Margaret, wife of Robert Innes in Elgin, excommunicated for Popery and nonconformity, 407 ; she refuses to conform, 547, 551.
- Margaret, wife of Thomas Menzies of Balgownie, excommunicated for Popery and nonconformity, 407 ; she refuses to conform and is confined in Banff, 547, 548, 551.
- Patrick, son of Robert, of Colluthie, to be apprehended and brought before the Council, 517 ; not to be reset, 504.
- Patrick, in Innerour, to be apprehended, 593.
- Patrick, in Torriesoule, 504, 517.
- Robert, son of George, of Minonie, permitted to carry firearms, 524, 525.
- Robert, in Gartlie, complaint by him, 261, 262.
- Robert, in Haddo, excommunicated for Papistry and nonconformity, 28-30.
- Robert, petition by him, 429-431.
- Thomas, at the Walkmill of Rothiemay, not to be reset by the lieges, 256.
- . . . , brother of Earliston, petition by him, 537.
- Gorrie, Donald, tenant to Lord Hay, a mare stolen from him, 403.
- Gourlay, James, skipper in Leith, petition by him against an English captain, 392.
- Gowanlocke, Margaret, in Eddleston parish, to be tried for witchcraft, 170.
- Gowdie, Thomas, called of Burne, burges of Dumfries, charged with assault, 585, 586.
- Gowrie conspiracy, 599 n.
- Graham of Bracco, Sir William, complaint by him and Dame Margaret Cockburn, his wife, 334, 335.
- of Fintrie, . . . , commission to him to apprehend Papista, 239, 322.
- of Langboddom, John, assaulted and wounded, 537, 538 ; charged with carrying firearms and assault, 613.
- George, called of Ridkirk, put to the horn for not appearing, 419, 420.
- Isobel, or Rutherford, to be tried for witchcraft, 32.
- James, in Edinburgh, charged with hamesucken, 472.
- John, merchant burges of Edinburgh, a debt due to him, 163, 164.
- John, in Peebles, to be tried for witchcraft, 391.
- John, servant to Livingstone of Castlecarie, charged with assault, 600.
- John, weaver, *alias* Joke the Grahame, to be tried for witchcraft, 170.
- Patrick, brother of John, of Langboddom, charged with carrying firearms and assault, 613.
- Sir Richard, appointed by the King a Commissioner for the Borders, but the matter delayed by the Council, xix, 147, 148, 190 ; recommended to his Majesty for service on the Borders, 265.
- Captain William, complaint by him and Jean Borthwick, his wife, 153.
- William, merchant burges of Edinburgh, late collector of the impost on wines, complaint against him, 516.
- Grain or victual : conference about it, 7 ; restraint of its exportation, xxi, 10, 11 ; prosecutions for selling illegally, 26, 27 ; a decret obtained by Edinburgh as to the girnelling of victual in Leith, xxix, 496, 497, 506-508, 648, 672, 676 ; because of scarcity wheat not to be exported, and importation of grain allowed, 520, 521, 575, 578, 579 ; the importation of peas, 575 ; raising the prices, 575.
- Grammars, Latin, multiplicity of since the Reformation, xxxi ; one to be considered by a committee of Council, xxxii, 596, 597.
- Grant of Ballindalloch, Patrick, xxxvii, xxxviii ; he complains against his chief, 23 ; his feud with the Grant of Carrons, 20, 36, 37, 42, 46 ; protections granted to

- witnesses in the case, 17, 21; sorning on his lands by James Grant, 36, 37; a pardon granted to him by the King, but he is to pay compensation to Carron's widow, 113-115, 156-160; his offers of assythemement refused, 579, 580; he instigates a prosecution against the Grants of Carron, 582, 583; commission to him to apprehend Finlay M'Gruman and others, 593; commission to him to apprehend James Grant, 114.
- Grant of Ballindalloch, John, apparent, caution by him, 14; protections to him, 20, 21, 157, 158, 265; letter to him from the Council about the assythemement to Carron's widow, 156, 159; he is summoned before the Council, 458, 459; petitions against being tried before the justice for the slaughter of Carron, 461, 462; protection to him as to this, 577; commission to him against Rothiemay, 516-518.
- of Cardells, Thomas, horning at his instance, 505, 517.
- — William, protection granted to him, 14; commission to him, 593.
- — John, apparent, horning at his instance, 505, 517.
- of Carron, John (James), deceased, xxxvii, xxxviii, 593; his feud with Grant of Ballindalloch, 20, 36, 37, 42, 46, 113-115, 156-159; protections granted to witnesses in the case, 17; the Council write to his widow to accept assythemement, 156, 159, 160, 265; parties again summoned, 458, 459; his slaughter, 579, 580; his widow, Margaret Sinclair, xxxvii; charged to apprehend a rebel, 36, 37.
- — John, charged to appear before the Council, 579; to produce certain of his tenants, 582, 583.
- of Corriemonie, John, commission to him, 518.
- of Dalvey, Thomas, slain, 582, 583, 593.
- of Delnabo, John, uncle of Ballindalloch, murdered, 114, 158, 458, 462, 579, 580.
- of Easter Elchies, Patrick, commission to him to apprehend Papists, 239, 322.
- of Freuchie, Sir John, Laird of Grant, acquitted of a charge by Ballindalloch of resetting rebels, 23; charged to apprehend a rebel, 36, 37; commission to him to apprehend Papists, 239, 322; commission to him against James and Alaster Grant, 496, 510, 518, 519; letter from the Council therewith, 496, 520; he reports the commission and declines, but is ordered to fulfil it, 583; he is to produce Alaster Grant in Tulloch, his tenant, 582; his term for producing Alaster Grant delayed, 618.
- Grant of Glenmoriston, . . . , charged to apprehend a rebel, 36, 37.
- of Letache, Patrick, murdered, 114, 158, 505, 517.
- of Phoness, John, deceased, 593.
- of Rothiemurchus, Patrick, 236; accused of forfeiting his cautionry, 237.
- of Strahauche, Patrick, uncle of Thomas, of Dalvey, horning at his instance, 582, 583, 593.
- Alexander, uncle of Grant of Carron, to produce certain tenants, 582, 583.
- Alaster, in Lenochoorne, deceased, 593.
- Alaster, in Tulloch, to be apprehended and brought before the Council, 496, 510, 517, 518<sup>a</sup>, 519, 520, 577, 578, 583, 617, 618; charged with the slaughter of Grant of Dalvey, 582, 583.
- Archibald, brother of Thomas, of Dalvey, appears before the Council, 582, 583; horning at his instance, 593.
- Donald, to be tried for theft of horses, 360.
- in Daltaleis, James, xxxvii, xxxviii; a rebel at the horn, 23; order for his apprehension, 36, 37; attempts to apprehend him, 114, 115, 577, 578; charges against those who would not pursue him, 146; he raids the lands of Ballindalloch, 462; he is to be apprehended and brought before the Council, 496, 510, 517, 518<sup>a</sup>, 519, 520, 577, 578, 583, 617, 618; not to be reset, 505; charged with killing Grant of Delnabo, 580; the Earl of Moray undertakes his capture, 620, 621.
- James, in Inneroure, to be tried for manslaughter, 582, 583, 593.
- Janet, mother of Thomas, of Dalvey, horning at her instance, 582, 583, 593.
- John, in Kandapole, natural brother of the Laird of Rothiemurchus, accused of forfeiting his cautionry, 237; warded in the tolbooth of Edinburgh, 237; caution for his keeping ward in Edinburgh, 237.
- Patrick, son of Alaster, in Lenochoorne, to be apprehended, 593.
- Patrick, brother of John Grant, apparent of Ballindalloch, a protection granted to him, 14.
- Patrick, brother of John, of Carron, charged to appear before the Council, 579.



- Grant, Patrick, brother of Thomas, of Dalvey, horning at his instance, 582, 583, 593.
- Patrick, son of John, of Phoness, commission to him, 593.
- Patrick, in Lettach, slaughter of, xxxviii, 23, 36, 37.
- Patrick, in Little Inderchebet, protection granted to him, 17.
- Robert, in Glen, to be apprehended, 593.
- Robert, *alias* McRobie VcConzell, charged with killing game and cutting timber, 236.
- Thomas, in Brechill, protection granted to him, 17.
- . . . , Tutor of Carron, charged to apprehend a rebel, 36, 37.
- Grant feud: the depositions in the case to be sent to the King, 42.
- Gray, Lord, Patrick, a prominent Roman Catholic, xviii; order taken for the education of his sons, 21, 91, 92, 126, 246; his lordship presently at Court, 126; his son sent to Edinburgh College, where he misbehaves and his father is sent for, xvii, xviii, 156, 159.
- Alexander, in Corsekellie, charged with carrying firearms and violence, 437, 438; to be apprehended and brought before the Council, 517; not to be reset, 504.
- Andrew, bailie of Perth, put to the horn, 205; charged to appear before the Council, 470.
- Christian, charged with incest, 471.
- David, in Corsekellie, charged with carrying firearms and violence, 437, 438.
- Henry, at the Walkmill, charged with destroying woods, 544.
- Isobel, vagabond, in the parish of Lanark, to be tried for witchcraft, 110; on being burnt for witchcraft she inculpates a number of persons, 145.
- James, bailie of Lanark, commission to him, 145.
- John, in Wester Auchterleuchreis, deceased, 436.
- John, his son, charged with assault, 436.
- John, cordiner in Eyemouth, charged with assault and cruelty, 41, 42.
- John, inhabitant of Leith, summoned before the Town Council of Edinburgh, 670, 671.
- Mr Thomas, produces registers of Berwickshire, 494.
- William, merchant of Edinburgh, his accounts about the Lübeck ship to be audited, 209, 268.
- Gray, Colonel, a Frenchman comes to Scotland with him, 612.
- Graycrnik, Laird of. *See* Adamson.
- Greenland (Grenland), the fishing for whales there, xxiii, 347; the Greenland Company of London, 354-356.
- Greenlaw, Robert, appears before the Council for the inhabitants of Leith, 440.
- Greenlaw, the sheriff courts to be removed thither from Duns in a certain case, 145.
- Greenlaw, the, in Kirkcudbrightshire, 194.
- Greenlees (Greenleyes), David, in Paisley, prosecuted as a refractory tanner, 359, 360.
- William, elder, in Paisley, prosecuted as a refractory tanner, 359, 360.
- William, younger, in Paisley, prosecuted as a refractory tanner, 359, 360.
- Greenshields (Greinscheills), John, in Dundraven, to be tried for witchcraft, 145, 270.
- Greenwich (Greenwitch, Grenwich), royal letters and other deeds dated there, 148, 149, 161, 183, 186, 188, 196, 212, 215, 218, 276, 317, 319, 353, 629, 631.
- Greig (Grigge), Marion, wife of James Scott in Scottistoun, to be tried for witchcraft, 32.
- Thomas, at the Burn of Auchley, to be tried for witchcraft, 471.
- Grewhounds (greyhounds), or ratches, prohibition against hunting with, 50, 222, 449, 450.
- Grier or Grierson (Greir) of Bargarg, Thomas, complaint by him, 587.
- of Lag, Sir Robert, elder, deceased, late convener of the justices of peace of Dumfries, 78.
- of Lag, Sir Robert (William), commissioner for the Borders, caution for a compearance before him, 154; commission to him to apprehend Papists, 239, 323; he accepts the sheriffship of Dumfries, 274; he is to report about the bridge of Milk, 477, 478; order to him as sheriff to arrest a rebel, 564, 565; to hold a court in Dumfries, 626; commissions to him, 20, 43, 159, 426, 446, 550, 608.
- of Nether Keir, John, complaint by him, 587.
- . . . , in Datoun, petition by him, 557.
- Grieve (Greeve, Greiff), John, indweller in Kelso, summoned as a witness in a case, 563.
- John, elder, in Kilmablimen, prosecuted as a refractory tanner, 359, 360.
- John, younger, in Kilmablimen, prosecuted as a refractory tanner, 359, 360.

- Grindlay (Grinlay), Robert, Admiral clerk at Leith, and notary, injured by being prevented from exercising his calling, 672, 673.
- Grinton, Alexander, tenent to Livingstone of Hayning, charged with assault and robbery, 478.
- Guild, Mr William, commissioner of the diocese of Aberdeen, prosecutes Papists, 28-32, 33-35, 173, 174, 263, 369, 370, 372-376, 378, 379, 380; to appear before the Council, 263; to consider the commission to be granted to Lord Gordon, 405; his report, 406; he reports the result of Lord Gordon's commission, 547; and is to give in a further list of nonconformists, 548; he gives it in, 552; he consents to an act of Council, 565.
- William, gardener at Duns Castle, 592.
- Guild courts held by Edinburgh, 637, 654, 673.
- Gullane, Nicol, in Haltoun, complaint by him, 624.
- Guns, 216; killing hares with, 222.
- Gustavus Adolphus, King of Sweden, troops raised in Scotland for his service, viii; he asks assistance from Charles, 136, 137, 137 n.; he lands in Pomerania, 208 n.; his death at Lützen, 208 n.
- Guthrie of Achmuthie, Patrick, commission to him, 616.
- Mr Alexander, common clerk of Edinburgh, charged to appear before the Council, 52; his lodging in Edinburgh, 190; an Act of Council subscribed by him, 432, 434; he appears before the Council, 506-508.
- Alexander, Marchmont Herald, seizes the houses of persons at the horn, 93; he takes possession of the house of Blair, 234; summoned before the Council, 262, 263; he is to restore the house of Raynistoun, 276, 277.
- Hercules, chirurgon in Aberdeen, charged with uttering pasquils, 31, 32; to be apprehended, 103; suspension of horning against him, 173, 174; his house in Aberdeen, 369.
- Mr James, presented to the parsonage of Duffus, 500, 501.
- James, writer in Edinburgh, complaint by him, 231, 232.
- Mr Patrick, excommunicates a Papist, 277.
- Gypsies, the Acts of Parliament to be enforced against them though not convicted of crimes, xxx, 533.
- HAARLEM MEEB, 42 n.
- Haddington, Earl of, Thomas Hamilton, Keeper of the Privy Seal, a member of the Privy Council, v; his attendances, v; he is to oversee the repair of certain highways in Linlithgowshire, 140; appointed on a committee for the suppression of Papists, 233; commission to him to apprehend Papists, 240, 252, 323; he complains of the destruction of his woods, 262; he prosecutes destroyers of his woods, 459, 460; his wood of Sorrolesfield destroyed, 584; on a committee about the foreign coin, 464; to report as to the best church for the King's coronation, 493; to arbitrate in a dispute, 555, 562; he is a superior of part of Leith, 640; his office said to be encroached upon by Edinburgh, 662; present in Council, 1, 8, 11, 16, 19, 28, 34, 42, 44, 47, 52, 61, 64, 77, 81, 85<sup>2</sup>, 87, 91, 92, 98, 102, 118, 128, 129, 148, 156, 160, 166, 172, 176, 183, 196, 200, 207, 208, 211, 214, 219, 225, 233, 252, 260, 272, 285, 292, 316, 337, 344, 349, 352, 356, 358, 361<sup>2</sup>, 363, 372, 379, 383, 387, 392, 395, 396, 401<sup>2</sup>, 404, 406, 421<sup>2</sup>, 427, 432, 435, 438, 443, 448, 452, 455, 464, 469, 471, 475, 479, 483, 489, 492, 496, 497, 545, 551, 552, 555, 562, 565, 567, 583, 588, 591, 593, 602, 603, 609, 617; signs Acts of Council, missives, etc., 3, 11, 15, 16, 19, 20, 24, 26, 32, 34, 43, 44, 47<sup>2</sup>, 52, 59<sup>2</sup>, 61, 62, 63<sup>2</sup>, 64, 76, 77, 79, 80, 86<sup>2</sup>, 92, 98, 110, 112, 113, 118<sup>2</sup>, 125, 126, 127, 128, 129, 145, 147<sup>2</sup>, 155, 156, 158, 159<sup>2</sup>, 160, 165<sup>2</sup>, 166, 169, 172, 172, 175, 176, 181, 182, 183, 191, 200<sup>2</sup>, 206, 207, 209, 214<sup>2</sup>, 219, 222, 223, 233, 250, 260, 285, 290, 291, 339, 340, 348, 349, 351, 355, 358, 360, 363, 371<sup>2</sup>, 373, 386<sup>2</sup>, 391, 392, 396, 400, 404, 406, 416, 426, 431<sup>2</sup>, 446<sup>2</sup>, 448, 453, 454, 455<sup>2</sup>, 471, 479<sup>2</sup>, 488, 492, 496, 498, 501, 536, 550, 561, 570, 571, 588, 592, 593, 602<sup>2</sup>, 608, 609, 620.
- burgh of, 526; the highways thence to Berwick and Edinburgh to be repaired, 68; witches there, 110, 111; the magistrates ordered to receive and ward a prisoner, 222; justice courts held there, 226, 227, 441, 466, 468, 526; commissions to the provost and bailies to apprehend Papists, 240, 323; orders to them to bring a prisoner to Edinburgh, 261; to put one to liberty, 548; other commissions to the provost and bailies, 16, 110, 111, 269, 334; the tolbooth, xl, 222, 261, 515, 548; the

- provost. *See* Mr James Cockburn; the postmaster. *See* Alexander Simson.
- Haddington, constabulary or shire of, 74, 279; cases of witchcraft there, 16, 261; the sheriff to make a new election of a commissioner to Parliament, 61, 63, 64; the justice court to be held at Haddington, 226, 227; commission for the apprehension of Papists there, 240, 252, 323; an election of commissioners to Parliament to be made, 384; appointment as sheriff of Robert Richardson of Pencaitland, 273, 274; commissions to the sheriff, 110, 111, 269, 334, 544; he declines a commission, 556; sheriff of. *See also* Sir Robert Hepburn of Alderston; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65; appointment of a new convener of the justices of the peace, 77, 78.
- presbytery of, report of the sub-commissioners, xl, xli, 341; commission to them to examine alleged witches, 361, 362, 515, 535, 548.
- Haddock, Isobel, in Linton parish, to be tried for witchcraft, 170.
- Hagbuts and pistols, xxxv, 430; prosecutions for bearing, 4-6, 9, 10, 12-14, 15, 27, 24, 26, 56, 57, 75, 76, 179, 180, 194, 195, 231, 232, 235-237, 252, 255-257, 314, 351, 352, 403, 418, 425, 436-438, 444, 445, 466-468, 485, 486, 499, 500, 504, 505, 516-518, 527, 528, 558, 586, 606, 607, 613, 619; permissions granted for bearing them, 409, 496, 518, 523-525; the bearers of to be dealt with in the circuit courts, 258; a long hagbut, 425.
- Hailes (Hales), parish of, the inhabitants to repair their highways, 138.
- Haitlie, James, servitor to the King, witness to a resignation at Whitehall, 366.
- Halberts, 232.
- Haldane (Halden), William, a Yorkshireman, complains against a horse thief, 426.
- Haliday (Halyday) of Tullyboll, . . . , appears before the Council for a servant, 575.
- Sir John, deceased, 229; Dame Helen Oliphant, his widow, 229, 230.
- Margaret, in Craigtoun, to be tried for witchcraft, 570.
- Ninian, in Edinburgh, robbed of his purse, 3, 16, 76.
- Halke of Catoa, Robert, commission to him about the teinds in Orkney, 70-74.
- Halkertoun, Laird of. *See* Falconer.
- Halkit of Petfirrauc, Sir Robert, commission to him, 454.
- Halkheid of Cairnetoun, James, commission to him, 195.
- of Scotsmylne, John, commission to him, 195.
- Halkirk, kirk of, 75; minister there. *See* Mr Alexander Cumming or Ewing; manse and glebe of, 191.
- Halklaw, lands of, near Dysart, 624.
- Hall of Foulbar, James, objected to as a judge in a witchcraft case, 97.
- David, in Renton, charged with assault, 335.
- George, in Renfrew, prosecuted as a refractory tanner, 359, 360.
- James, provost of Dumbarton, commission to him, 59, 123, 124.
- John, bailie of Preston, commissions to him, 271, 340.
- William, bailie of Perth, put to the horn, 205; charged to produce a prisoner, 231.
- Haltoun, 624.
- Haliburton (Halyburtoun) of Foderance, Mr George, to hold circuit courts of justice, 207, 226, 227; he accepts the commission, 207.
- of Murruslaw, John, commission to him, 270.
- of Pennikell, George, commission to him, 448.
- of Pitcur, . . . , commission to him to apprehend Papists, 239, 322.
- Robert, sometime in Dryburgh, to be tried for theft, 592.
- Halywell, Thomas, councillor of Selkirk, charged to appear before the Council, 282.
- Hamburgh, town of, 525, 526; representation to the Senate upon an outrage by two Hamburgh captains on a Scottish ship, xlii, xliii, 484, 525, 526.
- Hamesucken, cases of, 27, 57, 179, 180, 283, 438, 451, 472, 488, 559, 624.
- Hamilton, Marquis of, James, also Earl of Arran and Cambridge and Lord Avendale, to oversee the repair of certain highways 68; but he is presently out of the country 69; he resigns the hereditary sheriffship of Lanark, xliv, 364-366; caution for his indemnity, 512<sup>o</sup>; he is a superior of part of Leith, 640.
- of Bardowie (Pardowie), John, charged with desecration of a buried corpse, 337, 338; caution by him, 338, 602.

- Hamilton of Bargeny, Sir John, commission to him, 145.
- of Blaikburn, Sir George, commissions to him, 488, 542, 602, 606.
- of Brigs, Robert, deceased, 469, 482, 530; his widow, Elizabeth Inglis, separated from her second husband, 463, 469, 482, 483.
- — James, ordered to pay an aliment, 530.
- of Carlowrie, John, at feud with Inglis of Rottonraw, and charged to keep the peace, 536, 537.
- of Cander, Cuthbert, protection granted to him and to his wife, Agnes Maxwell, Lady Stenhouse, 591.
- of Grange, Sir John, commissions to him, 129, 550.
- of Halcraig, Archibald, sheriff depute of Lanark, commission of judiciary to him, 110; another commission to him, 145.
- of Kinglas, Mr Alexander, commissions to him, 129, 550.
- of Lettrick, Sir John, to oversee the repair of certain highways, 69.
- of Little Preston, Mr Patrick, commissions to him, 518, 534, 544, 556, 573.
- of Magdalenes, Sir John, Lord Clerk Register, a member of the Privy Council, vi; his attendances, vi; on a committee for the tanning reform, 85; to report on the repairs of his Majesty's houses, 101; to oversee the repair of certain highways, 140; furnishes extracts of documents, 182; to examine Henry Dick, 199; his report upon an Irish case, 205; to hear the accounts of the Lübeck ship, 209; to furnish extracts of charters granted to Edinburgh, 218, 219; he furnishes several, 228; sent to the Earls of Cassillis and Wigton with a message, 224, 225; claims the right of nominating the clerk to the taxations, 272; to inspect the taxation rolls of the deceased Archibald Primrose, 274, 275; he oversees the breaking up of the old great seal, 275, 286, 287; some deeds delivered to him for registration, 317; he is arbiter in cases, 336, 337, 473-475; original writs delivered to him for preservation, 364; he is to receive the registers of sasines for the county of Berwick, 483; to report as to the best church for the King's coronation, 493; to speak with Sir William Seton about a commission, 503; he signs an extract, 541; to examine accused persons, 563, 584; to examine some inventories of the taxation, 610; alleged encroachment on his office by Edinburgh, 649, 650, 662, 663; an extract under his hand, 675; present in Council, 1, 3, 8, 11, 19, 21, 23, 34, 52, 61, 64, 77, 81, 85<sup>2</sup>, 87, 91, 92, 99, 102, 119, 128, 129, 148, 156, 160, 166, 172, 176, 183, 191, 196, 200, 207, 208, 211, 214, 219, 224, 225, 233, 252, 260, 266, 270, 272, 285, 292, 316, 337, 344, 349, 352, 356, 358, 361<sup>2</sup>, 363, 372, 383, 396, 401, 416, 426, 427, 432, 435, 438, 443, 448, 455, 457, 469, 471, 475, 479, 489<sup>2</sup>, 492, 496<sup>2</sup>, 497, 501, 506, 531, 538, 545, 551; 555, 562, 565, 567, 571, 573, 577, 583, 588, 591, 593, 602, 603, 609, 613, 617, 621; signs Acts of Council, missives, etc., 3, 11, 15, 16, 25, 34, 59<sup>2</sup>, 62, 63, 76, 79, 80, 92, 110, 112, 113, 129, 147<sup>2</sup>, 155, 171, 172, 182, 191, 195, 200<sup>2</sup>, 207, 209, 214, 219, 222, 223, 233, 250, 269, 270, 271, 285, 290, 291, 315, 316, 348, 351, 355, 358, 363, 371, 431<sup>2</sup>, 471, 479<sup>2</sup>, 496, 498, 501, 534, 535, 536, 544, 571, 573, 608.
- Hamilton of Mauchlinehole, Claud, charges his sister-in-law and her mother with the murder of his brother, Edward, by witchcraft, 390, 391; a false document used in the case, 450, 451.
- of Middlerig, Alexander, and Christian Pollock, his wife, excommunicated and outlawed for Papistry, 157.
- of Milburne, Robert, complaint by him, 189, 190; caution by him, 190.
- of Orbieston, John, commission to him, 145.
- of Pardowie, John. *See* Bardowie.
- of Preston, Sir John, to oversee the repair of certain highways, 68; commission to him to apprehend Papists, 240, 323; other commissions to him, 271, 340.
- of Priestfield, Sir James, lieutenant-colonel to Sir John Meldrum, empowered to impress men for his regiment, 152; complains of desertions, and obtains a commission to arrest deserters, 142, 143; complains against Sir John Home for detaining one of his soldiers, 163, 180, 181.
- of Quotquot, James, 314; commission to him, 32.
- of Stanehouse, James, deceased, payment of his debts by his widow, Agnes Maxwell, 591.
- — James, son of James (*supra*), 591; a protection granted to him, 591.
- of Torrance, Robert, charge to him as

- convener of the justices of the peace of Lanark to provide carriage for the King's baggage, 64, 65.
- Hamilton of Whitelaw, William, charged with instigating to assault, 314.
- Colonel Alexander, empowered to impress men for his regiment, 152, 155, 167.
- Mr Alexander, authorised to raise 1200 soldiers for the service of the King of Sweden, 136, 629.
- Alexander, brother to the Laird of Quotquot, assaulted, 314.
- Alexander, in Leith, complaint by him, 314.
- Alexander, a warlock, xl, xli; apprehended for witchcraft in England, and imprisoned in Haddington, 222; he is to be examined, 290; accuses others of witchcraft, 334; a prisoner in Edinburgh tolbooth, the testing of his confessions, 361, 362, 515; accuses Lady Manderston, 378, 397-400, 443; said to be dead, 443; his depositions against James Mowat, 592.
- Alison, wife of James Lawtie, complaint by her, 471, 472.
- Archibald, commissary of Lanark, commission to him, 270.
- Edward, in Dumfries, deceased, 345; his wife, Jean Thomson, charged with murdering him by witchcraft, 345, 390, 391, 450, 451.
- Dame Elizabeth, daughter of the late Earl of Abercorn, and wife of Sir William Cunningham of Caprinton, bond in her favour, 253, 264.
- Frederick, gentleman of his Majesty's privy chamber, witness to a resignation, 320.
- Hew, merchant burghess of Edinburgh, a debt due to him, 163, 164.
- James, bailie of Lanark, charged to produce a prisoner, 472.
- John, chamberlain of Arbroath, appointed a collector for a charitable fund, 38, 39.
- John, in Duchall, prosecuted as a refractory tanner, 359, 360.
- John, merchant burghess of Edinburgh, a debt due to him, 163, 164.
- John, chamberlain of Kinneill, commission to him, 550.
- John, servitor to the Laird of Bardowie, charged with desecrating a corpse, 337, 338.
- Katharine, wife of James Baillie of Park, charges her husband with cruelty, and is separated for a time, 460, 461.
- Hamilton, Dame Margaret, widow of James Kincaid of that Ilk, complaint by her, 337, 338.
- Margaret, in Fala, to be tried for witchcraft, 155; burnt for witchcraft, 269.
- Mary, Lady Butterdean, widow of Mr Robert Cockburn, complains against her husband, Uchtred MacDougall of Mondurk, 342-344.
- Robert, in Cambuslang, caution for him, 26, 27.
- Robert, bailie of Preston, commission to him, 271, 340.
- Robert, servant of the Marquis of Hamilton, caution for his indemnity, 264; caution for his keeping the peace, 264.
- Thomas, a debt due to him, 163, 164.
- William, in Kelso, charged with assault, 314.
- Hamilton, town of, the highways thence to Glasgow and Drumlanrig to be repaired, 68.
- presbytery of, 424; charged to appoint sub-commissioners for the teinds, 53, 54; the moderator denounced, 87, 88; the report of the sub-commissioners, 341.
- Hammermen of Edinburgh, xli, xlii.
- Hampton (Hamptoun), John, an old man, keeper of Dunnottar Castle, assaulted, 340.
- Hampton Court, letters dated there, 350, 358.
- Hanging, a punishment for persistent begging, 65, 67.
- Hanna (Hannay) of Kirkdaill, Patrick, petition by him, 557.
- Mr James, minister of Holyrood church, desires broken cannon to be given him to make a peal of bells for his church, 493; to be present at the inspection of his church, 493; presents before the Council an act of court of the burgh of the Canongate about the poor of his parish, 526, 527; complaint by him against a baker, 599, 600.
- Marion, to be tried for witchcraft, 446.
- Patrick, burghess of Wigtown, petition by him, 557.
- Hanton, Andrew, commission to him, 431.
- James, in Whitemyre, charged with assault, 209, 210.
- William, commission to him, 431.
- Harbert, . . . , deceased, 23; slaughter of his daughter, Christian, 23.
- Hardie, Janet, wife of Robert Clerk, skipper in Fisherrow, complains of being illegally imprisoned, 162, 163.
- Marion, wife of John Trench in Eyemouth, to be tried for witchcraft, 15.

- Hares not to be hunted in view of his Majesty's visit, 50, 449, 450.
- Harrow, David, at the Bridge of Dee, charged with malicious damage, 18, 27.
- James, at the Bridge of Dee, charged with malicious damage, 18.
- Hart (Hairt, Heart), Mr John, lessor of property at the head of Leith Wynd, 599, 600.
- Ralph, in Whitsome, charged with assault, 314.
- . . . , charged with riot, 27; complaint by him, 27.
- Harvests of 1629 and 1630, xxi, xxii, 285; the meetings of Council intermitted during harvest, 290.
- Harvie, James, in Marledge, complaint by him, 424, 425.
- Hasben, John, in Calseat, and Bessie Fraser, his wife, to be tried for witchcraft, 181.
- Hastie (Haistie), Margaret, in Wellgate of Lanark, to be tried for witchcraft, 145.
- Margaret, widow of Gavin Bannatyne, minstrel in Laidlie, to be tried for witchcraft, 270.
- Thomas, in Heidsdykeeheid, charged with carrying firearms and violence, 418, 419.
- Hawks, stealers of, to be dealt with in the circuit courts, 258.
- Hay, Lord William, his bailie court of Logyalmond, 403; he appears against Edinburgh in their dispute with Leith, 494.
- of Dalgatie, . . . , his children to be educated in religion, 246.
- of Keillor, George, J.P., complaint by him, 230, 231.
- of Kinfauns, Sir George, son of the Chancellor, warrant to him to levy a regiment for service in the Low Countries, under the Earl of Morton, viii, 99, 111, 120, 121, 629; references to him as colonel of the Earl of Morton's regiment, 124<sup>a</sup>; protection granted to several of his officers, 124, 125.
- of Monkton, . . . , to oversee the repair of certain highways, 139.
- of Pitgonie, Alexander, indweller in Leith, prime mover in Leith in their dispute with Edinburgh, 55; he complains of harsh imprisonment, 193, 194; craves extract of the decret in his favour, 220, 221; to specify in writing the particular writs Leith requires Edinburgh to produce, 219, 220; produces several extracts of Edinburgh charters, 227, 228; makes a protestation, 228; declaration by him as to his compearance, 260, 632; his seventeen articles against Edinburgh, 454, 633-635; his fourscore-and-four articles, 639-665; letter from the King for his arrest and punishment for sedition, 573; declared to be actuated by motives of private reveng 638; he petitions the King to accelerate the settlement of the dispute, 665, 666; forbidden to store corn or bake and sell bread, 671, 672.
- Hay of Yester, Lord, John, commission t him to apprehend Papists, 240, 323; charged with violence to a justice of the peace, 279, 280.
- Mr Alexander, writer to the Privy Seal, an extract under his hand produced, 227.
- Mr Alexander, servant to Lord Hay of Yester, charged with defying a justice of peace, 279, 280.
- Alexander, in Kinmudie, to be tried for witchcraft, 155.
- Alexander, servant to Lord Erskine, appears before the Council for his master, 360.
- James, mariner in Leith, charged with hamesucken, 472.
- James, gunner and mariner in Leith, charged with injuring a person by the bursting of a cannon, 564.
- James, alleged to be murdered by witchcraft, 269.
- Mr John, common clerk of Edinburgh, appears before the Council for the Burghs against the Earl of Seaforth, 95, 96, 428, 479, 489; appears as procurator in the cause against Leith, 228; witness to a resignation at Whitehall, 366; he attends at Court regarding the dispute between Edinburgh and Leith, 422, 428, 432, 502, 503, 652; acts as procurator in the proceedings before the Council, 440, 494, 495; ordered by the King to reply to the articles given in by Leith, 633; his answers, 636-638, 639; said to have pledged his life and the liberties of Edinburgh upon the falsehood of the complaints, 639; complained against for dilatoriness, 665.
- Mr John, commissary of Moray, commission to him, 98.
- Mr John, commissioner for the diocese of Glasgow, gives up the names of noble-men's children to be educated, 246.
- Mr John, moderator of the Presbytery of Paisley, excommunicates the Countess of Abercorn, 109.

- Hay, Margaret**, wife of George Crawford of Annachie, charged with malicious damage, 14, 15.
- Patrick, to be tried for theft, 608.
  - Mr Theodore, appointed on a committee for the suppression of Papists, 234.
  - Walter, a debt due to him, 268.
  - William, in Scotstoun, commission to him, 431.
- Haymouth.** See Eyemouth.
- Helin, Simon**, master of the ship *The Amitie* of Calais, 667.
- Hegits, Father**, a Popish priest, to be apprehended, 408.
- Heirs to burgh property**: an attempt to force them to take their services in Chancery, 284.
- Henderson of Chesters, Mr Thomas**, to hold circuit courts of justice, 204, 226, 227; he accepts the commission, 204; challenged for a judgment in the circuit court at Haddington, 441, 468; he is to examine a Latin grammar, 596, 597.
- James, baker in Stirling, discharged from baking inferior bread, 197, 198.
  - Janet, in Blyth, to be tried for witchcraft, 170.
  - Janet, in Lilliesleaf, to be tried for witchcraft, 62.
  - Jean, in Park, charged with unlawful intercourse with a married man, 461.
  - William, servitor to Robert Maxwell of Orchardton, charged with attempting to rescue prisoners, 12-14.
- Henreisdochter, Janet**, widow of John Rioche, to be apprehended, 206.
- Henrietta Maria**, Queen of Charles the First, her physician, Dr William Leslie, charged with propagating Popery, 369, 370, 373, 375, 528; one of her servants banished for his religion, 513; rejoicings at the birth of the Prince, her son, 564.
- Henry (Henrie) John**, in Barrassie, charged with molestation, 189.
- John, in Whiteloomes, charged with illegal warding, 261, 262.
- Hepburn of Alderstone, George**, commission to him, 269.
- — Sir Robert, sheriff of Haddington, commission to him, 16; complaints by him, 154, 516, 527; commission to him to apprehend Papists, 240.
  - of Smeaton, Mr Patrick, commission to him to apprehend Papists, 240, 323.
  - of Waughton, Sir Patrick, commission to him to apprehend Papists, 240, 323;
- he consents to the cancelling of some bonds, 261; he appears before the Council for two sea captains, 521-523, 589.
- Hepburn, Mr Alexander**, writer in Edinburgh, complaint by him, 154.
- Bessie, in Haddington, to be tried for witchcraft, 334, 361, 362, 515; she complains of being illegally imprisoned, 548.
  - Mr David, appears before the Council as procurator, 460.
  - Dame Isabella, Lady Bass, protections granted to her, 51, 52, 90, 143.
  - John, messenger, appears before the Council for abuse of his office, 358.
  - Patrick, petition by him for liberation, 80.
  - Mr Robert, servitor to John Belches, advocate, charged with deforcement, 206; becomes cautioner for his father-in-law, 221.
- Heralds and pursuivants**, xlv; their coats of arms inspected, 51, 60; to be called to account for their intrusions with the rents of rebels, and paid for their services 30s. per day, 379, 380; Marchmont herald. See Alexander Guthrie; Ross herald. See William Craig. See also Lyon King of Arms.
- Heriot, Alexander**, bailie of Edinburgh, charged to produce a prisoner, 221.
- Mr David, appears as procurator in a case, 530.
  - Mr George, servitor to Mr John Paip, W.S., witness to a bond, 444, 445.
  - Margaret, in Carrington Walkmills, to be tried for witchcraft, 535.
- Horitable jurisdictions**, the King buys in several of the, 317-320, 364-369; the sheriffship of Lanark, 364-366; bailiary of Kyll and regality of Newton, 366-369.
- Herries (Hereis), Lord, John**, charged with attempting to rescue prisoners, xxxv, xxxvi, 12-14; his absence excused on account of severe illness, 14; charged to appear before the Council, 27; a protection granted to him, 173.
- Master of, John, 351; charged with attempting to rescue prisoners, 12-14; excused for his absence, being out of the country, 14; charged to appear before the Council, 27; to oversee the repair of certain highways, 68; charged to find law-burrows, 352; to report about the Bridge of Milk, 477, 478; caution by him for his servant, 605.

- Herries, Lady, Dame Elizabeth Maxwell**, a prominent Roman Catholic, xviii; excommunicated and outlawed for Papistry, 96, 97.
- Janet, in Stelingtree, to be tried for witchcraft, 550, 551.
- Herring**, grant of the guaging of herring made to Leith, 217.
- Hessilhead, Robert**, in Trearne, prosecuted as a refractory tanner, 611, 612.
- Hiddlestoun, John**, indweller in Edinburgh, caution by him, 154; to be tried for theft, 159.
- Hides**, unauthorised trade with Holland in, 95, 428; all tanned hides to be examined and sealed, 133, 134, 135.
- Hiedykes**, lands of, 190.
- Hielisyde**, 57.
- High Commission, Court of**, 616; Papists summoned before it, 566.
- Highlands and Islands**, the suppression of lawlessness by James VI. there, xxxiv; sorners in Strathspey and Strathdon, 23; the feud between the Grants of Ballindalloch and the Grants of Carron, xxxvii, xxxviii, 14, 17, 20, 21, 23, 36, 37, 42, 46, 113-115, 156-160, 265, 458, 459, 461, 462, 577, 579, 580, 582, 583, 617, 618; the burghs object to the Earl of Seaforth's introducing Hollanders into Lewis, 94, 95, 96, 260, 421, 422, 428, 429, 489; the Islesmen to reply to a letter from the King in favour of the Bishop of the Isles, 156; also to the articles given in by the Bishop for the reformation of the Isles, 159; dispute between Lord Lorne and the Islanders about the places for holding justice courts, xx, xxi, 164, 171; the Islesmen to build churches and plant schools, and obey the Bishop and ministers, 172, 173, 616, 621; commission to John, Earl of Mar, as justice, for suppression of crime in his own lands, 170; the Islanders bound to observe the Band and statutes of Icolmkill, 199, 199 n.; non-compearance of three Macleans, 218; a complaint by the burghs of Flemings fishing in the North Isles, 222; commission for the apprehension of Papists there, 253, 323; a synod to be held at Icolmkill by the Bishop of the Isles, 254, 259; commission to the Bishop of the Isles for the suppression of vice, 266-268; Lord Lorne empowered to hold his justice courts at Inverness, 272, 273; petition by John, Bishop of the Isles, as to the condition of his see, 519; compearance of some of the Islesmen, 608, 610, 626; a committee appointed to deal with the Bishop of the Isles and the Islesmen for signing the general submission, xi, 610; letter from the King to the Council to enquire into the grievances of the Islanders respecting the justice courts, 629; and also the dispute with Lord Lorne, 631.
- Hill, Hew**, in West Seat of Gartly, charged with carrying firearms, 24, 180; he is excommunicated for Popery and nonconformity, 407; he conforms, 547, 551.
- Janet, in Preston, to be tried for witchcraft, 155, 156.
- Patrick, in West Seat of Gartly, summoned as a witness in a case, 180.
- Highways and roads** to be repaired, 61, 68, 69, 77, 138-141; closing up of a stile beside Holyrood Palace, 74; the reports by the Lairds of Newliston and Kilspindie postponed, 111; some changes in the inspectors, 111; the repairing of those in Midlothian, 116; of Fife, 159.
- Hislop, Andrew**, in Leith, his son, Francis, injured by the bursting of a cannon, 564; . . . Smith, his wife, 564.
- Hogg (Hog), Gilbert**, in Winkstoun, to be tried for witchcraft, 170.
- John, and his wife, Margaret Nicolson, to be examined on a charge of witchcraft, 345; they are released from confinement in Edinburgh, 358, 359.
- Holland, Low Countries or United Provinces**, stocks of French wines kept there by Scotsmen, 25; the Estates write for restitution of a ship taken in Shetland, 84, 86; strangers brought thence to the Lewis, 95, 96, 222, 260, 421, 422, 427, 428, 429; soldiers raised in Scotland for the service of the Low Countries, vii, 99, 120, 121, 167, 169; the liberty of the United Provinces assumed by the widows of factors of Campvere, 183; letters to the States General from the Privy Council about Elizabeth Murray, 395, 396.
- Hopkirk, John**, smith in Leith, fined for bending iron there, 661.
- Holyrood (Halyrud) Abbey Church or Chapel** of, 361, 632; to be inspected and repaired, 74, 493; scheme for its improvement, 106, 107; the articles by the commissioners allowed, 111; the Communion to be taken there every quarter by public officials, xiii, 186, 187, 196, 361; the Dean is to report to the Council the names of the



- communicants and the names of those in public office who do not communicate, 186, 188; proposed peal of bells for it, 493; the churchyard, xxxiv, 74; minister of Holyrood. *See* Mr James Hannay.
- Holyrood, Palace of, or Holyroodhouse, xi, 144; the meeting place of the Privy Council, vii; hunting forbidden near it, 50, 449; the King to reside there, 63; to be kept free of beggars, 67; the gallery there, 74; inspected after repairs, 101; the roup of the wine imposts held there, 395; meetings of the Privy Council there, 1, 3, 4, 8<sup>a</sup>, 11, 16, 19, 21, 28, 34, 42, 44, 47, 52, 61, 64, 77, 81, 85<sup>a</sup>, 87, 91, 92, 99, 102, 119, 128, 129, 148, 156, 160, 166, 172, 176, 183, 191, 196, 200, 207, 208, 211, 214, 219, 224<sup>a</sup>, 225, 233, 252, 259, 260, 266, 270, 272, 292, 316, 337, 344, 349, 352, 356, 358, 361<sup>a</sup>, 363, 372, 379, 383, 387, 392, 395, 396, 401<sup>a</sup>, 404, 406, 416, 421<sup>a</sup>, 426, 427, 432, 435, 438, 443, 448, 452, 455, 457, 464, 469, 471, 475, 479, 483, 489<sup>a</sup>, 492, 496<sup>a</sup>, 497, 501, 506, 520, 531, 538, 545, 551, 552, 554, 555<sup>a</sup>, 562<sup>a</sup>, 565<sup>a</sup>, 567, 568, 571, 573, 574, 577, 583, 588, 591, 593, 602, 609, 613, 617, 621; meetings there of the Council and clergy about Papists, xiv, 184, 185, 195, 233-254, 320; the meetings of the Commissioners for Surrenders held there, 401, 570, 571; meeting there of the Convention of Estates, 576 n., 623; letters and documents dated there, 11, 19, 24, 25, 34, 44, 47<sup>a</sup>, 59, 60, 61, 63<sup>a</sup>, 64, 77, 79, 80, 92, 112, 113, 126, 127, 128, 147, 159, 160, 164, 165, 166, 171, 172, 182, 183, 200<sup>a</sup>, 207, 219, 250, 251, 260, 265<sup>a</sup>, 271, 291, 292, 315, 316, 348, 349, 371<sup>a</sup>, 373, 386, 392, 396, 412, 416, 446, 453, 455<sup>a</sup>, 479<sup>a</sup>, 492<sup>a</sup>, 498, 508, 519, 520, 528, 531, 536, 537, 545, 571, 576, 588, 603, 617; deputy keeper of. *See* James Fenton.
- parish of, 67.
- Home, Earl of, to oversee the repair of certain highways, 68.
- Home of Ayton, Sir Patrick, to make the prison of Duns available for prisoners, 145; letter to him to arrest a fugitive Englishman, 164; he produces a prisoner before the Council, 222; commission to him, 290; a protection granted to him, 503; he is charged with unlawful convocation, 586; counter complaint by him, 606, 607.
- of Blackadder, Sir John, charge to him as convener of the justices of the peace of Berwick to provide carriage for the King's baggage, 64, 65; to report about the carriage, 118; commissions to him, 15, 110, 169, 195, 222, 270<sup>a</sup>, 290, 358, 385, 386.
- Home of Blackhills, Alexander, charged with unlawful convocation, 586.
- of Blackhill, George, complaint by him, 606, 607.
- of Coldingham Law, Patrick, charged with unlawful convocation, 586; counter complaint by him, 606, 607.
- of Coldingknowes, Sir John, deceased, 262, 459.
- of Eccles, Sir James, no protection to be granted to him, 543.
- — Sir George, younger, protection granted to him as he is employed in the Nova Scotia plantation, 488; he has taken his wife and family to Nova Scotia; complaint by William Watts, as to the protection granted to him, 543.
- of Manderston, Sir George, protections granted to him to appear in the cause of the alleged attempt by his wife and others to murder him by witchcraft, xli, 381, 382, 397, 545, 560, 622; his wife's case, 397-400, 443; to produce two of his servants before the Council, 400; he produces them, 405; a commission to him to apprehend John Neil, 400; caution by him for his servants, 405; ordered to produce the writs of his wife's jointure lands, 560; he produces them, 570; he prosecutes certain persons for witchcraft, 571, 622; caution by him not to molest his wife, 582.
- of North Berwick, Sir John, complaint against him of resetting a rebel, 154; he detains an enlisted soldier, and is charged to produce him, 163; he delivers him up, 180, 181; letter to him from the Council to bring in John Smith, 587; he sends him in, 603.
- of Renton, . . . , deceased, 335; Dame Margaret Cockburn, his widow, marries Sir William Graham of Bracco, and complains against her son, 335.
- — John, appointed to value Cranston of Corsbie's estate, 84, 85; to take the oath of the sheriff of Berwick, 274; complaint by his mother against him, but he is assoilzied, 335; complaint by him of injury to his lands of Presse, 586, 606, 607; commissions to him, 290, 358, 385, 386.
- of Reston (West), Patrick, commissions to him, 15, 195, 270.

- Home of St. Leonards, Mr Alexander, commissions to him, 98, 270, 339, 340.
- of Slegden, John, deceased, the taxation due by him unpaid, 206; he has a pension from the priory of Coldingham, 221.
- of Wedderburn, Sir David, in charge of a company in the regiment of Colonel Sir George Hay, 124; protections granted to him, 124, 339, 359, 360, 431, 499, 533, 575, 626.
- of Whitehills, Alexander, charged with unlawful convocation, 586.
- Sir Alexander, gentleman of his Majesty's privy chamber, witness to a resignation at Whitehall, 368.
- Mr Alexander, schoolmaster at Dunbar, compiles a Latin grammar, xxxi, 596, 597.
- Alexander, in Ayton, charged with unlawful convocation, 586; counter complaint by him, 606, 607.
- Alexander, son of the late Sir John Home of Coldingknowes, charged with destroying woods, 262.
- Alexander, servant to the Laird of Manderston, to appear before the Council, 400; he appears, 405.
- Andrew, in Redpath, charged with destroying woods, 544.
- George, brother to John, of Ranton, charged with carrying firearms, 606, 607.
- James, skipper in Leith, appears before the Council for the inhabitants of Leith, 440, 666; the answers by Edinburgh delivered to him, 443; he is forbidden to store corn or bake and sell bread, 671, 672.
- Marion, wife of Patrick Cranston of Corsbie, separation from her husband for a year and aliment granted to her, 101, 102; on her further complaint an increase of aliment is allowed to her, 514.
- Mark, son of the deceased Sir John Home of Coldingknowes, charged with destroying woods, 459, 460.
- Mark, in Smailholme, charged with destroying woods, 544.
- Nicolas, wife of Robert Dickson of Stainfauld, caution for her, 221.
- William, in Kimmerghame Mill, summoned as a witness in a case, 206.
- . . . , Lady Samuelston, charged with witchcraft and causing the death of her husband, 541; she is warded in the burgh of Edinburgh, 563, 565.
- Hood, Janet, to be tried for fire-raising in her mistress's house, 145, 156.
- Hope (Hoip) of Craighall, Sir Thomas, Lord Advocate, a member of the Privy Council, vi; his attendances, vi; to examine a wizard and a witch, 2, 3, 4; to investigate the legal position of foreigners trading in the country, 7; to delay proceedings against the non-subscribers of the Submission, 12; appears in the case of the education of the children of the Earl of Angus, 69; petition by him about the Mint, 101; to prepare a signature for the masons and wrights of Dundee if required, 136; his proposed prosecution for breach of penal statutes in Edinburgh stopped, 144; to assist the magistrates of Edinburgh at a trial, 145; to revise the articles for the reformation of the Isles, 170; horning at his instance, 173; he speaks for the Earl of Annandale, 173; his tenants of Craighall exempted from a commission, 175, 176; he is to take the Communion quarterly at Holyrood, 186, 187; to summon the Earl of Angus before the Council, 190, 211, 220; represents to the Council the failure of the Archbishop of Glasgow to sign the submission, 192; to examine Henry Dick, 199; frames a surrender of a back bond to be signed by Lord Napier, 199, 200; to ascertain about the conversion and confession of Alexander Drummond, 214; appointed to examine witnesses, 222; appointed on a committee for the suppression of Papists, 233; reports to be made to him about the resettlers of Jesuits and priests, 243; to report upon the cases of the Earl of Caithness and Sir Robert Gordon, 248; commission to him to apprehend Papists, 252, 254, 255, 323; to interpose in the cause between Edinburgh and Leith for his Majesty's interest, xxix, 260, 423, 454, 483, 502, 503; to examine the Edinburgh charter of 1603, 427; to draw a warrant for Lord Lorne to hold justice courts, 272, 273; to inspect the taxation rolls of the deceased Archibald Primrose, 274, 275; to examine Alexander Hamilton, warlock, 290; witness to a bond, 292; the titles to be submitted to him in connection with the teinds question, 298, 300, 301, 302; to see that sufficient titles be made to the heritors of their own teinds, 304, 309, 312; he presents documents in the Council, 317, 364, 538; to examine witches, 334, 345; the submissions are to be

- delivered to him, 341, 342; the case of the escheat of Abel Lyon referred to him, 357; to examine persons accused, 383, 400, 405, 497, 563, 584; discharged to prosecute in a case, 453; to consider the case of Captain Robertson and the Hamburgers, 484; to report as to the best church for the King's coronation, 493; mentions in Council a royal command to him to report on the case of Gordon of Rothiemay, 493, 494; declined as a judge in the Edinburgh and Leith dispute, 494; to speak with Sir William Seton about a commission, 503; protestation by him concerning a person sentenced for his religion and pardoned, 513; letter to him from the King regarding the act of prescription, 538-541; ordered not to insist further in a case, 547, 609, 610; he protests for a copy of the royal missive in the matter, 547; petition by him in a case about the Mint, 560, 561; to protect the Crown rights of the lordship of Dunbar, 588; to examine a Latin grammar, xxxii, 596, 597; on the committee to consider the Nova Scotia business, 614: Prosecutions by him—for incest, 137, 218, 219; a messenger for neglect of his duty, 152, 153; moderators of presbyteries for not appointing sub-commissioners for the teinds, 87, 88, 115, 116; Papists, 30, 31, 75, 88, 109, 110, 119, 120, 369, 370, 567, 568, 580, 581; a person for oppressing his ward, 89; reseters of rebels, 470; wearing firearms, 4-8, 9, 10, 12-14, 26, 56, 57, 75, 76, 179, 180, 194, 231, 235-237, 255-257, 314, 351, 352, 418, 425, 436-438, 499, 500, 504, 505, 516, 517, 527, 528, 558, 559, 586, 606, 607, 613; writers of pasquils, 31, 32; other prosecutions by him, 195, 210, 213, 221: Present in Council, 1, 3, 8, 11, 16, 19, 21, 28, 42, 44, 47, 52, 61, 64, 77, 81, 85, 87, 91, 92, 99, 102, 119, 128, 129, 148, 156, 160, 166, 172, 176, 183, 191, 196, 200, 207, 208, 211, 214, 219, 233, 252, 260, 266, 270, 272, 285, 292, 316, 337, 344, 349, 352, 356, 358, 361<sup>a</sup>, 363, 372, 379, 383, 387, 392, 395, 396, 401<sup>a</sup>, 404, 406, 416, 421, 426, 427, 432, 435, 438, 443, 448, 452, 455, 457, 464, 469, 471, 475, 479, 483, 489<sup>a</sup>, 492, 496<sup>a</sup>, 497, 501, 506, 520, 531, 538, 545, 551, 552, 555, 562, 565, 567, 573, 577, 583, 588, 591, 593, 602, 603, 609, 613, 617, 621; signs Acts of Council, missives, etc., 3, 11, 15, 16, 19, 25, 43, 44, 47, 52, 59<sup>a</sup>, 63<sup>a</sup>, 64, 76, 77, 79, 80, 86<sup>a</sup>, 92, 125, 126, 127, 128, 147<sup>a</sup>, 165<sup>a</sup>, 166, 181, 183, 195, 200, 214, 233, 250, 260, 264, 265, 271, 285, 290, 291, 315, 316, 339, 340, 348, 349, 355, 358, 363, 371<sup>a</sup>, 373, 386, 392, 404, 416, 448, 455<sup>a</sup>, 471, 479<sup>a</sup>, 496<sup>a</sup>, 498, 501, 531, 534, 535, 536, 538, 544, 571.
- Hopkin, Dr, to advise as to the education of the Earl of Angus's son, 220.
- Hopkins, George, servitor to Sir Archibald Acheson, secretary, writes a deed of resignation, 319.
- Hoppar of Bourehouse, James, actions against him before the session, 101.
- Horne, Mr John, permitted to carry firearms, 524, 525.
- William, in Bogewine, permitted to carry firearms, 524, 525.
- Horning: letters of horning against Papists, 249; reseters of persons at the horn to be dealt with in the circuit courts, 258; persons at the horn and cited before the justice courts to have a provisional protection, 287.
- Horsely, lands and teinds of, 335.
- Horses: horses and carts to be provided for the King's baggage in every pariah, 65; maltreatment of horses, 350, 351; impost upon horses in Ireland, 370, 371; riding down a racing horse by a courser, 607, 608; cases of horse stealing, 26, 360, 403, 426, 608, 616.
- Hospitals for the poor in burghs to be maintained from the teinds, 312, 313.
- Hounds, breeding of, in Annandale, xxiv, 222; greyhounds, 222; stealers of hounds to be dealt with in the circuit courts, 258.
- Houses, destroying, 230.
- Houston (Howstoun) of Craigflour, John, commission to him, 426, 454.
- of that Ilk, Ludovick, commission to him to apprehend Papists, 240, 323.
- John, in Flatterton, prosecuted as a refractory tanner, 359, 360.
- Hint, Thomas. *See* Cocksoun.
- Howat, William, in Rudderstoun, charged with malicious damage, 18.
- Howie, John, in Langbank, summoned as a witness in a case, 269.
- Howieson (Howesoun), James, in Over-shiels, carries a message, 179.
- Howlatsone, Peter, in Mordington, decreet of ejectment against him, 625.
- Huldie, Helen, wife of Alexander Blyth in Coldingham, to be tried for witchcraft, 270.
- Hunter (Huntar), Alexander, vagabond, to be tried for witchcraft, 110, 111.

- Hunter, Gilbert, tenant in the King's Wark of Leith, apprehended for selling drink, 673.
- Margaret, wife of Peter Donald, sailor, to be tried for witchcraft, 59, 123, 124; she objects against her judges, 97.
- Huntly, Marquis of, George Gordon, a prominent Roman Catholic, xii-xviii; a commission to him, 15; proceedings against him for harbouring Papists, 28-32, 33; he is denounced, 30, 33; charged to apprehend a rebel, 36, 37; he slights the Council and goes to Court, whereupon the Council desire the King to send him back, 76, 78, 79, 80; fears that he may infect his grandchildren with Popery, 126, 250; his daughters to be educated in religion, 246; and to be separated from him to this end, 364, 415; he is to be warded on this side the North Water and put under caution not to reset Papists when he comes to Edinburgh, 275; his affairs to come before the Council, 285, 290; he grants a bond of caution for his remaining upon this side the North Water, 291, 292; he surrenders his heritable sheriffships of Aberdeen and Inverness, xliv, 291, 317-320, 332, 363, 372; he craves pardon for appearing to slight the Council in going to Court, 332; he appears before the Council with a letter in his favour from the King, and is permitted to go home, 332, 333; he appears before the Council and claims that as he has resigned the sheriffship, he is no longer bound to exhibit Papists; the Council declare he is so bound as landlord for those on his estates, 363, 364, 375; his house in Elgin, 369; he petitions for relaxation from the horn, 364, 372; complaints against the King's indulgence to him and his lady, 373, 374, 375, 378; his case continued, 400, 406; still held bound to exhibit his rebel tenants, 415; he is not to go north, 415; ordered to remain in Melgum, 453; he is allowed to go north on certain conditions, 453, 454; renewed permission to him, 552, 553; caution by him, 474; commission to him against Rothiemay, xxxviii, 496, 509, 510, 516-518; letter from the Council therewith, 496, 519, 520; alleged decree at his instance, 572; charged to report his procedure in a commission to apprehend James Grant and others, 577; to produce Finlay M'Gruman, 577, 582, 593, 617, 618; he appears before the Council, 618.
- Huntliehill, wood of, 83.
- Hutchison (Hutcheson) of . . . George, charged to accept and discharge the office of a sub-commissioner of teinds, 416, 417.
- Margaret, wife of Thomas Mure in Kirkbank, to be tried for witchcraft, 145.
- Huttoun, John, in Lanark, his wife, Margaret Wilson, to be tried for witchcraft, 145.
- Hynde, Thomas, servitor to John Brown in Eyemouth, charged with assault and cruelty, 41, 42.
- ICOLMKILL, the band and statutes of, 199, 199 n.
- Idle and masterless men to be impressed for military service, 152.
- Ildowie, William, in Lellancroft, charged with killing game and cutting timber, 235, 236.
- Importation of French wines, xxii, xxiii, 24, 25, 44, 46; of foreign grain, xxii, 520, 521; of silks, 646; of beer, 671.
- Imposts on wine to be roused, 395; on goods exported or imported in foreign ships, 616.
- Incest, 471; with daughters-in-law, 52; abounds in Shetland and Orkney, 203, 214; case of John Weir of Clenochdyke, 137, 218, 219, 511, 512; of Henry Dick, 199; committers of incest to be dealt with in the circuit courts, 258, 259.
- Inchcalloch, parish of, ruinous state of the parish church, in consequence of which the chapel of Buchanan is appointed parish church for the time, 475, 476; minister there. See Mr Archibald Cameron.
- Infanticide, 340.
- Inglis of Eastshiell, Thomas, commission to him, 145.
- of Rottonraw, Alexander, to oversee the repair of certain highways, 138, 139; he and his son James are at feud with Hamilton of Carlowrie and are charged to keep the peace, 536, 537.
- Elizabeth, widow of Robert Hamilton of Brigs and wife of Abraham Stewart in Cramond, cruelly used by her husband and separated from him, 463, 464; an aliment assigned to her, 469; she claims certain household goods, 482, 483; she has difficulty in obtaining her aliment, 530.
- James, bailie of Lanark, charged to produce a prisoner, 472.
- Margaret, wife of Alexander Douglas

- of Easter Gellies, charged with molestation, 192, 193.
- Inglis, Thomas, notary, an instrument under his hand, 529.
- Innererrar, lands of, 23.
- Innersea, lands and mill of, 216.
- Innerteill. Lord. *See* Erskine.
- Innes (Inneis) of Auchendirran, William, complaint by him and Jean Innes, his wife, 45, 81; horning at their instance, 256.
- of Balvenie, Robert, charged to apprehend a rebel, 36, 37; commission to him to apprehend Papists, 239, 322, 407; complaint by him of a forged act of suspension, 499; complains of being illegally summoned before the Council, 572, 573.
- — Walter, younger, appears again at Edinburgh in their dispute with Leith, 494; he attends the Court of Session, 499; he is charged with carrying firearms, 527, 528; he searches the registers at Edinburgh, 573.
- of Coitts, Alexander, commission to him, 98; commission to him to apprehend Papists, 239.
- of Crombie, John, to be apprehended, 15, 257; charged with assault, 45, 81; not to be reset by the lieges, 255-257, 504, 505; at feud with Crichton of Frendraught and charged to keep the peace, 376, 401-403; his losses in raising a company of foot soldiers for the King of Denmark, 400; charged with carrying firearms and violence, 429-431, 436-438, 485, 486, 516-518; letter from the King about his losses in raising a company for the King of Denmark, 491.
- of that Ilk, Sir Robert, commission to him against Rothiemay, 516-518.
- of Sandside, William, commission to him, 206; commission to him to apprehend Papists, 239, 321.
- of Thombreck, William, caution for his conforming or leaving the country, 615.
- Alexander, servitor to Innes of Crombie, to be apprehended, 15; not to be reset by the lieges, 255-257, 504, 505; to be apprehended and brought before the Council, 516-518.
- James, in Halkirk, put to the horn, 191.
- Robert, in Elgin, 407; his wife, Margaret Gordon, excommunicated for popery and nonconformity, 407; she refuses to conform, 547, 551.
- Innes, Mr William, notary, charged with assault, 456, 457.
- Innkeepers and hostlers, or taverners, their privileges in towns, 641; of Edinburgh, 216.
- Interest of lent money at ten per cent., 150.
- Inveravon (Innerrawin), presbytery of, report of the sub-commissioners, 341.
- Inveresk (Innereak), parish of, the inhabitants to repair their highways, 138.
- Inverkeithing, Lammas Fair there, 600.
- Inverkeithnie (Innerkeithnie), parson of. *See* Mr Robert Irvine.
- Inverness, burgh of, 528; the justice courts for the north islands to be held there by Lord Lorné, xx, xxi, 171, 272, 273, 631; commission to the provost and bailies to apprehend Papists, 239, 322; proclamation at the market cross, 273, 442; a horse race there in May 1630, 528; sheriff court held there, 528; the head of a criminal fixed on the tolbooth, 566, 567; a certificate by the magistrates produced before the Council, 567.
- presbytery of, 276; report of the sub-commissioners, 341; a testimonial signed by some of the members, 566.
- shire of, 518, 528; letters of caption to the sheriff, 51; appointment as sheriff of Sir Robert Gordon, 291; resignation of the hereditary sheriffship by the Marquis of Huntly and Lord Gordon, xv, 317-320, 332; commission against Papists there, who are numerous, xii, 406-410; Sheriff Depute. *See* John Gordon.
- Ireland, 101, 467, 538, 561, 572, 598, 599, 675; the arms of, 50; a case of alleged misconduct by Scotsmen there, 205; proclamation against an invasion by sturdy and insolent Irish beggars, who are ordered to return home upon pain of death, xxx, 354; the Council of Ireland to be asked to abolish an impost of two shillings upon horses, 370, 371; the passage thither by crossing the Annan, 420; the Lord Deputy and Council of Ireland, 205.
- Iron, working of, prohibited in Leith, 649, 671.
- Irons (Irnes) of Kinclune, John, commission to him, 616.
- Irvine (Irwing) of Beltie, Alexander, caution for his conforming or leaving the country with Isobel Irving, his wife, 615.
- of Drum, Sir Alexander, appointed

- sheriff of Aberdeen, 291, 292; commission to him to apprehend Papists, 239, 322; another commission to him, 426; commission to him against Rothiemay, 516-518.
- Irvine of Fedderat, Robert, imprisoned for threatening in presence of the Council, 12, 27; complaint by him, 14, 15.
- of Hilton, Mr Alexander, burgoes of Aberdeen, excommunicated for Papistry and nonconformity, 30, 31, 407; also Marjory Menzies, his wife, 407; his house to be seized, 178, 179; he refuses to conform, 547, 551; caution for his conforming or leaving the country, 614; going abroad, he has disposed of his lands, 447, 448, 666.
- Mr Alexander, burgoes of Aberdeen, charged with uttering pasquils, xiii, 31, 32; he is to be apprehended, 103; a resetter of Papists, 34, 103; seizure of his house, 93.
- Elizabeth, in Kirkhouse, to be apprehended and tried for incest, 214.
- Mr Francis, merchant in Dumfries, wounded in a scuffle, 13.
- Isobel, wife of Alexander Irving of Beltie, caution for her, 615.
- James, messenger, charged with assault, 283.
- John, late bailie of Dumfries, appears before the Council, 13.
- John, servant to the Master of Herries, charged with carrying firearms and violence, 351, 352.
- Mr Robert, parson at Inverkeithny, 524.
- Robert, brother of Mr Alexander (*supra*), excommunicated for Popery and nonconformity, 407; he refuses to conform, 547, 551; caution for his conforming or leaving the country, 614; he sells a lease of his lands, 447, 448, 666.
- Robert, burgoes of Aberdeen, charged with uttering pasquils, 31, 32; to be apprehended, 103.
- Thomas, servant to the Master of Herries, charged with carrying firearms and violence, 351, 352.
- William, son of Mr Robert, parson of Inverkeithny, permitted to carry firearms, 524, 525.
- Irvine, burgh of, commission to the provost and bailies to apprehend Papists, 240, 323; preparation for the races, 607.
- presbytery of, x, 427; report of the sub-commissioners, 341; refusal of a notary to act as their procurator-fiscal, 459.
- Islay (Ila), 316; the Crown lands of, 172; barony of, 175.
- Isles (Iles), Bishop of the, John, a letter from the King in his favour, 156; he gives in some articles for reformation of the Isles, 159; his articles to be revised by the Advocate, xxi, 170, 172, 173, 181; he is to prepare a draft commission, 173; a commission to him to apprehend Papists, 240, 322; he keeps a synod at Icolmkill, 254, 259; commission of justiciary to him within his diocese, 266-268; he reports the names of suspected Papists in his diocese, 406; he presents a petition to the Council about his see, which they send to the King, 519; he is to be urged to sign the general submission, xi, 610; present at a Council meeting, 233.
- diocese of the, commission for the apprehension of Papists there, 240, 322.
- JACKE, ALEXANDER, in Frendraught, petition by him, 429-431; permitted to carry firearms, 524, 525.
- Gideon, bailie of Lanark, commission to him, 145; charged to produce a prisoner, 472.
- Jacks, references to, xxxv, 5, 231, 351, 418, 486, 558.
- Jackson, James, servant of the officer of the Canongate, charged with molestation, 550.
- Jaffrey, Mr Alexander, late bailie of Aberdeen, commission to him, 102-104.
- Mr Alexander, burgoes of Aberdeen, commission to him, 176, 177.
- David, in Aberdeen, complaint against him, 18.
- Jails, scarcity of, in Orkney, 536.
- James the Third, King, Act of Parliament in his reign in favour of Edinburgh, 650.
- James the Fourth, King, charters granted by him to Edinburgh, xx, 217.
- James the Sixth, King, his last days, v.; his suppression of crime on the Borders, xviii, xix; his successful maintenance of order, xxxiv; attempts to provide a Latin grammar early in his reign, xxxi; reference to his death, 295; he appoints Sir William Seton postmaster-general, 8, 9; his care for the burghs, 94, 95; his coinage of copper money, xxxii, 131, 132; refuses to allow Papists on the Council, 146, 147; alleged grant by him of a tax upon golf balls, 174; his preservation of game and

- breeding of hounds in Annandale, 222; the commissions of the peace determined by his death, 223; his appointment of circuit courts of judiciary in July 1587, 225; his charters to the city of Edinburgh, xxix, 227, 228, 432-434, 634, 637, 653, 655, 664; his acts against the Papists, 246, 247, 328; several of the Parliaments held in his reign referred to, 266; his creation of the order of Baronets of Nova Scotia and patents granted by him, 392, 394, 614; refuses licences to Papists, 375; his acts against beggars, 411, 412; reference to his accession to the English throne, 588; orders the compilation of a new Latin grammar, 597; his animus against Mr Robert Bruce, 599 n.; said to have disclaimed infestments granted to Edinburgh, 630; he erects the King's Wark of Leith into a barony, 673 n.; new gift by him of the "prime gilt" to Leith sailors, 674.
- Jamieson (Jameson), Alexander, bailie of Cupar, a dispute referred to him, 612.
- David, appears before the Council for the inhabitants of Leith, 440; admitted as a maltmaker, 669.
- Georde, in Dykeheid, horning at his instance, 619.
- John, in Meikle Govan, caution by him and for him, 26, 27.
- Jardine (Jardane) of Apilgirth, John, a superedere granted to him against arrest for his predecessors' debts, he being a minor of but nine years of age, 459.
- James, servitor to the Master of Herries, charged with attempting to rescue prisoners, 12-14; charged with carrying firearms and violence, 351, 352; charged to find lawburrows, 352.
- Jedburgh, Lord, Andrew Ker, admitted as a member of the Privy Council, vii, 47, 48; present in Council, 47, 52, 87, 92, 102, 119, 148, 156, 160, 176, 211, 219, 233, 252, 383, 387, 552; signs Acts of Council, missives, etc., 52, 59, 118, 126, 155, 222, 250.
- Jedburgh, burgh of, the magistrates ordered to liberate a prisoner, 169, 282; commission to the provost and bailies, 285; a justice court to be held there for Border delinquents, 499, 501; the provost and bailies receive Border marauders, 548; the tolbooth, 118, 169, 282, 285.
- presbytery of, report of the sub-commissioners, 341.
- Jesuits, resettlers of, to be dealt with in the circuit courts, 258. *See also* Roman Catholics.
- Johnstone (Johnestoun) of Caskiben, Sir George, commission to him against Rothiemay, 516-518.
- of Elphinstone, Sir Samuel, commissions to him, 518, 534, 544, 602.
- Johnstoun of that Ilk, James, commissions to him, 20, 158, 537, 538, 608; to apprehend Papists, 239, 323; to examine three thieves, 548.
- of Lamek, James, brother-in-law of Lord Herries, charged with attempting to rescue prisoners, 12-14.
- of Lockerbie, Andrew, younger, complaint by him, 351, 352; ordered to find lawburrows, 352.
- of Middlegill, Robert, to be apprehended and tried, 537, 538; complaint by him, 613.
- of Powmylne, Robert, his lands overflowed by a moss, xliii, 37-39, 90, 268, 568, 569.
- Archibald, in Blackford, complaint by him, 351, 352; charged to find lawburrows, 352.
- Dr Arthur, poet, and physician to the King, submits his dispute with Gordon of Dunkintie to arbitration, xlv, 336, 336 n., 337; decret arbitral between them, 473-475.
- Christian, goodwife of Newton-Johnstone, complaint by her against her son, 476.
- Cuthbert, son of Archibald, in Blackford, charged to find lawburrows, 352.
- David, indweller in Cupar-Fife, appointed a collector for a charitable fund, 38, 39.
- George, brother of Andrew, younger of Lockerbie, complaint by him, 351, 352; ordered to find lawburrows, 352.
- Hercules, son of William, in Ginnenby, charged to find lawburrows, 352.
- James, in Kirsneis, to be tried for theft, 548, 608.
- James, in Leith, appears before the Council for the inhabitants of Leith, 344, 440; discharged from making malt, 669; summoned before the guild-council of Edinburgh, 673; fined for selling ale, 673, 674.
- James, grieve to James Crichton of Frendraught, he and his wife abused and injured, 437, 438.
- Janet, wife of . . . Brown of

- Lochhill, summoned for breach of cautionry, 98.
- Johnstoun, Mr John, advocate, drowned with his servant in the Water of Milk, 477.
- John, burghess of Annan, called John of Mylnefield, put to the horn for not appearing, 419, 420.
- John, bailie of East Gordon, buys some trees, 262.
- John, indweller in Edinburgh, appointed a collector for a charitable fund, 38, 39.
- John, called of Whitecastle, to be apprehended, having broken ward, 158.
- John, servant to the Master of Herries, charged with carrying firearms and violence, 351, 352.
- Margaret, in Peebles, to be tried for witchcraft, 391.
- Margaret, *alias* "Craweswyffe," in 'Traquair parish, to be tried for witchcraft, 170.
- Marion, *alias* Hauche, to be tried for witchcraft, 446.
- Mary, in Linton parish, to be tried for witchcraft, 170.
- Robert, in Langrig, charged with assault, 314.
- Robert, eldest son of Christian (*supra*), charged with stealing his mother's writs and money, 476.
- Mr Simon, minister at Annan, appears before the Council for the town, 420.
- Thomas, burghess of Dumfries, wounded in a scuffle, 13.
- Wilkin, merchant burghess of Edinburgh, a debt due to him, 163, 164.
- William, collier in Gilmerton, charged with unlawful convocation, 601.
- William, in Ginmenby, 352.
- William, in Lockerbie, complaint by him, 351, 352; charged to find lawburrows, 352.
- William, in Riggthead, put to the horn for not appearing, 419, 420.
- Jonkene, David, merchant burghess of Edinburgh, consulted about the circulation of foreign money, 8, 11, 16, 21, 51; a debt due to him, 163, 164.
- John, a Leith proprietor, 54, 55; appears before the Council for the inhabitants of Leith, 440; discharged from making malt, 669; compelled to pay a duplicand of his feu, 670; summoned *super inquirendis*, 671.
- Jossieman of Westerton, Alexander, summoned as a witness in a case, 180.
- Justice, General, or Lord Chief, a commission renewed to the Earl of Menteith as such, 111; to suspend the execution of a sentence, 137; to select the crimes to be tried before the circuit courts, 258; appointed to examine Henry Dick, 199; he is to hold circuit courts, 326; he is at Court, 554; he appoints a court to be held in Dysart, 606; courts held by him, 512, 629; ordered to pronounce sentence of hanging on a murderer, 624; alleged encroachment by Edinburgh upon his jurisdiction, 636, 642, 652, 659; appearances to be made before him, 36, 153, 158, 175, 206 n., 245, 255, 256, 282, 359, 378, 405, 420<sup>s</sup>, 421, 431, 441, 448, 461, 462, 470, 490, 504, 505, 511, 516-518, 533, 556<sup>s</sup>, 606, 554, 555, 557, 564, 663; orders to him and the Justice Clerk to desert diets, 154, 453, 554, 556, 577, 612. *See also* Earl of Menteith.
- Clerk, Lord. *See* Sir George Elphinstone of Blytheswood.
- Depute. *See* Mr Alexander Colville.
- College of. *See* Session.
- Justice, the administration of, xviii-xxi, 323; circuit courts to be appointed, xix, xx, 111; the Lords of Justiciary and other members of their court to take the Communion quarterly at Holyrood, 186, 187; Edinburgh alleged to have usurped the powers of justiciary within Lothian, 217, 633, 642, 643; but this is denied, 636.
- Justice courts held at Aberdeen in October 1629, 391, 406; at Dumbarton, 3; at Haddington in October 1630, 441, 466-468; at Inverness, 272, 273; in the Islands, 164, 171, 629, 631; at Jedburgh, 499, 501; at Lanark, 499.
- Justices of the Peace: ordered to report the prices of victual, xxi, 10, 11; to oversee the repair of their highways in their respective parishes, 140; the clerks of the peace to be nominated by the Secretaries of State, 223; the places of deceased justices to be supplied, and new commissions to be exped, 223, 224; alleged defying of a justice of the peace, 279, 280; they are to enforce the acts against vagabond beggars, 413-415; change of the convener of those of Fife, 196, 197.
- Justiciar of the Isles. *See* Lord Lorne.
- KAE, THOMAS, in Belhill, tenant to the Laird of Amisfield, complaint by him, 569, 570.



- Kear, Neil, in Nwa, charged with spoiling a ship, 46.
- Keir, Laird of. *See* Stirling.
- lands of, 587.
- Keith (Keethe, Keythe) of Balmure, Alexander, party to a cause before the Council, 12, 27; charged with malicious damage, 14, 15, 27; complains of the withholding of his infetment of Dunbreck, 143.
- of Brydiestoun, Robert, horning at his instance, 26, 558.
- of Bruntoun, Mr William, brother of Robert Keith, appointed a collector for a charitable fund, 38, 39.
- of Cocklaw, Nathaniel, commissions to him, 340, 431.
- of Craig, James, to be apprehended, having escaped from Dunottar Castle, 340.
- of Drumtockie, Sir George, to be apprehended and brought before the Council, 28; caution for his keeping ward in his chamber and burgh of Edinburgh, 555, 561, 562; he submits his case to arbitration, 555, 561; charged with deforcement and armed resistance and wounded, 558, 559; brought a prisoner to the tolbooth of Edinburgh, 559; caution for his safety, 562.
- of Glackerache, John, sheriff depute of Aberdeen, commission to him, 426.
- of Harviestoun, James, to be apprehended, 431.
- of Ludquhairn, Sir William, commissions to him, 340, 431.
- of Pheodo, Mr Alexander, commission to him, 28.
- of Pittendrum, Alexander, commission to him, 340.
- of Waquherche, William, commission to him, 608.
- of Whitrig, Robert, sheriff depute of Kincardine, commissions to him, 340, 431<sup>a</sup>.
- Isabel, widow of George Gordon of Minonie, horning at her instance, 505, 517.
- Robert, merchant burges of Edinburgh, a debt due to him, 163, 164.
- Robert, provost of Montrose, appointed a collector for a charitable fund, 38, 39; he submits a dispute to arbitration, 555, 562; caution for his indemnity, 561; caution by him, 562.
- Robert, W.S., appears before the Council as procurator for the Earl of Marischal, 143, 500.
- Keith, Sarah, in Winton, to be tried for witchcraft, 16.
- Mr William, submits a dispute to arbitration, 555, 562; caution for his indemnity, 561; caution by him, 562.
- Kellie, Edward, informs the King of abuses by the prebendaries of the Chapel Royal, 576, 577.
- Mr William, charged with impeding the bailie of the lordship of Dunbar in his duty, 588.
- Kellock (Kello), John, maltman in Leith, complains of being illegally imprisoned, xxvii, 54-56, 81; he appears before the Council for the inhabitants of Leith, 344, 440; discharged from making malt, 669; imprisoned and his goods confiscated, 670; fined for selling ale, 673, 674.
- Kelso, William, in Innerkip, prosecuted as a refractory tanner, 359, 360.
- Kelso, bailie of, 562.
- presbytery of, report of the sub-commissioners, 341.
- Keltie of Knockyatyme, Laurence, and Janet Kiel, his wife, charged with malicious damage, 229, 230; complaint by him, 575.
- James, servitor to Erskine of Balgownie, complaint by him, 600.
- Kendla, Duncan, keeper of the pit of Eye-mouth, charged with assault and cruelty, 41, 42, 80.
- Kennedy of Ardmillan, Thomas, petition by him, 557.
- Hew, apparent, 5; petition by him, 557.
- of Balquhan, . . . , protection granted to him, 28.
- of Blairquhan, James, charged with deforcement, xxxv, 4-6; his house in Maybole, 4-6, 9, 10; protections granted to him, 24, 51, 61, 92, 81<sup>a</sup>.
- of Culzean, Alexander, charged with deforcement, 5, 6; ordained to find lawburrows, 6; complaint by him, 9, 10, 27; charged with assault, 10.
- of Garrihorn, David, brother of Culzean, charged with deforcement, 5, 6; ordained to find lawburrows, 6; complaint by him, 9, 10; charged with assault, 10.
- of Knockdaw, Fergus, mediates in a disturbance, 6.
- of Pinwhirrie, Hew, charged with deforcement, 5, 6.
- Andrew, servitor to James Kennedy of Blairquhan, charged with deforcement, 5, 6.

- Kennedy, Gilbert, charged with deforcement, 5, 6.
- James, at Straton Kirk, charged with deforcement, 5, 6.
- John, son of Hew Kennedy of Pinwhirrie, charged with deforcement, 5, 6.
- John, in Park of Blairquhan, charged with deforcement, 5, 6.
- John, tailor in Maybole, charged with deforcement, 5, 6.
- John, in Rottinmoss, charged with deforcement, 5, 6.
- Margaret, wife of John Gettie, in Ayr, to be tried for witchcraft, 264.
- Quintin, in Maybole, charged with deforcement, 5, 6.
- Quentin, writer, 252.
- Robert, master-porter of the Castle of Edinburgh, witness to a bond, 444, 445.
- Kennoway (Kennowy), Burnes of, 199.
- Kents, assault with, 335.
- Ker, Sir Andrew, created Lord Jedburgh and admitted a member of the Privy Council, vii. *See also* Lord Jedburgh.
- of Ancrum, Sir Robert, 17, 169.
- of Cavers, Thomas, nominated as commissioner to Parliament for Roxburghshire, 54; commission to him, 269, 270.
- of Crailling, James, appointed to arbitrate in a dispute, 6, 7, 17; the Council write to him, 24.
- of Jedburgh, Sir John, distress of his cautioners, 110; John and Mr William, his sons, 110.
- of Maisondieu, Andrew, commission to him, 270.
- of Newhall, George, commission to him, 62.
- of Schaw, . . . , charge to him as convener of the justices of the peace of Lauderdale to provide carriage for the King's baggage, 64, 65.
- of Yair, Andrew, charged with illegal warding, 153, 154; complaint by him against the town of Selkirk, 231, 282.
- Agnes, servant to McDougal of Mondurk, 343.
- Andrew, bailie of Selkirk, commission to him, 62; charged to appear before the Council, 282; an information laid before him, 562.
- Gilbert, lieutenant to Colonel Cunningham, petition by him for delivery of a soldier, 282.
- James, weaver in Eyemouth, charged with assault and cruelty, 41, 42.
- Ker, Janet, in Gordon, to be tried for witchcraft, 488.
- Mr John, money borrowed from him, 343.
- Mr John, demits the office of sheriff-clerk of Selkirk, 91; as clerk of the burgh court of Selkirk he subscribes an act, 585.
- Dame Liliass, Lady Borthwick, complaint by her, 179, 180.
- Margaret, servant to the minister of Selkirk, charged with hamesucken, 229.
- Sir William, son of Sir Robert Ker of Ancrum, enlists soldiers for the wars in Holland, 169.
- William, brother of Sir Robert Ker of Ancrum, obligation by him, 17.
- Kerse, Laird of. *See* Menteith.
- Kiel, Janet, wife of Laurence Kelty in Knockyatyme, charged with malicious damage, 230.
- Robert, in the Crook, charged with assault, 575.
- Kilconquhar, 8; complaint by the inhabitants about injury to the loch of Kilconquhar, 487.
- kirk of, 487.
- Kilkerran, Laird of. *See* Ferguson.
- Killone, Alexander, in Leith, discharged from making malt, 669.
- Kilmaichlie, Baron of. *See* Stewart.
- Kilmadock, minister at. *See* Mr William Edmonstone.
- Kilmaurs, Lord, William, commission to him to apprehend Papists, 240, 323.
- yards of, 278.
- Kilrenny (Kilrynnie), kirk of, 93, 94.
- Kilspindie, Laird of. *See* Douglas.
- Kilwinning, minister at. *See* Mr John Glassford.
- Kincaid of Auchinreoch, John, complaint by him, 337, 338; caution by him, 338.
- of that Ilk, James, son of Sir James, complaint by him, 337, 338; caution by him, 338; burial-place of the lairds in Campsie Kirk, 337, 338.
- of Warriston, Thomas, to be tried for manslaughter, but objects to his judges, who are changed, 23, 24, 28; charged with withholding his son James from military service, 288, 289.
- Lady. *See* Christian Leslie.
- Kincardine, presbytery of, 580; prosecutes Papists, 102.
- Kincardine, shire of, the justice court to be held at Forfar, 226, 227; the sheriff ordered to convey a prisoner to the

- magistrates of Montrose, 603. *See* William, Earl Marischal.
- Kincardine o' Neill, presbytery of, report of the sub-commissioners, 341.
- Kincavell, the highways thence to Aldcathiemure and Magdalens to be repaired, 140.
- King, William, servitor to Thomas Edgar, writer in Edinburgh, charged with withholding documents, 289.
- Kinghorn, Earl of, John, commission to him to apprehend Papists, 239, 322; he appears against Edinburgh in their dispute with Leith, 494.
- Kinghorn, burgh of, the ferry thence, 85; the bailies are charged to appear before the Council about the plague, 380, 381; commission to them thereanent, 388, 389.
- Kinglassie, the highway thence to the Bridge of Or to be repaired, 141.
- Kingussie, parish of, 565, 566; minister there, 239, 322. *See* Mr Angus MacIntosh.
- Kinnadie, house of, 437.
- Kinnaird of Fordie, John, fiar, 229, 230, Dame Helen Oliphant, his wife, makes a complaint, 229, 230.
- Helen, wife of Patrick Con of Artrochie, excommunicated and going abroad, 515.
- Kinnaird, house of, 599 n.
- Kinneir (Kynneir), Robert, vicar at Brechin, apprehended for not paying his taxes, 269.
- Kinnernie, 192.
- Kinross, Mr Henry, advocate, appears as procurator for the bailies of Perth, 470.
- Kinross (Kinroscher), shire of, the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65; the justice court to be held at Perth, 226, 227; the tolbooth, 608.
- Kintyre, the crown lands of, 172.
- Kirkcaldie, town of, the bailies are charged to appear before the Council about the plague, 380, 381; commission to them thereanent, 388, 389.
- presbytery of, 542; report of the sub-commissioners, 341.
- Kirkconell, Laird of. *See* Maxwell.
- place of, 569.
- Kirkcudbright, burgh of, 194, 442, 529, 530; commission to the provost and bailies to apprehend Papists, 239, 323; the bailies adjudicate in a case, 530; assault upon the provost in the High Street, 619, 620; proclamation at the market cross, 557.
- commissary of. *See* Edward Forrester.
- Kirkcudbright, presbytery of, report of the sub-commissioners, 341.
- stewardry of, 454, 455, 625; commission for the apprehension of Papists there, 239, 323; the steward ordered to make an arrest, 625; complaint against his competency to try a case, 625, 626; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65.
- Kirkhill, 123.
- Kirkland, Bartholomew, slain, 43.
- Kirkliston, the highways thence to the Water of Almond and the Mill of Kirkliston to be repaired, 139, 140.
- kirk of, dispute about a seat in it, 536, 537.
- parish of, the inhabitants to repair their highways, 138.
- Kirknewton, parish of, the inhabitants to repair their highways, 138.
- Kirkpatrick of Closeburn, Sir Thomas, a Commissioner for the Borders, caution for a compearance before him, 154; commission to him, 159; he is at the horn for debt and letters of caption are issued against him, 445, 446, 564, 565.
- Thomas, younger, complaint by him, 585, 586.
- Agnes, in Hills of Lochretoun, to be tried for witchcraft, 446.
- Roger, burgess of Dumfries, wounded in a scuffle, 13.
- Thomas, merchant in Dumfries, wounded in a scuffle, 13.
- Thomas, in Dumfries, his wife, Janet Robson, to be tried for witchcraft, 446.
- Thomas, servitor to Archibald Maxwell, charged with hamesucken, 569, 570.
- Kirkton, Katharine, in Haddington, to be tried for witchcraft, 334, 361, 362, 515, 544; she appeals against her judges, 556.
- Kirkton, lands of, in Aberdeenshire, 574.
- Kirkwall, proclamation at the market cross, 73.
- Kirkwood, Robert, notary, subscribes a bond of caution, 252.
- Kneiland. *See* Clelland.
- Knife, assault with a, 531, 532; alleged assault with a hedging knife, 123.
- Knight, Helen, wife of John Nicolson in Grange, to be tried for witchcraft, 155.
- Knowes, Elizabeth, wife of Andrew Mowat, complains of harsh imprisonment, 259.
- Knox, Katharine, delated as a witch, and found to be dead, 398.

- Koull, John, in Killerygne, charged with killing game and cutting timber, 235, 236.
- Kyle, John, called Bastard, in Earlstoun, charged with destroying woods, 262, 544.
- Kyle, bailiary of, 104; resignation of the bailiary, 364, 366-369.
- LARA, PETER, of Calais, case of his ship, 447, 483; letter from the King in his favour, 667; his complaint and petition, 667, 668.
- Lacorce, John, deacon convener of Dumfries, appears before the Council, 13.
- Laing (Layng), Archibald, officer of Leith, makes an arrest, 673.
- David, in Paisley, prosecuted as a refractory tanner, 359, 360.
- John, burges of Forres, summoned as a witness in a case, 488.
- Malcolm, in Gulburne, excommunicated for Papistry and nonconformity, 28, 407; he refuses to conform, 547, 551.
- William, burges of Aberdeen, a resetter of Papists, 34, 35; his house in Aberdeen, 369.
- William, in Drumrowane, appointed to cast corns for proof, 474.
- Laiak, John, in Aberdeen, summoned as a witness in a case, 344.
- Lamb, Gilbert, skipper in Leith, lends a signature to an Edinburgh baillie which is not returned, 674.
- Thomas, messenger, a debt due to him, 163, 164; charged with assault, 549, 550.
- Lambie of Duncany, caution by him for Sir George Keith, 555, 561, 562.
- Lambe, to be preserved for his Majesty's visit, 81-83; prohibition against selling or eating them, 449, 450.
- Lamont (Lamount, Lawmond) of Innerin, Sir Coll, summons at his instance, 169.
- of that ilk, . . . , to assist the Bishop of Argyle in keeping his synod, 254.
- John M'Corle, *alias*, in Fernoch, summons at his instance, 169.
- Lanark (Lanerk, Lanrick), burgh of, a justice court to be held there, 226, 227, 499; the bailies, who are named, are charged with neglecting their duty, 471, 472; commission to them, 110; commission to two of them to try witches, 145; the tolbooth, 499.
- commissary of. *See* Archibald Hamilton.
- parish of, witches there, 110.
- Lanark, presbytery of, complaint about Patrick Dickson, 218; report of the sub-commissioners, 341, 492.
- shire of, 28; the sheriff to report the commission for the Parliament, 33; commission to him, 270; the justice court to be held at Lanark, 226, 227; resignation of the sheriffship by the Marquis of Hamilton, 364-366; an election of commissioners to Parliament to be made, 384; appointment as sheriff of Sir James Maxwell of Calderwood, 417; sheriff-depute. *See* Archibald Hamilton of Halcraig; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65.
- Lances, references to, 194, 195, 232, 279, 350, 351, 418, 437, 486, 558.
- Langton (Langtoun), Bessie, at the kirk of Tinwald, her house burnt, 43.
- Thomas, servant to Johnstone of Middlegill, to be apprehended and tried, 537, 538.
- Latin grammars, xxxi, xxxii; one compiled by a schoolmaster remitted to a committee of learned men, 596, 597.
- Laud, Archbishop, assists the King in the government, 545 n.
- Lauder (Lawder) of Bass, George, protections granted to him, 51, 52, 81, 90, 143.
- Lady Bass, is written to by the Council to surrender her servant, John Smith, 587; she delivers him up, 603.
- of Gunsgreen, Mr Alexander, commissions to him, 110, 222, 290, 358.
- of Whitalaid, Gilbert, commission to him, 339, 340.
- Bessie, in Minland, to be tried for witchcraft, 334, 362, 515.
- Charles, bailie of Lauderdale, commissions to him, 98, 270, 339, 340.
- James, burges of Lauder, Barbara Wood, his wife, to be tried for witchcraft, 339, 340.
- Katharine, in Stobstane, to be tried for witchcraft, 334, 362.
- Katharine, to be tried for witchcraft, 515, 544; she appeals against her judges, 556.
- Sir Lewis, accepts the sheriffship of Edinburgh, 273.
- Lauderdale, Earl of, John Maitland, first, a member of the Privy Council, vi; his attendances, vi; appointed on a committee for the suppression of Papists, 233; commission to him to apprehend Papists, 240,

- 252, 323; present in Council, 8, 11, 21, 85, 91, 102, 129, 148, 156, 160, 207, 208, 219, 214<sup>a</sup>, 233, 272, 372, 416, 421, 455, 621; signs Acts of Council, missives, etc., 15, 16, 24, 86<sup>a</sup>, 112, 113, 145, 147, 156, 159, 209, 271.
- Lauderdale, the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65.
- Laurencekirk (St. Laurencekirk), 424.
- Law, Barbara, wife of Adam Smith, chamberlain of the Enzie, excommunicated for Papistry and nonconformity, 28-30.
- Lawson (Lausone) of Marcus, Mr James, commission to him, 32.
- David, in Craighead, his wife, Janet Brodie, to be tried for witchcraft, 181.
- Mr Vedast, burges of Aberdeen, commission to him, 176, 177.
- William, tenant in Powburne, horning at his instance, 26, 559.
- Lawtie, Mr James, advocate, 57, 96, 471.
- James, servitor to Mr James Lawtie, advocate, complaint by him and his wife, Alison Hamilton, 471, 472.
- Learmonth of Balcomie, Sir James, to hold circuit courts of justice, 207, 228, 227; he accepts the commission, 207; commission to him to apprehend Papists, 252, 323.
- Mr Andrew, minister at Liberton, appears before the Council in a witchcraft case, 278.
- John, W.S., appointed clerk of court for trial of a case, 23, 24.
- John, to be tried for theft, 3; to be executed, 11, 77, 87; his confession at his execution, 16.
- Mr Robert, advocate, appointed assessor in a case, 23, 24.
- Thomas, called Duke Learmonth in Coldingham, charged with destroying woods, 262.
- Leather. *See* Tanning.
- Lee, Laird of. *See* Lockhart.
- Leg, Peter, in Douchley, to be apprehended and brought before the Council, 517; not to be reset, 504.
- Leighton (Lichton), John, his ship infected with the plague, 382.
- Leith, burgh of, 79, 85, 143, 174, 193, 271, 516, 522; French wines imported there placed under arrest, xxii, 24, 25, 44, 46; the bailies charged with illegal warding, 54-56, 81; troubled with beggars, 66, 67; the magistrates are charged to keep the streets free of them and to punish them, 67, 412-415; also to see the Lent Acts observed, 83; prize ships brought thither, 86; the wapenshawing of the inhabitants of the north side prohibited, 161, 162, 166, 167; complaint by the minister and kirk-session about their schoolmaster, 157; fire-raising in a house there, 145, 156; the cargo of the Lübeck ship brought thither, 209; attempt to drown a woman in a back close, 212; the bailies are charged to take precautions against plague-infected ships, 382<sup>a</sup>, 383; a commission to them to take trial of all suspected ships, 385, 387, 388; importance of Leith as a port, 387; the girdling of grain there prohibited by the town of Edinburgh, 496, 497, 506-508, 630, 640, 641, 648, 672, 676; privileges of the maltmen, 216, 497, 669, 670; order of their admission as burghesses, 669; the harbour-tax known as the "pryme gilt," 216, 630, 642, 674; some of the privileges and rights of the town enumerated, 217; question about the fortification, 633, 652; names of the mid-superiors of the town, 640; French ship brought thither, 668; complaint by the mariners against Edinburgh, 674-676; proposed incorporation of seamen there, 674-676; alleged decay of the shipping trade, 675; the dispute with Edinburgh about the superiority, xxvii-xxix, 54-56, 170, 260, 261, 335, 344, 349, 350, 422, 423, 432-434, 440, 443, 454, 480, 483, 494, 495, 496, 497, 634; the magistrates of Edinburgh complain to the King against the inhabitants of Leith, 349, 350; their grievances against Edinburgh given in, 429, 498; the answers by Edinburgh, 429, 443; given to them for reply, 429, 443; their replies, 440; some of the inhabitants sign a procuratory, and their grievances given in, 228; protest by Edinburgh that such only as have signed are represented, 228; Edinburgh ordained to produce the evidents of their superiority, 215-221, 423; the superiority acquired in 1565, 636, 655; the seventeen articles by Mr Alexander Hay, 454, 632-635; reply to these, 636; they are to be more particularly specified, 454; the time extended for their reply, 475; their four-score and four articles given in, 480, 639-665; a few more grievances, 668-676; letters from the King in favour of the burgh, 170, 217, 218; another letter on the matter, 344; they are to be allowed

- to employ procurators in pleading before the Council, 489; their petition, 630, 631; writ dated at Leith, 228; wardings therein, 568, 598; the town clerk, 497; he is to write all Leith writs, 669; the water bailie. *See* Archibald Tod; the bulwarks and pier, 216, 636, 657; the Buas, 656; the King's Wark, in the centre of South Leith, 634, 640, 656, 673; erected into a barony by James VI., 673 n.; proclamations at the pier and shore, 71, 540; the tolbooth, 55, 193, 194, 672<sup>2</sup>; hole where the witches were imprisoned, xxvii, 55; kirk and kirk-session of, are superiors of part of Leith, 640; the church has an interest in the wine duties, 647; meetings of the session disturbed by Edinburgh, 650; a brawl in the kirk-session, 194; ministers of Leith, 157. *See* Mr John Cranston and Mr James Fairlie.
- Leith, Links of, a murder committed there, 603; the murderer hanged on the same spot, 624; a place for recreation and the musters of Lothian, 657; Little London, a house on Leith Links, 634, 657, 657 n.
- parish of, 87.
- road of, 642, 655.
- Water of, 666.
- Leith Wynd, the highway thence to Wakers Hole at St Ninians Row to be repaired, 138; beggars there to be punished, 411-415.
- Leithhead, Alexander, in Coldingknowes Byres, charged with destroying woods, 262.
- Lennox, Duke of, . . . , deceased, 214.
- Duke of, Ludovick, the Earl of Angus sends his son James to the Duke and Duchess to be placed at an English university, 220, 233; part of the fines of delinquents within the regality of Glasgow pertains to him as bailie of the regality, 315; he complains of encroachments upon his offices of Lord High Admiral and Lord Chamberlain, 502, 503; proposed court of seamen at Leith by his authority, 674.
- of Poltoun, Alexander, petition by him, 557.
- . . . , brother of Lennox of Poltoun, petition by him, 557.
- Lent, Acts for the observance of, 48-50, 81-83; all licenses for eating flesh recalled, 82; proclamation for observing, 448-450; penalties for breach thereof, 449; license to the Council and others to eat flesh, 452, 453.
- Leslie of Aberlour, William, deceased, 593.
- of Achorthes, James, petition by him, 429-431; permitted to carry firearms, 524, 525.
- of Ardtannes, Norman, petition by him, 429-431.
- of Balquhain, John, commission to him, 15.
- of Conrache, Alexander, excommunicated for Popery and nonconformity, 407; he refuses to conform, 547; caution for his conforming or leaving the country, 615.
- of Finressie, . . . , commission to him to apprehend Papists, 239, 322.
- of New Leslie, John, sometime, caution for his conforming or leaving the country, but he is to have the present crop of his lands, 615.
- of Newton, Mr John, appointed convener of the justices of the peace of Fife, and charge to him, 64, 65, 77, 78, 197; commission to him to apprehend Papists, 252, 323.
- of Pitcaple, John, elder, 31; commission to him, 15; caution by him, 277.
- — John, younger, commission to him, 15.
- of Ryhill, William, commission to him, 15.
- of Wardes, Sir John, commission to him, 15.
- Adam, protection granted to him, 14.
- Alexander, indweller in Aberdeen, complaint by him and Marion Cheyne, his wife, 124.
- Alexander, in Gowall, caution for his conforming or leaving the country, 618.
- Alexander, in Mannelie, permitted to carry firearms, 524, 525.
- Alexander, son-in-law of Robert Mercer, keeps the house of Rayniston, 277.
- Alexander, brother of the Laird of Pitcaple, charged with uttering pasquils, 31, 32; to be apprehended, 103.
- Mr Andrew, a Popish priest, to be apprehended, 408.
- Christian, Lady Kincaid, her dead body alleged to have been exhumed and mutilated, 337, 338.
- Francis, brother of George Leslie, the Capuchin, charged with uttering pasquils, 31, 32; to be apprehended, 103.
- George, called the Capuchin, 31, 103; says mass, 102.
- James, son of William, of Aberlour, commission to him, 593.

- Leslie, Mr John, a Popish priest, to be apprehended, 406.
- John, in Aberdeen, complaint by him, 262, 263.
- Norman, at the Mill of Whitehauch, permitted to carry firearms, 524, 525.
- Dr William, physician to her Majesty, xviii; prosecuted for saying and hearing mass, 369, 370, 373, 375, 378, 379; he is charged to appear before the Council, 416; he appears and gives caution either to conform or leave the country, 417, 418; protection granted to him for prolongation of his term for leaving the country, 528, 562.
- Mr William, called the Capuchin, a priest, to be apprehended, 406.
- Leslie, New, lands of, 337, 473, 474.
- Leamoir, Laird of. *See* Gordon.
- Leasells (Leasils), James, complains of harsh imprisonment, 543.
- Lessindrum, place of, 369.
- Lesturig. *See* Restalrig.
- Lewis, Isle of, xxv–xxvii; plantation of strangers there by the Earl of Seaforth, 421, 427, 428, 429.
- Libellers, to be dealt with in the circuit courts, 258.
- Liberton (Libbertoun), John, bailie of Kirknewton, to oversee the repair of certain highways, 138, 139.
- John, charters granted by him, 289.
- minister of. *See* Mr Andrew Learmonth.
- parish of, 67; the inhabitants to repair their highways, 138.
- Licenses: for eating flesh in Lent recalled, 82; to sell liquor in Leith, 670.
- Liddell, Archibald, and Barbara Flint, his wife, in Eyemouth, to be tried for witchcraft, 110.
- Janet, in Eyemouth, to be tried for witchcraft, 290.
- William, bailie of Brechin, charged to produce a prisoner, 269.
- Lidderdaill of Isle, Thomas, complaint by him, 442; he is appointed to try a case, 420; as steward depute of Kirkcudbright he petitions that a convicted thief may be banished, 528, 529; horning at his instance, 529, 530.
- — James, apparent, acts as procurator for his father, 442, 530.
- Lin (? Rhynd), parish of, the inhabitants to repair their highways, 140.
- Lindores, lordship of, taxation of, 188, 189.
- Lindsay, Lord, has a French servant assaulted, 612.
- of Balcarrase, . . . , commission to him to apprehend Papists, 252, 323.
- of Balgais, David, commission to him, 26.
- of Barass, Alexander, commissions to him, 26, 340, 431.
- of Covington, . . . , the trial of his teinds postponed, 492.
- of Edzell, . . . , commission to him to apprehend Papists, 239, 322.
- of Fairgirth, James, order for his apprehension, 624, 625.
- of Glenstocke, James, 624, 625.
- of Laggan, John, sheriff-depute of Dumfries, charge to him to arrest a rebel, 565.
- of Mains, Roger, 531.
- of Newhall, David, charged with oppression, and ordered to find caution, 456.
- Andrew, son of James, of Glenstocke, complaint by him, 624, 625.
- Bernard, deceased, 673; his widow, Barbara Logan, in Leith, 673.
- Mr David, parson of Bethelvie, complaint by him, 230.
- Francis, brother of Roger Lindsay of Mains, charged with assault and riot, 531, 532.
- Mr John, minister at Aberlemno, his eldest son, David, slain, 548, 549, 555.
- John, portioner of Dirleton, put to the horn, 154.
- John, complaint by him, 154.
- Margaret, wife of James Bruce, complaint by them, 154.
- William, son of James, of Fairgirth, order for his apprehension, 625.
- Linen cloth, the exportation of, xx; not to be dealt with in the circuit courts, 315, 316.
- Linlithgow, Earl of, Alexander Livingstone, Lord High Admiral Depute, a member of the Privy Council, vi; his attendances, vi; to try importers of Embden dollars, 3; to deal with a Bristol ship wrecked in Orkney, 21; he arrests French wines brought into Leith, xxii, 24, 25; to oversee the repair of certain highways, 68; letter to him from the Council about the Holland ship *The Green Dragon*, 84, 86; having undertaken to provide the King's pinnace he is to do so upon his own charges, 85; commission to him to

apprehend Papists, 252, 323; he recommends the printing of a treatise on military discipline, 280, 281; he is to deal with masters of vessels for the transport of troops, 313; to administer justice about French ships taken by Scotsmen, 315, 521-523, 609; he orders the arrestment of one, which the Council releases, 590; he presents a royal missive requiring the Council to punish Archibald Tod for insolence done to him as Admiral, 352, 353, 547, 609; delivers some pirates for service in the Swedish wars, 357, 358; he is to superintend the trial of suspected plague-stricken ships, 387, 388; to examine into a case of assaulting a witness against some persons for torturing foreign seamen, 429; he craves direction about the punishment of the torturers of sailors, 464; on a committee about the foreign coin, 464; to deal with Peter Laba's ship, 483; the trial of his teinds postponed, 492; to report upon the best church for the King's coronation, 493; and to inspect Holyrood church about its reparation, 493; he is declined as a judge in the Edinburgh and Leith dispute, 494; but he purges himself of partiality, 497; he is to speak with Sir William Seton about a commission, 503; he writes to the King about the theft of a fisher's boat, 513; he disputes with the Earl Marischal the judging of prize ships, 522; gives orders to fire guns at Leith in honour of the birth of the Prince, 564; he is to report upon the losses by the slipping of the moss, 569; some English pirates seized by Lord Semple to be delivered to him, 617, 626; present in Council, 1, 3, 8, 16, 19, 21, 148, 156, 160, 166, 172, 176, 196, 200, 207, 208, 211, 214, 219, 224<sup>a</sup>, 225, 233, 252, 260, 265, 272, 285, 292, 349, 352, 356, 358, 361<sup>a</sup>, 363, 372, 379, 383, 387, 396, 401<sup>a</sup>, 404, 406, 416, 421, 426, 427, 432, 435, 438, 443, 452, 455, 457, 464, 469, 471, 475, 479, 483, 489<sup>a</sup>, 492, 496<sup>a</sup>, 497, 501, 506, 520, 538, 545, 551, 571, 573, 588, 591, 593, 603, 609, 613, 621; he signs Acts of Council, missives, etc., 3, 19, 20, 24, 25, 26, 155, 156, 158, 159<sup>a</sup>, 160, 165<sup>a</sup>, 166, 169, 171, 172, 175, 176, 181, 182, 183, 200<sup>a</sup>, 206, 207, 209, 214<sup>a</sup>, 222, 223, 233, 250, 260, 264, 265<sup>a</sup>, 285, 290, 291, 315, 316, 351, 355, 358, 360, 363, 371<sup>a</sup>, 373, 386<sup>a</sup>, 391, 392, 400, 404, 406, 431<sup>a</sup>, 446<sup>a</sup>, 453, 454, 455<sup>a</sup>, 479<sup>a</sup>, 488, 492, 496<sup>a</sup>, 498, 501, 508,

518<sup>a</sup>, 519, 520<sup>a</sup>, 526, 536, 544, 550, 568, 592, 593, 602<sup>a</sup>, 608, 609, 616, 617.

Linlithgow, burgh of, standard of Linlithgow for selling grain, 26, 27; the firlot and other measures, 27, 27 n., 28; the highways thence to Edinburgh and Stirling to be repaired by the burgesses, 68; also those to Magdalens and the East Port, 140; a justice court to be held there, 226, 227; the magistrates are notified of the birth of Prince Charles, 552.

— palace of, 50, 449; inspected after repairs, 101.

— presbytery of, they pursue and excommunicate Papists, 157; report of the sub-commissioners, 341.

— shire of, orders for repairing the highways, 139, 140; the justice court to be held at Linlithgow, 226, 227; appointment as sheriff of Mr John Drummond of Woodcockdale, 274; a dispute between the gentlemen of the shire and the burgh of Edinburgh, xxviii, xxix, 423, 433, 434, 454, 495, 637; no free royal burgh to be erected there in prejudice of Edinburgh, 636, 652; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65.

Linton, Alexander, a debt due to him, 163, 164.

— Patrick, in Melvingsland, to be tried for witchcraft, 170.

Little (Littill), William, in Kirrnieis, to be tried for theft, 548.

Littlejohn, William, servant to John Meldrum in Reidhill, delivers a message, 456.

Livingstone (Levinstoun) of Castlecarie, John, charged with assault, 600.

— of Cullenoch, Alexander, 528.

— of Dunipace, Sir David, owner of the teinds of Skaithmuir, 371.

— of Greenyards, . . . , commission to him, 90.

— of Hayning, John, caution by him, 377; charged with assault and robbery committed by his tenants at his instigation, 478.

— of Kilsyth, Sir William, deceased, alleged undertaking by him, 362, 363, 377.

— William, summoned to pay a debt incurred by his grandfather, 362, 363; he takes a prisoner from Stirling Castle to Edinburgh under caution, 370; his caution discharged, 376, 377; he is to return him thither, 377.



- Livingstone of Kirkland, . . . , commission to him, 90.
- Mr Alexander, advocate, a debt due to him, 163, 164.
- Mr Alexander, complaint by him, 14.
- Sir James, at Court, 143.
- Colonel John, grants a discharge on the buying off of a recruit, 289.
- Mr William, admiral-depute, reports to the Council about the letters in the captured Spanish ship, 42; he produces these letters, 52, 59.
- William, at the Crook Mill, deceased, 230; Margaret Dempster, his widow, charged with malicious damage, 230.
- Lobane, John, servitor of Gordon of Rothiemay, charged with carrying firearms and violence, 437, 438, 517; not to be reset, 504.
- Loch, Margaret, in Eyemouth, to be tried for witchcraft, 222.
- Lochaber, 576.
- Lochkinkerran, a justice court held there, xx.
- Lochmaben, burgh of, a court to be held there, 20; the breeding of hounds near, xxiv, 222.
- Castle, built by the Earl of Annandale, 126, 127.
- presbytery of, report of the sub-commissioners, 341; they complain against the heritors for refusing to build a bridge, 477.
- Lockhart (Lokhart) of Cleghorn, Alexander, complaint by him and his wife against his son, 360.
- of Lee, Sir James, elder, commissions to him, 145, 270; charged with unlawful convocation, 418, 419; caution by him for his son George, 443, 444; he exhibits his five men before the Council, 432.
- Sir James, younger, gentleman of the King's privy chamber in ordinary, witness at Windsor to the King's decreets about the teinds, 303, 307, 310, 313; complaint by him to the King, 552.
- George, third son of Sir James, of Lee, charged with unlawful convocation, 418, 419; caution for him not to wear firearms, 443, 444.
- John, natural son of Sir James, of Lee, charged with carrying firearms and violence, 418, 419.
- Locklaw, Alexander, treasurer of Cupar, charged with assault, 612.
- Logan of Restalrig, . . . (Hob of Lestalrig), deceased, rights acquired from him by Edinburgh and Leith, 639, 641, 655, 656, 664, 670; grants by him to Queen Mary, 641.
- Barbara, widow of Bernard Lindsay, proprietress of the King's Wark in Leith, 673.
- George, appears before the Council for the inhabitants of Leith, 440; compelled to pay a duplicand of his feu, 670; forbidden to store corn or bake and sell bread, 671, 672; prevented buying timber, 672.
- James, in Dalhousie, caution by him, 563.
- John, in Minnigaff, petition by him, 557.
- John, servant to Gordon of Rothiemay, not to be reset by the lieges, 256.
- Katharine, wife of William Aslowane, complaint by her of assault, 478.
- Walter, notary, common clerk of the Canongate, signs an act of court, 527; his chamber, 549, 550.
- Logie, Mr John, commissioner for the diocese of Moray, reports the result of Lord Gordon's commission against the Papists, 547, 548; consents to an act of Council, 565.
- Logie Almond, bailie court of, 403.
- London, i, xxvi, xxviii, xliii, 543; Sir William Alexander resident there, vi; the Greenland Company of, xxiii, 354-356; the highways thither, 477.
- Longue, Captain, of Hamburgh, charged with robbing a Scottish ship, 484, 525, 526.
- Lord, penalty of a, for not observing Lent, 49.
- Lorne, Lord of, Archibald Campbell, a member of the Privy Council, vi; his attendances, vi; his office as Justiciar of the Isles not prejudiced by that of Justice-General, 111; his dispute with the Islanders about the places for holding justice courts, xx, xxi, 164, 171; commission to him to apprehend Papists, 240, 322; warrant to him to hold his justice courts for the northern islands at Inverness, 272, 273; letter from the King as to his dispute with the Islanders, 273, 631; to take the oath of the sheriff of Dumbarton, 274; to deal with the Islesmen to subscribe the Submission, 610; present in Council, 3, 21, 44, 64, 77, 81, 85<sup>2</sup>, 87, 91,

- 92, 98, 102, 119, 128, 129, 148, 156, 160, 166, 272, 285, 479, 483, 489, 588, 593, 603, 609, 613, 617, 621; signs Acts of Council, missives, etc., 25, 26, 77, 79, 80, 98, 112, 113, 118<sup>a</sup>, 129, 147<sup>a</sup>, 156, 159, 169, 285, 290, 291, 620.
- Loth, kirk of, 75.
- Lothians, the, Edinburgh is alleged to have usurped justiciary and shrieval rights over, 217, 633-635, 641, 643, 649, 651, 662, 663; horse-stealing there, 616.
- Lothian, East. *See* Haddingtonshire.
- West. *See* Linlithgowshire.
- Loudon, Lord, John, sheriff of Ayr, commission to him, 43; to superintend the election of the commissioners of that shire to Parliament, 104, 105.
- Lovat, Lord Fraser of, Simon, 566, 567; complaint by him, 486, 487; he appears against Edinburgh in their dispute with Leith, 494; commission to him, 518.
- Master of, Hew, complaint by him, 486, 487; appears against Edinburgh in their dispute with Leith, 494.
- Love, John, in Little Keichat, prosecuted as a refractory tanner, 611, 612.
- Low Countries. *See* Holland.
- Lübeck, the ship of, transport of its cargo to Leith, 209; settling of the accounts, 268.
- Lud, Thomas, in the kirkton of Banchory, charged with molestation, 574.
- Luddes, Helen, in Craikfurd, to be tried for witchcraft, 270.
- Luffie, William, in Fishkellie, put to the horn for assault, 90.
- Luikup, John, skipper in Leith, a complainer against Edinburgh, 666.
- Lumsden (Lumisden), Margaret, a possessed woman in Duns, to be exhibited before the Council, 604, 608.
- Mr Matthew, burges of Aberdeen, commission to him, 176, 177; his house in Aberdeen, 369.
- Lützen, 208 n.
- Lyll, William, in Nether Craigens, prosecuted as a refractory tanner, 359, 360.
- Lynning, John, in Hielisyde, charged with hamesuoken, 57, 81.
- Lyon King of Arms, Sir James Balfour, xlv; he raises the question as to what armorial bearings shall be carried at the King's coronation, 50; his coat of arms inspected, 51, 60; he is to deprive officers of arms who abuse their office, 259; ordained to proclaim the decreets concerning the teinds, 293; to be furnished with a crown of gold for the coronation of the King, 491, 492; to report as to the best church for the King's coronation, 493, 497, 498; his inauguration as Lyon King, 531; patent to him for rectifying abuses in arms, 555; gift of the office in favour of Sir James Balfour passed, 561; act in his favour against painters and goldsmiths who grant coats of arms, 594-596; date of his own coronation, 613.
- Lyon Court books, for registration, 392, 393, 394, 395.
- Lyon, Abel, goldsmith, commits suicide, 287, 288; petition by his widow, Philip Lyon, 287, 288; a letter from the King about his case, 356, 357.
- William, bailie of Brechin, charged to produce a prisoner or pay his debts, 269.
- Lyne, Fergus, litater, burges of Dundee, deceased, 481; Patrick, his son, petitions for release from ward, 481, 482.
- William, in Corsehill, a refractory tanner, 611, 612.
- MACALASTER (VcAlaster) Vc. McWilliam, in Glenshey, charged with killing game and cutting timber, 236.
- MacAulay (McCawla) of Ardincaple, Walter, commissions to him, 59, 400; objected to as a judge in a witchcraft case, 97, 123, 124.
- John, sometimes in Newburgh, to be tried for theft, 285.
- Thomas, writer, 252.
- MacCagie, . . . , in Innerour, to be apprehended, 593.
- MacCaldie (McKaldie), Molcallum, in Carnakalliche, charged with spoiling a ship, 46.
- (VcCaldie), Donald McEane Dowie, in Collonsay, charged with spoiling a ship, 45, 46.
- (VcCaldie), John McEane, in Collonsay, charged with spoiling a ship, 45, 46.
- (VcKaldie), Lachlan McEane Doy, in Nwa, charged with spoiling a ship, 46.
- (VcKaldie), Neil McDonald Roy, in Craigage, charged with spoiling a ship, 46.
- MacCall, David, merchant burges and treasurer of Edinburgh, consulted about the circulation of foreign money, 8, 11, 16, 21, 51; he appears before the Council, 432, 440; he buys a cargo of timber, 672.
- John, in Knockla, charged with de-forcement, 5, 6.

- MacCalligow, William, in Abernethy, protection granted to him, 17.
- MacCallum, Andrew, piper in Coulsland, his wife, Marion Anderson, to be apprehended and tried, 544.
- MacCannus, Alexander, mealmaker in Leith, a complainer against Edinburgh, 666.
- MacCarren, Neill, in Torsarie, charged with spoiling a ship, 45, 46.
- MacCartnay (VcCartnay), Ewin McGillechrist, in Oskamull, charged with spoiling a ship, 45, 46.
- MacCawes, Archibald, in Fernoch, protestation by him and Ewin, his son, 169.
- MacCharie, Andrew, in Maybole, prosecuted as a refractory tanner, 624.
- MacCheyne (McChain), John Dow, in Kilrey, charged with killing game and cutting timber, 236.
- Katharine, in Lochmaben, to be tried for witchcraft, 446.
- MacCrescher, Andrew, in Maybole, prosecuted as a refractory tanner, 624.
- MacClellan of Bombie, Sir Robert, witness to a resignation, 320.
- of Coline, Thomas, steward depute of Kirkcudbright, petitions that a convicted thief may be banished, 528, 529; appointed to try a case, 420.
- Robert, servant to the Master of Herries, charged with carrying firearms and violence, 351, 352.
- MacClerich (VcCleriche), Donald Campbell McDonald, charged with spoiling a ship, 46.
- (VcCleriche), Dow McDowche, in Ormaig, charged with spoiling a ship, 46.
- MacClonnvachie, William McOnil Dowie, suspension of horning against him, 566, 567.
- MacClure, Henry, in Clongall, charged with deforcement, 5, 6.
- John, in Clauhrie, a convicted thief, to be scourged, burnt on the cheek, and banished, 533, 534; to be tried for theft on his own confession, prompted by remorse, 550.
- Michael, in Clongall, charged with deforcement, 5, 6.
- MacCondochie, George, in Cuthill, charged with killing game and cutting timber, 236.
- MacConnie, Duncan, servant to Robertson of Middle Downie, not to be reset by the lieges, 470.
- MacConnochie, John Dow Moir, to be tried for theft, 28, 206.
- MacConnochie, Voir, William, in Delnapot, protection granted to him, 17.
- (VcConnochie), William McRobert, in Athole, charged with killing game and cutting timber, 236.
- MacConnell (McOnil), Glasse, servitor to Robert Stewart of Toldamf, charged with deforcement, 560.
- Roy, Donald McFinlay, in Clanvachie, suspension of horning against him, 566, 567.
- Roy, Finlay, in Friclair, put to the horn for resetting a rebel, 442.
- Roy, Huchon McFinlay, in Urquhart, suspension of horning against him, 566, 567.
- Roy, John Dow, in Glenchonache, put to the horn for resetting a rebel, 442.
- (VcOnnell), John McPhatrik, in Lenachmore, charged with killing game and cutting timber, 236; caution for him, 236.
- (VcConyell), Robert Grant, *alias* McRobie, charged with killing game and cutting timber, 236.
- (VcConill), Dwy (Donne) Donald Keill McKeane, in Glenchonache, put to the horn for resetting a rebel, 442; suspension of horning against him, 566, 567.
- (VcOnil), Ewne (Donne) Donald Dow McWilliam, in Kellach, put to the horn for resetting a rebel, 442; suspension of horning against him, 566, 567.
- MacConray (VcConray), Donald McFinlay, in Clanvachie, put to the horn for resetting a rebel, 442.
- (VcConray), Huchon McFinlay, in Urquhart, put to the horn for resetting a rebel, 442.
- (VcConray), John McOnil (VcO'Neill Roy), in Glenchonache, put to the horn for resetting a rebel, 442.
- MacCorle, John, in Fernoch (*alias* Lamont), summons at his instance, 169.
- MacCoull of Lorne, 259. *See* MacDougall of Dunolly.
- Vc, Alexander, in Carro, charged with killing game and cutting timber, 236.
- Lachlan, in Kildrynie, charged with killing game and cutting timber, 235, 236; cautions by and for him, 236.
- MacCubine, Fergus, in Maybole, complaint by him, 592.
- MacCulloch of Ardwell, John, petition by him, 557.
- of Balholme, John, petition by him, 557.
- of Drummorell, James, petition by him, 557.

- MacCulloch of Drummorell, Robert, ap-  
parent, petition by him, 557.
- of Mertoun, Alexander, charge to him  
as convener of the justices of the peace of  
Wigtown and Kirkcudbright to provide  
carriage for the King's baggage, 64, 65;  
protection granted to him, 74, 75, 81, 125.
- David, charged with unlawful convoca-  
tion, 601.
- John, vagabond, to be apprehended and  
brought before the Council, 518.
- . . . , deceased, one of his Majesty's  
physicians, law-plea by his daughter and  
widow, 74, 125.
- MacDonald of Sleat, Sir Donald Gorme, acts  
for the Islesmen in their dispute, 159; the  
Council's decision about the reformation of  
the Isles intimated to him, 181; caution  
by him for the Captain of Clanranald, 181;  
commission to him to apprehend Papists,  
240, 322; he appears before the Council,  
608.
- of Ylantirum, John, Captain of the  
Clanranald, dispensation to him from ap-  
pearing before the Council, 181; caution  
for his appearance next year, 181; his ap-  
pearance before the Council continued, 608.
- Glas, Neil, in Killenynne, charged  
with spoiling a ship, 46.
- Oig, Gillepatrick, in Dowchoren,  
charged with spoiling a ship, 46.
- Reoche, Donald, in Cullenusche, charged  
with spoiling a ship, 46.
- Ropiche, John, in Fanmoir, charged  
with spoiling a ship, 45, 46.
- (VoDonnald), Gnorie McNeill, in Crai-  
gage, charged with spoiling a ship, 46.
- MacDougall of Dunolly, . . . , to assist the  
Bishop of the Isles in keeping his synod,  
254, 259.
- MacDowall (MacDougall) of Garthland, Sir  
John, commission to him to apprehend  
Papists, 253, 323; petition by him, 557.
- of Mondurk, Uchtred, charged by his  
wife, Mary Hamilton, Lady Butterdean,  
with cruelty, and a separation ordered,  
342-344.
- Uchtred, master stabler to the Earl of  
Cassillis, charged with riding down a racing  
horse, 607, 608.
- Eupham, action against her for delivery  
of writs, 300.
- MacDuff, John Roy, in Innerchadine, ac-  
cused of forfeiting his cautionry, 237.
- MacEachin (VoEachin), Donald McEane Doy,  
in Corkamure, charged with spoiling a  
ship, 46.
- MacEane (Abrigh) of Glencoe, Alaster,  
caution for his indemnity, 360.
- (McCaine), Donald Dow, in Glenoh-  
nache, put to the horn for resetting a rebel,  
442; suspension of horning against him,  
566, 567.
- Dow (Andwne), John Dow, in Glen-  
chonache, put to the horn for resetting a  
rebel, 442; suspension of horning against  
him, 566, 567.
- (VoEane), Donald Dow McWilliam, in  
Ardblair, slain in resisting arrest and his  
head placed on Inverness tolbooth, 566,  
567.
- (VoOneill), Dow (McConil Downe),  
William, in Glenvakie, put to the horn for  
resetting a rebel, 442.
- Roy, Donald, in Glenchonache, put to  
the horn for resetting a rebel, 442; suspen-  
sion of horning against him, 566, 567.
- (VoEane), Angus McDoull (McConnell  
M'Gillespick) VoInneis, taken prisoner in  
Glencoe and wounds his captor; his  
brother slain, 347, 348; to be tried for  
horse-stealing, 360.
- (VoEane), Donald Dow McWilliam, in  
Ardblair, put to the horn for slaughter,  
441, 442.
- (VoEane), John McWilliam, in Inner-  
loch, to be apprehended and brought to  
justice, 593.
- (VoEane), Robert McWilliam, brother  
of John (*supra*), to be apprehended, 593.
- (VoEane) Doy, John McWorche, in  
Ormaige, charged with spoiling a ship, 46.
- (VoEane) Vane, William McWilliam,  
in Abernethy, protection granted to him,  
17.
- (VoEane) Veill, Gillecillum McDonald,  
in Cullenusche, charged with spoiling a  
ship, 46.
- MacErcher, . . . , in Tintagall, son of  
Ferquhar McEane McIntagart of Trochil,  
slain, 518.
- MacEwin, Hector, in Badeall, in Roskein,  
52; his son, Ewin, to be tried for sodomy,  
52.
- (VoEwin), Charles McLauchlane, in  
Killenynne, charged with spoiling a ship,  
45, 46.
- (VoEwin), John McCachine, captain of  
Cairnburrow, and Lachlan, his son, charged  
with spoiling a ship, 45, 46.
- (VoEwin), John M'Caldie Kil, in Balle-

- zartna, and Gillicallum, his son, charged with spoiling a ship, 46.
- MacFerquhar, John, in Delnapot, protection granted to him, 17.
- (VcFerrucher), Alaster McComeis, put to the horn for manslaughter, 175.
- MacFinlay, Allan Beg, in Innerloch, to be apprehended and brought to justice 593.
- William, in Tarbat, to be tried for incest, 52.
- Doy, Finlay, in Killurenane, charged with spoiling a ship, 46.
- Roy, John, in Dowchoren, charged with spoiling a ship, 46.
- Roy, John Dow Beg, suspension of horning against him, 566, 567.
- MacGibboun, William McJames, in Kirk-michael, to be apprehended, 593.
- MacGibbounche, John Dow, in Creuchlie, to be apprehended, 593.
- MacGie (McGhie) of Balmagie, Robert, deceased, 455.
- —, John, dispensation with his minority, 454, 454.
- William, bailie of Kirkcudbright, denounced for not appearing before the Council, 620.
- MacGill of Cranston Riddell, Sir James, sheriff principal of Edinburgh, charged to take measures for repairing the highways in Midlothian, 116; commission to him to apprehend Papists, 240, 323; another commission to him, 518.
- MacGillechrist (VcCartnay), Ewin, in Oskamull, charged with spoiling a ship, 45, 46.
- MacGilliphatrik, Archibald Reoche, in Killenynne, charged with spoiling a ship, 46.
- MacGillizowhie, James, in Dalnagarne, not to be reset by the lieges, 470.
- MacGnorie of Carnakalliche, . . . , charged with spoiling a ship, 46.
- (VcGnorie), Lachlan McDonald, in Ballezartna, charged with spoiling a ship, 46.
- MacGorrie, Neill Roy, in Ardisgag, charged with spoiling a ship, 45, 46.
- MacGowne (McGowane) of Veioche, John, sued for the maintenance of a prisoner, 549.
- Andrew, servitor to the Master of Herries, charged with attempting to rescue prisoners, 12-14; charged with carrying firearms and violence, 351, 352; charged to find lawburrows, 352.
- MacGowy, Murche, in Fanmoir, and John, his son, charged with spoiling a ship, 45, 46.
- MacGraine, Gilbert, servitor of Ferguson of Kilkerran, charged with carrying firearms and violence, 9, 10.
- MacGressiche, Finlay Bayne, in Colonsay, charged with spoiling a ship, 46.
- MacGrinnan (McGrenane), Finlay, in Fetterletter, attempt by Grant of Ballindalloch to apprehend him, 114; petition by him for protection, which is granted for coming to his trial, 158; charged with killing John Grant of Delnabo, 458, 462, 579, 580, 582, 583; he raids Ballindalloch's lands, 462; to be apprehended by the Marquis of Huntly, his master, 578, 617, 618.
- James, in Belledine, to be tried for manslaughter, 582, 583, 593.
- Robert McWilliam, in Belledine, to be tried for manslaughter, 582, 583, 593.
- William McWilliam, in Belledine, to be tried for manslaughter, 582, 583, 593.
- MacIlhaggow, James, in Ardmillan, charged with deforcement, 5, 6.
- MacIlleich, Patrick, in Cames, "accused of forfeiting his cautionry, 236, 237.
- MacIlleroche, John Dow, in Ballezartna, charged with spoiling a ship, 46.
- MacIllewredie, Donald, in Torsarie, charged with spoiling a ship, 45, 46.
- John, in Torsarie, charged with spoiling a ship, 45, 46.
- MacIlroy, John, indweller in Kelso, charged with uttering clipped gold, 562, 563.
- MacInneillar, Duellan, *alias* John Robertson, not to be reset by the lieges, 470.
- MacInnes (VcInneis), Yair, Donald McDoull, slain in a quarrel, 347, 348.
- MacInraour, Alaster Dow, in Glenevinglas, to be apprehended and imprisoned, 593.
- John Dow, in Drimmachuriche, to be apprehended, 593.
- John Riache, in Cleuchrie, to be apprehended and imprisoned, 593.
- Ferquhar, in Bellintrowane, protection granted to him, 17.
- MacInrossie, John, in Blair, charged with deforcement, 560.
- MacIntagart of Trochil, Ferquhar McKane, horning at his instance for the slaughter of his son, . . . , McErcher, 518.
- John Oig, brother of Ferquhar (*supra*), horning at his instance, 518.
- Duncan, to be tried for theft, 175.
- MacIntailyeur, John Bayne, in Dowchoren, charged with spoiling a ship, 46.
- Murche, in Fanmoir, charged with spoiling a ship, 45, 46.

- MacIntosh of Auldrie, Alexander, put to the horn for debt, 51, 81.
- of Doun, James, protection granted to him, 14.
- of Easter Urquhill, Hector, put to the horn for debt, 51.
- of Firenze, Angus, charged with killing game and cutting timber, 235, 236.
- John, brother of Angus, of Firenze, charged with killing game and cutting timber, 235, 236.
- Mr. Angus, minister of Kingussie, commission to him to apprehend Papists, 239, 322.
- Donald, son of John Angussone, commission to him, 593.
- Marie Nein Eane Eir, *alias*, to be tried for witchcraft, 15, 16.
- Thomas, in Roakmore, 582, 593; his son, Lachlan, slain, 582, 583, 593.
- Captain, in the service of the Earl of Nithsdale, in debt, 51.
- MacJeane, Riache, Ferquhar, in Ballintrewane, to be apprehended, 593.
- (VcJeane), Riache, John McAlaster, younger, in Auchlechine, to be apprehended, 593.
- MacKamgeour, Gilbert, in Knockskaithe, charged with deforcement, 5, 6.
- MacKay (McKy) of Boghous, Angus, commission to him to apprehend Papists, 239, 322.
- of Dilrait, John, commission to him to apprehend Papists, 239, 322.
- MacKayne, . . . , complaint by him, 81.
- MacKeith, Nauchtane, in Kyllinane, theft of a sheep from him, 175.
- MacKeleroy, John, in Langanemore, charged with killing game and cutting timber, 236.
- MacKenzie (McKanyee) of Fairburne, John, commission to him, 158, 159.
- of Kilcowie, Mr Alexander, commission to him, 15, 16.
- of Kilcoy, Alexander, commission to him, 158, 159.
- of Tarbat, Sir John, caution by him for McNeill of Barra, 199; appears against Edinburgh in their dispute with Leith, 494; caution by him, 608; complaint by him, 624.
- Donald, in Dalmore, commission to him, 175.
- Thomas, son of Donald, in Dalmore, commission to him, 175.
- MacKeoger, John, in Ballieroyne, charged with deforcement, 5, 6.
- MacKeyoche, Patrick, in Tulloch, and Patrick and Alaster, his sons, charged with killing game and cutting timber, 236.
- MacKichane, Donald, vagabond, charged with killing game and cutting timber, 236.
- MacKie of Brooth, Alexander, petition by him, 557.
- of Larg, Sir Patrick, petition by him, 557.
- Archibald, servant to Gordon of Penninghame, at the horn for slaughter, 557.
- James, smith, in Wester Wemyss, his wife, Janet Wilkie, to be tried for witchcraft, 496.
- John, servant to the Laird of Monymusk, charged with malicious damage, 574.
- Michael, in Kirkland, complaint by him, 557.
- MacKillenane, John, in Torloak, charged with spoiling a ship, 46.
- MacKillersoche, Neil, in Carnakalliche, charged with spoiling a ship, 46.
- MacKinley Oig, John Roy, piper, in Killurenane, charged with spoiling a ship, 46.
- MacKinnon (McKynnoun) of Strathordell, Lachlan, appears before the Council, 181; commission to him to apprehend Papists, 253, 322.
- MacKnokhill, David, brother of John (*infra*), charged with killing game and cutting timber, 235, 236.
- John, in Forther, charged with killing game and cutting timber, 235, 236.
- William, in Auchinmoir, charged with killing game and cutting timber, 235, 236.
- MacKynnich (VcKynnich), Donald VcEane, in Torloak, charged with spoiling a ship, 46.
- (VcKynnich), Gillespick VcEane, in Torloak, charged with spoiling a ship, 46.
- (VcKyniche), Rorie McEane, in Torloak, charged with spoiling a ship, 46.
- MacLaren (McClerne), Thomas, in Cargilstone, a refractory tanner, 624.
- MacLachlan (McClachlane) of Tomettin, William, commission to him, 593.
- Alexander, in Craighernie, charged with killing game and cutting timber, 236.
- John, in Innerhebbit, to be apprehended, 593.
- Doy, Donald, in Abose, charged with spoiling a ship, 46.
- Roy, Donald, in Cames, charged with spoiling a ship, 45, 46.
- Roy, Donald, in Carnakalliche, charged with spoiling a ship, 46.

- MacLachlan (VcLauchlane), Hector McKane Dowy, in Borge, charged with spoiling a ship, 45, 46.
- (VcLauchlane), Lauchlan McEan Dowie, in Borge, charged with spoiling a ship, 45, 46.
- MacLean (McClayne, McClean) of Coll, . . . , elder, dispensation to him from appearing before the Council, 181; commission to him to apprehend Papists, 253, 322; he appears before the Council, 626.
- . . . , younger, appears before the Council, 181.
- of Dowart, Hector, elder, 608; charged to produce some of his men before the Council, 45, 46; he fails to compare, and is declared to have forfeited his caution, 218; commission to him to apprehend Papists, 253, 322.
- Hector, younger, charged to produce certain of his men before the Council, 45, 46.
- of Lochbuy, John, charged to produce some of his men before the Council, 45, 46, 81; he fails to compare, and is declared to have forfeited his caution, 218; commission to him to apprehend Papists, 253, 322; he appears before the Council, 608.
- of Morvern, Lachlan, fails to compare before the Council, and is declared to have forfeited his caution, 218; commission to him to apprehend Papists, 240, 322; he appears before the Council, 608.
- John, in Dirrigoun, complaint by him, 420.
- John, in Darriboun, convicted of theft and banished, 528, 529.
- Lachlan, charged to appear before the Council, 406.
- Lachlan, brother of Dowart, fails to compare before the Council, and is declared to have forfeited his caution, 218.
- . . . , second son of Hector of Dowart, appears before the Council, 608.
- MacLeod (McCleud) of Assynt, Donald Neilson, his children to be educated in religion, 248.
- of Harris, John, appears before the Council, 181, 608; commission to him to apprehend Papists, 240, 322.
- Dame Margaret, wife of Sir Alexander Gordon of Navidale, excommunicated and outlawed for Papistry, 75.
- MacLewnard, John, in Benand, charged with deforcement, 5, 6.
- MacLurg, Peter, in Larga, charged with deforcement, 5, 6.
- MacMath of Dalpedder, John, commission to him, 593.
- MacMillane, Thomas, in Maybole, charged with deforcement, 5, 6.
- MacMinneis (McInneis), Robert, at the Kirk of Crossmichael, charged with carrying firearms, 194, 195.
- MacMurtney, John, in Bishopland, charged with deforcement, 5, 6.
- MacNaught (McNacht), Isabel, in Auchlayne, to be tried for witchcraft, 570.
- John, dean of guild of Edinburgh, charged to appear before the Council, 52; he protests about the tanning reform, 85; to attend the Council about it, 92.
- MacNeill of Barra, Neil, caution for his appearance before the Council and keeping the General Band, 199, 199 n.; his domicile and agent in Edinburgh, 199; commission to him to apprehend Papists, 253, 322; he prosecutes the slayer of a kinsman, 554; he appears before the Council, 608; caution for him, 608; his prosecution of Campbell of Glenlyon stopped, 612.
- John McMurchie, killed while stealing sheep, 587, 588, 612.
- MacNokeardie, Myldonich, in Carnakalliche, charged with spoiling a ship, 46.
- MacNucattar, John Dow, in Fanmoir, charged with spoiling a ship, 45, 46.
- MacOrkill, Lachlan, in Cameas, charged with spoiling a ship, 45, 46.
- Lachlan, in Cameas, charged with spoiling a ship, 45, 46.
- Lachlan, in Carnakalliche, charged with spoiling a ship, 46.
- MacOshie, Donald, in Multivie, to be tried for incest, 52.
- MacPhatrik Oig, Duncan Robertson, in Brewhouse Craft, not to be reset by the lieges, 470.
- MacPherson (McFernane), Helen, in Ayr, to be tried for witchcraft, 264.
- MacRaith, John, charged with carrying firearms and violence, 9, 10.
- MacRannald, John, in Maybole, prosecuted as a refractory tanner, 624.
- John, an agent for McNeill of Barra, 199.
- Ranald, uncle of the Captain of Clanranald, his compareance continued, 608.
- Captain of. *See* MacDonald.
- MacRobert, Andrew, brother of William

- McRobert VoConnochie in Athole, charged with killing game and cutting timber, 236.
- MacRobert (VoRobert), George Stewart MacAlaster VoEane, not to be reset by the lieges, 470.
- MacRorie, Alaster, vagabond, to be apprehended and brought before the Council, 518.
- Donald, in Ballantenuk, charged with assault and robbery, 75, 76.
- Voir, Hector, in Torloek, charged with spoiling a ship, 45, 46.
- (VoRorie), Donald McHector, in Scallisdalbeg, charged with spoiling a ship, 45, 46, 81.
- MacShirrie (VoShirrie), John McDonald, in Oakamull, charged with spoiling a ship, 45, 46.
- MacThomas (VoThomas), Alaster McPatrick, in Stronyloyn, accused of forfeiting his cautionry, 237.
- MacVicar, Callum, to be tried for theft, 403.
- MacVorchie, Gillicallum, in Abose, charged with spoiling a ship, 46.
- (VoVorchie), John Roy McEane Roy, in Killenynye, charged with spoiling a ship, 46.
- MacWilliam, Angus McEan, in Badenoch, excommunicated for Popery and nonconformity, 407; he refuses to conform, 547, 551.
- Donald Dow, to be apprehended and brought before the Council, 486.
- (VoWilliam), Alaster McThomas, in Abernethy, protection granted to him, 17.
- (VoWilliam), John McThomas, in Abernethy, protection granted to him, 17.
- (VoWilliam), William McThomas, in Abernethy, protection granted to him, 17.
- Maber, Richie, in Braemar, charged with killing game and cutting timber, 236.
- Mace, borne before the Lord High Treasurer, 594.
- Macer before the Session, office of, 333.
- Make, Bessie, in Salton, to be tried for witchcraft, 16.
- Magdalene Bridge, the highway thence to the Clockmill to be repaired, 138.
- Magdalens, the highways thence to Kincavell and Linlithgow to be repaired, 140.
- Mailler, parish of (now part of Forteviot), the inhabitants to repair their highways, 140.
- Mair, Gilbert, in Awaldis, charged to appear before the Council, 421.
- James, slain in Turriff, 420.
- Mair, Thomas, in Craigintry, charged to appear before the Council, 421.
- Maitland, Alexander, messenger, excused on account of sickness, and caution for his appearing before the Council, 336; caution by him for the faithful discharge of his office, 405.
- John, messenger, caution by him for the faithful discharge of his office, 405.
- Major, Katharine, at the Abbey of Dundrennan, to be tried for witchcraft, 570.
- Malcolm, Robert, merchant in Edinburgh, a debt due to him, 280.
- Malloch, William, baker in the Canongate, a debt due to him, 280.
- Malt, making of, 497, 636, 640, 669, 670; grievances of the maltmen of Leith against Edinburgh, 216, 666, 669, 670.
- Mansfeld, Count, levies of soldiers made for his supply, vii.
- Manslaughter, cases of. *See* Murder.
- Manson, Gavin, uncle of Hucheon (*in/ra*), deceased, 206; his widow, Janet Bayne, to be apprehended, 206.
- Hucheon, in Braibster, to be apprehended, 206.
- Mantache, John, protection granted to him, ✓ 14.
- Mar, Earl of, John Erskine, seventh Lord Erskine and Garioch and Lord High Treasurer of Scotland, a member of the Privy Council, v; his attendances, v; his resignation of the Treasurership, vii; he is charged to apprehend a rebel, 36, 37; payment to be made to him as Collector-General of the Taxation of 1621, 94, 122, 123, 269; pursues Sir John Moncrieff of Kinmonth for his taxation, 204, 205; petition by him about the Mint, 101; petition by him for a protection to his factor, 110; a cautioner for Lord Somerville, 141; he borrows money for repairing the royal palaces and castles, xxiii, 148-151; commission of justiciary to him over his own lands, 170; commission to him to apprehend Papists, 252, 323; the trial of his teinds continued, 446; as Captain of the Castle of Edinburgh, he reports that there are no broken cannon in the Castle, 492, 493; caution by him for Sir Michal Preston, 527; he is to take charge of Sir John Stirling, and John Edmiston, 602; another commission of justiciary to him over Braemar and other lands belonging to him, 621; a letter addressed to him, 667; present in Council,



- 1, 3, 8, 11, 16, 19, 28, 34, 42, 44, 47, 52, 61, 64, 77, 81, 85\*, 87, 91, 92, 98, 102, 118, 128, 129, 148, 156, 160, 172, 176, 183, 191, 196, 200, 207, 208, 211, 214, 219, 224\*, 225, 233, 252, 260, 265, 387, 392, 395, 396, 401, 404, 406, 416, 421, 426, 427, 432, 435, 438, 443, 448, 452, 455, 464, 469, 471, 475, 479\*, 483, 489\*, 492, 496\*, 497, 501, 506, 520, 538, 551, 552, 555, 565, 567, 571, 573, 577, 583, 588, 591, 593, 602, 603, 609, 613, 617, 621; signs Acts of Council, missives, etc., 11, 34, 43, 44, 47\*, 52, 59\*, 61, 62, 63, 76, 77, 79, 80, 86\*, 92, 98, 110, 112, 113, 118\*, 125, 126, 127, 128, 129, 145, 147\*, 156, 158, 159\*, 160, 165\*, 166, 171, 172, 175, 176, 181, 182, 183, 196, 200\*, 206, 207, 209, 214, 219, 222, 250, 260, 264, 265\*, 271, 391, 392, 404, 416, 446, 448, 453, 454, 455\*, 479\*, 488, 496\*, 498, 501, 508, 518\*, 519, 520\*, 537, 538, 545, 571, 573, 588, 609.
- Mar of Nether Brangaue, John, commission to him, 195.
- Marches, defacing, 574, 575.
- Marchmont Herald. *See* Alexander Guthrie.
- Marischal, Earl, William Keith, fourth, sheriff of Kincardine, a member of the Privy Council, vi; his attendances, vi; to be written for to come and fence and continue the Parliament, 128; to produce before the Council a list of the goods in the Lübeck ship, 288; his castle of Dunnottar, 340; commission to him, 340; as sheriff of Kincardine he is responsible for prisoners in Dunnottar Castle, 431; as patron of the kirk of Duffus he complains that the Bishop of Moray will not admit his nominee, 500, 501; he grants commissions to privateers, 521; dispute between him and the Lord High Admiral, 522; present in Council, 11, 16, 19, 21, 34, 42, 44, 52, 225, 233, 252, 260, 396, 401, 404, 406, 416, 421, 427, 621; he signs Acts of Council, missives, etc., 11, 15, 16, 19, 20, 25, 26, 34, 43, 44, 59\*, 61, 233, 250, 260.
- Markets and fairs on the Sabbath discharged, 266.
- Marque, letters of, xlii; granted to James Stevenson of Pittenweem, 144.
- Marriage, neglected by beggars, xxx; matrimonial cases before the Council: James Baillie of Park and Katharine Hamilton, his wife, 460, 461; Cranston of Corsbie and his wife, 101, 102, 514; Uchtred McDougal and Mary Hamilton, his wife, 342-344; Sir George Ogilvie of Banff and his wife, 263, 264; Abraham Stewart in Cramond and Elizabeth Inglis, his wife, 463, 464, 469; Laurence Thomson and his wife, Agnes Arnot, 212, 213; Walter Thomson, merchant burgoess of Edinburgh, and Barbara Gilchrist, his wife, 464-466; Mr David Wardlaw and his wife, 192, 193.
- Marshall (Mairahell), Alexander, tenant to Livingstone of Hayning, charged with assault and robbery, 478.
- Janet, wife of Andrew Paton of Clay-side, charged with malicious damage, 230.
- Mr John, residing at Court, witness to a resignation there, 368.
- Katherine, in the parish of Eddleston, to be tried for witchcraft, 170.
- Patrick, burgoess of Forres, summoned as a witness in a case, 488.
- Marstoun, Sir Harry, captain of H.M. ship *The Lyons*, charged with ill-using a skipper, 392.
- Martin, Andrew, in Maybole, prosecuted as a refractory tanner, 624.
- George, in Auchtydonnald, complaint by him, 436.
- Marion or Malie, sometime in Barfill, to be tried for witchcraft, 446.
- Mary, Queen of Scots, her fifth parliament, 266; an Act of her sixth Parliament, 672; grants to her by the Laird of Restalrig, 641, 655, 664, 670.
- Masons of Dundee, the, wish to have a deacon of their craft, xxvi, xxvii, 111, 118, 127, 128, 135, 136; this is refused, 227.
- Mass, sayers and hearers of, to be dealt with in the circuit courts, 244, 258.
- Master of the Ceremonies, 498.
- Master of Work. *See* James Murray.
- Masterton (Maistertoun), Robert, merchant burgoess of Edinburgh, a debt due to him, 163, 164.
- Masterton's Brae, the highways thence to the Bridge of Or and Kinglassie to be repaired, 141.
- Maters, John, cordiner in Forfar, 269.
- Mathieson (Mathesoun), Alexander, in Kilconquhar, complaint by him, 8, 27.
- James, appears before the Council for the inhabitants of Leith, 440; admitted as a maltmaker, 669; fined for selling ale, 673, 674.
- Margaret, in Prestonpans, to be tried for witchcraft, 270.

- Mathieson, William, in Kirnauche, to be tried for witchcraft, 170.
- William, appears before the Council for the inhabitants of Leith, 344.
- Matthias dollars to be tested, 51.
- Mattocks, references to, 337, 586.
- Mauchane, Alexander, merchant burghess of Edinburgh, a fugitive to England from his creditors, protection granted to him, 163, 164.
- Maxwell of Calderwood, Sir James, commissions to him, 145, 270; he accepts the sheriffship of Lanark, 417.
- of Castlemilk, John, refuses ground for a bridge over the Water of Milk, 477, 478.
- of Conhaith, Sir John, complaint by him of damage to his coalpits, 563; cautions by him and for his safety, 563.
- of Corswade, Edward, attempts to escape from Dumfries tolbooth, 12-14.
- of Cowhill, Archibald, charged with hamesucken, 569, 570.
- of Dinwiddie, Robert, commission to him, 537, 538; charged with hamesucken, 569; caution for his compearing again, 570.
- of Garrarie, James, complaint by him against his son George, 80; his son dies in ward in Edinburgh tolbooth, 549.
- of Kirkconnell, James, brother of Robert, Earl of Nithsdale, a prominent Roman Catholic, xviii; he is charged to appear before the Council to answer for holding courts and pretending to dispense justice while at the horn, 92, 93.
- of Logan, John (called), principal steward depute of Kirkcudbright, objected against as judge in a cause, 626.
- of Orchardton, Robert, 12.
- of Schaw, John, son of Herbert Maxwell, called of Tinwald, prosecutes in a case of theft, 154.
- of Stanelie, John, complaint by him, Janet Crawford, his wife, and Patrick, his son, against his son John, 189, 190.
- Agnes, Lady Stenhouse, widow of James Hamilton of Stenhouse, and wife of Cuthbert Hamilton of Candor, protection granted to her, 591.
- Alexander, son of Lord Herries, charged with attempting to rescue prisoners, 12-14.
- Alexander, brother to Castlemilk, charged with hamesucken, 569; caution for his compearing, 570.
- Maxwell, Alexander, macer before the Lords of Session, acts as procurator in a case, 420.
- Edward, brother of Lord Herries, charged with carrying firearms and violence, 351, 352.
- Dame Elizabeth, Lady Herries, excommunicated and outlawed for Papistry, 96, 97.
- Elizabeth, Lady Kirkconnell, excommunicated and outlawed for Papistry, xviii, 96, 97.
- Elizabeth, widow of Herbert Cunningham, fails to carry out her undertakings and is re-warded in the tolbooth of Edinburgh, 109; she complains of harsh imprisonment, 155; she is to go abroad, 156.
- Herbert, called of Tinwald, prosecutes in a case of theft, 154.
- James, son of Lord Herries, charged with attempting to rescue prisoners, 12-14.
- James, late bailie of Dumfries, appears before the Council, 13; he is wounded in a scuffle, 13.
- James, messenger, complaint by him, xxxv, 4-6; charged with carrying firearms and violence, 9, 10, 27.
- Janet, charged to appear before the Council, 102.
- Mr John, minister of Edinburgh, charged to appear before the Council, 155; he is witness at Windsor to the King's decrees about the teinds, 307, 313.
- John, called of Corswadie, charged with attempting to rescue prisoners, 12-14.
- John, son of the Laird of Stanelie, charged with abstracting writs belonging to his father, 190.
- John, steward depute of Kirkcudbright, charged with oppression in his office, 420.
- John, in Meikle Govan, caution by him and for him, 26, 27.
- John, messenger, complaint by him, 194, 195.
- Margaret, wife of Nicol Thomson, charged with murder by witchcraft but released, 345, 390, 391; complains of the use of a false document in the case, 450, 451.
- Robert, in Cavens, complaint by him, 531, 532.
- Thomas, bailie of Dumfries, wounded in a scuffle, 13; he appears before the Council, 13.

- Maxwell, William, son of Lord Herries, charged with attempting to rescue prisoners, 12-14.
- William, brother of John, called of Logan, steward-depute of Kirkcudbright, objected to as judge in a cause, 626.
- Maxtoun, John, bailie of Perth, charged to appear before the Council, 470.
- May, Isle of, 467.
- Maybole, xxxiv, xxxv, 592, 607; disorderly conduct there, 4-6, 9, 10; minister there. *See* Mr James Bonnar.
- Meal, price of, 11; the exportation of it stopped, xxi, xxii, 53.
- Mealmakers of Leith, the, discharged to retail meal, and their measures taken away, 673.
- Megget of Maistertoun, Thomas, commissions to him, 155, 156.
- Meigle (Megill), presbytery of, report of the sub-commissioners, 341.
- Meiklejohn, George, elder, miller at Culross mill, and his wife, Marion Miller, charged with hamesucken, 559.
- George, younger, son of George (*supra*), charged with molestation, 559.
- Meldrum of Barnscoot, John, petition by him, 429-431.
- of Iden, Thomas, at feud with Crichton of Frenndraught, and charged to keep the peace, 376, 401-403; charged with carrying firearms and violence, 437, 438, 517, 518; put to the horn, 445; he is reset in Rothiemay, 510.
- Mr William, son of Thomas, of Iden, charged with carrying firearms and violence, 437, 438, 517; not to be reset, 504.
- Andrew, in Aberdeen, complaint by him, 18.
- Andrew, burges of Aberdeen, commission to him, 176, 177.
- Sir John, commissioned to raise 1200 men for the service of the King of Sweden, 137, 138; his regiment, 152.
- John, in Reidhill, charged with assault, 456, 457; permitted to carry firearms, 524, 525.
- John, in Thomastoun, charged with assault, 456, 457.
- Thomas, deacon of the bakers of Stirling, discharged from supplying inferior bread, 197, 198.
- Meldrum, Laird of. *See* Seton.
- Melgum (Melgund), Viscount of, John, charged to appear before the Council, 554; petitions for an extension of time for presenting Gordon of Bountie, 567, 568; appears by proxy in the case, 580, 581; caution for Gordon of Bountie, 589.
- Melgum (Melghame), 453, 454, 552, 553.
- Melrose, Janet, midwife in Chattill, to be tried for witchcraft, 98.
- Janet, servant to John Simson, complaint by her, 179, 180.
- Melrose, lordship of, 459, 460; bailie of. *See* James Pringle, ffar of Buckholm.
- presbytery of, 117; report of the sub-commissioners, 341.
- Melville, Lord, Robert, second, a member of the Privy Council, vi; his attendances, vi; to oversee the repair of certain highways, 68; to report upon the highways before 30th April, 111; commission to him to apprehend Papists, 252, 323; to report as to the best church for the King's coronation, 493; present in Council, 98, 99, 102, 119, 128, 129, 148, 156, 160, 172, 176, 183, 191, 196, 200, 207, 206, 211, 223, 252, 260, 316, 337, 344, 349, 352, 358, 361\*, 363, 372, 379, 383, 387, 392, 396, 404, 406, 416, 432, 435, 438, 443, 452, 455 (as president 457), 464, 469, 471, 475, 479, 483, 489, 492, 496, 497, 501, 506, 520, 565, 567, 573, 577, 583, 588, 591, 593, 603, 609, 621; signs Acts of Council, missives, etc., 110, 112, 113, 126, 129, 147\*, 196, 214\*, 250, 339, 340, 348, 349, 351, 355, 360, 363, 371, 373, 392, 446\*, 471, 519, 579.
- James, quartermaster in the Earl of Morton's regiment and Sir George Hay's regiment, protections granted to him, 17, 18, 124, 125; he claims a tax upon golf balls, xxiv, 174.
- Mr Thomas, minister at Terregles, excommunicates the Countess of Nithsdale and Lady Herries, 96, 97.
- Mempherson, Katharine, *alias* Mannochie, to be tried for witchcraft, 16.
- Menteith (Monteth), Earl of, William Graham, President of the Council and Lord Chief Justice of Scotland, and a member of the Privy Council, v; his attendances, v; he grants a commission for trying a witch and receives the approval of the Council therein, 3, 4, 27; he wards Sir John Ogilvie of Craig, 18, 19; he and his Countess have Lord Gray's son in their keeping, 21, 91, 92; he receives a letter about the Papists from the Bishop of Moray, 33-34; he carries a report about the Marquis of Huntly to Court, 78; his commission as Justice General renewed

for another year, 111; he is absent from Edinburgh, 170; takes up a missive in Council, 190; commission of judiciary to him for holding circuit courts, which he accepts, 191, 226, 227; appointed on a committee for the suppression of Papists, 233; commission to him to apprehend Papists, 239, 252, 322, 323; witness at Windsor to the King's decreets about the teinds, 303, 307, 310, 313; witness to a writ at Greenwich, 319; witness to a resignation at Whitehall, 365; the Council entreat the King to grant him a commission against Papists in the north, 372, 373; he is appointed and takes his place as President of the Council, 396, 397; to take rank after the Treasurer, 396, 397; he is to arbitrate between the Earl of Seaforth and the burghs, 426, 479, 480; to inspect St. Giles Church with reference to the King's coronation, xxxiv, 454; to arbitrate between Edinburgh and the gentlemen of West Lothian, 454; appointed on a committee about the foreign coin, 464; he brings word of the date of the King's visit, 493, 498; he intimates that he will hold a justice court at Jedburgh, 499; also at Dumfries, 501; he is to speak with Sir William Seton about a commission, 503; on the committee to consider the Nova Scotia business, 614; letters addressed to him, 128, 129, 631, 632, 639, 667, 668, 676; present in Council, 1, 3, 8, 11, 16, 19, 21, 23, 183, 191, 196, 200, 214, 219, 224<sup>a</sup>, 225, 233, 252, 260, 265, 270, 392, 395, 396, 401<sup>a</sup>, 404, 406, 416, 421<sup>a</sup>, 426, 427, 432, 435, 438, 443, 448, 452, 483, 489<sup>a</sup>, 492, 496<sup>a</sup>, 497, 501, 506, 520, 577, 583, 588, 591, 593, 602, 603, 609, 613, 617, 621; signs Acts of Council, missives, etc., 11, 15, 16, 19, 20, 24, 25, 26, 32, 181, 182, 183, 191, 195, 196, 200<sup>a</sup>, 206, 207, 219, 233, 250, 260, 264, 265<sup>a</sup>, 269, 270, 271, 400, 404, 406, 416, 446, 454, 455<sup>a</sup>, 488, 492<sup>a</sup>, 496<sup>a</sup>, 498, 501, 518<sup>a</sup>, 519, 520<sup>a</sup>, 531, 536, 588, 592, 593, 602<sup>a</sup>, 608, 609, 620.

Menteith of Harvieston, John, commission to him, 351.

— of Kerse (West), Sir William, 629; letters from the King in favour of him and his lady, to which the Council refuse to consent, 90, 91, 100, 101; the Council's reply to the King, 112, 113; sentenced to be excommunicated, 113; excommunicated and outlawed for Papistry, 157.

— Alexander, merchant burghess of Edin-

burgh, consulted about the circulation of foreign money, 8, 11, 16, 21, 51.

Menteith, Stewarty of, appointment of a new convener of the justices of the peace, 77, 78; commission for the apprehension of Papists there, 239, 240, 323; commission to the steward of, 403.

Menzies (Menzeis) of Balgownie, Thomas, charged with uttering pasquils, 31, 32; he is excommunicated for Papistry and nonconformity, 30, 31, 407; also Margaret Gordon, his wife, 407; his house seized and kept, 93, 178, 179, 369; to be apprehended, 103; he is out of the country, 547, 548, 551; action about a house leased to him and seized, 262, 263; he offers himself for perpetual banishment, 439; his escheat not thereby to be saved, 439; protection to him, 438; a modification for him, 442, 443.

— of that ilk, Sir Alexander, commission to him, 26.

— of Pitfoddels, Gilbert, commission to him, 15.

— Alexander, son of Sir Alexander Menzies of that ilk, commission to him, 26.

— Marjory, wife of Mr Alexander Irvine, of Aberdeen, excommunicated for Popery and nonconformity, 407; she refuses to conform, 547, 551.

— Mr Thomas, in Aberdeen, deceased, his house there, 369.

Mercer (Mersair, Merser) of Aldie, . . . , commission to him to apprehend Papists, 240, 322.

— of Melginch, Lawrence, chosen curator of a pupil girl and denounced for concealing her, 84; he produces her before the Council, 89, 90.

— Robert, messenger, takes possession of the house of Blair, 234, 262; he is summoned before the Council, 263; he is to restore the house of Rayniston, 276, 277; complaint by him of being illegally imprisoned, 347, 391; caution for his compearing before the Council, 370, 379, 383, 385; allowance to him for collecting the taxation, 382; he is to give in an account of his Intromissions, 383; he does so, and gives caution for payment, 390; complaint by him, 592.

— Mr Thomas, servitor to Mr William Scott, Clerk of Session, acts as procurator, 173, 174; caution by him, 370, 379, 383, 390.

- Merchandise, valuation of, 646, 650, 651.
- Merchiston (Merchinstoun), Mr Richard, Archdean of Caithness and minister at Bower, complaint by him, 168, 169; horning at his instance, 222, 223; he signs a certificate, 481; suspension of horning against him, 584; he clears himself of charges before the High Commission and complains of plots by his parishioners against his life, 616, 617.
- Meelet, Sarah, in Foulden, to be tried for witchcraft, 270.
- Messengers, some prosecuted for neglect of their duty, 162, 163, 336; fine for assaulting one, 210; put under caution for faithful discharge of their office upon pain of death, 405; names of—George Anderson, 231, 232; John Ballard, 336; John Burgh, 559, 560; Duncan Campbell, 472; Patrick Christie, 358; John Cochrane, in Maybole, 5, 6; Alexander Cunningham, 336; Robert Elder, 193; John Fleming, 564, 565; Alexander Fraser, 486, 487; John Hepburn, 358; Mr James Irving, 283; Thomas Lamb, 163, 164, 549, 550; Alexander Maitland, 336, 405; John Maitland, 405; James Maxwell, 4-6, 9, 10, 27; William Maxwell, 194; Robert Mercer, 234, 347, 370, 379, 383, 385, 390, 592; Thomas Norie, in Stirling, 162, 163; Duncan Paterson, 452; William Ramsay, 269; Luke Simson, 210, 211; George Stewart, 206; Alexander Watson, in Aberdeen, 344.
- Meyne, Bessie, in Selkirk, to be tried for witchcraft, 62.
- Middlemist of Chappell, William, commission to him, 62.
- Middle shires. *See* Borders.
- Middletoun, lands of, 209, 210.
- Milk, Water of, a bridge to be built over the, 477.
- Mill (Mylne), James, in Middleton, complaint by him, 209, 210<sup>s</sup>; charged with assault, 423, 424; counter-complaint by him, 424.
- John, mason in Dundee, appears before the Council for the masons of Dundee, 135.
- John, tenant to the Laird of Pittarrow, charged with assault, 283.
- Patrick, in Gartly, summoned as a witness in a case, 262.
- Patrick, servant of William Stone, complaint by him, 144, 145.
- Mills: destruction of one, 14, 15; dispute about a mill lade, 40; destroyers of mills to be dealt with in the circuit courts, 258.
- Miller (Millar), Alexander, servitor to Mr John Paip, advocate, witness to a bond, 444, 445.
- David, baker in Stirling, discharged from baking inferior bread, 197, 198.
- James, maltman in Busbie, caution for him, 26, 27.
- James, in Cathkin, caution by him and for him, 26, 27.
- James, charged with attempting to rescue prisoners, 12-14.
- Janet, in Glasgow, to be tried for witchcraft, 363.
- Jean, in Glasgow, to be tried for witchcraft, 363.
- John, notary, writes and subscribes a bond of caution, 252.
- John, servant to Dunbar of Blarie, charged with hamesucken, 624.
- John, to be tried for theft, 3; to be executed, 11, 77, 87; his confession at his execution, 16.
- Marion, wife of George Meiklejohn in Culross, charged with hamesucken, 559.
- Milligan, John, in Clachaneplocke, a sheep alleged stolen from him, 420.
- John, servitor to Livingstone of Cullenoch, theft of sheep from him, 528.
- Ministers: those in burghs to be maintained from the teinds, 312, 313; Mr William Abernethie, 481; Mr Patrick Adamson at Buittle, 14; Mr William Annan, 234; Mr Robert Balcanquell, at Tranent, 163, 164; Mr Thomas Bannatyne at Douglas, 218; Mr John Bell, 477; Mr James Bonnar at Maybole, 5, 6; Mr Andrew Boyd, Bishop of Argyle, 87, 88; Mr A. Bruce at Olig, 491; Mr Robert Bruce, 599; Mr David Callendar in Orkney, 214; Mr Archibald Cameron at Inchcailloch, 475; Mr John Cranston at Leith, 157; Mr Alexander Cumming at Halkirk, 75; Mr William Davidson at Auchindore, 124; Mr William Douglas at Aboyne, 580, 581, 589; Mr James Drummond at Foulis, 230, 231; Mr John Drysdale at Slamannan, 351; Mr Gavin Dunbar, 234; Mr Simon Durie at Arbroath, 115, 116; Mr William Edminstone at Kilmadock, 38; Mr Alexander Ewing at Halkirk, 191; Mr James Fairlie at Leith, 157; Mr Herbert Gladstones at Troqueir, 97; Mr John Glassford at Kilwinning, 611; Mr James Guthrie at Duffus, 500; Mr Patrick

- Guthrie, 277; Mr James Hanna at Holyrood, 106, 493, 526, 527, 599, 600; Mr John Hay at Paisley, 109; Mr Theodore Hay, 234; Mr Robert Irvine at Inverkeithing, 524; Mr Simon Johnstone at Annan, 420; Robert Kinneir, vicar at Brechin, 269; Mr Andrew Learmonth at Liberton, 278; Mr David Lindsay, parson of Bethelvie, 230; Mr John Lindsay at Aberlennock, 549, 555; Mr Angus MacIntosh at Kingussie, 239, 322; John Maxwell at Edinburgh, 155; Mr Thomas Melvill at Terregles, 97; Mr Richard Merchiston at Bower, 481; Mr Thomas Murehead, 87, 88; Mr William Nairn, 490, 532; Mr A. Ogaton at Cannisbay, 481; Mr Andrew Ramsey at Edinburgh, 119, 155, 234, 596; Mr Thomas Ramsay at Dumfries, 13, 234, 390; Mr David Rogers at Tunnergarth, 477; Mr Robert Pollock at Murroes, 198, 199; Mr Alexander Ross, 234; Mr John Ros, 580, 589; Mr George Roull at Mordington, 625; Mr Alexander Rowat at Calder, 338; Mr Patrick Shaw at Selkirk, 228, 229, 281, 282; Mr Adam Simson at New Abbey, 97; Mr Alexander Small (Smart), parson of Rothiemay, 504, 517; Mr John Smart, 481; Mr Alexander Smith, 378; Mr William Smith at Dunnet, 168, 481; Mr Thomas Spittell at Falkirk, 101, 157; Mr William Spittell at Dysart, 489, 490, 532, 606; Mr Patrick Stewart at Rothesay, 87, 88; Mr William Struthers, 465, 466; Mr John Wemyss at Tullos, 542; Mr Walter Whiteford, parson of Moffat, 320; Mr Robert Wilkie at Glasgow, 338; the ministers at Campvere, 285.
- Minors and minority: Act for protection of minors, 52, 53; case of Andrew Wardlaw of Torrie, 56; Janet Gibson, 84, 89, 90, 91, 94; David Ross of Balnagowan, 514, 515; supersedere to John Jardine of Apilgirth until he is fourteen years of age, 459; Robert M'Gie of Balmagie, dispensation with the minority of, 454, 455.
- Mint and Cunziehouse, conference with the General, Master, and officers of the Mint about the circulation of foreign coin, xxxii, xxxiii, 3, 8, 11, 16, 21, 51; the Master ordered to test certain dollars, 51; the Treasurer, the Master of the Mint, and others petition for a protection to Mr John Acheson about the title of the Mint-house, 101; the master-coiner to attend the Council about the copper coinage, 129; directions to the officers for coining copper money, 130-132; previous coinage of 1623, 130; the three mills and two cutters to be repaired, 132; a ruinous wall in the yard to be rebuilt, 133; the old great seal broken up there, 275, 286, 287, 290; the assayer of the Mint released from imprisonment for debt, as the service is otherwise disappointed, 280; bullion to be brought to the Mint, 464; dispute as to the property of the Mint-house, 560, 561.
- Minto, Janet, in Selkirk, to be tried for witchcraft, 62.
- Laird of. *See* Stewart.
- Mitchell, Andrew, in Torrypans, charged with assault and robbery, 600.
- Bessie, in the parish of Crichton, to be tried for witchcraft, 573.
- Janet, widow of John Tynnies in Mains of Cardross, to be tried for witchcraft, 400.
- Margaret, in Haddington, to be tried for witchcraft, 334, 361, 362, 515.
- Mr Robert, bailie of Perth, put to the horn, 205; charged to appear before the Council, 470.
- Mitchellhill, James, in Selkirk, 229; complaint by Elizabeth Ormiston, his widow, and charge against her, 228, 229.
- William, councillor of Selkirk, charged to appear before the Council, 282.
- Mitchelson, Adam, merchant burghess of Edinburgh, a debt due to him, 163, 164.
- David, merchant burghess of Edinburgh, a debt due to him, 163, 164.
- Patrick, in Lowstoun, escapes from Dumfries tolbooth, 12-14.
- William, merchant burghess of Edinburgh, a debt due to him, 163, 164.
- Moffat, Isobel, wife of John Wright in Dumfries, to be tried for witchcraft, 550, 551.
- Matthew, in Sweithaw, suspension of horning against him, 476.
- Moffat, town of, 537, 613.
- parson of. *See* Mr Walter Whiteford, 320.
- Moncrieff of Easter Ardettie, William, charged with unlawful convocation, 213, 214.
- of Kynmonth, Sir John, sheriff depute of Perth, apprehended for non-payment of the taxation, 205.
- of that ilk, . . . , to oversee the repair of certain highways, 141; com-

- mission to him to apprehend Papists, 240, 322.
- Moncreiff of Redie, George, to oversee the repair of certain highways, 140.
- Moucur of Ferdell, Thomas, appointed a collector for a charitable fund, 38, 39.
- Money to be brought into the country by exportation of goods, 314. *See also* Coin.
- Monkland, kirk of, 513, 514.
- Monro, David, commissary depute of Caithness, complaint by him, 56, 57.
- William, in Auchnocullen, complaint by him, 96.
- Montrose (Monrose), burgh of, 423; commission to the provost and bailies to apprehend Papists, 239, 322; they are written to by the Council to have a care of plague-stricken ships, 383, 386; the master of the grammar school charged to appear before the Council, 596, 597; the magistrates are ordered to convey a prisoner to the magistrates of Dundee, 603; provost of. *See* Robert Keith.
- Moray, Bishop of, John, letter from him to the Earl of Menteith about the Papists, 33, 34; appointed on a committee for the suppression of Papists, 233; he gives up the names of the Marquis of Huntly's daughters as requiring to be educated, 246; to consider as to the commission to be granted against Papists to Lord Gordon, 405; he reports thereon, 406; to attend the Council in the case of Dr Leslie, 416; he refuses to admit a presentee to Duffus, 500, 501; a testimonial signed by him, 566; present in Council at the conference about Papists, 233, 252; signs an Act of Council, 250.
- commissary of, 181. *See* Mr John Hay.
- diocese of, 28-32, 363-380.
- Moray, Earl of, James Stewart, third, his Majesty's Lieutenant in the north, 430, 431; a member of the Privy Council, vi; his attendances, vi; he promises to apprehend James Grant, 114, 115; commission to him to apprehend Papists, 238, 239, 321; to be written to to enforce the commissions passed against the Papists, 249, 330; written to him by the Council to be diligent in executing his commission against Papists, 264, 265; case of the Grants before him, 461, 582; complaint by him on behalf of some of his tenants, 488; to report upon the best church for the King's coronation, 493; declined as a judge in the Edinburgh and Leith dispute, 494; he purges himself of partiality, 497; he is to confer about the Edinburgh business, 496; trials of criminals before him, 582, 593; he is relieved of attendance at the Convention to go north and apprehend James Grant, 620, 621; he is a superior of part of Leith, 640; present in Council, 361, 363, 372, 379, 396, 406, 421, 427, 438, 448, 455, 457, 464, 475, 479, 483, 489, 492, 496, 497, 501, 506, 617; he signs Acts of Council, missives, etc., 118<sup>2</sup>, 371, 373, 392, 518<sup>2</sup>, 519, 520<sup>2</sup>, 526.
- Moray, shire of, Popery strong there, xii, 363, 364, 369-380; the sheriff is to report his diligence against Papists, 33; he is charged to keep the peace in his district, 403.
- Mordington (Morvintoun), manse and glebe of, 625; minister there. *See* Mr George Roull.
- Morris (Moreis), Esther, in Foulden, to be tried for witchcraft, 270.
- John, servitor to William Bigholm, complaint by him and Agnes Short, his wife, 612, 613.
- Thomas, in Delsenkar, charged with killing game and cutting timber, 235, 236.
- Morrison of Prestongrange, Mr Alexander (Lord Prestongrange), to oversee the repair of certain highways, 68; his report upon the highways, 111; to examine a Latin grammar, 596, 597.
- Alexander, in Bogrie, petition by him, 429-431; permitted to carry firearms, 524, 525.
- Samuel, in Leith, a debt due to him, 163, 164.
- Mortimer (Mortymere), Mr Robert, 554; a Popish priest, saying mass in the north, 580.
- William, indweller in Edinburgh, appears for the Earl of Caithness before the Council, 76, 173; he is assaulted, 314.
- Morton, Earl of, William Douglas, seventh, Lord High Treasurer of Scotland, a member of the Privy Council, vi; his attendances, vi; leader of a regiment of Scots in Buckingham's expedition to Rochelle, vii, viii, xxiv, 2 n., 124, 174; his regiment returns to Scotland, 2, 2 n., 7; it is placed in garrison, 17, 18; deserters from his regiment to be apprehended and returned, 120, 121, 182; his regiment transferred to Sir George Hay, 124, 126; he has lent his prison in Dalkeith for

- witches but now refuses, 142; petition by him in a case about the Mint, 560, 561; his patent creating him Lord High Treasurer of Scotland produced in Council and with the staff and mace as badges of his office, is presented to him, vii, 594; on the committee to consider the Nova Scotia business, 614; present in Council, 602, 603, 609, 613, 617, 621; signs Acts of Council, missives, etc., 602, 608, 609, 616, 617, 620.
- Morton, Thomas, in Qahytrow, sheep stolen from him, 534.
- Moscrop, Robert, servitor to the Bishop of Caithness, charged with illegal warding, 58.
- Moss, Beatrix, wife of John Ashe, in Tarras, complaint by her of being wounded and ill-treated, 488.
- Moss, overflowing of a, near Falkirk, xliii, xliiv, 37, 38, 90, 268, 455, 568, 569.
- Mossman, John, in Renfrew, prosecuted as a refractory tanner, 359, 360.
- Mossplat, Nether, 418.
- Mourning for the prince of Bohemia, 42.
- Mow, John, in Jedburgh, to be tried for theft, 285.
- Mowat (Mouat) of Arlo, James, burghess of Aberdeen, complaint by him, 574, 575.
- of Fawside, James, writer, sheriff clerk of Berwick, 361, 378; process by him against Anthony White, 81; caution by him, 389; presents before the Council two persons for whom he became cautioner, 397; he himself is warded for perjury, 397-400; liberated to produce his registers, 462; he does not appear, 475; he sends his registers of sasines and is ordered to produce the inventories of the taxation, 483; he is also ordered to appear personally, 494; continuation of diet for his appearing owing to his sickness, 529, 570, 605; protection granted to him to appear before the Council, 592.
- of Swinzie, Andrew, 75; he seeks suspension of horning, 173.
- Andrew, gives caution for Elizabeth Knowes, his wife, who complains of harsh imprisonment, 259.
- George, son of Andrew, of Swinzie, charged with assault and robbery, 75, 76.
- John, in Easter Greenland, charged with assault and robbery, 75, 76.
- Magnus, servitor to the Laird of Boquhallie, charged with assault, 436.
- Mr Roger, advocate, appointed agent for McNeill of Barra, 199; appointed assessor in a case, 293; caution by him, 483; an intimation to him, 494; supplication for extension of time in a cautionry, 529, 605.
- Mowat, Thomas, his wife, 398.
- William, servitor to James Mowat, and writer in Edinburgh, charged to appear before the Council, 361; put to the horn for not appearing, 378; appears and is ordained to remain in the town, 383; to be apprehended, 389; his confessions before the Council, 397-400.
- Mudie, James, merchant burghess of Glasgow, complaint by him, 468, 469.
- Muir (Moore, Mure), of Cassinacrie, Robert, apparent, petition by him, 557.
- of Rowallan, . . . , apparent, commission to him to apprehend Papists, 240, 323.
- of Skaithmuir, Alexander, violently seizes the teinds of Skaithmuir, 371; his lands being overflowed with a moss he craves share of the relief provided, 568, 569.
- Alexander, bailie of Peebles, commission to him, 32.
- Francis, son-in-law of Mr John Ferguson of Kilkerran, charged with carrying firearms and violence, 9, 10.
- Thomas, in Kirkbank, his wife, Margaret Hutchison, to be tried for witchcraft, 145.
- William, in Toppitfald, prosecuted as a refractory tanner, 611, 612.
- Muirhead (Mureheid) of Lawchope, James, complaint by him against his son-in-law, 141, 142.
- David, servitor to Robert Maxwell, charged with hameucken, 569, 570.
- Mr Thomas, moderator of the presbytery of Hamilton, denounced, 87, 88.
- Mr, factor for Sir Michael Preston at London, 527.
- Muir, dispute about, 214; Coldingham muir, 606, 607.
- Mull (Mule), 576.
- Mullikin, Robert, burghess of Dumfries, wounded in a scuffle, 13.
- Murder and manslaughter, cases of:—John Auchinleck, litster in Dundee, 481, 482; James Dalmahoy, 153, 154; Henry Dick, 199; George Gordon of Minonie, 505, 517; Thomas Grant of Dalvey, 582, 583, 593; Patrick Grant in Lettach, 23, 36, 37; Christian Harbert, 23; Bartholomew



- Kirkland, 43; David Lindsay, 548, 549, 555; . . . McErcher, 518; Lachlan Mackintosh, 582, 583, 593; John McNeill, 554, 587, 588, 612; James Ogilvie of Podula, 27; Alexander Neva, 549, 555; George Reid in Rattray, 62; Alexander Stewart, 557; John Stewart in Aberarder, 175; David Toshoch of Monivaird, 62; James Walker, 158; George Weir, 418, 419; charges of murdering by witchcraft, 345, 361, 378, 383.
- Murray of Balvaird, Mr Andrew, fiar, to oversee the repair of certain highways, 140.
- of Cassoche, Mr Thomas, petition and complaint by him, 213, 214.
- of Cockpool, . . . , to oversee the repair of certain highways, 68.
- of Darnhall, Sir Archibald, commission to him, 32.
- of Elibank, Sir Gideon, reference to his being Treasurer Depute and to writs then in his custody, 561.
- of Irnandie, Alexander, younger, charged with attempting to rescue prisoners, 12-14.
- of Ochtertyre, Mr William, sheriff depute of Perth and bailie depute of Athole, commissions to him, 26, 360.
- of Polmais, . . . , charge to him as convener of the justices of the peace of Stirling and Clackmannan to provide carriage for the King's baggage, 64, 65; commission to him to apprehend Papists, 252, 323.
- of Spanizedaill, . . . , commission to him to apprehend Papists, 239, 321, 322.
- of Touchadam, Sir William, complaint by him, 600, 602; warded with his father-in-law, Lord Durie, 602; caution by and for him, 602.
- Andrew, in Selkirk, charged with assault, 282.
- David, son of the late Earl of Tullibardine, charged with deforcement, 559, 560.
- James, master of works, to visit the royal residences and prepare them for the King's coming, 63; to inspect Holyrood church, 74; his report upon Holyrood kirk, 108, 107; to proceed with the repairing of the King's houses, 125; to repair a ruinous wall in the Mint-house yard, 133; he grants a discharge for some ammunition, 250, 251; he inspects the cannon in Edinburgh Castle, 493; he is to report as to the best church for the King's coronation, 493, 497, 498; he is to assist the magistrates of Edinburgh in preparing St. Giles's church, 498; to inspect Holyrood church and report as to its reparation, 493; ordered to fire a salute from the Castle in honour of Prince Charles's birth, 552; he inspects a place for an oven, 599, 600; he is to act as master of ceremonies at the coronation of the Lyon King of Arms, 613.
- Murray, James, merchant burges of Edinburgh, consulted about the circulation of foreign money, 8, 11, 16, 21, 51.
- James, bailie of Leith, a case of contempt of court, 193, 194; he is charged with illegal warding, 670.
- Janet, widow of William Bruce of Stenstell, complaint by her, 56, 57.
- John, in Rinobroche, charged with killing game and cutting timber, 236.
- John, burges of Selkirk, charged with assault, 282.
- John, servant to Janet Murray (*supra*), complaint by him, 56, 57, 81.
- John, deceased, son of Captain William Murray, his creditors arrest his sister's pension, 396.
- Matthew, in Milleyes, on the Water of Esk, a quarrel in his house, 167.
- Patrick, indweller in the Canongate, caution by him and signature of, 252.
- Patrick, in Clerkington, to be tried for witchcraft, 535.
- Ronald, merchant burges of Edinburgh, a debt due to him, 268; desired to apprehend the Earl of Caithness, 432, 442; he refuses, 452; he appears before the Council for the Earl of Caithness, 480, 481.
- Walter, son-in-law to James Murray, master of works, witness to a writ, 252.
- Walter, formerly chamberlain to the late Duke of Lennox, at the horn, and a protection granted to him, 214.
- Captain William, deceased, his daughter, Elizabeth, has a pension from Holland in recognition of his services there, 395, 396.
- William, bailie of Lauder, commission to him, 339.
- Murroes, minister at. See Mr Robert Rollock.
- Musket of that Ilk, Sir George, complaint by him, 425.
- Muskets, references to, 10, 418, 430, 486, 559.
- Musselburgh, burgh of, xxxiv, 74; the bailies are to oversee the repair of

- certain highways, 139; they are charged with illegal warding, 163, 164.
- Musters. *See* Waponshawing.
- Muthil, presbytery of, witchcraft in the district, 104; report of the sub-commissioners, 341.
- Mutilators to be dealt with in the circuit courts, 258, 259.
- Myrecairnie, lands of, 60, 61.
- NAFACHIE, Archibald, in Torlosk, charged with spoiling a ship, 46.
- Nairn (Narne), Gilbert, portioner of Bellintoun, complaint by him, 436.
- John, servitor to Mr John Paip, W.S., witness to a bond, 444, 445.
- Mr William, minister of Dysart, appears before the Council, 490, 532.
- . . . , complaint against him, 81.
- Nairn, burgh of, commission to the provost and bailies to apprehend Papists, 239, 322.
- shire of, commissions for the apprehension of Papists there, 239, 322, 406-410.
- Naismith of Coldingknowes, James, complaint by him, 544.
- of Invar, . . . , complaint by him, 81.
- of Posso, James, commission to him, 391.
- Arthur, indweller in Edinburgh, has some golf balls made for the King, 174.
- Arthur, a messenger in a special case, 466; he appears before the Council as procurator, 544.
- James, merchant burghess of Edinburgh, a debt due to him, 163, 164.
- Napier (Naper) of Merchiston, Lord, Archibald, Treasurer Depute of Scotland, a member of the Privy Council, vi; his attendances, vi; petition by him about the Mint, 101, 560, 561; his dealings in the tack of the duties of Orkney and Shetland reported to the King, 127; challenged to produce a backbond granted to him by his Majesty's serjeant of confectionary, but declines and goes off to Court, 182, 199, 200; bonds granted by him for outrigging ships cancelled, 261; to report as to the best church for the King's coronation, 493; to report on the losses sustained by the slipping of a moss, 569; present in Council, 148, 156, 160, 166, 172, 176, 483, 489\*, 492, 496\*, 497, 501, 506, 520, 531, 538, 545, 551, 552, 555, 565, 567, 571, 573, 577, 583, 591, 593, 609, 613, 617, 621; signs Acts of Council, missives, etc., 155, 175, 176, 488, 492\*, 496, 508, 519, 526, 531, 534, 535, 538, 544, 550, 561, 570, 573, 588, 616, 617.
- Napier of Wrightshouses, Mr William, commission to him, 339.
- Mr Robert, brother to Lord Napier, witness to the cancelling of bonds, 261.
- Natoun, parish of, the inhabitants to repair their highways, 138.
- Naughtie, John, burghess of Forres, summoned as a witness in a case, 488.
- Naunachie, Katharine Mempherson, *alias*, to be tried for witchcraft, 16.
- Neill, Janet, wife of William Carruthers, to be tried for witchcraft, 59.
- John, an Englishman, in Tweedmouth, a reputed warlock, to be apprehended, xli, 400, 443; he is to be imprisoned in Edinburgh when caught, 448; orders for his examination, 497, 584; allowance for his maintenance in prison, 513; he denounces Lady Samuelston, 541, 563.
- Robert, burghess of Dumbarton, his wife, Janet Boyd, confesses herself a witch, 3, 4.
- Eir, Mulchallum, in Kilmichell, and John and Ferquhar, his sons, charged with spoiling a ship, 45, 46.
- Neilson of Assynt. *See* MacLeod.
- James, burghess of Dumfries, complaint by him, 625, 626.
- Robert, burghess of Dumfries, wounded in a scuffle, 13.
- William, in the Nether Ward of Clydesdale, sued to purchase measures, 27.
- Neva, Alexander, burghess of Forfar, slain, 549, 555.
- New, John, a protection and respite to him for manslaughter, 62.
- New Abbey, minister there. *See* Mr Adam Simson.
- Newbottle Kirk, 385.
- lordship of, taxation of, 188, 189.
- parish of, the inhabitants wearied guarding witches, 385.
- Newbie, place of, 158; the pit there, 548, 608.
- Newbigging, lands of, 198.
- Newell, John, notary in St. John's Clachan, complaint by him, 213, 221.
- Martin, his inventories of the taxation to be examined, 610.
- Newgrange, place of, 616.
- Newhall, Mains of, 279.
- Newhaven, 643, 647, 649, 650, 651-662.
- Newlands, Robert, money borrowed from him, 343.
- Newliston, Laird of. *See* Dundas.
- Newmilns, jail of, 43.

- Newton, Laird of. *See* Leslie.
- regality of, resignation of the, 364, 366-368.
- Nicoll, Robert, in Tarras, complaint by him, 488.
- Thomas, in Denholm, charged with destroying woods, 83, 84.
- Nicolson, Alexander, weaver in Cousland, his wife, Janet Richardson, to be apprehended and tried, 544.
- John, in Grange, his wife, Helen Knight, to be tried as a witch, 155.
- John, notary in Irvine, charged to appear before the Council, 427.
- Margaret, wife of John Hog, to be examined on a charge of witchcraft, 345; she is set at liberty, 358, 359.
- Mr Thomas, Commissary of Aberdeen and Admiral depute, judge of all prizes taken under the Earl Marischal's commission, 522; oversman in a dispute, 574.
- Niddrie, the kirk-session of, dealing with a witchcraft case, 206.
- Nisbet (Nisbitt) of West Nisbet, Sir Alexander, to oversee the repair of certain highways, 68; he is to take the oath of the sheriff of Berwick, 274; commission to him, 98, 125.
- Bessie, in Bassindean, to be tried for witchcraft, 488.
- David, in Coldingham, to be tried for witchcraft, 290.
- Elie or Alie, midwife, charged with witchcraft and other offences, and to be apprehended, 583, 584; she is sent to the tolbooth and an allowance granted for her support, 603.
- Henry, portioner of Restalrig, to oversee the repair of certain highways, 139.
- Mr Patrick, advocate, to examine a Latin grammar, 596, 597.
- Sir William, to oversee the repair of certain highways, 138.
- William, in Kimmerghame, summoned as a witness in a case, 206.
- Nithsdale, Earl of, Robert, 92; a prominent Roman Catholic, xii-xviii; order taken for the education of his sons in the true religion, 20, 92, 126, 328; he is to bring his son before the Council, 247, 328; a discharge to be granted to him for the £4000 received for his soldiers, 48; reference to his regiment and officers, 51; he is to oversee the repair of certain highways, 68; his interest in the task duty of Orkney and Shetland, 126; letter to him to arrest a fugitive Englishman, 164; as steward-principal of Kirkcudbright he grants a gift of the escheats of defaulters to the steward-depute, 420; his lease of Orkney, 462; gives up a roll of persons to be apprehended to an assistant, 569; an arrest by his order, 605; his office of principal steward of Kirkcudbright safeguarded in a commission, 626.
- Nithsdale, Countess of, Dame Elizabeth Beaumont, excommunicated and outlawed for Papistry, xviii, 96, 97.
- Niven (Neving), Alison, in Dysart, to be tried for witchcraft, 535.
- Noblemen, procedure as to the education of the sons of those who are nonconformists, 3, 20, 21; their going to Court to be restrained, 181.
- Nonesuche, letter dated there, 609.
- Norie, Thomas, messenger in Stirling, charged with neglect of duty, ix, 152, 153.
- Norrell, George, notary in the Canongate, charged with illegal warding, 41.
- North Berwick, 163.
- Northumberland, sheriff of, one chosen to be, flees to Scotland, 160, 161, 164.
- North water, the, xv, 275, 291.
- Norway, Berg in, 667, 668.
- Notaries: Patrick Abernethy, in Duns, 361, 378, 389, 397-400; Robert Glendinning, 530; Thomas Inglis, 529; Mr William Innes, 456, 457; Robert Kirkwood, 252; John Miller, 252; John Newell, in St. John's Clachan, 213, 221; George Norwell, in the Canongate, 41; James Philp, 317, 320, 364-369; James Ross, in Irvine, 459.
- Nova Scotia or New Scotland, 543; the King prescribes a cognizance for the baronets, 392, 393, 395; men and victuals sent for to Scotland, 488; France lays claim to the territory colonised by the Scots, xliv, 614.
- Nunraw, lands of, 592.
- Nynidge, Rorie, in Frekadill, charged with spoiling a ship, 46.
- OATHS, Acts of Parliament against profane, 286; refusal to give oath of party, 469.
- Oatlands, royal letter dated there, 332.
- Oats: price of, 11; exportation stopped, xxi, xxii, 53.
- O'dochartie, Donald, theft of a cow from, 175.
- Officers of arms, deforcers of them to be dealt with in the circuit courts, 258; taking bribes from persons cited, to be dealt with in the circuit courts, 258; false officers of

- arms to be dealt with in the circuit courts, 258, 259.
- Ogilvie of Airlie, Lord, James, commission to him against Rothiemay, 509, 510, 516-518; arbitrator in a case, 553, 554.
- of Banff, Sir George, xxxix; protections granted to him, 7, 16, 27; commission to him, 15; to be summoned as to the slaughter of Ogilvie of Podula, 27; theft of a purse and money from him by his servant, 195; committed to the castle of Edinburgh, 260; charged with cruelty to his wife, Dame Janet Sutherland, but assoilzied on his denial, 263, 264; to find caution to keep the peace, 264; caution for his indemnity, 264; petition by him as commissioner against Rothiemay, 429-431; complaint and supplication for exoneration of Rothiemay's death, 485, 486; caution for his indemnity, 496; commission to him against Rothiemay, 504; he is permitted to carry firearms, 524, 525.
- of Bellatie, David, charged with killing game and cutting timber, 235, 236; caution for him, 236.
- of Birnes, John, commission to him, 15.
- of Carnousie, Sir George, commission to him, 15.
- of Craig, Sir John, the Council write to the King about him, 18, 19; his children to be educated in religion, 246; petition by him for relaxation of his imprisonment owing to his ill health, 338, 339; caution for his leaving the country, 444, 445; on petition he obtains an extension of his time for preparing to go abroad, 534.
- of Inchmartin, . . . , appointed convener of the justices of the peace of Perthshire and stewartries of Strathearn and Menteith, and charge to him, 64, 65, 77, 78; he is to oversee the repair of certain highways, 68; commission to him to apprehend Papists, 240, 322.
- of Newgrange, Francis, caution by him, 281, 444, 445, 534.
- — James, fiar, his eldest son, caution for him, 281.
- of Newton, David, charged with killing game and cutting timber, 236.
- of Peill, John, commission to him, 195.
- of Pitmowes, John 195; commission to him, 26.
- of Podula, James, enquiry about his slaughter, 7, 27.
- of Rothmakenseis, William, commission to him, 195.
- Ogilvie, Alexander, indweller in Leith, a gentleman of his Majesty's guard, ordered to apprehend certain persons, 204, 205, 269.
- George, servant to Sir George Ogilvie of Banff, to be apprehended, 195.
- James, son of the goodman of Pitmowes, commission to him, 195.
- James, in Kinnardie, permitted to carry firearms, 524, 525.
- Mr John, a Popish priest, to be apprehended, 408.
- John, in Balmadeis, petition by him for relief from warding, 548, 549.
- John, bailie of Montrose, commission to him, 26.
- Ogloth, John, in Lanarkshire, complaint against him, 27, 28.
- Ogstonne, Mr A., minister at Cannisbay, signs a certificate, 480, 481.
- Oig, Alexander, in Halkirk, put to the horn for disobedience, 191.
- David, in Halkirk, put to the horn, 191.
- Mans, in Halkirk, put to the horn, 191.
- Oil for making soap, obtained in Greenland, 354-356.
- Oir, John, in Torloak, charged with spoiling a ship, 46.
- Okyne, royal letter dated there, 626.
- Oliphant of Bachilton, John, warded in Edinburgh for not producing a pupil left in his care, 84, 89.
- of Condie, Laurence, 252.
- of Drynie, Laurence, 555; petition by him for relief from warding, 548, 549.
- of Kirkhill, Mr William, advocate, charged with assault, 123.
- Dame Helen, widow of Sir John Halyday, and wife of John Kinnaird, fiar of Fordie, complaint by her, 229, 230.
- Mr John, advocate, ordered to produce all the submissions in his hands before the Council, 336, 341, 342; he receives the submissions from James Philp, 342; his accounts to be audited and his fees paid, 342; he acts as procurator, 425.
- William, son of Laurence, of Condie, witness to a bond, 252.
- Olrik, minister of. *See* Mr A. Bruce.
- Oppression, case of, 27.
- Or, Bridge of, the highways thence to Maisterton's Brae and Kinglassie to be repaired, 141.
- Orchards, breakers of, to be dealt with in the circuit courts, 258.

- Ord, Alexander, indweller in Edinburgh, complaint by him, 472.  
 — Mr James, procurator, petition by him, 287, 288.
- Orkney and Shetland, xxxix, xl; a commission for valuing the teinds given to the Bishop of Orkney and others, ix, 70-74; a ship of Bristol wrecked on the isle of Orkney, 21, 32; the surplus of the tack duty to be applied towards paying the building of Lochmaben Castle, 126, 127; the crown lands of Orkney, 172; order to the sheriff to suppress the contempt of the ministry in Shetland, 202-204; cases of incest there, 214; sale of some lands there, 289; prevalence of the pest there, xlv, 353, 354, 386; a lease of Orkney held by John Stewart of Coldingham, 425, 462, 469; alleged unlawful exportation of goods thence by the Earl of Seaforth and strangers, 428, 429; failure of justice there through the want of court-houses and prisons, 536; sheriff-depute of Orkney. *See* Mr John Dick.
- Orkney, Bishop of, George, xxxix, xl; commission to him about the teinds in Orkney, ix, 70-74; he is to grant a certificate, 259; the Council call his attention to the failure of justice in his diocese, 536; he meets with the Council about Popery, 233, 252; he signs an Act of Council, 250.  
 — Earl of, Patrick, deceased, "The Yairds" built by him, xl, 536.  
 — presbytery of, 70-73, 216.
- Ormiston, Laird of. *See* Cockburn.  
 — Elizabeth, wife of James Mitchelhill in Selkirk, charged with assault, also Jean Robson, her daughter, 228, 229; complaint by her, 229.  
 — William, servant to James Pringle, younger of Galashiels, carries a message, 179.
- Ormond, pursuivant. *See* James Currie.
- Orrock, John, charged with molestation, 193.
- Ort dollars, 19, 20.
- Osborne, Harry, writer in Edinburgh, his chamber there, 97, 98.  
 — John, younger, bailie of Ayr, commission to him, 561.
- Oswald, Katherine, wife of Robert Acheson, miller in Niddry, to be apprehended, 206; complaint by her of delay of her trial for witchcraft, 278; she is to be tried for witchcraft, 290, 293.
- Oustean, George, merchant burghess of Edinburgh, a debt due to him, 268.
- Oustean, John, in Haltoun, complaint by him, 624.
- Oven, the building of one in an unsuitable place, 599.
- Oyne, Andrew, in Blair, charged with deforcement, 560.
- PACKING and peiling, 647, 648.
- Padyeane of Newton, John (*see* George Dunston), charged with stealing horses, 426.
- Painters, discharged to paint coats of arms without due authority, 594-595.
- Paip, Mr George, charged with uttering pasquils, 31, 32; put to the horn, 34, 35; to be apprehended, 103.  
 — Mr Gilbert, charged with uttering pasquils, 31, 32; put to the horn, 34, 35; to be apprehended, 103.  
 — Mr John, W.S., witness to a bond, 444, 445.  
 — Mr John, younger, advocate, registers bonds of caution, 444, 445, 588, 589.
- Paisley, tolbooth of, 190.  
 — kirk of, 109.  
 — presbytery of, their dealings with the Countess of Abercorn, 109; report of the sub-commissioners, 341.
- Palaces: of Dunfermline, 449; Falkland, 61, 63, 449; Holyrood, 449; Linlithgow, 449; Stirling, 449.
- Palatinate, the, efforts by Charles for its recovery, 99 n.; a collection for the exiled ministers to be made in all the churches, 275, 276, 291.
- Pantoun of Randibure, John, charged with malicious damage, 14, 15.
- Papists. *See* Roman Catholica.
- Paris, a Scottish factor there, 416.
- Parishes: each parish to regulate its own poor and beggars, 65-68; the kirk-sessions to have stocks for the punishment of idle beggars, 68; order for the relief of the poor and suppression of vagabond beggars, 413-415; of Abercorn, 43; Aberlady, 43; Boncle and Preston, 43; Cramond, 43.
- Park, George, in Castleton, caution by him and for him, 26, 27.  
 — James, in Pitarrow, charged with assault, 209, 210.  
 — Janet, in Dumfries, to be tried for child-murder, 340.  
 — John, in Meikle Foulwood, prosecuted as a refractory tanner, 359, 360.  
 — William, undertakes to build bridges over the rivers Clyde and Dymutane, 85.

Park, lands of, 461.

Parliament: no meeting of Parliament during the period of this volume, v; the question of a Latin grammar, xxxi; the supreme court of appeal, 284; only to be held in four towns, and chiefly in Edinburgh, 633, 652, 658; held at Edinburgh in July 1594, 23; the commission for Forfarshire reported, 33; a new election to be made for Dumbartonshire, 33, 44; the commission for Lanark to be reported, 33; other commissions to be reported, 33; the election of commissioners for Roxburghshire, 54, 105; the election of commissioners for Haddingtonshire, 61, 63, 64; the election of the commissioners for other shires, 76; for Ayrshire, 104, 105, 434, 435, 439, 440; Parliament prorogued till 5th September, 128, 129, 130, 145, 148; its warrant for prosecuting the tanning reform, 133; a Convention of Estates held in October 1625, 143; ratifications by Parliament to Edinburgh, 217, 219, 440, 665; again prorogued until 1st June 1630, 270, 271, 285, 286, 632; appeal to it by those aggrieved in the valuations of their teinds, 298, 305, 312; the new elections of commissioners, 370, 384, 385; postponement of the meeting until 1st August 1630, 535, 537, 545, 546; appointed by mistake to commence on a Sunday, 545; a Convention of the Estates to be summoned, 574, 576, 623; alleged infringement of many Acts of Parliament by Edinburgh in their dealings with the inhabitants of Leith, 633-676; protest against Edinburgh by the mariners of Leith in Parliament in 1621, 675; Acts of Parliament of the reign of James III., 650; 6th of Queen Mary, cap. 57, 672; of Queen Mary against swearers of oaths, 266; against disturbers of the church in time of service, 266; against excommunicated persons, 266; against bigamists, 266; the 13th of James VI., cap. 180, 654; the 15th of King James VI., cap. 252, 646; of December 1587 against the mass, 244, 327, 327 n.; of October 1579 enforcing attendance at the church, 176, 177; of October 1579 for educating noblemen's children, 246, 247, 328; of July 1587 appointing circuit courts of justiciary, 225; of June 1593 against assaults committed in courts of justice, 213; of June 1594 against Papists, 75, 96, 109, 157, 218; of July 1594 as to broken men, 23; of June 1609 anent the estates of

excommunicated persons, etc., 234, 242, 243, 244, 246, 247, 325, 326, 328, 329; of October 1612 as to admission to benefices, 500; of June 1617 regarding prescription, 538-541; of King James VI. against profanation of the Sabbath, strong and idle beggars, troublers of the kirk, importers of erroneous books, fornicators, drunkards, for householders obtaining bibles and psalm-books, 296; concerning beggars, xxx, xxxi, 46, 65-68, 411-415; in favour of the burghs, xxv, xxvi, 648; for election of commissioners, 44, 64, 385; for assisting at the execution of commissions, 37; as to persons acting as factors at Campvere, 183; against using firearms, 467; as to foreigners trading in the country, 7, 95, 422, 428, 429; as to selling grain, 26, 27; against gypsies, 533; appointing the burgh of Inverness a place for holding justice courts for the Islesmen, 171; anent kirk discipline, 245, 328; for landlords producing their tenants, 578, 617, 618; as to keeping Lent, 48, 49, 50; masters responsible for their servants, 470; musters and wapenshaws, 541; against slanderers and writers of pasquils, 31; against Papists, xi-xviii, 406; the not electing of Papists to the magistracy of burghs, 182; against resettlers of rebels, 257.

Parliament of England, 148 n.

Partisans, reference to, 231.

Parton (Partane), Laird of, interposes in a dispute, 195.

Pasche day, 34.

Pasquils, writers of, in Aberdeen, prosecuted, xiii, 28, 31, 32, 103, 173, 174.

Patents: of the Earl of Menteith as president of the Council, 396, 397; of William, Earl of Morton, as Lord High Treasurer, 594.

Paterson, David, servant to George Wishart, charged with assault, 209, 210.

— Duncan, messenger, refuses to make an arrest, 452.

— Janet, to be tried for witchcraft, 534.

— Mr John, pursues a debtor for his sister Janet, 163, 164.

— Margaret, in Longnewton, to be tried for witchcraft, 270.

— Robert, in Paisley, prosecuted as a refractory tanner, 359, 360.

— Thomas, in Auchingry, caution by him not to live with Margaret Brown, 445, 571, 572.

- Paterson, Thomas, merchant burgoes of Edinburgh, a debt due to him, 163, 164.  
 — Father, a Popish priest, to be apprehended, 408.
- Paton of Clayside, Andrew, and Janet Marshall, his wife, charged with malicious damage, 230.  
 — of Ferrochy, George, commission to him, 340.
- Patrick (Patrik), Hew, in Byres, Kilwinning, a refractory tanner, 611, 612.  
 — James, in Byres, Kilwinning, brother of Hew (*supra*), a refractory tanner, 611, 612.  
 — Thomas, in Bridgend, Kilwinning, a refractory tanner, 611, 612.
- Patronage: Monkland case, 513, 514.
- Paxtoun, Thomas, in Milton Castleton of Strathbogie, summoned as a witness in a case, 180.
- Peace, commission of the, and clerk of the. *See* Justices of Peace.
- Peacock, Alexander, in Pirne, 32; his wife, Catharine Young, to be tried for witchcraft, 32.  
 — Bessie, wife of James Simson in Gourock, to be tried for witchcraft, 76.  
 — William, tenant to Galashiels, charged with hamesucken, 179, 180.
- Peacocks, stealers of, to be dealt with in the circuit courts, 258.
- Pearl-fishing in the northern waters, 200-202.
- Pearson (Persoun) of Balmadies, Alexander, commission to him, 616.  
 — Mr Alexander, advocate, appointed assessor in a case, 23, 24, 293.  
 — Mr Archibald, in Chapelton, petition by him for relief from warding, 548, 549, 555.  
 — David, in Carmurie, charged to appear before the Council, 487.  
 — James, in Carmurie, charged to appear before the Council, 487.  
 — Robert, an old man, complains of harsh imprisonment, 221, 222.
- Peas, importation of, 575.
- Peebles of Chappelhill, Alexander, provost of Perth, put to the horn, 205.
- Peebles, burgh of, a justice court to be held there, 226, 227; witches there, 391; commissions to the magistrates, 170, 391; names of the provost and bailies, 32.  
 — presbytery of, the moderator gives up a roll of witches, 170; report of the sub-commissioners, 341, 492.  
 — shire of, witches there, 170; commission to the sheriff, 170; the justice court to be held at Peebles, 226, 227.
- Penal Statutes: the discharge of prosecutions for breach of them, 143, 144; to be dealt with in the circuit courts, with limitations as to time, 314, 315, 316.
- Pennies and twopenny pieces to be coined, xxxii, 47, 129-132.
- Penny, the golden, a tax payable to the Admiral, 660.
- Penpont (Pentpont), presbytery of, report of the sub-commissioners, 341.
- Pensions, difficulty of paying, xxxiii, 171, 172.
- Pepills, William, in Balclevie, charged to appear before the Council, 487.
- Perth, Earl of, John Drummond, second, a member of the Privy Council, vi; his attendances, vi; to oversee the repair of certain highways, 68; present in Council, 8, 16, 85, 160, 172, 176, 183, 191, 233, 363, 455, 483; signs Acts of Council, missives, etc., 19, 86<sup>s</sup>, 175, 176, 195, 196, 336.
- Perth (St. Johnstone), burgh of, hunting forbidden near it, 50, 449; the highways thence to Falkland and Dundee to be repaired, 68; also that to the Bridge of Earn, 140, 141; the provost and bailies denounced for not producing a prisoner, 205; a justice court to be held there, 226, 227; commission to the provost and bailies to apprehend Papists, 240, 322; Convention of the Burghs there in July 1628, 311; the magistrates are charged with illegal warding, 469, 470; they are notified of the birth of Prince Charles, 562; names of the provost and bailies, 205, 407; the tolbooth, 231, 403, 469.  
 — parish of, the inhabitants to repair their highways, 140, 141.  
 — presbytery of, 371; report of the sub-commissioners, 341.  
 — shire of, defaulters anent the taxation to be apprehended, 205; commission for the apprehension of Papists there, 239, 240, 322; the justice court to be held at Perth, 226, 227; appointment as sheriff of Colin Campbell, fiar of Glenorchy, 274; commission to him, 403, 469; sheriff depute. *See* Sir John Moncrieff of Kinmonth; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65; appointment of a new convener of the justices of the peace, 77, 78.
- Pest, the, prevalent in Orkney and Shetland and in Bordeaux, and precautions taken

- accordingly, xliv, 353, 354. *See also* Plague.
- Peterhead, Over, parish of, 155.
- Petrie, Mr Robert, appears before the Council as a procurator, 263.
- Petterrugie, parish of, 155.
- Phillip, Mr Robert, servant to the Queen, the King discharges a sentence pronounced against him for his religion, 513.
- Philp, James, notary, servitor to Sir William Alexander, 364-369; delivers the submissions anent the teinds, 342; attests a resignation, 317, 320.
- John, in Tarras, complaint by him, 488.
- John, servitor to Sir William Alexander, writes a deed at Court, 368.
- Phin (Phyne), James, mariner, put under caution to keep the peace, and liberated from prison, 43, 80.
- William, appears before the Council for the inhabitants of Leith, 344, 440; discharged from making malt, 669; fined for selling ale, 673, 674.
- Phinnick, John, in Cousland, to be tried for witchcraft, 602. *See also* Fenwick.
- Physician to the King. *See* MacCulloch.
- Pike, stealers of, from ponds, to be dealt with in the circuit courts, 258.
- Pilgrimages to chapels and wells, 241, 264, 324.
- Pinkertoun, James, in Dalserf, charged with assault, 424, 425.
- Pirates: some handed over as soldiers for the wars in Sweden, 357, 358; some English pirates seized by Lord Semple, 617, 626.
- Pirrie (Peirie), John, maltman in Nuike, caution by him and for him, 26, 27.
- Pistols: generally carried by gentlemen when travelling for safety, 467; references to them, xxxv, xxxvi, 12, 13, 57, 75, 76, 180, 231, 232, 314, 352, 418, 430, 437, 486, 516, 527, 558, 586. *See also* Hagbuts and Pistols.
- Pitcairn, John, servitor to Thomas Macaulay, writer, witness to a bond, 252.
- Pitcapple, Laird of. *See* Leslie.
- Pitlour, Laird of, to oversee the repair of certain highways, 140.
- Pitaligo, Laird of. *See* Forbes.
- Pittenweem, burgh of, the bailies charged to appear before the Privy Council about the plague, 380, 381; commission to them thereanent, 388, 389.
- Pittinbrog, Craig of, the highways thence to Falkland and Bridge of Earn to be repaired, 140.
- Pittindreich, Father, a Popish priest, to be apprehended, 408.
- Plague, the, raging in Denmark, Sweden, Bordeaux and other places in France, and in the Easter Seas and Orkney and Shetland, 386, 387; charge to the magistrates of certain seaports to appear and answer for neglecting precautions, 380, 381; charge and commission to the bailies of Leith, 382, 385, 387, 388; the case of John Leighton's ship, 382; the former orders to be looked out, 383; commissions to the magistrates of coast towns, 388, 389; the Admiral is to superintend the trial of ships suspected of the plague, 388.
- Plaiding: the trade in plaiding in the Isles injured by Hollanders, 95, 428; theft of a plaid, 600.
- Plantation of kirks to be secured from the teinds, 295, 309.
- Plate sleeves, 351.
- Plesance, near Edinburgh, beggars there to be punished, 411-415.
- Ploughs, destroyers of, to be dealt with in the circuit courts, 258.
- Ploughing, interference with, 350, 351.
- Plumber, Andrew, writer, factor to the Earl of Mar, obtains a protection, 110.
- Poig, Thomas, mealmaker in Leith, a complainer against Edinburgh, 666.
- Poland, a Scotsman resident there, 359.
- Pollock, Christian, wife of Alexander Hamilton of Middlerig, excommunicated and outlawed for Papistry, 157.
- Pomerania, 206 n.
- Pond: one to be constructed at the Watergate, 80.
- Pont, James, merchant burghess of Edinburgh, a debt due to him, 163, 164.
- Poor: provision for them to be made by each parish, 66, 67; the acts for supporting them in each parish to be enforced, 413-415; an act for their maintenance in the Canongate, 526, 527.
- Porteous (Portous) of Halkshaw, . . . , and his eldest son, Border outlaws, charged with depredations, 552.
- James, *alias* Playfair, deceased, 340; his daughter Marion to be tried for witchcraft, 340.
- Porteous roll, the, 336.
- Porter, John, servant to the Laird of Monymusk, charged with trespass and damage, 574.
- Thomas, to be tried for theft, 616.



- Porterfield of Duchill, . . . , commission to him to apprehend Papists, 240, 323.
- Porterkellie, lands of, 625.
- Port Royal, claimed by France, 614.
- Postmaster-general, a patent of the office granted to Sir William Seton, dated 2d May 1616, 8, 9.
- Pott, a fishing on the Dee called the, 18.
- Potterrow, beside Edinburgh, beggars there to be punished, 411-415.
- Pouts, prohibition against selling or eating, 449, 450.
- Pow of Airth, river, 209.
- Powburne, lands of, 26, 556.
- Powes, lands of, xliiii, 37, 38, 90; goodman of. *See* Rollock.
- Powmylne, lands of, xlii, 37, 38, 90; goodman of. *See* Johnstone.
- Powrie, Mr William, to oversee the repair of certain highways, 140.
- Prat, Alexander, in Kinnocher, prosecuted as a refractory tanner, 425.
- Prentice (Prenteis), Gavin, in Heidsmure, charged with carrying firearms and violence, 418, 419.
- Presbyteries, the valuations to be made of the teinds in each presbytery, 22.
- Prescription, Act of, interrupted in favour of the King, 538-541.
- President of the Council. *See* William, Earl of Menteith.
- Presse, Easter and Wester, lands of, 586.
- Preston of Airdrie, Sir John, commission to him, 290.
- of Fentonbarns, Sir Michael, imprisoned for firing pistols, 516; released on certain conditions, 527.
- of Valleyfield, Sir John, 27; at feud with Bruce of Blairhall, charged to keep the peace, 25, 26, 40; caution for him and for his indemnity, 40, 41; to oversee the repair of certain highways, 68.
- George, son of the Laird of Valleyfield, charged with hamesucken, 27.
- Laird of. *See* Hamilton.
- Preston, bailie of. *See* Robert Maxwell.
- witches there, 209.
- in the Merse, parish and parish church of, 43.
- Prestongrange, Lord. *See* Morrison.
- Primrose (Prymrois), Archibald, Clerk of the Taxation, charged to issue summonses for unpaid taxation, 94; to prosecute defaulters in payment, 188, 189, 205; deceased—his papers to be inspected by a committee of Council, 274, 275
- Primrose, Mr Gilbert, witness to a deed, 337.
- James, Clerk of the Privy Council, authorised to receive the submissions as subscribed, 61; the Council write to the King commending his diligence in the matter of the valuations, 62, 63; a ward placed in his charge, 90, 91; money to be placed in his hands, 114, 174; a book to be delivered to him, 142; ordained to give the copy of a decret to Alexander Hay, 221; an accounting to be made in his presence, 221; a permit to lie in his hands, 254; he is to cancel certain bonds, 261; some documents to be delivered to him, 287, 560, 570; the keys of a house to be consigned with him, 601; to examine some inventories of the taxation, 610; ordered to mark contribution books, 39; to mark documents, 429; he signs volumes of the registers, 431; he initials documents in process, 633, 638, 666.
- Pringle (Pringill) of Buckholm, James, commissions to him, 270, 570.
- — James, fiar, bailie of Melrose, commissions to him, 62, 269, 270.
- of Galashiels, Sir James, sheriff principal of Selkirk, to appoint a sheriff clerk *pro tempore*, 91; charged with hamesucken and assault, 179, 180; he accepts the sheriffship of Selkirk, 274; caution by him, 602; commissions to him, 62, 570.
- — James, younger, charged with hamesucken, 179, 180.
- of Torwoodlee, George, commission to him, 570.
- Alison, wife of William Stevenson in Hirsell, to be tried for witchcraft, 378, 385, 386.
- John, nephew of James Pringle of Galashiels, charged with hamesucken, 179, 180.
- Robert, W.S., writes a deed, 474.
- Prisons and prisoners: allowances granted to prisoners for their maintenance, 4, 221, 513, 603; an attempt to rescue some, 12-14; breakers of prisons, being imprisoned for debt only, to be dealt with in the circuit courts, 258; method of conveying a prisoner from Aberdeen to Edinburgh, 604, 609.
- Privateering, xlii, xliii.
- Privy Council of Scotland: the history of the Council during the period covered by this volume, v-vii; composition of the Council, with attendances of the members, v, vi, vii; a section of the Council resi-

dent at Court, vi, vii; they annul a gift wrongfully obtained from the King, 9; a person imprisoned for using threatening language in presence of the Council, 12; admission of Andrew, Lord Jedburgh, as a member, 47, 48; to go into mourning for the Prince of Bohemia, 42; admission of Sir James Baillie of Lochend, 39, 40; no prerogative of mercy in the commission of the Council, 77; cases of assault aggravated by being committed near the Council house, 97; exclusion of Papists from the membership, 146, 244; the Lords to take the Communion quarterly at Holyrood, 186, 187, 361; the Lords of Council to be foremost commissioners of the peace in each shire, 223; advocatess discharged from pleading before them on behalf of either Edinburgh or Leith, 228; the new great seal produced and the old one ordered to be broken up, 275, 286, 287; the meetings of Council intermitted during harvest, 290; two persons committed to the castle of Edinburgh for misbehaviour at the door of the Council house, 260; the Marquis of Huntly craves the Council's pardon for apparent disrespect, 332; business continued for want of a sufficient attendance, 344; order from the King for the removal of all councillors who have refused to communicate, 361; order to deliver plenishing for the use of the Council, 362; appointment of the Earl of Menteith as president of the Council, 396, 397; license to the Lords to eat flesh in Lent, 452, 453; pleading before the Council by advocates for parties only allowed in special cases, 489; declination of some of the Lords on account of partisanship in the Edinburgh and Leith dispute, 494; the Lords suspend execution of a decret of the Lords of Session, 507, 508, 676; admission of William, Earl of Morton, to the office of Lord High Treasurer, 594; the Council confirms an act of the Commission for the Teinds, 610; a committee of Council appointed to consider the French claim to Nova Scotia, 614; admission of Patrick, Earl of Tullibardine, as a member of Council, 621, 622; certain Lords of the Council at Court ordered to report to the King on the complaints by Leith against Edinburgh, 632, 633, 639; to consider the scheme for a General Fishery Society, 676; appointment of succeeding Council days, 125, 129, 146,

290, 422<sup>a</sup>, 535; meetings of the Council at Holyroodhouse, v, v n., vii, 1, 3, 4, 8<sup>a</sup>, 11, 16, 19, 21, 28, 34, 42, 44, 47, 52, 61, 64, 77, 81, 85<sup>a</sup>, 87, 91, 92, 99, 102, 119, 128, 129, 148, 156, 160, 166, 172, 176, 183, 191, 196, 200, 207, 208, 211, 214, 219, 224<sup>a</sup>, 225, 233, 252, 259, 260, 266, 270, 272, 292, 316, 337, 344, 349, 352, 356, 358, 361<sup>a</sup>, 363, 372, 379, 383, 387, 392, 395, 396, 401<sup>a</sup>, 404, 406, 416, 421<sup>a</sup>, 426, 427, 432, 435, 438, 443, 448, 452, 455, 457, 464, 469, 471, 475, 479, 483, 489<sup>a</sup>, 492, 496<sup>a</sup>, 497, 501, 506, 520, 531, 538, 545, 551, 552, 554, 555<sup>a</sup>, 562<sup>a</sup>, 565<sup>a</sup>, 567, 568, 571, 573, 574, 577, 583, 588, 591, 593, 602, 603, 609, 613, 617, 621; registration in the books of Secret Council, 6, 48, 174, 187, 188, 210, 211, 251, 252, 283, 291, 292, 317, 347, 349, 351, 352, 353, 392, 393, 394, 417, 444, 456, 473, 476, 512, 514, 538<sup>a</sup>, 547, 584, 588, 589, 607, 608, 610.

Privy Council, letters from the, to the King—about Sir John Ogilvie of Craig, 18, 19; a petition by some merchants for leave to sell French wines, xiii, 24, 25; the Marquis of Huntly and his conduct about the Papists, 33; sending the depositions of the witnesses in the Grant feud case, xxxvii, 46, 47; desiring a warrant to coin copper money, 47; sending the letters found in the Spanish ship, 59; Mr Andrew Ayton and his lands of Myrecairnie, 60, 61; commending the Clerk of Council for his diligence about the valuations, 62, 63; desiring that he may not countenance the Marquis of Huntly, who has slighted the Council and gone to Court, xiii, 76, 78, 79, 80; as to a new artifice for evading the the law by Border depredators, xix, 112; the Laird of Kerse and his lady, 112, 113; the education of noblemen's sons, 126; the payment of the Earl of Annandale for building Lochmaben Castle, 126, 127; deprecating the admission of Papists to places of power and trust, 146, 147; requesting a hearing for Sir James Sinclair of Murkle, 147; the dispute between the Islanders and Lord Lorne about the places for holding justice courts, xx, 164, 171; regretting their inability to pay certain pensions recommended by him promptly, 171, 172; the agreement between Lord Napier and Robert Welthen for furnishing confections to his Majesty while in Scotland, 181, 182; about Lord Napier and his backboud, 199, 200; recommending

the petition of the Burghs with regard to the fishing of the Flemings in the North Isles, xviii, 222; about the son of the Earl of Angus, 222, 232, 233; narrating their proceedings at the conference for dealing with the suppression of Popery, 249, 250; the Earl of Seaforth's bringing Flemings and Hollanders to the Lewis, 260; desiring the renewal of the joint commission for the Borders, 265; for renewing the joint commission for the Borders, 270, 315; as to Mr Nathaniel Udward and his Greenland fishing, 347, 354-356; with a petition against an impost on horses in Ireland, 370, 371; with the petition of the commissioners of the dioceses of Aberdeen and Moray, 372, 373; with the petition of a Scottish skipper against an English naval captain, 392; the Earl of Seaforth and his plantation of the Lewis, 489, 491, 495, 496; desiring to know if he will change the date of his proposed visit, 493; that they have fixed upon St Giles Church as fittest for the coronation service, 497, 498; about their suspension of the decret of the Lords of Session about the girnelling of corn in Leith, 508, 676; sending a petition by the Bishop of the Isles, 519; Captain Robertson and the Hamburgers, 525, 526; in favour of Duncan Campbell of Glenlyon, 587, 588; letters from the Council to other persons—to the sheriffs and justices of the peace, to report the prices of victual, 10, 11; the Laird of Bonjedburgh and Sir James Ker, to arbitrate in a dispute, 24; the Sheriff of Dumbarton, about the commissioners for the Parliament, 43, 44; the Secretary, about the coronation, 52; the Bishop of Caithness, about the sub-commissioners for the teinds, 52; Sir William Alexander, about the coronation, 59, 60; the Viscount of Stormont, to remove all persons from the palace of Falkland, and make inventory of the goods therein, 61, 63; to the Secretary, about John Balfour, 76, 77; the members of the Council at Court, about the Marquis of Huntly, xiii, xv, 78, 79; the Admiral, about the Holland ship called *The Green Dragon*, 84, 86; the Secretary, about the Holland ship called *The Green Dragon*, 84, 86; the Archbishop of St. Andrews, to attend a meeting of Council, 92; as to the claim of the masons of Dundee for a deacon of the craft, 127, 128; to certain sheriffs and others, to arrest Robert Bramlie of

Northumberland, 164, 165; the clerk of the presbytery of Banff, anent his neglect, 165; the Bishop of Aberdeen, of the neglect of the presbytery of Banff about the sub-commission, 165, 166; the magistrates of Aberdeen, forbidding the election to office there of any persons suspected of being Papists, 181-183; the Sheriff of Caithness, as to his neglect of his duties, 191; to the members of Council, to attend the meeting with the representatives of the Church, 195, 196; to the Laird of Newton, appointing him convener of the justices of peace in Fife, 197; the sub-commissioners, inciting them to go forward with their service, 200; the Earl of Galloway, to assist Maurice Bennet, Englishman, in his bounds, 207; the Sheriff of Caithness, as to his neglect of duty, and warning him to amend, 222, 223; the Secretary, to communicate to the members of Council at Court what has been done about the suppression of Popery, 249, 250; the Earl of Moray, for the diligent execution of his commission against Papists, 264, 265; the commissioners for proroguing the Parliament, 270, 271; to certain bishops, to attend the Council about certain matters, 290, 291; the Laird of Bonyton, cancelling his appointment as Sheriff of Forfar, 315; the judges of the circuit courts, as to certain points of their commission, 315, 316; Lord Lorne, to secure the peace in Glencoe, 347, 348; the Archbishop of St. Andrews, about the rector of the University, 348, 349; the sub-commissioners of the presbytery of Ayr, in favour of the Viscount of Ayr, 371; the States General of Holland, about Elizabeth Murray, 395, 396; Sir William Alexander, about Andrew Beaton, factor resident at Paris, 416; some English magistrates, to arrest John Neill, 443; the Secretary, to notify who are coming with the King, 493; the Laird of Grant, with the commission against James and Alaster Grant, 496, 520; the Marquis of Huntly, with the commission against Rothiemay, 496, 519, 520; Sir William Alexander, about preparations for the King's visit, 501; the commissioners against Rothiemay, to pursue the end of their commission, 530, 531; the commissioners for prorogating the Parliament, 535, 537; the Commissioners for the Surrenders and Teinds, to attend meetings, 545, 570, 571; for the sum-

- moning of the Convention of the Estates, 574-576; Lady Bass, to surrender John Smith, her servant, 587, 603; Sir John Home of North Berwick, to bring in John Smith, 587, 603; the magistrates of Aberdeen, with thanks for their apprehension of Tillerie, 608, 609; Lord Berridale, requiring him to protect the Archdean of Caithness, 616, 617; letter from the Estates of Holland to the Council for the restitution of a ship, 84, 86.
- Privy Seal. *See* Seal.
- Processes, Minute Book of, for January 1629, 27, 28; for November 1629, 360.
- Proclamations: forbidding the circulation of some foreign coins, 19, 20; restraining the exportation of oats and meals, 53; of the prorogation of Parliament, 129, 130, 235, 236, 546; as to the coining of copper money, 131, 132; that Papists remove out of the country within forty days, 184, 185; that all persons in public office take the Communion at Holyrood Chapel quarterly, 186, 188, 361; against the arrestment of soldiers enlisted for the service of the King of Sweden, 197; of the decreets by his Majesty as to the submissions, 293-313; of the acts for the suppression of Papists, 320-331; as to the meeting of the Commission of Teinds and the sub-commissions, 341; of the cognizance for the baronets of Nova Scotia, 393, 394, 395; the roup of the imposts on wine, 395; for observing Lent, 448-450; forbidding exportation of wheat and other grain, 520, 521, 578, 579; of the meeting of the Convention of Estates, 621.
- Proctor, George, in Inoh, appointed to cast corns for proof, 474.
- Thomas, tenant to Oliphant of Drynie, petition by him, 555.
- Protections granted against creditors, 7, 17, 20, 24, 90; the Council remonstrate with the King about the abuse of protections to debtors, 113; granted to persons at the horn cited to appear before the circuit courts, 287; Mr John Acheson, 101; Richard Carmichael, 124; Robert Carmichael, 155; Dame Isabel Hepburn, Lady Bass, 51, 52, 90, 143; Sir George Home of Manderston, 381, 382, 397, 545, 560; Sir David Home of Wodderburn, 124; Kennedy of Blairquhan, 51, 61, 62, 81; George Lauder of Bass, 51, 52, 81, 90, 143; Alexander McCulloch of Merton, 74, 75, 81, 125; James Melville, 124; Ogilvie of Banff, 16; Andrew Plumber, writer, 110; Scott of Headshaw, 117, 125; Josias Stewart of Bonnington, 51; Stewart of Ravenstone, 61, 62; to Andrew Wardlaw, 56; one refused to Sir William Menteith of Kerse, 100, 101.
- Protestantism, its gloomy prospects in Europe, xii; in North Germany, 137 n.
- Prymegilt, a harbour tax in Leith appropriated by Edinburgh, 216, 630, 642; its object, 674.
- Psalms, The, Latin versions by Dr Arthur Johnston and Mr George Buchanan, xiv; all householders to possess psalm books, 266.
- Punishments: for begging, 65-68; by banishment, burning on the cheek, and scourging, 534; by irons and stocks, 635, 645.
- Purdie, Annie, in Newhall, to be tried for witchcraft, 339.
- Pursell, Janet, to be tried, for witchcraft, 156.
- Pursuivants: their coats of arms inspected, 51; Ormond pursuivant. *See* James Currie.
- QUEEN. *See* Henrietta Maria.
- Quhyte. *See* White.
- Quhytfurde. *See* Whitesford.
- Quhytheid. *See* Whitehead.
- RACE: a horse race at Inverness, 528.
- Rae (Ray), Arthur, writer, a debt due to him, 163, 164.
- Arthur, curator of William Scott of Elie, summoned in a case, 487.
- Arthur, in the Canongate, complaint by him, 599, 600.
- James, servant to the Master of Herries, charged with carrying firearms and violence, 351, 352.
- John, in Aberdeen, complaint against him, 18.
- John, in Dumfries, to be tried for witchcraft, 551.
- Rait, James, at Forres Mill, charged with assault and hamesucken, 488.
- Raithnie, 456.
- Ram dollar, the, to be tested, 51.
- Ramsay, Lord, William, commission to him to apprehend Papists, 240, 323; another commission to him, 535.
- of Balnabreich, John, charged with threatened assault and deforcement, 231, 232.

- Ramsay of Cockpen, James, caution for him and for his indemnity, 563.
- of Edington, John, commission to him, 169, 270.
- of Whitehill, Mr Simon, commission to him, 290, 363.
- of Wyliecleuch, Sir George, commissions to him, 155, 290.
- Alexander, burghess of Aberdeen, commission to him, 176, 177.
- Mr Andrew, minister at Edinburgh, to examine a Latin grammar, xvii, 596, 597; to examine and instruct James Douglas, son of the Earl of Angus, in religion, 119; to examine his pedagogue, 145; charged to appear before the Council, 155; appointed on a committee for the suppression of Papists, 233, 234.
- David, gentleman of his Majesty's privy chamber, witness to a resignation at Whitehall, 365.
- Elizabeth, wife of William Bishop in Currie, complaint by her, 572.
- Sir James, servitor to the King, complains of the theft of his charters, 384.
- James, commission to him, 431.
- John, called of Cockpen, charged with injuring coalpits, 563.
- John, officer of the Canougate, charged with assault, 144, 145.
- Michael, deceased, his bastard son is charged with stealing charters, 384.
- Mr Thomas, minister of Dumfries, appears before the Council, 13; appointed on a committee for the suppression of Papists, 234; to examine an alleged witch, 390.
- William, in Newton, charged with assault, 314.
- William, in Pittenweem, seeks an impost on all goods exported by strange ships, 616.
- William, messenger, injured and deformed, 269.
- . . . , servitor to Kennedy of Culzean, charged with assault, 10.
- Rankine (Rankein), Patrick, servitor to Mr James Baird, advocate, acts as procurator, 90, 347.
- John, in St Wishings, a refractory tanner, 611, 612.
- Rannald, William, officer of the regality of Fintry, 125; complaint by him, 174.
- Rannick, Agnes, in Clerkington, to be tried for witchcraft, 339.
- Ratches, or grewhounds, prohibition of hunting with, 50, 449, 450.
- Rates, Book of, 316. *See* Customs.
- Rathin, parish of, 155.
- Ratho, parish of, the inhabitants to repair their highways, 138.
- Ratray of Craighall, David, 62; commission to him to apprehend Papists, 240, 322.
- of Darreidlane, Andrew, charged with killing game and cutting timber, 235, 236; caution for him, 236.
- Sylvester, brother of David, of Craighall, respite to him for the slaughter of George Reid, 62.
- Rawson (Rawsoun), Patrick, in Fuirhouse, charged with assault, 209, 210.
- Raynie, John, provost of Dumfries, appears before the Council, 13.
- Rayniston, house of, 276, 277.
- Reay, Lord, Donald, protestation by him for relief from a cautionary, 204; commission to him to apprehend Papists, 239, 321.
- Rebedeus in Bisca, 667.
- Redemption of lands, a disputed case, 587.
- Redford (Redfurde), Robert, in Pardarge, permitted to carry firearms, 524, 525.
- Reformation, the, revival of learning then, xxxi.
- Regalities: of Broughton, 161, 166, 167, 356, 357, 541, 542; Dalkeith, 155, 170; Dunfermline, 163; Fintry, 125, 174; Glasgow, 170, 270, 315, 477; Newton, 364, 366-368; St Andrews, 176; bailie of the Regality of Glasgow. *See* Duke of Lennox.
- Register, Lord Clerk. *See* Sir John Hamilton of Magdalens.
- Registers and registration: the keepers of the Registers to take the Communion quarterly at Holyrood, 186, 188; an inexact register ordered to be corrected, 451; the register of hornings and inhibitions kept by Edinburgh, 649, 650; the register of Justiciary, 662. *See* Books of Admiralty; Books of Exchequer.
- Reid (Rid), Alexander, *alias* Fleming, in Easter Downie, complaint by him, 470.
- Alexander, caution by him, 370, 379, 383, 390.
- James, officer of the commissariat of Dunkeld, complaint by him, 436.
- Janet, in Sandmylne, to be tried for witchcraft, 446.
- Margaret, in Crimond, to be tried for witchcraft, 426.
- Mungo, released from prison, 473.

- Reid, William, baillie of Edinburgh, appears before the Council, 432, 440; he intervenes in a domestic quarrel, 406.
- Reidhill, lands and place of, 456.
- Remissions craved, 587, 588; granted by the Treasurer, 10; in Exchequer, 482; one to John Balfour, 87.
- Renfrew, burgh of, a justice court to be held there, 226, 227; commission to the provost and bailies to apprehend Papists, 323.
- shire of, the justice court to be held at Renfrew, 226, 227; commission for the apprehension of Papists there, 240, 323; commission to the sheriff, 76.
- Renton, Laird of. *See* Home.
- Reoch (Rioche), John, deceased, 206; his widow, Janet Henreisdochter, to be apprehended, 206.
- Restalrig (Lestarig), Laird of. *See* Logan.
- lands and barony of, 637, 646, 656; annualrents there granted to Leith, 217.
- parish of, the inhabitants to repair their highways, 138.
- Revocation, Act of, by the King in October 1625, viii-xi, 538.
- Rex dollars, 51.
- Rhè (Rey), Isle of, the expedition to the, 163, 535.
- Rhind (Rind, Rynde), John, merchant burgess of Edinburgh, horning at his instance, 14.
- Robert, gardener at Strathbogie, charged with illegal warding, 262.
- Richardson (Richartson) of Pencaitland, Robert, accepts the sheriffship of Haddington, 273, 274.
- of Smeaton, Sir James, complaint by his son William against Lord Herries, 27; commission to him to apprehend papists, 240, 323; other commissions to him, 155, 209.
- Janet, wife of Alexander Nicolson, in Cousland, to be apprehended and tried, 544.
- Patrick, servitor to the minister of Selkirk, charged with hamesucken, 229.
- Thomas, in Maxton, to be tried for witchcraft, 270.
- Richelieu, receives the surrender of Rochelle, 2 n.
- Rickleman, Leveane, master of a ship of Calais, petitions for disposal of his case, 521-523, 589-591; some of his crew tortured, 429.
- Riddell of that Ilk, Andrew, nominated as commissioner to Parliament for Roxburghshire, 54; his election as commissioner for Roxburghshire to Parliament disallowed on account of his great age, 105.
- Riddell of that Ilk, Andrew, apparent, not elected as commissioner for Roxburghshire, 105.
- Rig of Carberry, James, to oversee the repair of certain highways, 139; commissions to him, 155, 209, 518, 534, 544, 602.
- Riot, case of, 27.
- Ritchie, Adam, provost of Ayr, commission to him, 446.
- James, in Calderhauch, prosecuted as a refractory tanner, 359, 360.
- Marion, in Newton of Ayr, to be tried for witchcraft, 561.
- Rob, Father, a popish priest, to be apprehended, 408.
- Robertson of Downie, Alaster, charged with killing game and cutting timber, 236; caution for him, 236; accused of forfeiting his cautionry, 237; excused on account of sickness, 237; charged to appear before the Council to answer for his tenants, 470.
- of Drumheid, Alexander, charged with killing game and cutting timber, 235, 236; caution for him, 236.
- of Straloch, John, accused of forfeiting his cautionry, 237; excused on account of sickness, 237.
- Baron Reid, 236; accused of forfeiting his cautionry, 237.
- Alexander, elder, tenant in Banchory, charged with molestation, 574.
- Alexander, younger, tenant in Banchory, charged with molestation, 574.
- David, captain of the ship *The Grace of Dysart*, xlii, xliii, 261; he complains of being robbed by two Hamburg captains, 484; and obtains letters of reprisal against them, 525, 526.
- David, skipper in Leith, appears before the Council for the inhabitants of Leith, 440, 666.
- Isobel, in Borrowstounness, to be tried for child-murder, 129.
- James, brother to Baron Reid, charged with killing game and cutting timber, 236; cautions by and for him, 236.
- John, wright in Edinburgh, charged with illegal warding, 58, 59.
- John, in Terras, complaint by him, 488.
- John, tenant to Gibson of Durie, complaint by him, 456.

- Robertson, John, *alias* Duellan McInneillar, not to be reset by the lieges, 470.
- Patrick, in Lay, caution by him, 236.
- Patrick, in Lenachmore, charged with killing game and cutting timber, 236; cautions by and for him, 236.
- Rooche, Robert, in Cultilony, accused of forfeiting his cautionary, 237.
- Thomas, *alias* Sweit, tenant to Mr James Wishart of Pittarrow, charged with assault, 424.
- Walter, his house in Aberdeen, 369.
- Walter, town clerk of Aberdeen, his payment of the taxation of the town, 390.
- Father, and two others of the name, popish priests, to be apprehended, 408.
- Robson (Robeoun), Agnes, vagabond, to be tried for witchcraft, 170.
- Alaster, in Dunbeath, charged with assault and robbery, 75, 76.
- Angus, in Dunbeath, charged with assault and robbery, 75, 76.
- Giles, in Dumfries, to be tried for witchcraft, and specially examined in a certain case, 390.
- Janet, wife of Thomas Kilpatrick in Dumfries, to be tried for witchcraft, 446.
- Jean, in Garlof, to be tried for witchcraft, 340.
- Jean, in Selkirk, charged with assault, 229.
- Thomas, citizen and merchant tailor in London, 287, 298.
- (or Russell) . . . , town officer of Edinburgh, charged with illegal arrest, 193.
- Rochelle, La, Buckingham's expedition to, vii, viii, 667; surrenders to Richelieu, xii, 2 n.
- Roger (Rodger) of Balbrekie, complaint by him, 199.
- James, younger, in Byres Kilwinning, a refractory tanner, 611, 612.
- Marion, widow of Andrew Dowie, at the Crook of Devon, charged with malicious damage, 230.
- Rogers, Mr David, minister at Tunnergarth, collects money for building a bridge and appears before the Council, 477, 478.
- Rolland, James, in Aberdeen, complaint by him, 18.
- William, in Aberdeen, complaint against him, 18.
- Rollock of Powes, David, his lands overflowed by a moss, xlili, 37-39, 90, 268, 568, 569.
- Rollock, Hercules, indweller in Dundee, appointed a collector for a charitable fund, 38, 39.
- Mr John, commissary of Dumblane, acts as procurator, 196.
- Mr Robert, minister at Murroes, complaint by him, 198, 199.
- Mr Thomas, younger, complaint by him against the bakers of Stirling, 197, 198.
- Roman Catholics: proceedings for the suppression of Papists, xi-xviii; the Archbishop of St Andrews gives in a roll of the sons of noblemen suspected as Papists, and the Council take order about their education, 20, 21; proceedings taken thereupon, 45, 69, 88, 89, 91, 92, 99, 100, 117, 118, 119, 145, 156, 159, 246, 247; the Council complain to the King of the increasing insolence of Papists, 24; proceedings by the commissioners for the dioceses of Aberdeen and Moray against Papists in the North, 28-32, 33, 34, 35, 93, 102-104, 119, 120, 173, 174, 177, 178, 179, 409, 547, 548, 551, 552, 566; the Papists in the North fostered by the Marquis of Huntly, 76, 78, 79, 80; proceedings against Papists in Dumfriesshire, 96, 97, 109, 110; in Linlithgowshire, 157; the abbeyes and bishoprics of Northern Germany restored, 137 n.; the Council entreat the King that Papists may not be admitted to places of power and trust, 146, 147; alleged to be plotting at Court and elsewhere, 146; supposed dispensation from the Pope to equivocate, 146; Papists not to be elected as magistrates in Aberdeen, 181, 182; the whole clergy ordered to make up lists of Papists in their districts so that they may be banished, 184-186, 195; these lists given in, 233; the Communion to be taken as a test by persons holding office, 186-188, 195, 196; meetings at Holyrood to concert measures for the suppression of Papists, 233-254, 320-331; the archbishops, bishops, and presbyteries to apprehend and try resetters of priests and jesuits, 242, 243; Papists not to hold any office in Council, Session, or other judicatory, 244; sayers and hearers of mass and resetters of jesuits and priests to be prosecuted in the circuit courts, 244, 258, 326; an allowance to be made out of the estates of excommunicated Papists for their support if they leave the country, 244, 245, 249, 250, 327; and on giving up true inventories of their goods and estates, 254, 255, 327; husbands

to be responsible for the conduct of their wives in resetting Papists, 245, 327, 328; suspects to receive none to service in their families without a testimonial from their parish minister as to their soundness in religion, 245; no persons excommunicated and warded to be released except they conform or offer to leave the country, 246, 328; removal of Sir Alexander Gordon from his sheriffship for being a Papist, 247, 248, 329, 330; names of excommunicated Papists to be published at the market cross of Edinburgh and fixed upon the tolbooth, 248, 330; letters of horning against Papists, 249; the Council write to the Earl of Moray to be diligent in executing his commission against Papists, 264, 265; the meeting of the Council and the clergy at Holyrood, and ratification of their Acts for the suppression of Popery, 185, 320-331, 631; none under process to go to Court to petition his Majesty without license from the Council, 326; all councillors Popishly affected to be removed from the Council table, 361; report and complaint by the commissioners for the dioceses of Aberdeen and Moray, 363, 369, 370, 373-376, 378; the Council send them to his Majesty, 372, 373, 378; the Marquis of Huntly declared responsible for all Papists on his lands, 363, 364, 372, 375; other Papists in Aberdeen dealt with, 369; commission to the Bishop of Aberdeen to deal with the rents of excommunicated Papists, 379, 380; commissions granted to Lord Gordon for the suppression of Popery in the North, 404-411, 421, 438, 439, 547, 551, 552, 553; the escheats of Papists granted to Lord Gordon, 410, 411, 438, 439; report by the Bishop of the Isles, 406; Lord Gordon permitted to grant tickets to those wishing to submit, 421; the reset of Papists discharged in Caithness, 421; submission of the Earl of Caithness to the presbytery, 480, 481; list of persons who have complied sent in to the Council, 545; Papists prefer to leave the kingdom rather than conform, 555, 615, 616, 618, 622, 623; their names displayed on a board in the tolbooth of Edinburgh, 623; grant of the escheat of two Papists going abroad, 666: Particular cases—the Countess of Abercorn, 417; the Earl of Angus and his children, 69, 70; Campbell of Caddell, 177, 178, 179; Thomas Cheyne of Rayniston, who con-

forms, 276, 277; Patrick Con and his wife, 515; Patrick Dickson, 218; Sir Alexander Gordon, 510, 511; Elizabeth Knowes, 259; Elizabeth Maxwell, 155; James Maxwell of Kirkconnell, 92; Men-teith of Kerse and his lady, 90, 91, 100, 101, 112, 113, 157; Sir John Ogilvie of Craig, 534; one of the Queen's servants, 513.

Roresoun, Angus, in Dunbeath, charged with assault and robbery, 75, 76.

Rose (Rosse) of Kilravock, Baron, . . . , commission to him to apprehend Papists, 239, 322.

Rose noble, value of the, 660.

Roskein, parish of, 52.

Ross (Ros, Rosse), Lord, James, to oversee the repair of certain highways, 140; commission to him to apprehend Papists, 240, 323; appears against Edinburgh in their dispute with Leith, 494; caution by him, 602.

— of Balnagowan, David, protection granted to him in his minority against his father's creditors, 514, 515.

— of Pitcalnic, commission to him to apprehend Papists, 239, 322.

— Mr Alexander, commissioner for the diocese of Aberdeen, prosecutes Papists, 28-32, 33, 34, 35; horning at his instance, 173, 174; appointed on a committee for the suppression of Papists, 234; charged to appear before the Council, 263; witness to a deed, 337.

— Alexander, in Kinnardie, charged with assault and robbery, 96.

— James, clerk-depute of Carrick, ordained to find lawburrows, 6, warded for bearing guns, 9, 10; complaint by him, 10.

— James, notary in Irvine, charged to appear before the Council, x, 427; denounced for deserting his office of procurator to the sub-commissioners of the presbytery of Irvine, 459.

— Mr John, moderator of the presbytery of Kincardine, sent to the Viscount of Melgum and reviled in his presence, 580, 581; witness to a deed, 589.

— William, in Kinnardie, charged with assault and robbery, 96.

Ross, Bishop of, Patrick, a member of the Privy Council, vi; his attendances, vi; he mentions children requiring to be educated in religion, 246; commissioner from the Church at Court, 100; appointed on a committee for the suppression of Papists,



- 233; commission to him to apprehend Papists, 239, 322; written for to attend the Council, 285; witness to a writ at Greenwich, 319; summoned to attend a meeting of the Commission on the Teinds, 570, 571; present in Council, 233, 252, 260, 266, 270, 292; signs Acts of Council, missives, etc., 250, 260, 264, 265, 269, 270, 271, 315, 316.
- Ross, diocese of, witches there, 16; commission for the apprehension of Papists there, 239, 322.
- shire of, cases of witchcraft there, 16; pearl-fishing in the rivers, 201, 202.
- Ross Herald. *See* William Craig.
- Roths, Earl of, John, to oversee the repair of certain highways, 68; commission to him to convene the justices of peace about the highways, 159; commission to him to apprehend Papists, 252; he consents to the cancelling of bonds, 261; appears against Edinburgh in their dispute with Leith, 494; to confer about the Edinburgh business, 495; caution by him, 602.
- Rothsday, minister at. *See* Mr. Patrick Stewart.
- Rothiemay, castle, place, house, or tower of, xxxix, 256, 430, 485, 496; order that it be rendered, 496, 509, 510.
- Lady. *See* Katherine Forbes.
- parson of. *See* Mr Alexander Small.
- Roughheid, James, caution by him to produce a person, 571.
- Roull, Mr George, minister at Mordington, complaint by him, 625.
- Row, Mr John, a contemporary annalist, v.
- Rowat, Mr Alexander, minister at Calder, investigates a complaint at Campsie kirk, 338.
- Roxburgh, Earl of, Robert Ker, first, a member of the Privy Council, vi; his attendances, vi; he takes charge of an arbitration case, 6, 7; produces a letter in the case, 17; as heritor of the barony and regality of Broughton, nominates assessors to his baron-bailie in a case, 24; being at Court, a dispute about the waponshawing of North Leith is postponed till his return, 167; he imprisons a soldier, 169; he claims an escheat as lord of the regality of Broughton, 356, 357; is witness to a resignation at Whitehall, 365; the Canongate waponshawing stopped until his return from Court, 541; present in Council, 3, 8, 16, 21, 64, 77, 85, 129, 621; signs Acts of Council, missives, etc., 24, 25, 79, 80, 86<sup>2</sup>, 118<sup>2</sup>, 145, 147<sup>2</sup>.
- Roxburgh, shire of, the barons and freeholders to meet and elect commissioners to the Parliament, 54; election of the commissioners for Parliament, 105; the sheriff to preside at the election, 105; letter to him to arrest a fugitive Englishman, 164.
- Rudder of a fishing boat, assault with the, 425.
- Rule, assault with a, 463.
- Runga, assaults with, 45, 124, 168, 198, 278, 424, 559, 600.
- Russell, William, in the Shields of Auchengray, and William, his son, charged with assault, 288.
- (or Robson), . . . , town officer of Edinburgh, charged with illegal arrest, 193.
- Rutherford (Rutherford), Alexander, his house in Aberdeen, 474.
- Isabel, *alias* Graham, a vagabond, to be tried for witchcraft, 32.
- James, Sheriff-depute of Elgin and Forres, commission to him, 98.
- William, son of Barbara Buckholm, submits a dispute to arbitration, 6, 7, 17, 24.
- Rutherglen, the magistrates sell metts and measures, 27.
- Ruthven, . . . , widow of the Laird of Coldenknowes, charged with destroying woods by instigating others, 544.
- Ryknow, lands of, 6, 7, 24.
- SABBATH, desecration of the, 168, 278; by non-attendance at the church, 176, 177; in Shetland, 203; Acts of Parliament against profanation, 266; prevalence of beggars in the streets of Edinburgh on, 412; Parliament appointed by mistake to be held upon a Sunday, 545; crossers of the Forth on Sabbath fined, 642; assaults committed upon the Sabbath, 57, 231, 278, 406, 424, 488, 531, 532, 572.
- Sadler, Christie, his house in Duns, 398, 399.
- St. Andrews, Archbishop of, John Spottiswoode, a member of the Privy Council, vi; his attendances, vi; gives in a roll of the sons of noblemen suspected of being Papists, 20, 21; written for to attend the Council, 91, 285; reports to the Council the proceedings with regard to the Laird of Kerse and his lady, 112, 113; he is to see that the Scottish ministers at Campvere

- remain Scottish subjects, 183, 285; appointed on a committee for the suppression of Papists, 233; the collection for the exiled ministers of the Palatinate placed in his charge, 276; to approve a tutor for Lord Gordon's sons, 331; as Chancellor of the University of St. Andrews he is written to to see that the Rector chosen accepts office, 348, 349; concurs in the commission to Lord Gordon against Papists, 404; to take cognisance of Sir John Ogilvie of Craig, 444, 534; president of the Commission for the Teinds, 479; a certificate addressed to him from the presbytery of Caithness, 480; he refuses to admit a presentee, 500; to see and attest depositions in witchcraft cases, 533, 535, 606; summoned to attend a meeting of the Commission on the Teinds, 570, 571; present in Council, 1, 11, 19, 21, 98, 196, 225, 233, 252, 292, 316, 401, 404, 406, 416, 421, 427, 483, 489, 591, 598; signs Acts of Council, missives, etc., 20, 24, 25, 158, 200, 233, 250, 260, 315, 316, 416, 479<sup>a</sup>, 492<sup>a</sup>, 592, 592, 602<sup>a</sup>.
- St. Andrews, burgh of, the highways thence to Falkland and the ferry of Dundee to be repaired, 68; the reports of the sub-commissions of presbyteries on the teinds to be made there, 341; the magistrates written to by the Council to have a care of plague-stricken ships, 383, 386; the master of the grammar school written for to attend the Council, 596, 597; wardings therein and about, 598.
- chaplainry of, 217.
- presbytery of, charged to appoint sub-commissioners for the teinds, 53, 54.
- regality of, 176; commission to the ballie of the regality, 426.
- University and College of, xiii, xiv, 20, 126, 250, 331; choice of Dr Peter Bruce as Rector, xiv, 345, 348, 349.
- St. Antons, chaplainry of, 217.
- St. Cuthberts, kirk of, the highways thither from the West Port to be repaired, 139.
- parish of, 67; the inhabitants to repair their highways, 138.
- St. Giles church in Edinburgh, prepared for the coronation, xxxiv, 60. *See also* Edinburgh.
- St. James's, letters dated there, 547.
- St. John's Clachan, court held there by the Commissary, 213, 221.
- St. Johnstoun. *See* Perth.
- St. Keith, chaplainry of, 217.
- St. Laurencekirk. *See* Laurencekirk.
- St. Lucan, in Spain, 667.
- St. Ninians Raw, beggars there to be punished, 411-415.
- Salmon fishing, a source of revenue to the country, 18; one on the Dee destroyed, 18; one on the Deveron, 401; slayers of salmon in forbidden time to be dealt with in the circuit courts, 258.
- Salmoud (Samound), Robert, petition by him for exporting wool, 314.
- Salt, ship-load of, 667, 668.
- Saltoun, Lord, John, decret of removing at his instance, 572, 593.
- Saltpetre, 3, 10.
- Sampsoun, Hew, in Plymouth, a coast trader, complains of being ill-used by Scottish skippers, 205, 206; horning at his instance against the magistrates of Glasgow, 452, 471.
- Samuelston, Lady, accused of witchcraft, xli.
- Sancte Croix. *See* Holyrood.
- Sanderson, Marion, in Coldingham, to be tried for witchcraft, 358.
- Sandilands of St. Monans, . . . , commission to him to apprehend Papists, 252, 323.
- Mr John, appointed assessor in a case, 293.
- Sands, John, tailor in Edinburgh, a debt due to him, 280.
- Mr Patrick, to examine a Latin grammar, 596, 597.
- Sasines, taking of, within burgh, 283, 284; the Register of Sasines for Berwickshire, 483.
- Schailer, Marion, in Law, to be tried for witchcraft, 145.
- Schools and schoolmasters: schools to be erected in the Islands, xxi; schoolmasters in burghs to be maintained from the teinds, 312, 313; the schoolmaster of Leith, 157.
- Scotland, New. *See* Nova Scotia.
- Scott (Scot) of Balmouth, Mr Robert, curator of Sir William Scott of Elie, summoned in a case.
- of Elie, Sir William, stops a waterway from the loch of Kilconquhar and floods the town, 487.
- of Headshaw, Robert, protection to him for acting as a sub-commissioner for the teinds, 117, 125.
- of Scotstarvet, Sir John, Director of Chancery, 421; a member of the Privy Council, vi; his attendances, vi; to

examine a witch, 4; directed to intimate the death of the Prince of Bohemia to the Lords of Session, 42; to inspect Holyrood church, 74; on a committee for the tanning reform, 85; to inspect and report on the repairs done to his Majesty's houses, 101; his report upon Holyrood kirk, 106, 107; commission of justiciary to him over the Water of Eden, 175, 176; to examine Henry Dick, 199; his report upon an Irish case, 205; to hear the accounts of the Lübeck ship, 209; appointed to examine certain witnesses, 222; to hold circuit courts of justice, 226, 227; he accepts the commission, 227; commission to him to apprehend Papists, 252, 323; to inspect the taxation rolls of the deceased Archibald Primrose, 274, 275; he oversees the breaking up of the old great seal, 275, 286, 287; charged by the Burghs with oppressing and wronging them by requiring heirs to be served in Chancery, 283, 284; witness to a bond, 292; arbiter in cases, 336, 337, 473-475; to examine accused persons, 383, 400, 405, 563, 584; challenged for a decision in the circuit court at Haddington, 441, 468; on a committee about the foreign coin, 464; reports a recommendation by the Lords of Session, 472; to consider the case of Captain Robertson and the Hamburgers, 484; to report as to the best church for the King's coronation, 493; declined as a judge in the Edinburgh and Leith dispute, but he is allowed to sit, 494; sent by the Council to intreat the Session to postpone the extracting of a decree, 495; to examine a Latin grammar, xxxii, 596, 597; to examine some inventories of the taxation, 610; present in Council, 1, 3, 8, 11, 16, 19, 21, 28, 34, 42, 44, 47, 52, 61, 64, 77, 81, 85<sup>a</sup>, 87, 91, 92, 99, 102, 119, 129, 148, 156, 160, 166, 172, 176, 191, 196, 200, 207, 208, 211, 214, 219, 224<sup>a</sup>, 225, 233, 252, 260, 270, 272, 285, 292, 316, 349, 352, 356, 358, 361<sup>a</sup>, 363, 372, 379, 383, 387, 392, 396, 401<sup>a</sup>, 404, 406, 416, 421, 426, 427, 432, 435, 438, 443, 448, 452, 455, 457, 464, 469, 471, 475, 479, 483, 489<sup>a</sup>, 492, 496, 497, 501, 506, 520, 555, 562, 565, 567, 571, 573, 577, 583, 591, 593, 602, 609, 613, 621; signs Acts of Council, missives, etc., 11, 34, 43, 44, 47<sup>a</sup>, 59, 61, 62, 79, 80, 98, 110, 112, 113, 126, 127, 128, 156, 159, 160, 169, 171, 172, 175, 181, 183, 195, 200, 206, 207, 209, 219, 222, 250, 265, 269, 270, 271<sup>a</sup>, 285, 290, 291, 351,

355, 358, 371<sup>a</sup>, 386, 400, 404, 406, 426, 446, 454, 471, 496, 498, 501, 506, 518, 526, 536, 571.

Scott of Well, Robert, caution by him not to molest his wife, Rachel Scot, 470.

— Adam, servant of James Mowat, produces his registers before the Council, 483.

— Andrew, servant to the Earl of Buccleuch, sells sheep in Edinburgh, 58; to be tried for theft, 118.

— George, portioner of Collessie, complaint by him, 57, 58, 81.

— George, skipper in Leith, a complainer against Edinburgh, 666.

— Helen, in Maxton, to be tried for witchcraft, 270.

— Helen, in Melrose, to be tried for witchcraft, 270.

— James, in East Quarter, charged with hamesucken, 57.

— James, in Middleton, rescues a man from his assailant, 424.

— James, in Rule Mill, charged with destroying woods, 83, 84.

— James, in Scottistoun, 32; his wife, Marion Greig, to be tried for witchcraft, 32.

— Janet, in Dysart, to be tried for witchcraft, 488.

— Janet, in Wicketshaw, to be tried for witchcraft, 145.

— John, indweller in Edinburgh, complaint by him, 457.

— Laurence, advocate, 611.

— Malie, in Southbyzehill, to be tried for witchcraft, 570.

— Rachel, wife of Robert Scot of Well, caution for her indemnity, 470.

— Robert, in Middleton, rescues a man from his assailant, 424.

— Robert, bailie of Selkirk, charged with illegal warding, 584, 585.

— Robert, servant to the Earl of Buccleuch, sells sheep in Edinburgh, 58; to be tried for theft, 118.

— Mr William, one of the Clerks of Session, 173.

— William, bailie of Selkirk, commission to him, 62.

— William, called of Pillars, bailie of Selkirk, charged to appear before the Council, 282.

Scourging, punishment by, 534.

Scrimgeour of Dudhope, Sir John, Constable of Dundee, charge to him as convener of

- the justices of the peace of Forfar to provide carriage for the King's baggage, 64, 65; to oversee the repair of certain highways, 68; commission to him to apprehend Papists, 239, 322.
- Scrimgeour, William, in St. Andrews, charged with malicious damage, 8.
- Seaforth, Earl of, Colin Mackenzie, first, 421, 639; a member of the Privy Council, vi; his attendances, vi; commission to him, 15, 16; continuation of the patent asked by him about Lewis and Stornoway, xxv-xxvii, 33, 42; he is to attend Court about it, 421, 422, 495; proposed compromise, 426; the matter referred to his Majesty, 427; he is ordered to desist meanwhile in his project, 428, 429; his proposal for the plantation of Stornoway, 479, 480; challenged for introducing Hollanders into the country to the injury of native trade, and ordained to observe the laws, 94-96; the Council represent the case to the King, 260; one of his servants kills a fellow-servant, 158, 159; commission to him to apprehend Papists, 239, 240, 322; the Council crave a commission to him against the Earl of Caithness, xiv, 249, 250; a commission to be given him against the Earl of Caithness, 330; his matter again before the Council, 484, 489; the King to be again consulted, 491, 495, 496; present in Council, 16, 19, 21, 28, 34, 47, 52, 61, 64, 77, 81, 85<sup>a</sup>, 87, 91, 92, 98, 102, 118, 129, 149, 156, 160, 166, 349, 352, 356, 358, 363, 372, 387, 396, 401, 404, 406, 427, 432, 435, 456, 457<sup>a</sup>, 464, 469, 471, 475, 479, 483, 489, 492, 621; he signs Acts of Council, missives, etc., 15, 16, 19, 20, 25, 26, 32, 34, 52, 59<sup>a</sup>, 62, 63, 76, 77, 79, 80, 93, 112, 113, 118<sup>a</sup>, 125, 145, 147, 155, 156, 159<sup>a</sup>, 160, 169, 351, 355, 360, 391, 392, 400, 404, 406, 431<sup>a</sup>, 488.
- Seal, Privy, Keeper of the. *See* Thomas, Earl of Haddington.
- Seals, the: the keepers of the seals to take the Communion quarterly at Holyrood, 186, 188; the passing of writs through the seals, 460; the great seal, 111, 143; references to grants under the great seal, 9, 196, 396, 594; fee for passing infestments through the great seal, 143; the new great seal appointed to be used and the old one to be broken in the Mint by a Committee of Council, 275; minute of its being broken, 286, 287, 290; register of the great seal, 667; the privy seal, 513; passing a gift through, 9; the quarter seal, 454; writers to the seal, 663.
- Seamen, a fraternity of, proposed in Leith, 674-676.
- Secretary of State for Scotland. *See* Sir William Alexander and Sir Archibald Acheson.
- Sederunt, Books of, 539, 540, 541.
- Selkirk, Elizabeth, in Coualand, to be tried for witchcraft, 518.
- Selkirk, burgh of, 228, 229, 602; a justice court to be held there, 226, 227; the town and magistrates have a controversy with Andrew Ker of Yair, 281, 282; dispute about the commonty, 281, 282; a case of slander before the bailies and Council, 585; commissions to the bailies, 570, 602; the tolbooth, 281, 585, 602.
- commissary court of, 585.
- minister of, 228, 229, 281, 282. *See* Mr Patrick Shaw.
- shire of, 585; witches there, 62; demission of Mr John Ker as sheriff clerk, and the patronage of the office with the Secretary of State, 91; the justice court to be held at Selkirk, 226, 227; appointment as sheriff of Sir James Pringle of Galashiels, 274.
- Semple (Sempill), Lord, Hew, sheriff of Renfrew, a prominent Roman Catholic, xviii; charged to appear before the Council about the education of his children, 91; he appears and undertakes to obey the King's pleasure, 117, 118<sup>a</sup>; his case again before the Council, 246; commission to him, 125; he apprehends English pirates and is ordered to deliver them to the Admiral, 617, 626.
- of Aikinbar, John, complaint by him, 97, 98.
- of Foulwood, William, sheriff principal of Dumbarton, objected to as a judge in a witchcraft case, 97; commission to him to apprehend Papists, 240, 323; appointed Sheriff of Dumbarton, 274; suspension of horning against him, 471; commissions to him, 3, 4, 59, 123, 124, 400.
- of Hunterhill, Bryce, charged with assault, 97, 98; his quarrel with John Semple reconciled, 118.
- Duncan, master of a Glasgow ship called *The Antlop*, charged with assault, 205, 206; to be apprehended, 452, 471.
- John, his quarrel with Bryce Semple reconciled, 118.

- Sample, Margaret, in Strafranke, to be tried for witchcraft, 145.
- Session, Court of, to go into mourning for the Prince of Bohemia, 42; appointment of Sir George Auchinleck of Balmanno as a Lord, 78; payment of the salaries of the judges, xxxiii, 172; the Lords to take the Communion quarterly at Holyrood, 186, 187, 361; commissions to some of the Lords for holding circuit courts, 191, 192, 326; no Papist to be admitted as a Lord of Session, 244; the Lords to grant no processes to excommunicated Papists, 248; some of them arbitrate between the town of Selkirk and Andrew Ker of Yair, 281, 282; remit to the Lords of the gift of an office of macer before them, 333, 334; to try the civil questions at issue between Edinburgh and Leith, 350, 637; license to the Lords to eat flesh in Lent, 452, 453; the four ordinary macers of the court, 454; the Lords recommend to the Council the granting of a protection, 472; the Lords intreated by the Council to postpone the extracting of the decrees in favour of Edinburgh against Leith, xxix, 494, 495, 497, 501; the Privy Council suspend execution of a decret given by the Lords, 507, 508, 676; act by the Lords anent the interruption of the Act of Prescription, 568-541; all actions to be continued during the attendance of litigants at the Convention of Estates, 623; alleged encroachment by Edinburgh on their prerogatives, 642, 643, 644, 649, 658, 660; the Inner House, 490; the Court sits in the tolbooth of Edinburgh, 490; mention of cases before the Lords, and reference of cases to them by the Council, xxvii, xxxvi, 17, 56, 74, 96, 101, 120, 125, 190, 192, 224, 277, 289, 362, 363, 370, 377, 424, 435, 440, 462, 468, 469, 472<sup>a</sup>, 476, 482, 490, 491, 492, 497, 499, 500, 501, 522, 533, 572, 573, 575, 586, 587, 599, 600, 623, 673; registration in the Books of Council and Session, 153, 303, 307, 310, 313, 317, 318, 364, 365, 367, 476, 499, 573.
- Seton (Seatoun, Seytoun) of Barns, Sir John, complaint by him of an unwarranted prosecution, 466, 468.
- of Blair, William, excommunicated for Papistry and nonconformity, 30, 31; his house seized and kept, 93, 179, 234; he petitions for its restoration as he has conformed, 234, 235.
- of Culoreuch, Mr Alexander, to hold circuit courts of justice, 207, 226, 227; he accepts the commission, 207; complaint by him, 600-602.
- Seton of Disblair, William, elder, boad of caution by him, 347.
- of Kylemure, Sir William, Post-master-general of Scotland, complaint by him, 8, 9; as Commissioner for the Borders he is summoned to attend the Council, xix, 21; late convener of the justices of peace of Haddington, 76, 78; he is written for by the Council, 76; a commission granted to him against Rothiemay, 496, 503, 504, 509, 510, 516-518, 531; a committee of Council appointed to advise with him about it, 503; he reports the result of his attempts to reconcile Rothiemay and Frendraught, 544.
- of Meldrum, William, commission to him, 15; appears against Edinburgh in their dispute with Leith, 494.
- of Pitmedden, Alexander, elder, commission to him, 15.
- — John, younger, commission to him, 15.
- of Udney, William, elder, commission to him, 15.
- — William, younger, commission to him, 15.
- David, servitor to the Laird of Frendraught, petition by him, 429-431; permitted to carry firearms, 524, 525.
- Isabel, in Aberdeen, complaint by her, 262, 263.
- Robert, servitor to the Earl of Winton, caution by him, 41.
- Shand (Schand), Alexander, petition by him, 429-431.
- Sharp (Schairp) of Houston, Mr John, advocate, his claim against the Cunziehouse, 101; he disputes the Crown's right to certain rents from the Mint-house property, 560, 561.
- John, servant to the Laird of Monymusk, charged with malicious damage, 574.
- Shaw (Schaw) James Mal Alwes, in Kinyteache, and John and Farquhar, his sons, charged with killing game and cutting timber, 235, 236.
- John, in Rone, a refractory tanner, 624.
- Mr Patriok, minister of Selkirk, complaint by him of an assault upon his daughters Margaret and Isabel, 228, 229; he is charged with assault and hamesucken,

- 229; charged with unseemly conduct, but absconded, 281, 282.
- Shaw, Peter, mealmaker in Leith, a complainer against Edinburgh, 666.
- Shearer (Scheerer), Janet, to be tried for witchcraft, 156.
- Sheep, exportation of, xxi; cases of stealing, 58, 118, 175, 528, 533, 534, 587, 592, 602.
- Sheills, William, summoned as a witness in a case, 469.
- Sheriffs: surrender of some hereditary sheriffships, xliv; the sheriffs ordered to report the prices of victual, xx, 10, 11; those who have not reported the elections of commissioners to Parliament to be denounced, 33, 76; also those who have not reported the submissions of teinds, 84; one is removed from office for being a Papist, 247, 248, 329, 330; renewal of the sheriffships, 273, 274, 291-293; the sheriffs are ordered to make new elections of commissioners to Parliament, 370, 384, 385; resignation of the sheriffship of Lanark, 364-366; Edinburgh's right to the sheriffship disputed, xxviii, 215, 216, 217, 433, 434, 490, 630, 633, 636, 642, 643.
- Shetland: a Holland ship called *The Green Dragon* taken there, 84, 86; charge to the Sheriff of Orkney and his deputies to suppress the contempt of the ministry there, 202-204. *See also* Orkney and Shetland.— presbytery of, 72, 73.
- Ships and shipping: spoliation of a Dumbarton ship by the Macleans, 45, 46; a Spanish ship taken by a Bristol ship, 59; the pinnace for carrying the King across the Forth to be built by the Admiral on his own charges, 85; a ship of Bristol to be restored to its owners, 148, 207; the Lübeck ship, 209, 208; some shipmasters refuse to transport troops, 313; wreck of one of H.M. ships at Leith, 353; theft of a ketch from England, 357, 358; all ships to be examined in case of infection from the plague, 390, 381, 386-389; case of John Leighton's ship, 382; a Scottish ship robbed by two Hamburgers, 484; theft of a fisher's boat, 513; case of the wilful casting away of a barque, 568, 571; charge against Edinburgh of employing foreign ships for merchandises instead of those of Leith, 635, 644; which is denied, as most of the Leith ships are owned by Edinburgh merchants, 637, 638; a tax called the golden penny paid to the Admiral on the purchase of ships, 661: Names of ships—
- The Alexander*, 261; *The Amisic* of Calais, 447, 483, 667, 668; *The Antilop* of Glasgow, 205, 452, 471; *The Blessing* of Burntisland, 261; *The Grace* of Dysart, 261; *The Grene Dragoun* of Holland, 84, 86; *The James* of Pittenweem, 144; *The Lamb*, 261; H.M. ship *The Lyons*, 392; *The Providence* of Dumbarton, 45, 46; *The Sanct Michael* of France, 271, 372, 315, 446, 475, 521-523, 668; *The Sanct Peter* of France, 271, 272, 315, 446, 475, 521-523, 589-591, 668.
- Short (Schort), Agnes, wife of John Morris, complaint by her, 612, 613.  
— Alexander, weaver in Collnoch, complaint by him, 235.
- Shovels (shools), 337.
- Sibbald of Rankeillor, James, elder, at feud with Arnot of Fairnie, charged to keep the peace, 271.  
— David, fiar, at feud with Arnot of Fairnie, charged to keep the peace, 271.  
— Mr David, depute keeper of the great seal, summoned in a case, 143; produces the old great seal to be broken up, 286, 287.  
— John, servant to Strachan of Glenkindie, charged with assault, 491.
- Sibber, Patrick, in Renton, charged with assault, 335.
- Signature for commission of Justice General to the Earl of Menteith, 111.
- Signet, casualties of the, 663.
- Silk, importation of, 646.
- Sim, Robert, in Fairhouse, charged with assault, 209, 210.
- Simson (Simsoun), Mr Adam, minister of New Abbey, appears for the presbytery of Dumfries, 97.  
— Alexander, bailie of Dysart, appears before the Council, 490, 532; charged with malice in a case, 542.  
— Alexander, postmaster of Haddington, because of his age and infirmity, his son James is allowed to discharge his duties, but is charged with ignoring the Postmaster-general, 8, 9.  
— Archibald, burgess of Dysart, complaint by him, 624.  
— Helen, in Craignuik, to be tried for witchcraft, 145.  
— James, in Gourcock, his wife, Bessie Peacock, to be tried for witchcraft, 76.  
— James, 144. *See* Stevenson.  
— John, indweller in Inverkeithing, caution for his comparing before the Council, 568.

- Simson, John, in Presentation, and Janet Borthwick, his wife, complaint by them, 179, 180.  
 — Luke, messenger, complaint by him, 210, 211.  
 Sinclair (Sinclare) of Cadboll, William, horn- ing at his instance, 584.  
 — of Din, David, commission to him to apprehend Papists, 239, 321.  
 — of Dunbeath, John, charged with assault and robbery, 75, 76; seeks suspension of horn- ing, 173; commission to him, 206.  
 — of Essinquoey, Edward, commission to him about the teinds in Orkney, 70-74.  
 — of Herdmeston, Sir John, apparent, commission to him to apprehend Papists, 240; another commission to him, 544; he is objected to on account of his youth and inexperience, 556.  
 — of Murkill, Sir James, fails to raise his regiment for the King of Denmark, viii, 147; receives a discharge by the King's command for the £4000 expended by him in raising troops for the King of Denmark, 214, 215, 631; a debt due by him, 284.  
 — of Rapnes, George, commission to him about the teinds in Orkney, 70-74.  
 — of Ratter, John, quarrel in his house, 168; commission to him, 206; commission to him to apprehend Papists, 239, 321.  
 — of Roslin, . . . , apparent, commis- sion to him to apprehend Papists, 240, 323.  
 — of Stircock, Francis, excommunicated for Papistry and nonconformity, 75.  
 — of Sybo, William, commission to him about the teinds in Orkney, 70-74.  
 — Agnes, in Burnhead, to be tried for witchcraft, 362, 515.  
 — Alexander, indweller in Kelso, a wit- ness in a case, 563.  
 — Alexander, summoned as a witness in a case, and assaulted, 174.  
 — Francis, base son of the Earl of Caith- ness, complaint by him, 75, 76; horn- ing at his instance, 173; not to be reset by the lieges, 584.  
 — Francis, second son of James Sinclair, elder of Murkle, complaint by him, 284.  
 — George, wright and burghess of Edin- burgh, caution by him, 358.  
 — George, in Haddomyne, permitted to carry firearms, 524, 525.  
 — George, in Scorenclait, to be appre- hended, 206.  
 — George, bastard brother of the Laird of Ratter, charged with assault, 168.  
 Sinclair, Lady Isobel, daughter of the Earl of Caithness, reiving of some of her cattle, 75, 76.  
 — James, cordiner in Eyemouth, charged with assault and cruelty, 41, 42.  
 — James, uncle of George, *supra*, charged with fornication, 206.  
 — Janet, in Larbreck, to be tried for witchcraft, 551.  
 — John, bailie of Edinburgh, consulted about the circulation of foreign money, 8; to preside at a conference, 11; he reports upon the case of John Balfour, 16, 17; charged to produce prisoners, 41, 59; he attends the Council about the tanning, 108; debts due to him, 163, 164, 268; as Sheriff-depute of Leith, and a justice of peace, he holds courts at Leith, 193, 194; he is desired to apprehend the Earl of Caithness, 432, 442; appears before the Council for the Burghs against the Earl of Seaforth, 428, 429.  
 — John, in Haddomyne, permitted to carry firearms, 524, 525.  
 — Margaret, widow of James Grant of Carron, charged to apprehend a rebel, 36, 37; charged to appear before the Council and accept assythemment for her husband's slaughter, 458, 459, 577; her tenants and others raid Ballindalloch's lands, 462; she refuses Ballindalloch's offers, 579, 580; she is relieved from producing certain tenants, 582, 583.  
 — Oliver, tutor of Brims, put to the horn, 191.  
 — Patrick, in Blairtoun, charged with assault, 230.  
 — William, baron bailie of the regality of Broughton, appears before the Council, 166, 167, 542.  
 — William, in Corswadie, attempts to escape from Dumfries tolbooth, 12-14.  
 — William, in Kirk, charged with carrying firearms and violence, 57.  
 — . . . , in Burnhead, to be tried for witchcraft, 334.  
 Skaitmure, dispute about the teinds of, 371.  
 Skaitsone, Susanna, in Clerkington, to be tried for witchcraft, 339.  
 Skene of Curriehill, Sir James, to hold circuit courts of justice, 207, 226, 227; he accepts the commission, 207.  
 Skins, trade in, 428.  
 Slains, letters of, 154, 483, 549.  
 Slamannan, minister of. *See* Mr John Drysdale.

- Sleigh, Bessie, in Duns, to be tried for witchcraft, 155.
- Sloss, Robert, skipper in Leith, a complainer against Edinburgh, 636.
- Small (Smart), Mr Alexander, parson of Rothiemay, 504, 517.
- George, in Dernezane, charged with killing game and cutting timber, 236; cautions by and for him, 236.
- Margaret, in Penicuik, to be tried for witchcraft, 290.
- (Smart), Mr Thomas, son of the parson of Rothiemay, to be apprehended and brought before the Council, 517; not to be reset, 504.
- Smart, Mr John, clerk of the presbytery of Caithness, signs a certificate, 480, 481.
- Smailie, Janet, in Ayr, to be tried for witchcraft, 446.
- Smith, Adam, chamberlain of the Enzie, and Barbara Law, his wife, excommunicated for Papistry and nonconformity, 28-30.
- Mr Alexander, moderator of the presbytery of Chirnside, charged to appear before the Council, 378.
- Alexander, in Abernethy, protection granted to him, 17.
- David, in West Fenton, imprisoned for complaining against the judges of the circuit court, 441; fined for usury, 526.
- Gabriel, in Bruxland, charged with carrying firearms and violence, 418, 419.
- James, town officer of Edinburgh, charged with hamesucken, 472.
- Jean, in Amisfield, to be tried for arson, 43.
- John, in Duns, to be tried for witchcraft, 571<sup>2</sup>; warded in Edinburgh, 582; to be examined, 584.
- John, merchant burghess of Edinburgh, a debt due to him, 163, 164.
- John, servant to Lady Bass, to be produced before the Council to answer to a charge of witchcraft, 587; he is ordered to remain in Edinburgh under caution, 603.
- John, servant to William Hamilton in Kelso, charged with assault, 314.
- Peter, in Balclevie, charged to appear before the Council, 487.
- Robert, in Clachanturn, put to the horn for manslaughter, 175.
- Thomas, in Rothiemay, to be apprehended and brought before the Council, 517; not to be reset, 504.
- Smith, Mr William, minister at Dunnet, complaint by him of being assaulted, 168; he signs a certificate, 480, 481.
- William, in Kincairne of Menteith, a smith, charged with carrying firearms, 425.
- William, brother of David, *supra*, caution by him, 526.
- . . . , wife of Andrew Hislop in Leith, charged to appear before the Council, 564.
- Smithatounburn, 607.
- Smollet (Smallat), James, merchant burghess of Dumbarton, complaint by him about the spoliation of his ship, 45, 46, 81.
- Soap works of Mr Nathaniel Udward, xxiii, 354-356.
- Sodomy, case of, with a mare, 52.
- Soldiers: raised in Scotland for service on the Continent, vii, viii; order by the King to provide for some companies returned from foreign service till they are again required, 1; the Council on their petition give direction for their entertainment, 1, 2; their daily allowance, 2, 7; Morton's regiment in garrison, 17, 18; Sir George Hay to levy a regiment for the Low Countries, 99, 111, 120, 121; deserters from the Earl of Morton's regiment to be apprehended, 152; those levied for the King of Sweden's service not to be arrested save upon horning and caption, 197; prosecution of parents for withholding their sons who had enlisted, 288, 289; soldiers raised for the King of Denmark, 147, 167, 214, 215, 400, 491; for the service of the King of Sweden, 136, 137, 138, 142, 152, 155, 163, 167, 181, 197, 208, 284, 289, 313, 357, 358.
- Somerville (Somervail, Somervell), Lord, . . . , deceased, subscribes a book of the family debts, 141, 142.
- of Plain, . . . , commission to him, 90.
- Lewis, servitor to Lord Erskine, appointed a collector for a charitable fund, 38, 39.
- Margaret, wife of Humphrey Colquhoun of Bavia, 141.
- . . . , complaint by him, 27.
- Somerville, estate of, 141, 142.
- Sorcerers, consultants with, to be dealt with in the circuit courts, 258, 259.
- Sorralesfield, Wood of, 262, 459, 460, 584.
- Souddell, house of, 169.



- Souter (Sowtar), Robert, at the Mill of Carnwath, charged with assault, 209, 210.  
 — Robert, tenant to the Laird of Pittarrow, charged with assault, 283.
- Spades, references to, 337, 586; alleged assault with one, 123.
- Spain: King Charles at war with Spain, vii, viii, xlii, 1 n.; a Spanish ship taken with letters and goods by a Bristol ship on the coast of Galloway, 21, 32, 42, 52, 59; a letter to the King of Spain, 59; petition by two Spaniards, 81; the trading privileges of the Spaniards, 635, 644, 675, 676.
- Spalding (Spaldine) of Asohintullie, David, accused of forfeiting his cautionry, 237; caution for and signature of, 252.  
 — Andrew, in Bordland, complaint by him against reseters of rebels, 470.  
 — Andrew, in Wester Inverchroskie, charged with deforcement, 436.  
 — Janet, in Bellintoun, attempted pointing of her goods, 436.
- Sparke, Alexander, in Renton, charged with assault, 335.  
 — James, tenant to the Laird of Pittarrow, charged with assault, 283.
- Spears, references to, xxxv, 5, 194, 232, 279, 351, 596.
- Speir, Robert, in Meikle Foulwood, prosecuted as a refractory tanner, 359, 360.  
 — William, bailie and speaker at the council table of Edinburgh, gets a writ under promise to return it, 674.
- Spence of Tulloch, George, commission to him against Rothiemay, 516-519; permitted to carry firearms, 524, 525.  
 — John, in Bruntstoun, excommunicated for Popery and nonconformity, 407; also Isabel Strachan, his spouse, 407; he conforms, 547, 551.  
 — Mr Robert, brother of Mr. William, *infra*, imprisoned for insolence, 157.  
 — Mr William, schoolmaster of Leith, dismissed for adultery, but threatens his successor, 157.
- Speyside. *See* Strathspey.
- Spinolas dollar to be tested, 51.
- Spittle (Spittell), Mr Thomas, minister at Falkirk, heard upon the case of Menteith of Kerse, 101.  
 — Mr William, minister of Dysart, his prosecution of Katharine Christie, 489; appears before the Council in this case, 490, 532, 606.
- Spottiswood of Dairie, . . . , commis-
- sion to him to apprehend Papists, 252, 323.
- Spreull, Margaret, to be tried for witchcraft, 270.
- Spynia, Lord, Alexander, caution by him for Sir George Keith, 555, 561.  
 — James; in Denholm, charged with destroying woods, 83, 84.
- Stalker, John, a friend of Elizabeth Inglis, 463.
- Stanellie, lands of, 190.
- Stanypath edge, 592.
- Star of Bethleem, the, a superior of part of Leith, 640.
- Starroch, John, petition by him for delivery of some writs, 360.
- Staves, references to, 8, 9, 180, 209, 335, 351, 436, 468, 476, 488, 592, 624; bandit, 231, 288, 314, 350, 478; Jedburgh, 232; a staff of office delivered to the Treasurer, 594.
- Steelbonnets, references to, xxxv, 5, 231, 351, 418.
- Steill, Christian, in Coualand, to be apprehended and tried, 544.  
 — William, in Milneburne, prosecuted as a refractory tanner, 611, 612.
- Stenting of parishes, for the support of constables and prisoners, 413; for repairing the bridge of Airth, 209.
- Steven (Stevin), Mr Andrew, called Father Stevin, a Popish priest, to be apprehended, 408.  
 — Jean, wife of Robert Coutts, in the parish of Aboyne, to be apprehended, 102.
- Stevenson (Stevinsoun), James, merchant burghess of Edinburgh, a debt due to him, 163, 164.  
 — James, burghess of Pittenweem, petitions for release of a cautioner, 144.  
 — James, maltman, burghess of Stirling, buys a stolen horse, 403.  
 — John, bailie at the West Port, fined for neglect of his duty, 457.  
 — Richard, appears before the Council for his father and mother, *infra*, 378.  
 — William, in Hirsell, and Alison Pringill, his wife, to be tried for witchcraft, 378, 385, 386.  
 — . . . , wright, charged with desecrating a corpse, 337, 338.
- Stewart of Traquair, Lord, John, prosecutes destroyers of his woods, 83, 84.  
 — of Appin, Thomas, caution by him, 360.  
 — of Blackhall, Archibald, commission to him, 125; commission to him to apprehend Papists, 240, 323.

- Stewart of Boespick, Neil, bailie depute of Athole, commission to him, 360.
- of Bonytoun, John (Josias), protections granted to him, 24, 27, 51, 81.
- of Castlemilk, . . . , commission to him to apprehend Papists, 240, 323.
- of Coldinghame, John, protections granted to him, 425, 445, 462, 463, 469, 472, 560, 591, 626; dispute about the teinds of Coldingham with Douglas of Blackerston, 482.
- of Dunteanlich, Alexander, son of William, *infra*, not to be reset by the lieges, 470.
- — John, charged to appear before the Council, 470.
- — William, charged to appear before the Council to answer for his son, 470.
- of Grandtully, Sir William, commission to him to apprehend Papists, 240, 322.
- of Innerkinnachin, John, and his brother, assailed by some McLans in Glencoe, 347, 348.
- of Kilmachlie, . . . , 23.
- of Ladywell, Mr James, Commissary of Dunkeld, appoints a depute for the south of the Forth, 43; commission to him to apprehend Papists, 240, 322; decret by him, 436; complaint by him, 559, 560.
- of Minto, Sir Walter, to oversee the repair of certain highways, 68; caution by him, 190; commission to him to apprehend Papists, 240, 323; as bailie depute of the regality of Glasgow, he is charged with illegal apprehension, 477; commission to him, 270, 363.
- of Ravinston, Josias, protection granted to him, 61, 62.
- of Toldamf, Robert, charged to produce a servant at the horn, 560.
- Abraham, indweller in Cramond, imprisoned for cruelty to his wife, Elizabeth Inglis, 463, 464; he is separated from her and ordered to provide aliment for her, 469; ordered to provide certain furnishings to her, 482, 483; again summoned about the aliment to his wife, 530.
- Alaster, son of Janet Spalding, charged with deforcement, 436.
- Alexander, in Cuthill, charged with killing game and cutting timber, 236.
- Alexander, gardener to the Earl of Galloway, slain, 557.
- Francis, son of John Stewart of Coldingham, intromits with the teinds of Coldingham, 482.
- Stewart, Francis, brother of John Stewart of Coldingham, his absence from the country, 560.
- Francis, at the Millburn of Culross, complains of an assault, 559.
- George, messenger, deforced, 206.
- James, in Hoill, charged with molestation, 189.
- James, brother of Alexander, *supra*, horning at his instance, 557.
- John, in Aberarder, slain, 175; horning at the instance of Marjory Braibner, his widow, Duncan, his son, and Robert, Arthur, and James, his brothers, 175.
- John, officer in Bellintoun, charged with deforcement, but absolved, 436.
- John, in Earliston, charged with destroying woods, 459, 460, 544.
- John, son of Janet Spalding, charged with deforcement, 436.
- John, servant to Fraser of Balbreddie, charged with assault, 592.
- Mr Lewis, assessor for Edinburgh, appears before the Council in the dispute with Leith, 497; appointed assessor in a case, 293.
- Mr Patrick, minister at Rothesay, denounced as moderator of the presbytery of Bute, 87, 88.
- Patrick, servitor to the Laird of Banff, petition by him, 429-431; permitted to carry firearms, 524, 525.
- Robert, in Clarie, deceased, 557; Marion Duncan, his widow, horning at her instance, 557.
- Robert, brother of John, *supra*, charged with deforcement, 436.
- Thomas, in Barrassie, charged with molestation, 189.
- Thomas, in Earliston, charged with destroying woods, 262, 459, 460, 544.
- Thomas, brother of John, *supra*, charged with deforcement, 436.
- Walter, brother of Alexander, *supra*, horning at his instance, 557.
- Mr William, bailie of Glasgow, appointed a collector for a charitable fund, 38, 39.
- William, in Tommachlagane, to be apprehended, 593.
- . . . , tutor of Bute, commission to him to apprehend Papists, 253, 322.
- Sting, assault with a long, 613, 624.
- Stirk, Robert, burgess of Dunfermline, charged with molestation, 192, 193.

- Stirling (Stirline) of Achyll, William, to report the submissions of Argyle and Tarbet, 84; to assist the Bishop of Argyle in keeping his synod, 254; charged to appear before the Privy Council, 406.
- of Ardoch, William, complaint by him, 601, 602.
- of Brakie, James, submits a dispute to arbitration, 555, 562; attempts to arrest Sir George Keith, 558, 559; caution for his indemnity, 561; commissions to him, 26, 616.
- of Carden, Sir John, complaint by him, 601, 602; warded with the Earl of Mar, 602; cautions for and by him, 602.
- of Glorat, . . . , apparent, charged to accept and discharge the office of a sub-commissioner of teinds, 416, 417.
- of Keir, Sir Archibald, to oversee the repair of certain highways, 68; commission to him to apprehend Papists, 252, 323; his death and burial, 601.
- John, appears before the Council for Agnes Boyd, his mother, 477.
- William, tenant to Galaahiels, charged with hamesucken, 179, 180.
- Stirling, burgh of, the highways thence to Linlithgow and Dunfermline to be repaired, 68; complaint against the bakers for supplying inferior bread, xli, 197, 198; commission to the provost and bailies to apprehend Papists, 252, 323; they are notified of the birth of Prince Charles, 552; the master of the grammar school written for to attend the Council, 596, 597; the High Street, 153; the market place, 403; the tolbooth, 403.
- castle of, 363, 370, 377; inspected after repairs, 101; the Captain and constable of, 363, 370, 377.
- palace of, 50, 449.
- presbytery of, ix, 152, 153; report of the sub-commissioners, 341, 492.
- shire of, commission for the apprehension of Papists there, 252, 323; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65.
- Stockings, manufacture of, 646.
- Stocks, punishment of the, 473; stocks for the punishment of beggars to be provided by nobles at their houses and by kirk-sessions in their parishes, 68.
- Stoddart, Thomas, in Mylneknow, to be tried for witchcraft, 170.
- Stones, assaults with, 230, 231, 424, 550, 612.
- Stood, Andrew, servant to George Wishart, charged with assault, 209, 210.
- Storie, William, wright in the Canongate, complaint by him and Thomas, his son, of assault and illegal imprisonment, 144, 145.
- William, in Hollis, put to the horn for not appearing, 419, 420.
- Stormont, Viscount of, David Murray, to oversee the repair of certain highways, 68; relieved of the work of surveying the highways in respect of his debility, 111.
- Master of, Sir Mungo, commission to him to apprehend Papists, 239, 322; he has the gift of the nonentry of the earldom of Athole, of which he is principal bailie, commission to him, 360.
- Stornoway (Stranway), burgh of, the proposal to erect it into a royal burgh referred to the Exchequer, xxv-xxvii, 42, 427, 479, 480, 495, 496.
- lands of, 428.
- Strachan of Glenkindie, Alexander, complaint by him of assault, 490; he is himself imprisoned for assault, 491; to find caution to keep the peace, 501, 502, 503; he submits his feud with Fraser to arbitration, 553, 554; commission to him, 175.
- of Thornton, Sir Alexander, commission to him anent the concealment of his Majesty's rents, 149, 150; he signs an act of Council, 172.
- Mr Adam, chamberlain to the Lord of Aboyne, excommunicated for Papistry and nonconformity, 28, 407; he refuses to conform, 547, 551.
- Andrew, in Endiauche, charged with assault and robbery, 235.
- Isobel, wife of John Spence in Bruntstoun, excommunicated for Popery and nonconformity, 407; she conforms, 547, 551.
- Thomas, in West Seat of Garthly, summoned as a witness in a case, 180.
- Strath, Margaret, in Auchereis, to be tried for witchcraft, 155.
- Strathbogie (Strabogie), bailie court of, 235.
- place of, 235, 262, 369.
- presbytery of, report of the sub-commissioners, 341.
- Strathdee (Strathdie), 170, 620.
- Strathdon, xxxviii, 170, 519, 578, 618, 620; sorning there, 23, 36.
- Strathearn, stewartry of, appointment of a new convener of the justices of the peace, 77, 78; commission for the apprehension

- of Papists there, 239, 240, 322; commission to the steward, 403.
- Strathmiglo (Stramiglo), parish of, the inhabitants to repair their highways, 140.
- Strathnaver (Stranaver), pearl-fishing in the waters, 201, 202; this sheriffdom reserved out of the resignation by the Marquis of Huntly, 318, 319.
- Strathspey, xxxvii, xxxviii, 519; sorning there, 23, 36.
- Strudgeon, Margaret, a vagabond, to be tried for witchcraft, 270.
- Struthers, Mr William, appointed on a committee for the suppression of Papists, 234; intervenes in a domestic quarrel, 465, 466.
- Sturrock (Storrok), John, petition by him for liberty, 360.
- Submission, the, of the teinds, prosecution of the non-subscribers delayed, 12; the subscribing of it by the Ilesmen, 610. *See also* Teinds.
- Summonses and captions, charges for, 663.
- Superiorities dealt with by the King's decrees anent the teinds, 294-313.
- Supersedere granted to John Jardine of Apilgirth, 459.
- Surrenders, Commissioners of. *See* Teinds.
- Survey of idle and masterless men, 121.
- Sutherland, Earl of, John, a prominent Roman Catholic, xii-xviii; as Sheriff-principal of Sutherland, he is ordered to remove Sir Alexander Gordon from the office of Sheriff-depute of Sutherland, 329, 330; his affairs in his uncle's hands, 511.
- of Clyne, . . . , commission to him to apprehend Papists, 239, 322.
- of Duffus, . . . , his lady, 38.
- Donald, servant of the Archdean of Caithness, wounded, 168, 169.
- James, tutor of Duffus, appointed a collector for a charitable fund, 38, 39; commission to him to apprehend Papists, 239, 322; he is committed to the castle of Edinburgh, 260; finds caution to keep the peace, 264; caution for his indemnity, 264; he ratifies a discharge, 474.
- Dame Janet, Lady Banff, sister of the tutor of Duffus, complains of her husband's cruelty to her and their children, 263, 264.
- presbytery of, report of the sub-commissioners, 341.
- shire of, pearl-fishing in the rivers, 201, 202; commission for the apprehension of Papists there, who are numerous, xii, 239, 322, 406-410; the Earl of Sutherland principal sheriff, 247, 329; the depute sheriff, Sir Alexander Gordon, deprived of his office, 247, 248, 329, 330; the sheriffdom reserved out of the resignation by the Marquis of Huntly, 318, 319.
- Suttie, George, merchant burghess of Edinburgh, consulted about the circulation of foreign money, 8, 11, 16, 21, 51.
- Sweden, the wars of, 136, 137; soldiers levied for the service of the King, 136, 137, 138, 142, 152, 155, 163, 167, 181, 197, 208, 284, 289, 313, 357, 358; the plague there, 386.
- Sweit, Thomas, *alias* Thomas Robertson, tenant to Mr James Wishart of Pittarrow, complaint by him, 423, 424; charged with assault, 424.
- Swinton, Giles, in Cousland, to be apprehended and tried, 544.
- Swinton, lands of, 314.
- parish of, 314.
- Swords, references to and assaults with, xxxvi, 8, 9, 12, 13, 57, 75, 90, 124, 157, 167, 180, 194, 209, 279, 288, 314, 335, 350, 351, 352, 405, 419, 423, 431, 437, 468, 476, 478, 491, 559, 569, 575, 586, 592, 600, 613, 624; long swords, 232, 423.
- Sym, Hew, in Stewarton, charged with destroying woods and assault, 278.
- John, in Stairand, charged with assault and destroying woods, 278.
- Richie, in Stairand, charged with destroying woods and assault, 278.
- William, in Woodend of Rothiemay, charged with carrying firearms and violence, 437, 438.
- . . . , in Haltoun, complaint by him, 624.
- Symington (Symontoun), John, indweller in Dunbar, a gentleman of his Majesty's guard, ordered to apprehend certain persons, 204, 205, 269.
- Symond, John, servant of Keith of Drumtochie, charged with shooting guns, 559.
- Synod of the Isles, 406.
- TAGART, Gavin, servitor to John, Master of Herries, complains of harsh imprisonment, 605.
- Tailors of Edinburgh, grant to them, 216.
- Tain (Tayne), burgh of, commission to the provost and bailies, 52; the tolbooth, 52.
- presbytery of, report of the sub-commissioners, 341.

- Tais, Alexander, in Hieliayde, charged with hamesucken, 57.
- Taithe, John, summoned as a witness in a case, 57.
- Tallow, unauthorised trade with Holland in, 95, 428.
- Tanning reform, the, again before the Council and continued, xxiv, 52, 85; Lord Erakine to set up a tanning house for proof, 85; a committee of Council appointed for taking the proof, 85; the magistrates of Edinburgh warned to attend the Council on the matter, 92; Lord Erakine rehearses the procedure taken in the matter, when the Lords resolve to enforce the former Acts, 107-109; the new Act of Council enforcing the reform, 133-135; prosecution of refractory tanners, 359, 360, 425, 611, 612, 624.
- Tantallon (Tamtallan) Castle, xvii, 69.
- Tarbert of Lookinkerrane, justiciary courts held there, xx, 631.
- Tarbet, Laird of. *See* MacKenzie.
- Tarbet, shire of, the submissions ordered to be reported, 84.
- Targes, references to, 96.
- Tarras, town of, 488.
- Tarsie, William, in West Seat of Garthly, summoned as a witness in a case, 180.
- Taverners. *See* Innkeepers.
- Taxation: for maintenance of beggars in prison, xxxi; arrears of payments to be first paid out of the estates of excommunicated Papists, 245; death of Archibald Primrose, the Clerk of the Taxations, 274; letter from the King as to the right of nomination of his successor, 272; a committee of Council appointed to examine his papers and rolls concerning the taxation, 274, 275; the extraordinary taxation of Aberdeen, 360; the inventories of the extraordinary taxation for Berwickshire to be delivered up, 483, 494; the inventories of Martin Newall to be examined, 610; the taxation of Edinburgh and Leith, 646; ingathering of the arrears of the taxations imposed in August 1621 and October 1625 by prosecuting defaulters, 93, 94, 121, 123, 188, 189, 204, 205, 206, 269, 347, 370, 382, 383, 390.
- Tay, water of, 380, 381; precautions against the pest there, 353, 354.
- Taylor (Tailyour), George, servitor to Mr James Lawtie, advocate, acts as a procurator, 57, 96.
- John, in Inverkeithing, caution for his comparing before the Council, 571.
- Taylor, Mr Richard, acts as procurator, 199.
- Teinds, Commissioners for the, viii-xi; appointment of sub-commissioners for taking valuations in each presbytery, 21, 22; presbyteries proceeded against for not appointing sub-commissioners to take the valuations, 52-54, 115, 116; the submissions as subscribed to be received by the Clerk of Council, 61; the Council report to the King the course taken with the presbyteries, 62, 63; a commission granted to the Bishop of Orkney and others for valuing the teinds in Orkney and Shetland, 70-74; the sheriffs who have not reported the submissions to be denounced, 84; denunciation of presbyteries for not appointing sub-commissioners for the teinds, 87, 88; a diet appointed by the procurator-fiscal can only be altered by the Commission, 102; the sub-commissioners authorised to fine absentees from their meetings, 102; charge to the sub-commissioners to attend their district meetings and impose penalties on absentees, 105, 106; a protection for acting as sub-commissioner given to Robert Scott of Headshaw, 117, 125; charge to persons chosen as procurators-fiscal and clerks to the sub-commissions to accept office and perform the duties thereof, 151; the sub-commissions sent out by Mr William Brown, 152, 153; the sub-commissions of Stirling and Dumblane frustrated through the neglect of a messenger, 152, 153; the Lords approve the acts of the Commissioners on 5th June 1629, 162; charge to those who have been chosen as sub-commissioners to accept office and enter to the discharge thereof, 162; the presbytery of Banff neglects the appointing of sub-commissioner, 165; the Archbishop of Glasgow required to sign the submission, 192; circular letter to the sub-commissioners with instructions for the performance of their duties, 200; proceedings against refractory persons appointed on the sub-commissions, 276; proclamation of four decrees by his Majesty upon (1) the first general submissions, 293-303, (2) the composition for the teinds, 303-307, (3) the submissions made by the bishops, 307-310, and (4) the submission made by the royal burghs, 310-313; the King desires that every heritor should possess his own teinds, 298, 303; operation of his Majesty's decret, 335; Mr John Oliphant ordered to pro-

- duce all the submissions before the Council, 336; the meeting of the Commissioners continued, 336, 340, 341; times and places appointed by proclamation for the giving in of the reports by the sub-commissioners, 341; the submissions to be given up to the Advocate, 341, 342; the Commission to meet at Holyrood, and several members charged to attend, 401; difficulty of obtaining procurators-fiscal for the sub-commissions, 427, 459; letters to sub-commissioners to postpone certain cases, 446, 455<sup>2</sup>, 492; general charge against the sub-commissioners for the valuations, 455; letters to members of the commissions to attend the meetings as the business is being badly delayed, 478, 479, 545, 570, 571; the progress of the Commissioners, and the time to be extended for their work, 539; their act against the heritors and titulars of St. Cuthberts confirmed by the Council, 610; the Islesmen to be urged to sign the submission, 610; meetings of the Commissioners for the Surrenders and Teinds, 371, 377, 379, 416, 417, 478, 479, 492, 503, 610; the clerks of the commissions, 165, 298; valuing of the teinds, 299, 305, 312; the teinds of the Abbey of Coldingham, 425, 482; of the lands of Horsely, 335; of Skaithmuir, 371; of Swinton, 314.
- Telfer (Tailzeфир), Marion, in Nenthorn, to be tried for witchcraft, 340.
- Tennent, George, tenant to Livingstone of Hayning, charged with assault and robbery, 478.
- John, in Wester Soules, complaint by him, 96.
- Tenure, changing of, from ward to blench, 60, 61.
- Terregles, kirk of, 96, 97; minister there. See Mr Thomas Melville.
- Teviotdale, East, the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65.
- Theobalds, documents and letters dated there, 9, 316, 331, 382.
- Thieves, petty, to be dealt with in the circuit courts, 258.
- Thirlage of Leith to Edinburgh mills, 641, 669.
- Thomassone, Donald, in Spittell, to be apprehended, 206.
- Thomson (Thomesoun) of Duddingston, Thomas, to oversee the repair of certain highways, 139.
- Thomson, Agnes, in Linton, to be tried for witchcraft, 170.
- Alexander, in Ally, his wife, Margaret Anderson, to be tried for witchcraft, 471.
- Alexander, cutler, burgess of Edinburgh, charged with harsh imprisonment, 221, 222
- Alexander, tenant to Livingstone of Hayning, charged with assault and robbery, 478.
- Andrew, in Longley, to be tried for incest, 471.
- Bessie, wife of Alexander Watson, messenger in Aberdeen, complaint by her, 344.
- Christian, in Penicuik, to be tried for witchcraft, 290.
- David, at the town end of Dysart, and John, his son, charged with assault, 642.
- George, in Leith, admitted as a malt-maker, 669; prevented buying timber, 672.
- Isobel, in Craifurd, to be tried for witchcraft, 98.
- Isobel, in Ryslaw, to be tried for witchcraft, 125.
- James, in Earlston, charged with destroying woods, 544.
- Janet, in Ayr, to be tried for witchcraft, 264.
- Jean, daughter of Nicol Thomson and widow of Edward Hamilton in Dumfries, charged with murdering her husband by witchcraft, 345, 390; but released, 391; complains of the use of a false document in the case, 450, 451.
- John, at the Mill of Cart, prosecuted as a refractory tanner, 359, 360.
- John, in Eckiehill, theft of sheep from his son, 528.
- John, in Renton, charged with assault, 335.
- John, in Rutherglen, caution by him, 26, 27.
- John, son of Walter, *infra*, his recovery from an illness, 465.
- Laurence, indweller in Leith, charged with attempting the life of his wife, Agnes Arnot, and cruelty to her and her daughter, 212, 213.
- Nicol, 345, 390; Margaret Maxwell, his wife, and his daughter Jean charged with murder by witchcraft, 345, 390, 391; he is cautioner for them, 391; a counter-complaint, 450, 451.

- Thomson, Patrick, bailie of Peebles, commission to him, 32.
- Patrick, servitor to the Laird of Amisfield, appears before the Council as a procurator, 446.
- Steven, in Newton, charged with destroying woods, 83, 84.
- Thomas, charged with attempting to rescue prisoners, 12-14.
- Walter, merchant burghess of Edinburgh, charged with cruelty to Barbara Gilchrist, his wife, 464-466.
- William, called of the Mylne, charged with attempting to rescue prisoners, 12-14.
- William, in Purveshill, to be tried for witchcraft, 170.
- William, servant to the Master of Herries, charged with carrying firearms and violence, 351, 352.
- Thornelie, lands of, 190.
- Thrieve, constabulary of, 625.
- Thurso, market day on 30th June there, 56.
- Tillatpowrie, hill of, 451.
- Timber: a timber-laden ship of Holland taken, 84, 86; setting prices upon, 672.
- Tinkler, Alexander, in Kilmablimen, prosecuted as a refractory tanner, 359, 360.
- John, in Kilmablimen, prosecuted as a refractory tanner, 359, 360.
- Tinto, John, in Over Southwod, caution by him, 499.
- Tod, Archibald, bailie of Edinburgh, attends the Council upon the tanning question, 108; he is charged with illegal warding, 193, 194.
- Archibald, water bailie of Leith, his punishment for insolence to the Lord Admiral, 353; the King orders proceedings against him to be stopped, 547, 609, 610; fines persons for selling ale, 673.
- Tongs, assault with, 463.
- Tonnage and poundage, 148 n.
- Topham, Dr, in England, 233.
- Torphichen, Lord, John, commission to him to apprehend Papists, 240, 323; appears against Edinburgh in their dispute with Leith, 494.
- Torrence, Hew, cooper in Newmilns, to be tried for manslaughter, 43.
- Torrie, Laird of. *See* Wardlaw.
- mill of, 40.
- Torrieburn, 559.
- Torture, a prisoner to be put to the, 145; torture of foreign seamen by putting a lighted match between fingers and toes, 429, 464, 668; the punishment of illegal torturers to be referred to the King, 464.
- Tosheoch (Toshoche) of Monivaird, David, his slaughter, 62.
- Towers (Tours) of Innerleith, . . . , charged to keep his bailiaries of the West Port and Potterrow free of beggars, 67.
- Traquair, Lord Stewart of, Sir John, a member of the Privy Council, vi; his attendances, vi; as a Commissioner for the Borders, summoned to attend the Council, xix, 21; letter to him to arrest a fugitive Englishman, 164; witness to a resignation at Whitehall, 365; present in Council, 3, 8, 28, 44, 99, 128, 148, 156, 160, 200, 214, 224<sup>a</sup>, 233, 252, 285, 416, 421, 452, 455, 457, 475, 588, 593, 603, 609, 613, 617, 621; signs Acts of Council, missives, etc., 32, 44, 47<sup>a</sup>, 110, 112, 113, 125, 126, 127, 128, 158, 219, 250, 404, 454, 455<sup>a</sup>, 609.
- Trade and commerce: regulation of exportation and importation, xxi-xxiii; in oats and meal, 53.
- Traill, John, in Aberdeen, charged with malicious damage, 18.
- Tranent, minister at. *See* Mr Robert Balcanquall.
- Treasurer, Lord High, of Scotland, reference to his granting remissions, 10; prosecutes the wearers of firearms and killers of game, 235-237; to pursue Papists, 254, 255; letter from the King to him in a case, 288; to take rank before the President of the Council, 396, 397; to arbitrate between Edinburgh and the gentlemen of West Lothian, 454; on a committee about the foreign coin, 464; he brings word of the date of the King's visit, 493, 498; appoints deputies to attend the circuit courts, 526; appointment of William, Earl of Morton, to the office in place of the Earl of Mar, and delivery to him of the staff and mace pertaining thereto, vii, 594; action by him against the heritors and titulars of St. Cuthbert's kirk, 610; his office said to be encroached upon by Edinburgh, 662. *See* John, Earl of Mar, and William, Earl of Morton.
- Depute. *See* Archibald, Lord Napier of Merchiston.
- Deputy Treasurer and Receiver of Rents, payments to be made to them, 26, 173, 210, 211, 271, 279, 352, 376, 467, 500, 537, 566, 584; payments to be made by them, 4, 71, 171, 172, 296, 302, 318, 379, 492, 513, 603.

- Treasury, clerk of the. *See* Mr William Brown, 152; presenter to the, 663.
- of New Augmentations, 150.
- Trees, great, assaults with, 174, 175.
- Trench (Trinche), John, in Eyemouth, 15, 41; Marion Hardie, his wife, to be tried for witchcraft, 15, 41; she is cruelly used, 41, 42, 80.
- John, son of John, in Eyemouth, complaint by him, 41, 42.
- Troqueer (Troqueir), minister there. *See* Mr Herbert Gladstones.
- Trotter, John, younger, merchant burghess of Edinburgh, caution by him, 590, 591.
- Tullibardine, Earl of, . . . , deceased, 559.
- — Patrick, witness to a resignation at Whitehall, 366, 368; the King orders a commission to be granted to him for Lochaber and Mull, 576; admitted as a member of the Privy Council, vii, 621, 622.
- Tullibody (Tillibodie), barony of, remit to the bailie of the, 613.
- town of, 612, 613.
- Tullibole (Tulliboill), lands of, 229, 230.
- town of, 575.
- Tulliff, lands of, 45.
- Tullo, minister at. *See* Mr John Wemyss.
- Tundergarth (Tunergarth), minister there, 477. *See* Mr David Rogers.
- Turnbull, Andrew, in Westerleyes, called Crownes, charged with destroying woods, 83, 84.
- David, in Jedburgh, to be tried for theft, 285.
- James, in Dowishauch, charged with destroying woods, 83, 84.
- William, in Dowishauch, charged with destroying woods, 83, 84.
- William, councillor of Selkirk, charged to appear before the Council, 282.
- Turriff, burgh of, 509; fair held there on 1st August, 420.
- presbytery of, report of the sub-commissioners, 341.
- Turring, John, seeks suspension of horning, 360.
- Tutory: gifts of tutory dative only to be granted on caution being found, 52, 53.
- Tutteup, George, complaint by him and William, his brother, 418, 419.
- James, in Byrewod, at the horn for not paying an assythament for a slaughter, 418, 419.
- Tweeddale (Tweddell) of Langside, Archibald, commission to him, 155.
- Isobel, her incest with John Weir of Clenochdykes, her grand-nephew, whom she has married, 137, 218, 219.
- Tyllirae, George, murders a man on Leith Links and flees to Aberdeen, where he is arrested and sent back, 603, 604, 608, 609; to be produced before the Council, 608; to be hanged and hung in chains on the spot where he committed the murder, 624.
- Tynnell, lands of, case of fire-raising there, 20, 43.
- Tynning of Hawis, Abraham, put to the horn for not appearing, 419, 420.
- — John, put to the horn for not appearing, 419, 420.
- Tyroconnell (Tircondell) in Ireland, 205.
- Tyrie, Father, a Popish priest, to be apprehended, 408.
- UDNIE of Keithick, John, commission to him, 616.
- Robert, summoned as a witness in a case, 174.
- Udward (Uddart), Mr Nathaniel, the Council write in his favour to the King about the Greenland fishing, and send his complaint against an English company, xxiii, 347, 354—356.
- Umphra, Alexander, at the Mill of Forge, permitted to carry firearms, 524, 525.
- United Provinces. *See* Holland.
- Ur, Bessie, in Linton parish, to be tried for witchcraft, 170.
- John, in Bo'ness, to be tried for theft, 550.
- Urquhart of Ballachirie, Alexander, and James and Henry, his sons, horning at their instance, 441, 442, 486, 487, 566, 567; Alexander, also his son, slain, 441, 442, 566, 567.
- Donald, in Delnapol, protection granted to him, 17, 27.
- John, sheriff of Cromartie, commission to him to apprehend Papists, 239, 322.
- Usher, the Master, to be sent timeously to provide for the King's visit, 493, 501.
- Utenhold, Captain, . . . , of Hamburg, charged with robbing a Scottish ship, 484, 525, 526.
- VAUS of Barnbarroch, Sir John, commission to him to apprehend Papists, 253, 323; petition by him, 557.



- Vaus of Barnbarroch, Patrick, apparent, petition by him, 557.  
 — of Lybrack, Patrick, petition by him, 557.
- Veitch (Weche), James, charged with unlawful convocation, 601.  
 — Margaret, in Cousland, to be tried for witchcraft, 534.
- Victual. *See* Grain.
- Villedieu, Alexandre de, his Latin grammar, xxxi.
- WAIRD, James, baker in Stirling, discharged from baking inferior bread, 197, 198.
- Wakers Hole, 138.
- Walker, Archibald, indweller in Inverkeithing, caution for his compearing before the Council, 568.  
 — James, servant to the Earl of Seaforth, slain by a fellow-servant, 158.
- Wallace of Achans, Matthew, commission to him to take depositions, 611, 612.  
 — of Craigiewallace, Sir Hew, resigns his heritable bailiary of Kyle and regality of Newton, 364, 366-369; commission to him, 561.  
 — of Galrigs, Robert, commission to him, 561.  
 — Agnes, in Ayton, to be tried for witchcraft, 15.  
 — Beiga, in Preston, to be tried for witchcraft, 271.  
 — Margaret, in Langton, to be tried for witchcraft, 98.  
 — Margaret, in Mylnholme, to be tried for witchcraft, 264.
- Wallenstein, the Imperialist general, his triumphant career, xii.
- Wallis, Margaret, widow in Leith, refused as a vassal by Edinburgh, 670.
- Wanstead, letter dated there, 538.
- Wapona-hawings: of the inhabitants of the Canongate and of Leith prohibited for a time, 161, 162, 163, 167, 541, 542; the musters of Lothian held on Leith Links, 657.
- War, Council of, a treatise on military discipline submitted to it, 280; the Thirty Years War, 99 n.
- Wardlaw of Logie, Mr Thomas, commission to him, 454.  
 — of Pittrevis, Sir Henry, to inspect and report on the repairs done to his Majesty's houses, 101; witness to the cancelling of bonds, 261; as one of his Majesty's receivers he is ordered to pay certain fees, 342; he is to provide a crown of gold for the Lyon King of Arms, 492.
- Wardlaw of Torrie, Andrew, deceased, 56; protection granted to his son Andrew against his father's creditors, 56; caution for him, 193.  
 — of . . . , complaint by him against his wife, Sarah Douglas, 192, 193.
- Wardrobe, Master of the, order to him, 362.
- Wardrop, Janet. *See* Widdrow.
- Warlock. *See* Alexander Hamilton, 290, 334.
- Waterston, Alexander, in Dunbeath, charged with assault and robbery, 75, 76.  
 — Andrew, in Dunbeath, charged with assault and robbery, 75, 76.  
 — John, in Dunbeath, charged with assault and robbery, 75, 76.
- Watson, Alexander, messenger in Aberdeen, complaint by him and Beesie Thomson, his wife, 344.  
 — Andrew, captain of the ship called *The Blessing of Brantilland*, 261.  
 — Mr Archibald, chosen to be pedagogue to James Douglas, son of the Earl of Angus, xvii, 145; suspected of complicity in his pupil's escapades, 190.  
 — David, elder, in Fuirhouse, charged with assault, 209, 210.  
 — David, younger, in Fuirhouse, charged with assault, 209, 210.  
 — David, letter from him, 473.
- Duncan, baker in Stirling, discharged from baking inferior bread, 197, 198.
- Edward, in Swintonhill, his wife, Beesie Aitken, to be tried for witchcraft, 290.
- Elspet, in Dysart, to be tried for witchcraft, 602.
- George, W.S., appears before the Council as procurator, 566.
- Jean, in Glenholm parish, to be tried for witchcraft, 170.
- John, tailor in Preston, complaint by him, 531, 532.
- Margaret, a Canongate harlot, 144.
- Patrick, deacon of the fleshers of Glasgow, petitions for the release of himself and his servant, 473.
- Ralph, in Cleghorn, his wife, Marion Aitken, to be tried for witchcraft, 145.
- Thomas, in Esperston, to be tried for witchcraft, 351.
- William, in Bankeir, to be tried for theft, 535.

- Watson, William, in Titwood, caution for him, 26, 27.
- Watt (Wat), Adam, clerk of circuit court, 441, 468.
- Adam, W.S., charged with harsh imprisonment of a debtor, 543.
- Christian, wife of Andrew Cowben, complaint by her, 451; caution for her safety, 451.
- William, in Dykeheid, horning at his instance, 619.
- William, merchant in Rothiemay, charged with carrying firearms and violence, 437, 438.
- Wattin, kirk of, 223.
- Watts, William, merchant tailor of London, prosecutes Home of Eccles for debt, 543.
- Wauch, James, burges of Selkirk, complains of being illegally imprisoned, 584, 585.
- John, burges of Selkirk, complains of being illegally imprisoned, 584, 585.
- Robert, deceased, his death charged on a bailie of Selkirk, 584, 585.
- Wauchop of Calkmure, Adam, commissions to him, 155, 573.
- of Niddrie, John, commission to him, 206; he apprehends a woman for witchcraft, 278.
- Webster (Wobster), Alexander, in Aberdeen, charged with malicious damage, 18.
- Patrick, in Aberdeen, charged with malicious damage, 18.
- Weche, James. *See* Veitch.
- Weights and measures: the standard measures for selling grain kept at Linlithgow, 26, 27, 28; users of false, to be dealt with in the circuit courts, 258.
- Weir of Clenochedyke, John, and Isobel Tweeddale, his wife, to be tried for incest, 137; the Council crave that the King may commute his sentence of death to banishment, 218, 219; he is to be banished, 511, 512; letters from the King, 315, 512, 513.
- of Stonebyres, William, commissions to him, 145, 270; one of his servants slain, 418.
- Agnes, in Dumfries, to be tried for witchcraft, 551.
- James, merchant in Dumfries, wounded in a scuffle, 13.
- James, in Weirston, a refractory tanner, 611, 612.
- Janet, wife of John Wilson in Baruch, to be tried for witchcraft, 145.
- Jinking, in Blackhall, complaint by him and his son William and his daughter Agnes, of being defrauded of the assythement paid for the slaughter of his son George, 418, 419.
- Weir, John, in Corsehill, a refractory tanner, 611, 612.
- Wellis, wood of, 83.
- Wells, pilgrimages to, 241, 264, 324.
- Welsh, John, indweller in Selkirk, to be tried for theft, 602.
- Welthen, Robert, serjeant of his Majesty's confectionary, agreement between him and Lord Napier, 182.
- Wemyss (Weymes) of Elcho, Lord, John, late convener of the justices of peace of Fife, 78; enrolled as a baron and lord of Parliament, 78; to take the place of the Viscount of Stormont in surveying the highways, 111; relieved of his office of convener of the justices of peace of Fife, 196, 197; commission to him to apprehend Papists, 252, 323.
- of Bogie, James, younger, commission to him to apprehend Papists, 252, 323; other commissions to him, 488, 496, 535, 542, 606.
- James, at the Mill of Werie, 237; his son David accused of forfeiting his cautionry, 237.
- Mr John, minister at Tullos, an act under his hand, 542.
- Wentworth, Earl of, assists the King in the government, 545 n.
- West country, 370.
- Westleyes, wood of, 83.
- West Port, at Edinburgh, the highway thence to the Lang gait and St. Cuthbert's kirk to be repaired, 138, 139; the bailies to punish beggars there, 411-415.
- Wheat, price of, 11; the exportation of, xxi, 284, 285, 520, 521, 530, 575.
- Whingers, references to, xxxvi, 12, 13, 98, 278, 282, 351, 442, 457, 529, 531, 532, 549.
- Whippa, William, son of David, called of Leehouses, charged with assault, 167.
- White (Quhyte, Whyte), Andrew, keeper of of the tolbooth of Edinburgh, ordered to receive and keep prisoners, 206; money to be consigned in his hands, 222; he pursues John McGowne for maintenance of a prisoner, 549.
- Andrew, produces the keys of the place of Falahall, 608.
- Anthony, charged for the production of registers, 81.

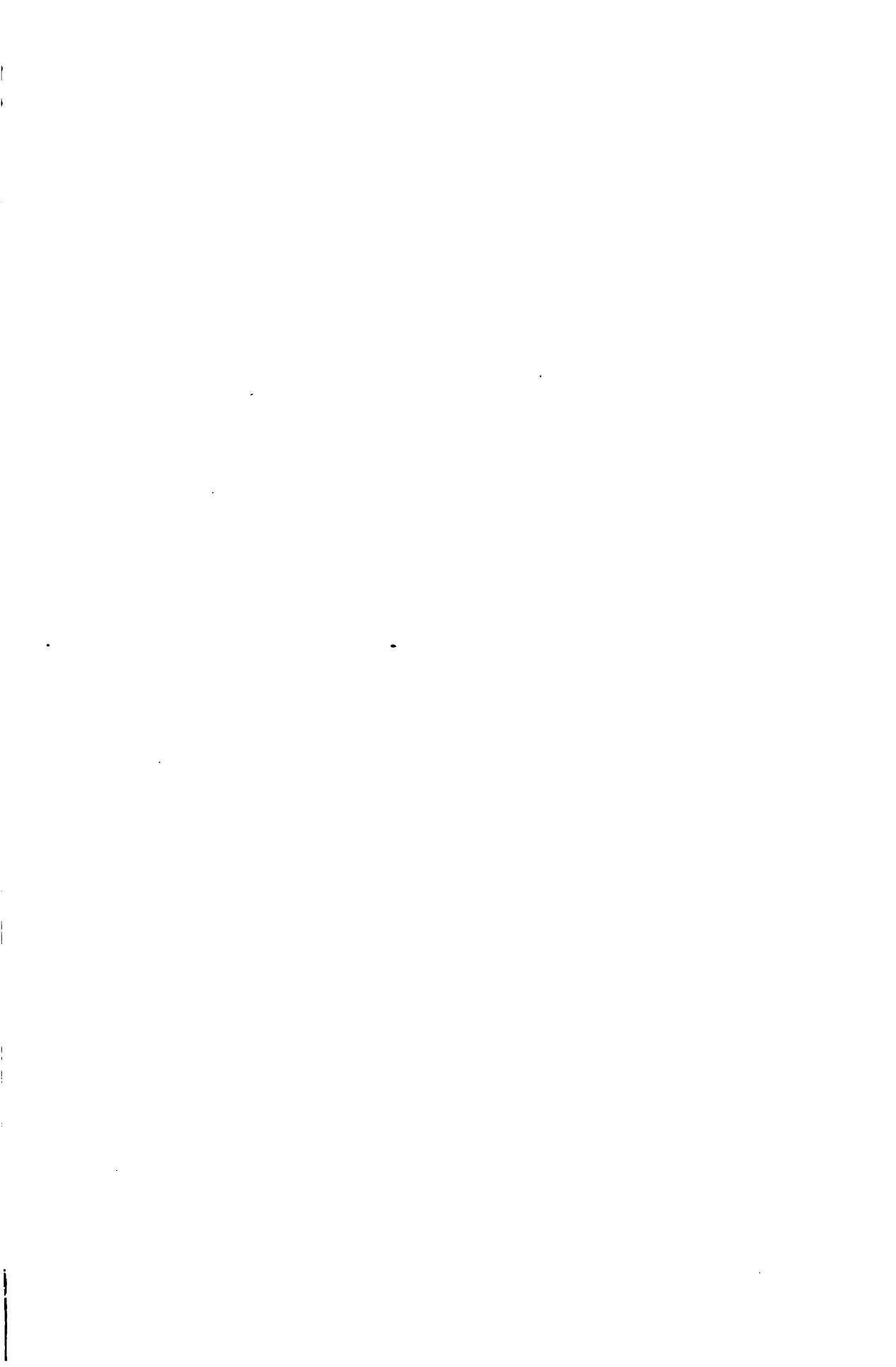
- White, David, in Kinnocher, prosecuted as a refractory tanner, 425.
- George, in Auchquhren, his wife, Isobel White, to be tried for witchcraft, 145, 270.
- George, portioner of Smailholm, caution by him not to cut trees, 584.
- Isobel, wife of George White in Auchquhren, to be tried for witchcraft, 145, 270.
- John, in Crook of Devon, and Marjory Dewar, his wife, charged with malicious damage, 230.
- John, mealmaker in Leith, a complainer against Edinburgh, 666.
- John, merchant in Paisley, a witness in a case, 563.
- John, in Pittenweem, prosecuted as a refractory tanner, 425.
- William, in the Canongate, complaint by him, 599, 600.
- William, in Kinnocher, son of David, there, prosecuted as a refractory tanner, 425.
- Whiteford (Quhytfurd, Whytefoord), Mr Walter, sub-dean of Glasgow, and parson of Moffat, charge to him, as convener of the justices of the peace of Annandale, to provide carriage for the King's baggage, 64, 65; witness to a resignation. 320; complains of being excluded from the kirk of Monkland, 513, 514.
- William, in Coutland, younger, charged with carrying firearms and violence, 418, 419.
- Whitehall, royal letters, etc., dated there, 1, 21, 35, 40, 48<sup>o</sup>, 86, 87, 99, 101, 115, 128, 132, 136, 137, 138, 148, 151, 208, 257, 268, 357, 361, 365, 366, 368<sup>o</sup>, 371, 384, 393, 396, 400, 404, 422, 446, 447, 448, 458, 484, 503, 530, 531, 535, 538, 539, 540, 546, 551, 552, 573, 576, 577, 588, 594, 596, 610, 614, 622, 633, 666, 667, 668, 676.
- Whitehead, James, in Currie, and John, his son, charged with molestation, 572.
- Whithorn, a ship of Bristol wrecked near, 207.
- Wick (Wecke), burgh of, a document dated there, 481.
- parish and parish church of, 480, 481.
- Wight, Isobel, in Melrose, to be tried for witchcraft, 62.
- Wigtown, Earl of, John Fleming, second, a member of the Privy Council, vi; his attendances, vi; to oversee the repair of certain highways, 68; he is at feud with the Earl of Cassilis, and is charged to keep the peace, xxxvi, xxxvii, 224, 225; appointed on a committee for the suppression of Papists, 233; the trial of his teinds postponed, 492; commission to him, 535; present in Council, 160, 219, 233, 265, 292, 483, 538, 609; signs Acts of Council, missives, etc., 265<sup>o</sup>, 315, 316.
- Wigtown, burgh of, proclamation at the market cross, 557.
- presbytery of, report of the sub-commissioners, 341.
- shire of, an election of commissioners to Parliament to be made, 384; commission to the sheriff to apprehend Papists, 239, 323; the convener of the justices of the peace charged to provide carriage for his Majesty's baggage, 64, 65.
- Wilkie (Wilky) of Foulden, commissions to him, 169, 270.
- Janet, wife of James McKie, smith in Wester Wemyss, to be tried for witchcraft, 496.
- Mr Robert, minister at Glasgow, investigates a complaint at Campsie kirk, 338.
- William, charged to appear before the Council about victual, 575; allowed to export some grain, 578, 579.
- Wilkie, Thomas, Burgess of Annan, put to the horn for not appearing, 419, 420.
- Williamson, David, candlemaker in Glasgow, wounded, 473.
- Mr James, provost of Peebles, commission to him, 32.
- Janet, in Eyemouth, to be tried for witchcraft, 110.
- Wilson, Abraham, in Aberdeen, 344.
- Agnes, widow in Leith, attempt by her servant to burn her house, 156.
- Christian, in Eyemouth, to be tried for witchcraft, 110.
- George, son to Abraham Wilson in Aberdeen, charged with hamesucken and assault, 344.
- Harry, petition by him for liberation or support, 81.
- Izat, wife of Richard Ewart in Gait-syde, complaint by her, 531, 532.
- James, tailor in Eyemouth, charged with assault and cruelty, 41, 42.
- James, Burgess of Glasgow, 41.
- Janet, in Almerne, to be tried for witchcraft, 570.
- John, tenant in Banchory, charged with molestation, 574.
- John, in Baruch, his wife, Janet Weir, to be tried for witchcraft, 145.

- Wilson, John, in Mains of Crossmichael, charged with carrying firearms, 194, 195.
- John, merchant burghess of Edinburgh, complaint by him, 562, 563.
- John, son of James, *supra*, charged with illegal warding, 41.
- Katharine, in Duns, to be tried for witchcraft, 571; warded in Edinburgh, 582; to be examined, 584.
- Margaret, wife of John Hutton in Lanark, to be tried for witchcraft, 145.
- Thomas, tenant to Galashiels, charged with hamesucken, 179, 180.
- William, collier to Sir John Maxwell of Conhaith, complaint by him, 563.
- Winchburgh, the highways thence to Kirkliston and Aldcathiemuir to be repaired, 140.
- Windsor, letters, etc., dated there, 222, 224, 272, 273, 286, 291, 303, 307, 310, 313, 597.
- Wines: arrestment upon French wines, xxiii, 24, 25; removal of the prohibition against importing French wines, 44, 46; imposts upon the sellers of wine, 216, 217, 647; roup of the imposts, 395; collector of the impost, 516.
- Winton (Wyntoun), Earl of, George Seton, third, 41; a member of the Privy Council, vi; his attendances, vi; a prominent Roman Catholic, xii-xviii; to oversee the repair of certain highways, 68, 139, 140; order taken for the education of his sons, 21, 99, 100; to send his eldest son to St. Andrews or Edinburgh, 100; and to cause his lady, second son, and daughter attend the church, 100; his report upon the highways, 111; he has an assignation to the tack duty of Orkney and Shetland, 126; witness to a bond, 292; to speak with Sir William Seton about a commission, 503; present in Council, 3, 8, 11, 16, 19, 21, 34, 52, 85, 87, 91, 92, 98, 102, 118, 129, 148, 156, 160, 176, 183, 200, 207, 208, 214, 219, 225, 260, 265, 270, 272, 285, 292, 316, 337, 344, 349, 352, 356, 358, 363, 372, 383, 387, 392, 396, 401<sup>a</sup>, 404, 406, 416, 421, 426, 455, 456, 457, 464, 469, 471, 475, 489<sup>a</sup>, 501, 506, 520, 531, 538, 545, 552, 555, 565, 567, 577, 583, 588, 603, 617, 621; signs Acts of Council, missives, etc., 15, 16, 19, 20, 25, 26, 34, 59<sup>a</sup>, 98, 110, 112, 113, 118<sup>a</sup>, 125, 126, 127, 145, 147, 155, 156, 158, 159<sup>a</sup>, 160, 171, 172, 181, 182, 183, 191, 200, 206, 207, 209, 222, 223, 233, 264, 265<sup>a</sup>, 269, 270, 271, 285, 290, 291, 315, 316, 339, 340, 351, 355, 358, 360, 371<sup>a</sup>, 386<sup>a</sup>, 391, 392, 404, 416, 455<sup>a</sup>, 479<sup>a</sup>, 508, 518<sup>a</sup>, 519, 520<sup>a</sup>, 534, 535, 536, 544, 545, 550, 570, 588, 608.
- Wishart of Arduthie, James, commissions to him, 340, 431.
- of Pittarrow, Mr James, charged with assault, 209; fined for this and another case of deforcement, 210, 211; charged with assault and robbery, 233; caution for him, 283; complaint by him, 423, 424; charged with assault, 424; commission to him, 431.
- George, in Middleton, charged with assault, 209, 210.
- James, servitor to the Laird of Fren-draught, petition by him, 429-431; permitted to carry firearms, 524, 525.
- Mr Robert, in Cairnbug, charged with assault, 209, 210.
- Witches and witchcraft: xl, xli; torturing of alleged witches, case of Marion Hardie, 41, 42; two accused persons object to their judges, 97; consulters with witches to be dealt with in the circuit courts, 258, 259; charges of murdering husbands by witchcraft, 345, 390, 391, 450, 451; execution of witches, 448, 450; witches in Aberdeenshire, 155; Ayr, 264, 446, 561; Berwickshire, 270, 290, 385, 386, 488; Caithness, 206; Carrington, 535; Chirnside, 378; Clerkington, 339; Coldingham, 270; Cousland-602; Crichton, 573; Crimond, 427; Dal-keith, 142, 155, 544, 556; Dumbarton, 59, 97, 123, 124; Dumfriesshire, 340, 446, 450, 550, 551; Dunfermline, 104; Duns, 155; Dysart, 488, 535, 602; Eyemouth, 290; Fisherrow, 162; Foulden, 270; Haddington, 269, 334, 361, 362, 378, 515, 534, 535, 544, 556, 571; Lanark, 145, 270; Lauder, 339; Leith, 55; Melrose, 270; Moray, shire, 181; Muthil, 104; Nenthorn, 340; Newbattle, 385; Newhall, 339; Niddry, 206; Paxton, 270; Penicuik, 290; Preston, 155, 156, 340; Prestonpans, 271; Peebles-shire, 170, 391; Wester Wemyss, 496: Particular cases—Andrew Abel in Aberdeenshire, 406; Margaret Anderson and others in Eyemouth, 110; Marion Aroane in Catloch, 593; Katharine Nein Rob Aunchtie, 15, 16; Janet Beveridge, 532; Janet Bishop and another in Penicuik, 363; Elspet Bladderstones in Torriburn, 454; Janet Boyd, 3, 4, 27; Agnes Campbell in Ayr, 358; Katharine Christie, 489, 490, 542, 543, 605, 606, 619; Janet

- Dow, 209; Alexander Drummond, 2, 3, 4, 27, 104; Bessie Duncan and others, 544, 556; Samuel Fairlie in Foulden, 169; Isobel Gray in Lanark parish, 110; Thomas Greig and another, 471; Alexander Hamilton, 261; Marion Hardie, 15; John Hasben and others in Moray, 181; Bessie Hepburn, 548; Alexander Hunter in Haddington, 110, 111; Margaret Hunter and Jane Donald, 97; Margaret Loch in Eyemouth, 222; Marie Nein Eane Fir *alias* Mackintosh, 15, 16; Lady Manderston accused of compassing the death of her husband, 361, 362, 378, 389, 397-400, 443; Janet Melrose in Chathill, 98; Jean Miller and others in Glasgow, 363; Janet Minto and others in Selkirkshire, 62; Janet Mitchell in Cardross, 400; John Neill, the warlock, 400, 443, 448, 497, 513, 541, 563, 584; Elie Nisbet, midwife, 583, 584, 603; Katharine Oswald, 278, 290, 293; Marion Sanderson in Coldingham, 358; Elizabeth Selkirk in Cousland and another, 518; John Smith, 587, 603; Isobel Thomson in Craifurd, 98; Isobel Thomson in Ryslaw, 125; Agnes Wallace, 15; Margaret Wallace in Langton, 98; Janet Widdrow at Innerkip, 125; Janet Wilson and others, 570; Catharine Young and others about Peebles, 32; Isobel Young, 4.
- Witcocksholme, lands of, 140.
- Witnesses: the number of witnesses limited to ten in teinds cases, 72; protection to witnesses in teinds cases against civil horning, 73; payment of witnesses, 56, 262, 406, 419, 424, 425, 469, 563, 586, 608.
- Woddrow, Janet, or Wardrop, at Innerkip, to be tried for witchcraft, 125.
- Women, assaults on, 124, 263, 451.
- Wood (Wod) of Bonyton, Harry, accepts the sheriffship of Forfar, 274; letter from the Council cancelling his appointment, 315; commission to him to apprehend Papists, 239, 322; caution for his indemnity, 281.
- of Hiltoun, . . . , caption against him for debt, 14.
- Alexander, officer of Edinburgh, ordered to receive a caution, 673.
- Andrew, son of John Wood, *infra*, charged with assault, 174, 175.
- Barbara, wife of James Lauder, to be tried for witchcraft, 339, 340.
- John, at the mill of Fintrie, charged with assault, 174, 175.
- Wood, John, in Mylnetoun, and Andrew, his son, prosecuted for oppression, 125.
- Katharine, in Spittlehauch, to be tried for witchcraft, 170.
- Margaret, widow, a debt due to her, 280.
- Woods: destroyers of woods to be dealt with in the circuit courts, 258; prosecutions for destruction of woods, 83, 84, 235, 252, 262, 278; woods of Abernethy, xxxvii; Coldenknowes, 544; Sorolesefield, 459, 460, 584.
- Woodstock, royal letters dated there, 272, 513.
- Wool, commerce in, xxi, xxii, 646; the reports about it before the Council, 52; license for exporting, granted, 279; also tarred wool, 313, 314; great abundance in the country, 314; theft of, 602.
- Works, Master of. *See* James Murray.
- Wrattoun, John, printer, obtains warrant for printing a book, 280, 281.
- Wright, James, a Scotsman residing in Poland, afterwards resident in Amsterdam, protections granted to him, 359, 435, 436, 472.
- John, burgess of Dumfries, wounded in a scuffle, 13.
- John, candlemaker in Dumfries, his wife, Isobel Moffat, to be tried for witchcraft, 550, 551.
- Thomas, lawsuit against him, 435, 436, 472.
- Wrights of Dundee, xxvi, xxvii. *See also* Masons of Dundee.
- Writer to the Privy Seal. *See* Alexander Hay.
- Writers: Mr George Anderson, in Aberdeen, 103; George Deans, in Edinburgh, 46; Thomas Edgar, in Edinburgh, 289; James Guthrie in Edinburgh, 231, 232; Mr Alexander Hepburn, in Edinburgh, 154; Robert Keith, 143; Quentin Kennedy, 252; Thomas M'Aulay, 252; Harry Osburn, in Edinburgh, 97, 98; Andrew Plumber, 110; Arthur Rae, 163, 164; John Young, deceased, 221.
- Writers to the Signet: to take the Communion quarterly at Holyrood, 186, 188; John Cooke, 43; Robert Keith, 500; Mr John Paip, 444, 445; Robert Pringill, 474; George Watson, 566; Adam Watt, 543.
- Writs: letters and other documents seized in a Spanish ship sent to the King, 59; titles of the lands of David Anderson in

- Edinburgh, 59; question as to the granting of charters of confirmation pending the settlement of the teinds question, 60, 61; abstraction of some writs from a charter chest, 141, 142, 190; forgers of writs to be dealt with in the circuit courts, 258; two charters retained by an agent ordered to be restored, 289; stealing charters punishable by death, 384, 476; a man forcibly compelled to sign a disposition, 456, 457; alleged forgery of letters of suspension, 499, 572, 573; the writing of land transfers, etc., 672.
- YAIRDS, The, a place built by the late Earl of Orkney, xl, 536.
- Yerkine, Margaret, in Peebles parish, to be tried for witchcraft, 170.
- Yester, Lord Hay of, John, as a Commissioner for the Borders he is summoned to attend the Council, xix, 21; letter to him to arrest a fugitive Englishman, 164.
- Yockeburne, lands of, 279.
- Young, Alexander, in Harbertshire, complaint by him, 600.
- Alexander, in Pittenweem, prosecuted as a refractory tanner, 425.
- Catharine, wife of Alexander Peacock in Pirne, to be tried for witchcraft, 32.
- David, merchant in Maybole, charged with deforcement, 5, 6.
- George, servant to Frendraught, horning at his instance, 256.
- Henry, baker, petition by him for liberty, 80.
- Isobel, to be examined as a witch, 4.
- James, brother of William, in Summerhouse, charged with malicious damage, 350, 351; excused for sickness, 351.
- James, called the piper, charged with malicious damage, and imprisoned, 350, 351.
- John, in Castleton, caution for him, 26, 27.
- Young, John, called of the Myres, enlists for the wars in Holland, 169.
- John, in Westerton, charged with assault, 209, 210.
- John, servitor to John Innes of Crombie, to be apprehended, 15; not to be reset by the lieges, 255-257, 504, 505; to be apprehended and brought before the Council, 516-518.
- John, servant to the Laird of Pittarrow, charged with assault, 283.
- John, tenant to the Laird of Pittarrow, charged with assault, 283.
- John, writer, deceased, a debt due by him, 221.
- John, charged with unlawful convocation, 601.
- Patrick, caution by him for his mother, Bessie Hepburn, 548.
- Paul, in Fuirhouse of Pittarrow, charged with assault, 209, 210; complaint by him, 283.
- Robert, town officer of Leith, 194.
- Thomas, in Qua, charged with carrying firearms and violence, 418, 419.
- Thomas, in Rampherlie, prosecuted as a refractory tanner, 359, 360.
- Thomas, servitor to the Laird of Lee, charged with carrying firearms and violence, 418, 419.
- William, in Summerhouse, charged with malicious damage, 350, 351.
- William, in Turriff, charged with illegal warding, 420.
- Younger, Mr Robert, advocate, to examine a Latin grammar, 596, 597.
- Yule, Andrew, in Dysart, deceased, 489, 542; case of his wife, Katharine Christie, 489, 490, 542, 605, 606.
- George, son of Katharine Christie, appears before the Council for his mother, 490.
- Yule vacance, 336, 378.
- ZETLAND. *See* Shetland.

20  
21











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